PALLADIUM THEOLOGICUM

The course of scholastic theology after the mind of St. Bonaventure
in seven tomes · Tome V: On the Virtues

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TREATISE I — ON THE THEOLOGICAL VIRTUES

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Prologue

1 The most cunning Serpent, bent on utterly destroying the whole human race, attacked the very First-formed themselves, so that, their stock left undealt with, the virus conceived might diffuse itself more widely through all their posterity; in no other way do Heretics — especially in our own age, the most prolific of sectaries — have dared by impious audacity to cast a deadly Aconite into the very fountain of truth itself, so that from where the edifice of the Christian empire has risen the higher,[1] from there it might fall to the ground root and branch; and with faith denied — resting upon the veracity of the First Truth — all the rest might readily be shown suspect of falsehood. Hence they insinuate into the credulous vulgar, in place of faith an empty confidence, in place of hope a presumption to be despaired of, and finally, in place of charity, an Impossibility of loving. So did these eminent little theologians learn to speak of God; thus Luther with his followers, while he grows insolent over his tumid certainty of salvation, concludes by an impious dogma that Christ the Lord underwent the penalties of the Abyss, no less in soul and body than in divinity; for so he proclaims his madness on *Psalm 16, as our Boverius notes in his second examination on the unity of faith, article 5*. Calvin, indeed, while he swells with the presumption of having justice imputed to himself, cries out that Christ the Savior was desperate in the very vestibule of his glory and amid the heaps of his merits: *so he barks on Matthew 26, as Boverius also notes, exam. 1, Atheism 9*. Finally, both hold the same view of charity, that with shameless brows they assert it was only ironically that God, as well as the commandments, prescribed it in those words of the Gospel: *If you would enter into life, keep the commandments*. Very many have professedly taken care to root out these, and others like them, errors, and indeed effectually; but by what means, or by what arguments, will become clear in the course of this treatise, whenever it falls to discuss each opinion or error according to the mind of St. Bonaventure.

[1] Editor's note: the print reads 'Christiani Iuperij moles'; rendered 'of the Christian empire' ('imperii') because 'Iuperii' is not a Latin word and the antithesis (heretics casting poison into the very fountain from which the Christian edifice rose, that it might collapse from its source) requires 'imperii'.

> *ASTUTISSIMUS Serpens, totum prorsus perempturus hominum genus, ipsos Protoplastos adortus est, ut infecta stirps conceptum virus in totam propaginem latius diffunderet; Haud secus Heretici, hoc nostro praesertim saeculo, sectariorum feracissimo, in ipsum veritatis fontem lethale Aconitum iniicere nefario sunt ausu moliti, ut unde Christiani imperii moles altius surrexerit, inde radicitus corrueret; et negata fide, primae veritatis veracitate nixa, caetera quaeque falsitatis suspecta, facile arguerentur: Hinc pro fide inanem fiduciam, pro spe desperandam praesumptionem, pro denique charitate, dilectionis Impossibilitatem credulo Vulgo insinuant. Ita eximii hi Theologastri de Deo eloqui didicere; sic Lutherus cum sequacibus, dum in tumidam suae salutis certitudinem insolescit, Christum Dominum Barathri poenas, non minus anima, et corpore, quam divinitate subiisse, impio dogmate concludit; sic enim promit suam insaniam ad* Psalm. 16. ut notat noster Boverius examine secundo de fidei unitate, art. 5. *Calvinus vero, dum in imputandae sibi iustitiae praesumptionem intumescit, Christum Salvatorem in ipsius gloriae vestibulo, et inter meritorum cumulos desperabundum clamat:* ita latrat ad 26. Matthaei, ut notat etiam Boverius exam. 1. Atheismo 9. *De charitate denique ita sentit uterque, ut non nisi Ironice eam Deum, sicut et mandata, praecepisse perfrictis frontibus asserant in ea Evangelii verba:* Si vis ingredi ad vitam, serva mandata. *Hos, uti et caeteros huiusmodi, errores expungendos curarunt ex professo plurimi, et quidem efficaciter; sed cuius, vel quibus rationibus, in huius tractatus decursu patebit, dum unamquamque opinionem, errroremve ad mentem D. Bonaventurae discutere contigerit.*

Disputation I: On Faith

1 The SUN is not seen otherwise than by the light which it itself gives; nor does God suffer himself to be seen by another's light: Faith alone points the way from where it itself has come. This is that light created first in the first Microcosm, separating night from day, indeed the first-born of the heavenly virtues, and therefore to be set forth in the first place: On one side it shines forth, and on the other it darkens, like that pillar of cloud, bright indeed to the Israelites, but dark to the Egyptians: It is indeed a Mirror, veiled with much obscurity, yet with no stain of error, exhibiting the great in a small form: It is also that triangular Shield, which, showing God to us as three and one, extinguishes all the darts of the most wicked one: Taking it up in all things, we shall resist valiantly in faith, defending it with those reasons which it itself brings forth, in place of the virtues.

> *SOL non aliter, quam lumine, quod ipse dederit, videtur; nec aliena luce Deus patitur videri: Sola fides, unde ipsa venerit, eo viam demonstrat. Haec est lux illa in Microcosmo primo creata, noctem a die segregans, caelicarum virtutum quidem primogenita, ideo primo loco proponenda: Ex parte affulget, et ex parte offuscat, uti Columna illa nubis, Israëlitis sane lucida, AEgyptiis vero tenebrosa: Est quidem Speculum, multa obscuritate, nulla tamen erroris macula offusum, in modica specie, magna exhibens: Est etiam Scutum illud triangulum, quod Deum nobis trinum et unum ostendens, omnia nequissimi tela extinguit: Ipsum in omnibus sumentes, in fide fortiter resistemus, suis, quas parturit rationibus, ipsam pro virtutibus propugnantes.*

Question I: What faith signifies, and what it is

1 FIDES is said from fit (is made), and that is said to be made which is said. So St. Augustine, *epist. 19, ad Hieronymum*. He took this, however, from Tully, *lib. 1, offic.*, where he says: *Credimus, quia fiat, quod dictum est, appellatam fidem.*

> ***Quid FIDES significet, et quid sit.***
>
> *FIDES dicitur ex fit, et dicitur, eo quod fit, quod dicitur. Ita D. Augustin.* epist. 19. ad Hieronymum. *Sumpsit autem hoc ex Tullio,* lib. 1. offic. *ubi ait:* Credimus, quia fiat, quod dictum est, appellatam fidem.

2 FROM this, ten modes have flowed forth in which Fides is taken according to St. Bonaventure. First it is taken for a Betrothal (Sponsio), in which sense the Apostle says of some, 1 Timoth. 5: *Habentes damnationem, quia primam fidem irritam fecerunt* — that is, the first faith owed by vow, because they vowed and did not render it, as St. August. explains, *psalm. 75*; and in the same sense, *L. de Spiritu et lit. cap. 31*: *Aliter* (he says) *dicimus, non mihi habuit fidem: aliter autem, non mihi servavit fidem. Nam illud est, non credidit quod dixi: istud, non fecit quod dixit.* Hence Fides is taken secondly for Fidelity in keeping a promise. Thus God is called faithful, *Psalm. 144* and 1 *Corinth. 10*; the same, conversely, says of men, *Hierem. 7*: *Periit fides in terra.* Thirdly, Fides is taken for Conscience, *Rom. 14*: *Omne, quod non est ex fide, peccatum est.* Fourthly it is taken for the Sacrament of faith, or Baptism, in which sense St. August., *epist. 23, ad Bonifacium*, says: *Non est aliud, parvulos habere fidem, quam habere fidei Sacramentum.* Fifthly it is taken for the Assent to a conclusion proved by reason. In accordance with this Boët. says: *Argumentum est ratio rei dubiae, faciens fidem.* Sixthly it is taken for the Knowledge of comprehension. Thus it is said, *Rom. 1*: *Iustitia Dei revelatur ex fide in fidem.* Gloss: *In fidem spei, quae dicitur fides, quia fidentissima et certissima est.* Seventhly it is taken for the Habit of unformed faith, James 2: *Fides sine operibus mortua est.* Eighthly, for the Habit of faith formed, *Rom. 1*: *Iustus ex fide vivit.* Ninthly, for the Act of faith, as St.

Augustine says, *Tract. 40 in Ioan.*: *Fides est credere, quod non vides*. Tenthly it is taken for the Object of faith, as it is said in the Athanasian Symbol: *Haec est fides Catholica. Apoc. 2*: *Non negasti fidem.*

> *HINC decem modi emanarunt, quibus Fides accipitur apud D. Bonaventuram. Primo enim sumitur pro Sponsione, quo sensu de nonnullis ait Apostolus, prima Timoth. 5.* Habentes damnationem, quia primam fidem irritam fecerunt; *idest, primam fidem ex voto debitam, quia voverunt, et non reddiderunt, ut explicat S. August.* psalm. 75. *et eodem sensu,* L. de Spiritu, et lit. cap. 31. Aliter *(inquit)* dicimus, non mihi habuit fidem: aliter autem, non mihi servavit fidem. Nam illud est, non credidit quod dixi: istud, non fecit, quod dixit. *Inde fides sumitur secundo pro Fidelitate in servando promisso. Sic Deus dicitur fidelis,* Psalm. 144. *et prima* Corinth. 10. *Idem e regione* Hierem. 7. *ait de hominibus:* Periit fides in terra. *Tertio sumitur Fides pro Conscientia,* Rom. 14. Omne, quod non est ex fide, peccatum est. *Quarto sumitur pro Sacramento fidei, seu Baptismo, quo sensu D. August.* epist. 23. *ad Bonifacium ait:* Non est aliud, parvulos habere fidem, quam habere fidei Sacramentum. *Quinto sumitur pro Assensu conclusionis, per rationem probatae. Secundum hoc ait Boët.* Argumentum est ratio rei dubiae, faciens fidem. *Sexto sumitur pro Cognitione comprehensionis. Sic dicitur* Rom. 1. Iustitia Dei revelatur ex fide in fidem. *Glossa:* In fidem spei, quae dicitur fides, quia fidentissima, et certissima est. *Septimo sumitur pro Habitu fidei informis, Iacobi 2.* Fides sine operibus mortua est. *Octavo pro Habitu fidei formatae,* Rom. 1. Iustus ex fide vivit. *Nono pro Actu fidei, ut dicit S. Augustinus* Tract. 40. in Ioan. Fides est credere, quod non vides. *Decimo sumitur pro Obiecto fidei, ut dicitur in Symbolo Athanasii:* Haec est fides Catholica. Apoc. 2. Non negasti fidem.

3 It is taken also more broadly for a good reputation: as when someone is said to be of no one's fides. *Eccl. 17*: *Qui detegit arcana, fidem perdit*; conversely, he is called worthy of credit (fide dignus) who is said to have obtained belief.

> *SUMITUR latius etiam pro bona existimatione: ut cum dicitur aliquis nullius esse fidei.* Eccl. 17. Qui detegit arcana, fidem perdit; *E contra, dicitur fide dignus, qui dicitur habere creditum.*

4 In these modes Fides is named by a certain analogy. But in this disputation we shall treat of Theological faith, which is a Habit belonging to the intellect, by which we believe infallibly, and without any misgiving, the things revealed by God, on account of the authority of God revealing; and it is the beginning of our Justification and the Root and Foundation of the remaining virtues.

> *His modis analogia quadam nominatur Fides. Nos vero in hac disputatione agemus de fide Theologica, quae est Habitus ad intellectum pertinens, quo infallibiliter, et sine ulla formidine credimus revelatis a Deo, ob Dei revelantis authoritatem; et est nostrae Iustificationis initium, et reliquarum virtutum Radix, et Fundamentum.*

5 FURTHER, that faith of which James, chap. 1, says, *Postulet autem in fide, nihil haesitans*; and *Matth. 14*: *Modicae fidei, quare dubitasti?* and *Marc. 11*: *Si habueritis fidem, dicetis monti huic, etc.* — is rather reduced to Hope, and is confidence (fiducia), as Suarez admonishes, *sect. 1*, although Caspensis, *disp. 1, sect. 1*, wishes it to include Catholic faith, which I do not refuse. For this reason I judge the Apostle said: *Et si habuero omnem fidem, ita ut montes transferam, etc.*, 1 *Corinth. 13*.

> *PORRO illa fides, de qua Iacob. cap. 1.* Postulet autem in fide, nihil haesitans: *et* Matth. 14. Modicae fidei quare dubitasti? *Et* Marci 11. Si habueritis fidem, dicetis monti huic, etc. *Potius ad Spem reducitur, et est fiducia, ut monet Suarez* sect. 1. *tametsi Caspensis* disp. 1. sect. 1. *velit includere fidem Catholicam, quod non renuo. Ideo enim arbitror dixisse Apostolum:* Et si habuero omnem fidem, ita ut montes transferam, etc. *prima* Corinth. 13.

6 The definition of faith handed down, *Heb. 11*, shows faith conjoined with its Hope: *Est sperandarum substantia rerum, argumentum non apparentium.* It is called *substantia*, or subsistence of things hoped for,

because it is the foundation of hope, for through it the things we hope for in some manner subsist in us, because it is proper to faith to buttress Hope and Confidence; for a man could not hope unless he believed. It is called *argumentum*, or conviction, because faith ought to be an assent no less firm from Divine authority than that evident assent is by which the intellect is convinced and induced by necessity. *Non apparentium* is added, because faith ought to be about things that are not seen. So it is expounded by St. Bonavent., *quaest. 3*, drawing on St. Augustine *lib. 2 de peccatorum meritis et remiss. cap. 21* and other Fathers. Whence Erasmus, tastelessly and insolently, denies that this is a definition of faith. See the Holy Doctor, and Valencia *disp. 1, quaest. 4, puncto 1*, with St. Thom. *quaest. 4, art. 1*; Morandus, *Tract. de fide, quaest. 12*. To this agree the other definitions of faith adduced by the Fathers, some of which Tannerus reports, *quaest. 7, dub. 5*.

> *FIDEM suae cum Spe connexam ostendit definitio fidei, tradita* Heb. 11. Est sperandarum substantia rerum, argumentum non apparentium. *Dicitur:* substantia*, seu subsistentia rerum sperandarum, quia est fundamentum spei, nam per eam subsistunt quodammodo in nobis res, quas speramus, quia proprium est fidei fulcire Spem, et Fiduciam; non enim posset homo sperare, nisi crederet. Dicitur* argumentum*, sive convictio, quia fides debet esse assensus non minus ex Divina authoritate firmus, quam sit assensus evidens, quo intellectus convincitur, et ex necessitate inducitur. Additur* non apparentium*, quia fides debet esse de rebus, quae non videntur. Ita exponitur a D. Bonavent.* quaest. 3. *adducta ex D. Augustino* lib. 2. de peccatorum meritis, et remiss. cap. 21. *et aliis. Patribus. Quapropter insulse, et insolenter Erasmus negat, hanc esse fidei definitionem. Vide S. Doctorem, et Valentiam* disp. 1. quaest. 4. puncto 1. *cum D. Thom.* quaest. 4. art. 1. *Morandum* Tract. de fide, quaest. 12. *Cum hac conveniunt aliae definitiones fidei, allatae a Patribus, e quibus aliquas refert Tannerus* quaest. 7. dub. 5.

[7] That this is the true definition of faith, all Theologians teach with the holy Fathers: Basil on *psalm. 115*, Gregory of Nyssa, *lib. de vita Moysis*, before the middle; Chrysostom, *homil. 21 in epist. ad Heb.*; Augustine, *above*; Hieron., *in cap. 5 epistolae ad Galat.*; Bernard, *epist. 190*. St. Thomas nevertheless confesses that it is not handed down in Scholastic terms.

> *Hanc vero esse veram fidei definitionem, docent omnes Theologi cum sanctis Patribus, Basilio in* psalm. 115. *Gregorio Nyss.* lib. de vita moysis ante medium*, Chrysostomo* homil. 21. in epist. ad Heb. *Augustino* supra*, Hieron.* in cap. 5. epistolae ad Galat. *Bernardo* epist. 190. *Fatetur tamen D. Thom. eam non tradi terminis Scholasticis.*

[8] *It is proved*, however, by St. Bonaventure that this definition is quidditative, to which St. Thomas and Richardus, 3 *dist. 23*, subscribe. For the Habit of a virtue can be made known from two heads, namely from the Object and the ultimate End; in the first way indeed a certain firm and certain intellectual habit is called the substance of the habit of virtue, which is the beginning and foundation of salvation, and hence the inchoation of eternal life. For just as substance is the prop of accidents, and the matter of the form and of the accidents themselves, so transumptively faith is called substance, because it is the foundation of the whole spiritual edifice; and therefore St. Damascene, *lib. 4 de fide, cap. 11*, defines it thus: *Fides est hypostasis eorum, quae sperantur; et redargutio eorum, quae non videntur*, as the Holy Doctor observes, *ad 1*.

> Probatur *vero a D. Bonavent. eam definitionem esse quidditativam, cui subscribunt D. Thomas, Richardus 3.* dist. 23. *Nam Habitus virtutis potest e duplici capite notificari, nempe ex Obiecto, et Fine ultimo; primo quidem vocatur substantia habitus virtutis quidam intellectualis firmus, et certus, qui sit initium, et fundamentum salutis, adeoque inchoatio vitae aeternae. Sicut enim substantia est fulcrum accidentium; et materia formae, et ipsorum accidentium; ita transumptive, fides dicitur substantia, quia est fundamentum totius fabricae spiritualis, et ideo S. Damascenus* lib. 4.

de fide, cap. 11. *sic definit:* Fides est hypostasis eorum, quae sperantur; et redargutio eorum, quae non videntur, *ut observat S. Doctor* ad 1.

9 ¶ Then its essence is expounded from the acts and the object; for habits are distinguished, or even specified, by acts, and acts by objects. It therefore expounds its act concerning the ultimate end believed, that is, God, who is not yet possessed, but hoped for, and therefore it says: *sperandarum*. And that that assent concerning the ultimate end may be shown not evident, it says: *non apparentium* — for in this Faith is distinguished from science; and yet that that assent may be acknowledged most certain, it says *argumentum*, or *convictio*, as others read.

¶ *Deinde ex actibus, et obiecto explicatur eius essentia; nam habitus per actus, et actus per obiecta dignoscuntur, seu etiam specificantur: Sic igitur explicat actus eius circa ultimum finem creditum, idest Deum, qui nondum possidetur, sed speratur, et ideo ait;* sperandarum. *Et ut ostendatur assensus ille circa ultimum finem inevidens, dicitur:* non apparentium, *in hoc enim distinguitur Fides a scientia; et ut tamen assensus ille agnoscatur certissimus, dicitur* argumentum, *seu* convictio, *ut legunt alii.*

10 That the Apostle is there speaking of Theological Faith is evident from the Councils, which, to show the necessity of faith, bring forward testimonies from this passage of the Apostle. It is confirmed, for there, *chap. 10*, the Apostle adduces that word of Habacuc, *Iustus ex fide vivit*. See the Holy Doctor on several Martyrs, *sermone 18*.

Ibi autem loqui Apostolum de Fide Theologica constat ex Conciliis, quae, ut ostendant necessitatem fidei, afferunt ex hoc loco Apostoli testimonia. Confirmatur; nam ibi cap. 10. *affert Apostolus illud Abac.* Iustus ex fide vivit. *Vide S. Doctorem de pluribus Martiribus* sermone 18.

11 *You object first:* No habit is a substance; Faith is a habit: *Therefore*.

Obiicies primo: *Nullus habitus est substantia; Fides est habitus:* Ergo.

12 *The Holy Doctor answers* that faith is called substance transumptively, as I said.

Respondet *S. Doctor, vocari fidem substantiam transumptive, ut dixi.*

13 *You object secondly:* No virtue is an argument. Faith is a virtue: Therefore. If you say that argument is taken transumptively: On the contrary; because it implies being an argument, and yet of things not apparent.

Obiicies secundo: *Nulla virtus est argumentum. Fides est virtus: Ergo. Si dicas sumi argumentum transumptive. Contra; quia implicat esse argumentum, et tamen non apparentium.*

14 *The Holy Doctor answers* that argument is said in two ways, properly and transumptively. Properly it is taken in four ways. First, Ratiocination is called argument, which is divided into six principal species: Syllogism, Induction, Enthymeme, Example, Sorites, and Dilemma. Secondly, argument is called a brief collection of a prolix discourse. Thirdly, the argument is called the very medium, in which the strength of the arguing stands. Fourthly, the argument is called the very maximal proposition, in which consists the whole force of the illation. In all these ways faith is called argument, because it convinces and illuminates the mind to adhere firmly to the object. And it is called *the argument of things not apparent*: because it makes one adhere more firmly to the object believed than a Demonstration makes one adhere to the object demonstrated.

> Respondet *S. Doctor, dupliciter dici argumentum, proprie, et transumptive. Proprie accipitur quadrupliciter. Primo dicitur Ratiocinatio, quae dividitur in sex species principales: Syllogismum, Inductionem, Enthymema, Exemplum, Soritem, et Dilemma. Secundo, argumentum dicitur brevis collectio prolixi discursus. Tertio, dicitur argumentum ipsum medium, in quo stat robur arguitionis. Quarto, dicitur argumentum ipsa maxima propositio, in qua consistit tota vis illationis. His omnibus modis, fides dicitur argumentum, quia mentem arguit, et illuminat ad firmiter obiecto adhaerendum. Et dicitur:* argumentum rerum non apparentium*: quia firmius facit adhaerere obiecto credito, quam Demonstratio faciat obiecto demonstrato.*

15 *You object thirdly.* This definition can also fit Hope, which is the substance of things hoped for and the argument of things not apparent; because through it we are certified that we shall have the things we do not see.

> Obiicies tertio. *Haec definitio potest convenire etiam Spei, quae est substantia rerum sperandarum, et argumentum non apparentium; quia per eam certificamur, nos esse habituros res, quas non videmus.*

16 *It is answered* that Faith is the substance, or foundation, of all the virtues; but not Hope, which is neither an argument, etc., because it does not make one assent to the truth.

> Respondetur*, Fidem esse substantiam, seu fundamentum omnium virtutum; non autem Spem, quae neque est argumentum, etc. quia non facit assentiri veritati.*

17 *You object fourthly.* To Faith it belongs to believe also the eternal punishments, which are not hoped for, but feared: Therefore it is not sufficiently called the argument of things hoped for.

> Obiicies quarto. *Ad Fidem spectat credere etiam poenas aeternas; quae non sperantur, sed timentur: Ergo non satis dicitur argumentum rerum sperandarum.*

18 *The Holy Doctor answers* that the punishments are contained under the things hoped for, as it were under the end, though not as under the object; for one believes eternal punishments precisely in order that he may attain the eternal goods to be hoped for.

> Respondet *S. D. supplicia contineri sub rebus sperandis, quasi sub fine, licet non ut sub obiecto; ideo enim quis credit aeterna supplicia, ut assequatur bona aeterna speranda.*

19 *You object fifthly.* A thing prior ought not to be defined by things posterior and less known: But Faith is posterior to Hope, and better known than the things that are not apparent: *Therefore*.

> Obiicies quinto. *Non debet definiri res prior per posteriora, et ignotiora: Sed Fides est posterior Spe; et notior quam ea, quae non apparent:* Ergo.

20 *St. Bonaventure answers* by denying the Minor; For it is defined by the end and the object; and although the end of faith itself, which is the things hoped for, is posterior in execution, yet it is prior in intention. And although the object of faith, not apparent in truth, is unknown to the infidel man, yet it is known to the man having faith. And even if it is unknown what sort of thing it is, yet it is known that it does not appear, and thus the definition is not by the posterior and the less known, but by what is prior and known.

> Respondet *S. Bonav. negando Minorem; Nam definitur per finem, et obiectum; licet autem, finis ipsius fidei, quae sunt res sperandae, sit posterior in executione; tamen est prior in intentione. Licet etiam obiectum fidei in veritate non apparente sit homini infideli incognitum; tamen cognitum est homini fidem habenti. Quamvis etiam sit incognitum,*

quale sit; tamen notum est, ipsum non apparere, et ita definitio non est per posterius, et per incognitius, sed per prius notum.

21 *You object sixthly.* For the clearness of a definition it belongs that prior things be set before posterior ones. If, therefore, cognition precedes affection, and faith, insofar as it is an argument, regards cognition, while insofar as it is the substance of things hoped for it regards affection: therefore the definition is confused, while it says first: *substantia rerum sperandarum.*

Obiicies sexto. *Ad evidentiam definitionis spectat, ut priora praemittantur posterioribus. Si ergo cognitio praecedit affectionem, et fides, in quantum argumentum, respicit cognitionem: in quantum vero substantia rerum sperandarum, respicit affectionem; ergo confusa est definitio, dum prius dicitur:* substantia rerum sperandarum.

22 *The Holy Doctor answers* that the intellect follows the affection when it is inclined to assent to a thing by the command of the will, and in this way faith is a Virtue, because its assent is from the principle of the will; and therefore rightly the Apostle puts first that which regards the affection before that which pertains to the intellect.

Respondet *S. D. quod intellectus sequitur affectum, quando inclinatur ad assentiendum alicui rei ex imperio voluntatis, et hoc modo fides est Virtus, quia eius assensus est a principio voluntatis, et ideo recte Apostolus prius ponit id, quod respicit affectum, quam id, quod spectat ad intellectum.*

23 *You object seventhly.* Faith is the foundation not only of Hope, but also of Charity, and of the whole spiritual edifice: Therefore it is the substance also of things to be loved, and not only of things to be hoped for; and the more it ought to have enumerated these, the more noble they are. Item, it is about things both past and future: Therefore it is badly defined as being only of things hoped for.

Obiicies septimo. *Fides est fundamentum non modo Spei, sed etiam Charitatis, et totius aedificii spiritualis: Ergo est substantia etiam rerum amandarum, et non solum sperandarum; et eo magis debuit ea recensere, quo nobiliora sunt. Item est de rebus, et praeteritis, et futuris: Ergo male definitur, esse solum rerum sperandarum.*

24 *The Holy Doctor answers* that faith is defined in order to the end toward which it tends; and therefore it is defined in order to the things to be hoped for, which are the end of the virtue, and of our whole expectation of beatitude in the wayfaring state, which stands in the vision and love of God.

Respondet *S. D. definiri fidem in ordine ad finem, ad quem tendit; et ideo in ordine ad res sperandas definitur, quae sunt finis virtutis, et totius nostrae, per viam, expectationis de beatitate, quae in visione, et amore Dei stat.*

25 *You object eighthly.* Unformed faith is true faith; and yet it is not the foundation of the spiritual edifice. Therefore it is badly defined as formed faith alone.

Obiicies octavo. *Fides informis est vera fides; et tamen non est fundamentum Fabricae spiritualis. Ergo male definitur, sola fides formata.*

26 *The Holy Doctor answers in corpore* that if foundation be taken for what is actual and sufficient, formed faith alone is understood, for unformed faith is still an unformed foundation. This same St. Thomas intends, *quaest. 5, art. 7, ad 4*, as Valencia notes, *ad 3*.

Respondet *S. D.* in corpore*, quod si accipiatur fundamentum pro actuali, et sufficienti; sola fides formata intelligitur, nam informis est adhuc informe fundamentum. Idipsum intendit D. Thom.* quaest. 5. art. 7. ad 4. *ut notat Valentia* ad 3.

27 *You object ninthly.* A believer in despair has faith without hope.

> Obiicies nono. *Fidelis desperans habet fidem sine spe.*

28 *Valencia answers*: For this reason faith is said *to be the foundation of the things to be hoped for*, not hoped. From what has been said the definitions of Calvin and Kemnitius collapse — that faith is a certain credulity of the Divine benevolence and grace toward us. For these suppose that heresy, that we are held to believe that we ourselves are predestined, and in grace.

> Respondet *Valentia, Ideo dici fidem* esse fundamentum rerum sperandarum*, non speratarum. Ex dictis ruunt definitiones Calvini, et Kemnitii, fidem esse certam credulitatem benevolentiae Divinae et gratiae erga nos. Hae enim supponunt haeresim illam, teneri nos credere, nosmet praedestinatos esse, et in gratia.*

Question II: What the object of faith is

1 That we may find the most excellent definition and essence of FAITH, we must examine the object, from which the essence is taken, or at least is known a posteriori.

> *Ut praeclare definitionem, et essentiam Fidei inveniamus, oportet obiectum scrutari, a quo sumitur essentia, vel saltem a posteriori cognoscitur.*

2 D. Bonaventure observes *in the body of the text* that a twofold object is assigned, one material, called the *Quod* (That which); the other formal, the *Quo* (That by which), concerning which see p. 1. tract. 1. quaest. 4. The material is the thing considered; the formal is the ratio by which, and under which, it is considered.

> *Observant ex D. Bonav. in* corpore*, duplex assignari obiectum et alterum materiale, et dicitur* Quod*: alterum formale* Quo*, de quibus p. 1. tract. 1. quaest. 4. Materiale est res considerata: Formale est ratio, quae, et sub qua consideratur.*

3 All concede that God is the principal *Quod* object of our faith, against Calvin, book 2. *Institut*. cap. 6., who holds that not God alone is the object of faith, but also Christ, as He is Man. So the Holy Doctor here, and D. Thomas here, and p. 1. quaest. 1. art. 7.; Alensis 3. p. quaest. 79. membr. 6.; Albert. 3. dist. 23. art. 12.; Durand. ibi quaest. 1.; Capreolus in *Prol. sent. quaest.* 4. art. 2. around the fifth conclusion; Caiet. *ad art. cit.* of D. Thomas; Valentia disp. 1. quaest. 1. punct. 1.; Caspens. tract. 15. sect. 1.; Morand. tract. unico in 2. 2. quaest. 1.; Scotus 3. dist. 23. quaest. un.; G. and his followers; Mastrius tom. 3. disp. 6. quaest. 1. art. 1.; Vulpes tom. 2. p. 3. disp. 30. art. 2.; Arriaga tom. 5. tract. 1. disput. 1. sect. 1.; Suarez disp. 2. sect. 1. and 2.; Cardinal Lugo tract. de fide disp. 3. sect. 2.; Amicus tom. 4. disp. 1. sect. 1. and following; Tannerus disp. 1. quaest. 1. dub. 2., who say it is the common view. Yet some deny that God is the object of attribution as *God*, but will have it to be God complexly, as willing to beatify. So Vulpes with Gregory quaest. 4. prol. art. 2. and other Nominalists. They rely on John 20. *These things are written, that you may believe, and that believing you may have life in his name;* but this opinion is refuted even by the Scotists; nor does it rest on Scotus, as Mastrius notes num. 8. Arriaga indeed grants that God is the principal object of faith; but he denies that He is the object of attribution; and Mastrius notes that many Recentiores stumble here, confusing the principal object with the object of attribution, which many call the adequate object.

> *Omnes concedunt, Deum esse obiectum principale* Quod *nostrae fidei, contra Calvinum lib. 2.* Institut. *cap. 6. qui vult, non Deum solum esse obiectum fidei, sed, ut est etiam Homo, Christus. Ita S. Doctor hic, et D. Thom. hic, et p. 1. quaest. 1. art. 7. Alensis 3. p. quaest. 79. membr. 6. Albert. 3. dist. 23. art. 12. Durand. ibi quaest. 1. Capreolus in* Prol. sent. quaest. *4. art. 2. circa quintam conclusionem, Caiet.* ad art. cit. *D. Thomae, Valentia disp. 1. quaest. 1. punct. 1. Caspens. tract. 15. sect. 1. Morand. tract. unico in 2. 2. quaest. 1. Scotus 3. dist. 23. quaest. un. G. et*

asseclae, Mastrius tom. 3. disp. 6. quaest. 1. art. 1. Vulpes tom. 2. p. 3. disp. 30. art. 2. Arriaga tom. 5. tract. 1. disput. 1. sect. 1. Suarez disp. 2. sect. 1. et 2. Cardinalis Lugo tract. de fide disp. 3. sect. 2. Amicus tom. 4. disp. 1. sect. 1. et sequentibus. Tannerus disp. 1. quaest. 1. dub. 2. qui aiunt esse communem. Aliqui tamen negant, Deum esse obiectum attributionis, ut Deus, *sed volunt, esse Deum complexe, ut volentem beare. Ita Vulpes cum Gregorio quaest. 4. prol. art. 2. et aliis Nominalibus; Nituntur autem eo Ioan. 20.* Haec scripta sunt, ut credatis, et ut credentes vitam habeatis in nomine eius; *sed hanc sententiam refellunt etiam Scotistae; neque Scoto nititur, ut advertit Mastrius num. 8. Arriaga concedit quidem, Deum esse obiectum principale fidei; sed negat esse obiectum attributionis; et Mastrius advertit, multos Recentiores in hoc impingere, confundendo obiectum principale cum obiecto attributionis, quod vocant multi adaequatum.*

4 OTHERS, however, distinguishing these two objects, assert that God is the object in both ways. So Morandus.

ALII vero haec duo obiecta distinguentes asserunt, Deum esse utroque modo obiectum. Ita Morandus.

5 OTHERS distinguish the principal object, and the material object of attribution, from the adequate, as Caspensis with Suarez. These, however, are disputes of no great weight.

ALII, obiectum principale, et attributionis materiale, distinguunt ab adaequato, ut Caspensis, cum Suarez: Haec tamen sunt dissidia non gravia.

6 D. Bonaventure holds that the principal material object, and the object of attribution, is God; yet it is not the adequate material object. This is the common opinion, from Tannerus disp. 1. quaest. 1. dub. 2. and Fulsens. lib. 3. cap. 1.

D. Bonaventura vult, obiectum materiale principale, et attributionis, esse Deum; non tamen est materiale adaequatum. Est communis sententia ex Tannero disp. 1. quaest. 1. dub. 2. Fulsensi lib. 3. cap. 1.

7 I ASSERT first, that the principal object, and the object of attribution, of faith is God.

ASSERO primo, obiectum principale, et attributionis fidei, esse Deum.

8 It is PROVED first from D. Bonav., because Faith is a Theological virtue, which has God for its object. For this reason Faith is often denominated from God: Mark 11. *Have the faith of God.* John 14. *You believe in God, believe also in me.* Ephes. 4. *One Lord, one faith.* From the unity of God note the unity of faith: 1 Thessal. 1. *In every place your faith, which is towards God, has gone forth.* Hebr. 6. *Not casting aside again the foundation from dead works, and of faith towards God.* Hebr. 11. *He that comes to God must believe that he is.* It is confirmed by the Holy Doctor from the Symbol: *I believe in God.* The same is taught by the Holy Fathers: Aug. lib. 4. de civit. cap. 20.; Cyril of Jerusalem catech. 5.; Irenaeus lib. 4. cap. 13.; and others. So argue Caspens. and others.

PROBATUR primo a D. Bonav. quia Fides est virtus Theologica, quae habet Deum pro obiecto. Ideo enim saepe denominatur Fides a Deo, Marci 11. Habete fidem Dei. *Ioan. 14.* Creditis in Deum, et in me credite. *Ephes. 4.* Unus Dominus, una fides. *Vide, ex unitate Dei elici unitatem fidei, Prima Thessal. 1.* In omni loco fides vestra, quae est ad Deum, profecta est. *Hebr. 6.* Non rursus iacientes fundamentum ab operibus mortuis, et fidei ad Deum. *Hebr. 11.* Accedentem ad Deum oportet credere, quia est. *Confirmatur a S. D. ex Symbolo:* Credo in Deum. *Idem docent SS. PP. Aug. lib. 4. de civit. cap. 20. Cyrill. Hierosol. catech. 5. Irenaeus lib. 4. cap. 13. et alii. Sic arguunt Caspens. et alii.*

9 It is PROVED second from D. Bonav. Every simple habit ought to have one object, to which all things are reduced; but faith is one habit, and has no other to which all objects are reduced than the

Uncreated True, that is, God: Therefore. The major is clear. The minor is proved first from the Apostle, who often testifies that our faith is ordered to the knowledge of God. So Ephes. 1. Coloss. 2. and 3., as cited by Valentia; and from D. August. l. 1. *de civitate*, cap. 2. It is confirmed: for God is the most excellent object of faith.

> *PROBATUR secundo a D. Bonav. Omnis habitus simplex debet habere unum obiectum, ad quod omnia reducantur; sed fides est unus habitus, nec habet aliud, ad quod omnia obiecta reducantur, quam Verum increatum, idest Deum: Ergo. Maior est clara. Minor probatur primo ex Apostolo, qui saepe protestatur, fidem nostram ordinari ad Dei cognitionem. Sic. Ephes. 1. Coloss. 2. et 3. apud Valentiam, et ex D. August. l. 1.* de civitate*, capite 2. Confirmatur; Nam Deus est praestantissimum obiectum fidei.*

10 I ASSERT second, that the adequate material object comprises many things besides God.

> *ASSERO secundo, obiectum adaequatum materiale complecti multa, praeter Deum.*

11 It is PROVED from S. Bonav. first from the Symbol, in which are proposed, besides God, the things to be believed: Creation, Incarnation, and other Mysteries of the Redemption, the Universal Judgment, the Church, the remission of sins, the resurrection, and eternal life.

> *PROBATUR a S. Bonav. primo e Symbolo, in quo proponuntur credenda, praeter Deum, Creatio, Incarnatio, et alia Mysteria Redemptionis, Iudicium universale, Ecclesia, remissio peccatorum, resurrectio, et vita aeterna.*

12 It is PROVED second from D. Bonav. Faith is of as great amplitude as charity; for we believe the things that are to be loved, and the things that are believed are loved supernaturally. Indeed faith believes even things not to be loved, as eternal punishments; but charity loves not only the Uncreated Good, but also our neighbor and other created things: Therefore.

> *PROBATUR secundo a D. Bonau. Tantae amplitudinis est fides, quantae est charitas; nam credimus ea, quae amanda sunt; et amantur supernaturaliter ea, quae creduntur. Imo fides credit etiam non amanda, ut poenas aeternas; At charitas non solum diligit bonum increatum, sed et proximum, et alia creata: Ergo.*

13 It is PROVED third from the Holy Doctor, because no future thing is God. But future things are believed, namely eternal life, retribution, and the infliction of punishments: Therefore. The major is evident; for God is eternal.

> *PROBATUR tertio a S. D. quia nullum futurum est Deus. Sed creduntur futura, nempe vita aeterna, retributio, et poenarum inflictio: Ergo. Maior patet; nam Deus est aeternus.*

14 It is PROVED fourth from the Holy Doctor. If anyone did not believe the histories of Scripture, even the smallest details, as that Saul sought the asses, 1 Reg. 9., or that Tobias's dog wagged his tail, he would be a heretic.

> *PROBATUR quarto a S. D. Si quis non crederet historias Scripturae, et minutula, ut Saulem quaesiisse asinas, 1. Reg. 9. et Tobiae canem movisse caudam; esset haereticus.*

15 But Arriaga denies that these are ordered to God. Indeed Scotus, 3. dist. 25. quaest. 2., denies that the faith of such things is ordered to God. Yet surely these too are not proposed in vain to be believed on faith: *For with the heart we believe unto justice: but with the mouth confession is made unto salvation:* Roman. 10.

> *NEGAT autem Arriaga, haec ordinari ad Deum. Imo eorum fidem ordinari ad Deum negat Scotus 3. dist. 25. quaest. 2. Sane, et haec non frustra de fide credenda proponuntur:* Corde enim creditur ad iustitiam: ore autem confessio

> fit ad salutem: *Roman. 10.*

16 He ANSWERS, then, that such minutiae are ordered to God, who is truthful even in the smallest things. Moreover Saul's solicitude denotes his obedience, by which he made himself worthy of command; and the exultation of the dog indicates the Divine goodness, which sent forward even a rejoicing little creature as a messenger to the blind man FOR HIM. Nevertheless faith is denominated from the principal object, that is, from God and from Christ, because this is our faith properly so called. Hence Calvin is mocked.

> *RESPONDET ergo, ea minuta ordinari ad Deum, qui et in minutulis verax est. Insuper illa sollicitudo Saülis denotat eius obedientiam, qua dignum se reddebat imperio; et exultatio canis indicat Divinam bonitatem, quae bestiolam etiam laetabundam nunciam praemisit caeco ILLI. Denominatur tamen fides ab obiecto principali; idest Deo, et a Christo, quia haec est nostra fides propria. Hinc illuditur Calvinus.*

17 It is PROVED finally, because prophecy accompanies faith; and that is concerning created good.

> *PROBATUR tandem, quia prophetia concomitatur fidem; illa autem est de bono creato.*

18 AS REGARDS the formal object, there is greater difficulty.

> *QUOAD obiectum formale, est maior difficultas.*

19 The FIRST opinion, which is ascribed to Aureolus 3. dist. 24. art. 2. and is defended by Caietanus 2. 2. quaest. 1. art. 1., asserts that the formal object of faith is God under the ratio of first truth in being, and consequently under the ratio of deity. Bannes seems to follow him here, Valent. quaest. 1. p. 1., Tann. num. 25., and others cited by him. These, however, call the formal object the *Quod*.

> *PRIMA sententia, quae adscribitur Aureolo 3. dist. 24. art. 2. et defenditur a Caietano 2. 2. quaest. 1. art. 1. asserit, obiectum formale fidei esse Deum sub ratione primae veritatis in essendo, et consequenter sub ratione deitatis. Sequi videntur Bannes hic, Valent. quaest. 1. p. 1. Tanner. num. 25. et alii apud eum. Hi tamen vocant formale,* Quod.

20 The TRUE opinion is, that the formal object of faith is God under the ratio of the truthful revealer. So S. Bonav. *in the body of the text*, where he brings forward a similitude: For just as a Luminous body moves a power, as its object, when it is set before it either in Light, or as incorporated into earthly matter, as in the adamant and the carbuncle; so Divine truth moves the intellect in a twofold way, either as it is per se in the articles referring to God, or as united to a creature, as in the humanity of Christ, or in some other work. All the Thomists and Scotists follow him, with Scotus quaest. 1. Prol. and others as related by Mastrius num. 21., Tannerus dub. 3., Valent. quaest. 1. p. 1. §. 4., Fulsens. lib. 3. cap. 1., Bassaeus v. *Fides*.

> *VERA sententia est, obiectum formale fidei esse Deum sub ratione veracis revelantis. Ita S. Bonav. in* corpore, *ubi affert similitudinem: Sicut enim Lucidum movet, ut obiectum, potentiam, dum illi exponitur, vel in Lumine, vel ut est materiae terrenae incorporatum, puta adamante, et carbunculo; ita Divina veritas dupliciter movet intellectum, vel ut est per se in articulis ad Deum spectantibus, vel ut unita creaturae, puta in humanitate Christi, vel in alio opere. Eum sequuntur omnes Thomistae, et Scotistae cum Scoto quaest. 1. Prol. et aliis relatis a Mastrio num. 21. Tannero dub. 3. Valent. quaest. 1. p. 1. §. 4. Fulsensi lib. 3. cap. 1. Bassaeo v.* Fides.

21 VULPES, however, declines aside with a crooked nail, saying that God, as willing to reveal, is the formal object of faith. Surely He is believed because we have in fact that God has already revealed; yet

we may say that faith embraces everything that God shall will to reveal, for we are bound to believe also what the Church is going to declare in a Council, Decree, or the like.

> *UULPES tamen transverso ungue declinat, dicens, Deum, ut volentem revelare, esse obiectum formale fidei. Sane creditur, quia Deum habemus de facto iam revelasse; possumus tamen dicere fidem amplecti omne, quod Deus voluerit revelare, tenemur enim credere etiam, quod Ecclesia declaratura sit in Concilio. Decreto, vel simili.*

22 THEREFORE our opinion is also that of Alensis 3. p. quaest. 78. membr. 4.; Alberti 3. dist. 23. art. 7. and 12.; Altisiodor. lib. 3. summa, Tract. 3. cap. 1. quaest. 3.; Richardi 3. dist. 23. art. 4. quaest. 3.; Durand. ibi, quaest. 7. num. 12., and dist. 24. quaest. 1. and quaest. 2.; Capreol. dist. 24. quaest. unica, art. 1. concl. 4.; Gabrielis dist. 23. quaest. 2. art. 1.; Marsil. 3. quaest. 14.; Cani. Lib. 12. de locis Theolog. cap. 3.; and the rest cited above.

> *ITAQUE nostra sententia est etiam Alensis 3. p. quaest. 78. membr. 4. Alberti 3. dist. 23. art. 7. et 12. Altisiodor. lib. 3. summa, Tract. 3. cap. 1. quaest. 3. Richardi 3. dist. 23. art. 4. quaest. 3. Durand. ibi, quaest. 7. num. 12. et dist. 24. quaest. 1. et quaest. 2. Capreol. dist. 24. quaest. unica, art. 1. concl. 4. Gabrielis dist. 23. quaest. 2. art. 1. Marsil. 3. quaest. 14. Cani. Lib. 12. de locis Theolog. cap. 3. et caeterorum supra.*

23 Soto 3. dist. 23. quaest. un. art. 2. and Gulielm. Paris. de fide DECLINE from it, saying that we believe God, not because He is truthful, or because what He says is true, but because He commands it to be so believed; and thus faith would be an effect of the obedience of the intellect exhibited to God.

> *DECLINANT Soto 3. dist. 23. quaest. un. art. 2. Gulliel. Paris. de fide, dicendo, credi Deo; non quia verax est, aut quia verum est, quod ipse loquitur; sed quia iubet sic credi, et sic fidem esse effectum obedientiae intellectus, Deo exhibitae.*

24 I ASSERT with D. Bonaventure that the formal object of faith, the *Quo*, is the first truth revealing.

> *ASSERO cum D. Bonaventura, obiectum fidei formale,* Quo, *esse primam veritatem revelantem.*

25 It is *PROVED* first from the Holy Doctor in foundation 4. In that is the formal ratio of faith by which we firmly assent to the articles and mysteries; but this is the Divine truth and authority revealing: Therefore. So argue Valentia, Mastrius, and the rest. The minor is proved: for Scripture testifies to this in 1 John 5., where He gives as the reason why we should believe none other than that: *The Spirit is he who testifies; and he argues from the lesser: If we receive the testimony of men; the testimony of God is greater.* 1 Thessal. 2. *When you had received from us the word of hearing, that is, of God, you received it not as the word of men, but (as it is indeed) the word of God, who works in you that have believed.* And 1 Timot. 3. *All Scripture inspired of God, etc.* And 2 Peter 1. *The holy men of God spoke, inspired by the Holy Ghost.* The same is found in Matth. 16. *Flesh and blood has not revealed it to you, but my Father.* John 1. *The Only-begotten, who is in the bosom of the Father, he has declared it.* 2 Corinth. 4. *God has shone in our hearts, etc.* Galat. 1. *For neither did I receive it (the Gospel) of man, but by revelation.*

> PROBATUR *primo a S. Doctore in fundamento 4. In eo est ratio formalis fidei, secundum quod firmiter assentimur articulis, et mysteriis; sed hoc est Divina veritas, et authoritas revelans: Ergo. Ita arguunt Valentia, Mastrius, et caeteri. Minor probatur: nam Scriptura id testatur prima Ioan. 5. ubi rationem, ut credamus ait, nullam aliam esse, nisi quia:* Spiritus est, qui testificatur; et arguit a minori: Si testimonium hominum accipitis; testimonium Dei maius est. *Prima Thessal. 2.* Cum accepissetis a nobis verbum auditui Dei, accepistis illud, non ut verbum hominum, sed (sicut est vere) verbum Dei, qui operatur in vobis, qui credidistis. *Et 1. Timot. 3.* Omnis Scriptura divinitus inspirata, etc. *Et Secunda Petri 1.* Spiritu Sancto inspirati locuti sunt Sancti. *Eadem*

habentur Matth. 16. Caro, et sanguis non revelavit tibi, sed Pater meus. *Ioan. 1.* Unigenitus, qui est in sinu Patris, ipse narravit. *Secunda Corinth. 4.* Deus illuxit in cordibus, etc. *Galat. 1.* Neque enim ego ab homine accepi illud (Evangelium,) sed per revelationem.

26 The same holds S. Dion. cap. 7. *de Divinis nominibus*; Irenaeus *libro 4. cap. 14.*; Athan. *in oratione, quod unus sit Christus*; Chrysost. *homil. 8. in secundam ad Corinth.*; Ambrosius *serm. 21.*; Hieron. *in cap. 1. ad Titum,*; August. *contra epist. fundam. capite 14.* The Holy Doctor *confirms* it from Richard of S. Victor.

IDEM habet S. Dion. cap. 7. de Divinis nominibus. *Irenaeus* libro 4. cap. 14. *Athan.* in oratione, quod unus sit Christus. *Chrysost.* homil. 8. in secundam ad Corinth. *Ambrosius* serm. 21. *Hieron.* in cap. 1. ad Titum, *August.* contra epist. fundam. capite 14. Confirmat *id S. Doct. ex Richardo de S. Victore.*

27 From these you have that the Divine truth entitatively in being is rather the *Quod* object, partial, of our faith. I know that the Divine truth in being is the first root of belief: for when I believe some revealed thing, I believe it because it is revealed by God, who cannot lie.

Ex his habes, veritatem Divinam entitative in essendo esse potius obiectum Quod, partiale fidei nostrae. Scio, veritatem Divinam in essendo, esse primam radicem credulitatis: cum enim revelatum aliquod credo; idco credo, quia est revelatum a Deo, qui non potest mentiri.

28 But a difficulty arises that twists exceedingly. For if the first root of our belief is the veracity of God, a circle follows: for when I ask, why do I believe the Incarnation? and answer, because God revealed it: and then am asked again: Why do you believe the revelation? and say: Because God cannot lie. Again, when it is asked: Why do I believe Him truthful? I answer: Because He Himself said and revealed that He is truthful. Behold a circle.

ENIM vero insurgit difficultas admodum torquens. Si enim prima radix nostrae credulitatis est veracitas Dei, sequitur circulus: Cum enim interroger, quare credo Incarnationem? et respondeam, quia Deus revelavit: Et rursus interroger: Cur credo revelationi? et dico: Quia Deus mentiri non potest. Rursus, cum quaeritur: Cur credo ipsum veracem? Respondeo: Quia ipse dixit, et revelavit, se esse veracem. En circulus.

29 FURTHER, revelation is obscure, therefore it cannot of itself produce assent: so it must be reduced to human faith, so that I believe because it is revealed by the Church, which says that revelation was made to it by God; But whence do I know that this was revealed to it by God? Thus there will never be an end.

DEINDE revelatio est obscura, ideo non potest parere sui assensum: Ergo oportet, ut reducatur in fidem humanam, ut ideo credam, quia revelatur ab Ecclesia, quae id revelatum sibi dicit a Deo; At unde; nam sciam hoc a Deo illi revelatum? Sic nunquam erit finis.

30 SOME seem to hold that our belief is reduced to human faith as its root. And this seems to be the view of Scotus, because at dist. 23. art. 1. he said with D. August. contra Manichaeos: *I would not believe the Gospel, unless I believed the Catholic Church.* But truly Scotus does not hold this, as Caspensis d. 1. sect. 3. and Mastrius num. 37. note very well; for Scotus knew that human faith is fallible, and therefore cannot be the basis of our belief.

ALIQUI videntur sentire, nostram credulitatem reduci in fidem humanam, tanquam radicem. Et videtur Scoti, eo quod dist. 23. art. 1. dixit cum D. August. contra Manichaeos: Non crederem Evangelio, nisi crederem Ecclesiae Catholicae. *Sed vere id non sentit Scotus, ut optime advertunt Caspensis d. 1. sect. 3. et Mastrius num. 37. nam sciebat Scotus, fidem humanam esse fallibilem, atque adeo non posse esse nostrae credulitatis basim.*

31 It WILL seem, then, that our belief is resolved into God the truthful, who, however, since He is incidental to me, must become an evident revelation through something: Does another revelation then come forth? surely, and this too will be through another; and so to infinity: Or it is necessary that it rest in some revelation which first makes me certain; but every one is unevident unless some Light is added: Will there be a habit which carries us to assent? But surely then the assent would not be on account of the extrinsic authority of the one declaring; and so it will not be an act of Faith. Nor will it be a free act, but necessary. For thus a boy, arriving at the age of discretion, would be determined by an infused habit to the articles to be believed, the terms alone being foreknown; just as, the terms of natural principles being known, we assent to them. Scotus is agitated by these doubts, yet he inclines to our way of speaking, which resolves faith into the veridical revelation of God, as Smisingh, Aretinus, and Mastrius observe.

> *VIDEBITUR ergo resolvi nostra credulitas in Deum veracem, qui tamen, cum mihi sit incidens, debet fieri evidens revelatio per aliquid: Exitne igitur alia revelatio? sane, et haec erit per aliam; et sic in infinitum: Vel oportet, ut sistatur in aliqua revelatione, quae me primo certiorem reddat; quaelibet autem est inevidens, nisi addatur Lumen aliquod: Eritne habitus, qui nos ferat in assensum? Sed profecto tunc non esset assensus propter extrinsecam authoritatem dicentis; et ita non erit actus Fidei. Neque erit actus liber; sed necessarius. Sic enim puer, ad discretionem perveniens, habitu infuso determinatus erit ad articulos credendos, praecognitis solis terminis; sicuti cognitis terminis principiorum naturalium assentimur illis. His dubiis agitatur Scotus, inclinat tamen in nostrum modum dicendi, qui fidem in veridicam Dei revelationem resolvit, ut observant Smisingh. Aretinus, et Mastrius.*

32 THEREFORE it must be known that the formal cause of my assent is the revelation of God the truthful declaring: but the material cause is the article itself; and among the articles, that one: *I believe the holy Church,* to which I believe, not simply moved by its bare attestation; for whence should I know that it cannot err? I am moved, therefore, dispositive by the Church: *Because faith is from hearing: Rom. 10.* It is, moreover, worthy of belief for many reasons: on account of the authority of so many wise men, on account of its integrity, on account of miracles which cannot be done by human power, etc. Nevertheless not even this suffices, but an efficient Light is required. Hence *Ephes.* 2. it is said: *Faith is the gift of God,* and John 6. *No man comes to me unless the Father, who sent me, has drawn him.* Thus, then, the Light of the Holy Spirit, with the infused habit also operating, inclines our will, so that it commands the intellect to give assent to the articles handed down by the Church, to which Church I believe as to a mistress of truth proposed to me by God, attesting, and dictating to me with His infallible truth, that she teaches the true faith. So D. Bonav. in 2. dist. 23. quaest. ult. and in 3. dist. 24. dub. 2. litt.

> *IGITUR sciendum, causam formalem mei assensus esse revelationem Dei veridici dicentis: Causa vero materialis est ipse articulus, et inter articulos, ille:* Credo sanctam Ecclesiam, *cui credo, non simpliciter motus attestatione nuda eius; unde enim sciam, illam non posse errare? Moveor igitur dispositive ab Ecclesia:* Quia fides ex auditu: Rom. 10. *Est autem multis de causis fide digna; tum ob authoritatem tot sapientum, ob integritatem, ob miracula, quae humanitus fieri nequeunt, etc. Attamen neque haec sufficit, sed requiritur efficiens Lumen. Ideo* Ephes. 2. *dicitur:* Fides donum Dei, et Ioan. 6. Nemo venit ad me, nisi Pater, qui misit me, traxerit eum. *Sic igitur Lumen Spiritus Sancti, operante etiam habitu infuso, inclinat nostram voluntatem, ut praecipiat intellectui assensum dare articulis traditis ab Ecclesia, cui credo tanquam mihi propositae magistrae veritatis a Deo, attestante, et mihi dictante sua infallibili veritate, eam docere veram fidem. Ita D. Bonav. in 2. dist. 23. quaest. ult. et in 3. dist. 24. dub. 2. litt.*

33 If, therefore, you are asked: Why do you believe the Symbol? Say: because God revealed it, who is truthful. By what means do you know this was revealed by God? Say: The Church tells me so. But whence do you know the Church does not err? Because the first Truth said that she is the mistress of

truth; and this alone is the principle credible per se by divine faith, the divine light of the Holy Spirit operating, and the infused habit inclining. And thus one arrives at the root, which is the veracity of God; but this must be preceded by some disposition, lest a circle arise; and surely also by natural reason it is established that God is truthful, because He is the highest Being. See Valentia at the place cited; Artiagam *disp. 1. sect. 4. num. 58.*; Cardinalem de Lugo *disp. 1. sect. 6.*; Caspensem *sect. 3.*

> *Si igitur interrogeris: Cur credis Symbolum? Dic: quia Deus revelavit, qui verax est. Quo pacto scis hoc a Deo revelatum? Dic: Ecclesia hoc mihi dicit. Unde autem scis, Ecclesiam non falli? Quia prima Veritas dixit, hanc esse magistram veritatis; et hoc solum principium est per se divina fide credibile, agente divino lumine Spiritus Sancti, et habitu infuso inclinante. Et ita devenitur ad radicem, quae est Dei veracitas; haec vero praecedi debet aliqua dispositione, ut vitetur circulus, et sane etiam ratione naturali constat, Deum veracem, quia est summum Ens. Vide Valentiam loco cit. Artiagam* disp. 1. sect. 4. num. 58. *Cardinalem de Lugo* disp. 1. sect. 6. *Caspensem* sect. 3.

34 From which it comes about that the Veracity of God is as it were the principle; but the Truth of revelation is the conclusion deduced, as Lugo shows *sect. 7.*

> *Ex quo fit, ut Veracitas Dei sit veluti principium; Veritas vero revelationis sit conclusio deducta, ut ostendit Lugo* sect. 7.

35 Nor indeed is the natural disposition for believing the veracity of God, and for inferring the truth of the articles, sufficient, but the concurrence of the supernatural is required.

> *Neque vero dispositio naturalis ad Dei veracitatem credendam, et articulorum veritatem inferendam, est satis, sed requiritur concursus supernaturalis.*

36 HENCE a certain argument of Poncius is solved, *disput. 27. quaest.* 2. What connection (he says) has the veracity of God with the coming of Antichrist? For God would be truthful even if Antichrist were not to be: Therefore the veracity of God is not the formal object of faith. It is confirmed: for we believe even if we do not think about this veracity of God.

> *HINC solvitur quoddam argumentum Poncii* disput. 27. quaest. 2. *Quam (ait) connexionem habet veracitas Dei cum adventu Antichristi? Esset enim Deus verax, etiamsi Antichristus non esset futurus: Ergo veracitas Dei non est obiectum formale fidei. Confirmatur; nam credimus, etiamsi non cogitemus de hac Dei veracitate.*

37 It is ANSWERED, that the Veracity of God, not entitative, but declaring, is the formal object of faith; and thus, although God could not reveal Antichrist, yet, revelation supposed, he is the material object, believed because revealed by God, whence arises the very formal ratio.

> *RESPONDETUR, Veracitatem Dei, non entitativam, sed dicentem, esse obiectum formale fidei; et ita, licet posset Deus non revelate Antichristum; tamen supposita revelatione, est obiectum materiale, creditum, quia a Deo revelatum, unde oritur ratio ipsius formalis.*

38 You will say with Vulpes, and the Author of the Controv. among the Scotists. If the ratio of belief is the Divine veracity, insofar as God willed to reveal. Therefore the will of God is the formal ratio of faith.

> *Dices cum Vulpio, et Auctore Controv. inter Scotistas. Si ratio credulitatis est Divina veracitas, quatenus voluit Deus revelare. Ergo voluntas Dei est ratio formalis fidei.*

39 It is answered, that the will does not enter into the object of faith, but is supposed as a condition. From what has been said that question is almost solved: Whether revelation enters into the formal

object of faith.

> *Respondetur, voluntatem non ingredi obiectum fidei, sed supponi ut conditionem. Ex dictis fere solvitur quaestio illa: An revelatio intret in obiectum formale fidei.*

40 The FIRST opinion is, that it is a mere condition, that the articles be believed. So commonly the Scotists: Smisingh, Vulpes *disp. 19. art. 1.*, Arretinus, and others, as cited by Meldula *Tom. 3. disp. 6. quaest. 2.* Suarez seems to approve this mode *disp 3. sect. 2. et alii.*

> *Prima opinio est, eam esse meram conditionem, ut articuli credantur. Ita communiter Scotistae: Smisingh. Vulpes* disp. 19. art. 1. *Arretinus, et alii apud Meldulam* Tom. 3. disp. 6. quaest. 2. *Hunc modum videtur approbare Suarez* disp 3. sect. 2. et alii.

41 The SECOND opinion is, that it alone is the formal object of faith. So Poncius *disp. 17. quaest. 2.*

> *Secunda sententia est, eam solam esse obiectum formale fidei. Sic Poncius* disp. 17. quaest. 2.

42 The THIRD opinion is, that the formal object of faith is the Divine Veracity declaring and revealing, and that in this way revelation is of the formal object of faith. So Suarez *loc. cit.*; Valentia *disp. 1. quaest. 1. p. 1.*; Caspensis *disp. 1. sect. 2.* at the end; Turrianus, Lugo, Coninch *disp. 9. dub. 4.*; Torres, Amicus, Arriaga, Tannerus, and other Recentiores, as cited by Meldula *num. 54.* The same is held by D. Bonav. *at the very end.*

> *Tertia sententia est, obiectum formale fidei esse Divinam Veracitatem dicentem, et revelantem, et hoc modo esse de obiecto formali fidei. Ita Suarez* loc. cit. *Valentia* disp. 1. quaest. 1. p. 1. *Caspensis* disp. 1. sect. 2. *in fine, Turrianus, Lugo, Coninch* disp. 9. dub. 4. *Torres, Amicus, Arriaga, Tannerus, et alii Recentiores apud Meldulam* num. 54. *Idem sentit D. Bonav.* ad ultimum.

43 It is proved from the Holy Doctor in *foundation 6.* That belongs to the formal ratio which constrains us to believe; but this is the article as revealed by God: Therefore. The minor is proved: for whenever there is talk of faith, it is expounded in reference to revelation, to testimony, and to the word, as is evident from the Scriptural testimonies alleged above.

> *Probatur a S. D.* fundamento 6. *Id spectat ad rationem formalem, quod nos arctat ad credendum; sed hoc est articulus, ut a Deo revelatus: Ergo. Minor probatur; Nam semper, quando est sermo de fide, explicatur in ordine ad revelationem, ad testimonium, et ad verbum, ut constat ex testimoniis Scripturae supra allegatis.*

44 Nor is it enough to say that this is a condition; for we are said through faith to receive the word of God; but surely we do not receive a condition, as Arriaga and another note.

> *Nec sufficit dicere, hanc esse conditionem; Nam dicimur per fidem accipere verbum Dei; At profecto non accipimus conditionem, ut advertunt Arriaga, et alius.*

45 Mastrius answers that we believe by the revelation of God insofar as He is truthful, or insofar as He is an infallible witness, and that this is understood tacitly in the Scriptures; therefore the formal ratio of our belief is the veracity of God; but revelation is a condition, as the application of fire is the cause of heat.

> *Respondet Mastrius, nos credere revelatione Dei, quatenus est verax, seu quatenus est testis infallibilis, et hoc subintelligi in scripturis; Igitur rationem formalem nostrae credulitatis esse Dei veracitatem; At revelationem esse conditionem, sicut applicatio ignis est causa caloris.*

46 Against this: for from Mastrius *num. 55.*, the sole internal speech of God does not suffice for the formal object of faith in complete act; but external revelation is required: therefore this enters into the formal object. And that the Veracity of God also intervenes is no obstacle; for it intervenes as declaring and revealing. Wherefore revelation does not stand to the assent of faith in the same way as the knowledge of the good stands to appetite, which is only a condition; for revelation is the connection of the Veracity of God with things, and it is the object of belief; for veracity entitatively is not the formal ratio, but in declaring, as Mastrius asserts *num. 23.* — surely not as asserting within itself, for that matters nothing, but as it says to me externally by revealing. Hence just as in a Syllogism not only the evidence of the premises is the cause of assent to the conclusion, but also the evidence of the consequence — for I assent to the conclusion because I see that it follows from the premises, which I know to be true — so also here. See Coninch. *disp. 9. dub. 4.* It is confirmed: for the external attestation of God has the same certitude as the first truth itself, as Amicus notes; and it unites the first truth with the object. Yet this question is of small moment.

> *Contra; nam ex Mastrio* num 55. *Sola interna Dei locutio non sufficit ad obiectum formale fidei in actu completo; sed requiritur externa revelatio: Ergo haec ingreditur obiectum formale. Quod vero interveniat etiam Veracitas Dei, nihil obest; nam intervenit ut dicens, et revelans. Quare non eodem modo se habet revelatio ad assensum fidei, sicut cognitio boni ad appetitum, quae est tantum conditio; nam revelatio est connexio Veracitatis Dei cum rebus, et est obiectum credulitatis; non enim veracitas entative est ratio formalis, sed in dicendo, ut asserit Mastrius* num. 23. *sane non ut asserit intra se, hoc enim nil refert, sed ut extra dicit mihi revelando. Unde sicut in Syllogismo non sola evidentia praemissarum est causa assensus conclusionis, sed etiam evidentia consequentiae; ideo enim conclusioni assentior, quia video sequi e praemissis, quas scio, esse veras; ita etiam hic. Vide Coninch.* disp. 9. dub. 4. *Confirmatur; nam testificatio externa Dei habet eandem certitudinem, quam habet ipsa prima veritas, ut advertit Amicus; et unit primam veritatem cum obiecto. Haec tamen quaestio est parvi momenti.*

47 From what has been said there also arises the question: Whether the formal ratio of the object of faith includes revelation as obscure, in such a way that it is not exposed to a clear instruction.

> *Ex dictis etiam oritur quaestio: An de ratione formali obiecti fidei sit revelatio, ut obscura est, ita, ut non exponatur institutioni clarae.*

48 The FIRST opinion is that it pertains to the formal object of faith. So Suarez *disp. 3. sect. 7.*; Turrianus *2. 2. disp. 8. dub. 1.*; Albertinus *tom. 1. corol. quaest. 4. disp. 3.*; and very many others; and it is D. Bonav., Foundation 3.

> *Prima opinio est spectare ad obiectum formale fidei, ita Suarez* disp. 3. sect. 7. *Turrianus* 2. 2. disp. 8. dub. 1. *Albertinus* tom. 1. corol. quaest. 4. disp. 3. et alii plurimi, est D. Bonav. Fundamento 3.

49 The SECOND opinion says it is only a condition. So Scotus *3. dist. 31. quaest. unica, C. ad 2.*, whom the Scotists follow, and Caietanus *2. 2. quaest. 1. art. 6.*; Bannes *ibi, art. 4. disp. 1.*; Durandus *3. dist. 24. quaest. 1.*; Coninch. *disp. 11. dub. 1.*; Amicus *disp. 2. sect. 4.*; Bassol. *3. disp. 24. quaest. unic. art. 1.*; Mastrius *disp. 6. quaest. 3. art. 1.*

> *Secunda sententia dicit, esse tantum conditionem. Ita Scotus* 3. dist. 31. quaest. unica, C. ad 2. *quem sequuntur Scotistae, et Caietanus* 2. 2. quaest. 1. art. 6. *Bannes* ibi, art. 4. disp. 1. *Durandus* 3. dist. 24. quaest. 1. *Coninch.* disp. 11. dub. 1. *Amicus* disp. 2. sect. 4. *Bassol.* 3. disp. 24. quaest. unic. art. 1. *Mastrius* disp. 6. quaest. 3. art. 1.

50 I ASSERT with the first opinion that obscure revelation enters into the formal ratio of faith.

> *Assero cum priori sententia, revelationem obscuram ingredi rationem fidei formalem.*

51 It is proved most effectively by D. Bonav. *loc. cit*. That in which Faith differs from the other habits of the intellect pertains to the formal ratio; but faith essentially differs from science through inevidence: Therefore. The minor is proved: for that which is essentially destroyed when clear science arrives is opposed according to a difference; but this is obscurity: Therefore. The minor is proved: for when the vision of the fatherland arrives, faith is emptied out, *1 Corinth. 13*. But even though there can be science and faith about the same object, as I shall say in *quaest. 5.*, still faith retains its obscurity, because in believing it rests on an obscure authority, not on demonstration.

> *Probatur efficacissime a D. Bonav.* loco cit. *Id, in quo Fides differt ab aliis habitibus intellectus, spectat ad rationem formalem; Sed fides essentialiter differt a scientia per inevidentiam: Ergo. Minor probatur; nam id quod essentialiter destruitur, adveniente scientia clara, est oppositum secundum differentiam; sed haec est obscuritas: Ergo. Minor probatur; nam adveniente visione patriae, evacuatur fides,* prima Corinth. 13. *Esto autem possit esse scientia, et fides de eodem obiecto, ut dicam* quaest. 5. *tamen fides adhuc retinet obscuritatem, quia nititur authoritate obscura, non demonstratione, in credendo.*

52 Scotus answers that the greater or lesser clarity comes from the greater or lesser approximation of agent and patient, which is a mere condition: thus from a greater nearness to the light, a body is more illuminated, and yet there is not another formal ratio of acting. So also Mastrius.

> *Respondet Scotus, maiorem, vel minorem claritatem venire ex maiori, vel minori approximatione agentis, et passi, quae est mera conditio: Sic ex maiori vicinitate ad lumen, magis illuminatur corpus, neque tamen est alia formalis ratio agendi. Ita, et Mastrius.*

53 Secondly, Mastrius answers with Amicus by denying that the act of faith differs through obscurity, but through its proper formal object, which is the attestation of the truthful God declaring.

> *Respondet secundo cum Amico Mastrius, negando, actum fidei differre per obscuritatem, sed per proprium obiectum formale, quod est testificatio Dei veracis dicentis.*

54 But these things are empty; for about the same object there is the science of vision and faith; and not only according to the material ratio, but even as revealed by God Himself, and yet faith, when vision arrives, is destroyed: therefore by an opposed difference. But what is it for faith to be from God revealing, or declaring, something different from what is revealed clearly in the fatherland, if not what I say? for that authority, conceived in the revelation of the way, will by no means cease, but will be seen evidently, the obscurity of the way being removed.

> *Sed haec sunt inania; nam circa idem obiectum est scientia visionis, et fides; neque solum secundum rationem materialem; sed etiam, ut revelatum a Deo ipso, et tamen fides, adveniente visione, destruitur: Ergo ab opposita differentia. Quid autem est, fidem esse a Deo revelante, aut dicente diversum a revelante clare in patria, nisi id quod dico? nam neque cessabit omnino authoritas illa concepta in revelatione viae, sed evidenter videbitur, amota viae obscuritate.*

55 I know that the obscurity of the enigma is a condition added to the state of this blind man, as I said *p. 1. tract. 4. disp. 5. quaest. 2. and tract. 10. disp. 1. quaest. 9.*

> *Scio obscuritatem aenigmatis esse conditionem, additam statui huic caeco, ut dixi* p. 1. tract. 4. disp. 5. quaest. 2. et tract. 10. disp. 1. quaest. 9.

56 Surely obscurity is handed down in the definition of faith by the Apostle, by whom faith is called *the argument of things not appearing:* Therefore. It is confirmed: for in this everywhere faith is expressly shown forth. But for this state *1. Cor. 13.* calls it AEnigmatical. And *2 Peter 1.* compares it to a lamp in a dark place. Hence D. August. *Tract. 40. in Ioan.*: *What is faith? to believe what you do not see.* It is confirmed by Suarez with the argument of D. Bonav. in the *opusculo, Principium Scripturae*, taken from D. August. *lib. de utilitate credendi, cap. ult.*: *What we understand we must refer to reason; what we believe, to authority;* but authority does not show the thing in itself: Therefore the obscurity of the object is of the ratio of faith.

> *Profecto obscuritas in definitione fidei traditur ab Apostolo, a quo dicitur* argumentum non apparentium: *Ergo. Confirmatur; Nam in hoc ubique expresse ostenditur fides. Pro hoc statu autem* 1. Cor. 13. *dicitur AEnigmatica. Et* secunda Petri 1. *comparatur lucernae in caliginoso loco. Idco D. August.* Tract. 40. in Ioan. Quid est fides? credere, quod non vides. *Confirmatur Suarez argumento D. Bonav.* opusculo, Principium Scripturae*, sumpto ex D. August.* lib. de utilitate credendi, cap. ult. Quod intelligimus, debemus rationi; quod credimus, auctoritati; *Sed auctoritas non ostendit rem in se: Ergo obscuritas obiecti est de ratione fidei.*

57 Mastrius answers *num. 83.* that this is not a definition of faith, which he proves because the principal element in faith is omitted, that is, the authority of God.

> *Respondet Mastrius* num. 83. *illam non esse definitionem fidei, quod probat, quia omittitur praecipuum in fide, idest auctoritas Dei.*

58 But the Holy Fathers clearly say that it is a definition. I cited them in *quaest. 1.* That the authority of God is also posited there, Mastrius admits *num. 64.*

> *At SS. Patres clare dicunt, esse definitionem. Eas retuli* quaest. 1. *Quod vero ibi ponatur etiam auctoritas Dei, fatetur Mastrius* num. 64.

59 There arises, however, this doubt: Would there be an assent of faith concerning an obscure thing, if I knew evidently that it was so revealed by God, and thus that it was evident on the part of the revealer?

> *Occurrit vero dubium: An esset assensus fidei de re obscura, quam scirem evidenter, ita a Deo esse revelatam, et ita evidens esset ex parte revelantis.*

60 The FIRST opinion is the negative one: Durandi *3. dist. 23. quaest. unica*; Suarez *disp. 3. sect. 8. p. 3.*; Turriani *disp. 8. dub. 1.*; Coninch. *disp. 9. dub. 8.*; Hurtadi *disp. 27. sect. 1.*; Lugo *disp. 2. sect. 1.*; Bannes *ad articulum citatum* of D. Thomas. And it is D. Bonav. *2. dist. 23. quaestione ultima.*

> *Prima opinio est negativa Durandi* 3. dist. 23. quaest. unica*, Suarez* disp. 3. sect. 8. p. 3. *Turriani* disp. 8. dub. 1. *Coninch.* disp. 9. dub. 8. *Hurtadi* disp. 27. sect. 1. *Lugo* disp. 2. sect. 1. *Bannes* ad articulum citatum D. Thomae. *Et est D. Bonav.* 2. dist. 23. quaestione ultima.

61 Caietanus *2. 2. quaest. 5. art. 1.*; Ferrar. *3. cont. Gent. cap. 40.*; Medina *p. 2. quaest. 90. art. 1.*; Valentia disp. 1. quaest. 1. p. 4., who cites S. Bonav.; Vasquez p. 1. disp. 135. cap. 3. and 3. p. disp. 53. cap. 1.; Amicus disp. 2. sect. 5.; and others AFFIRM it. And it is the opinion of Scotus 3. dist. 24. quaest. unic. §. sed si loquamur. His disciples follow him, and Mastac. disp. 3. sect. 4.; Pasqualigo disp. 33. sect. 1.; Tann. quaest. 5. art. 2., as cited by Mastrius, who subscribes disp. 6. quaest. 3. art. 2.; Caspensis disp. 1. sect. 5.; Morand. tract. un. quaest. 3., where he brings forward D. Bonaventure, Alensis, and Durandus. Indeed Tannerus and Mastac. bring forward D. Thomas quaest. 5. art. 2.; but

there he speaks of the evidence of credibility, as Morandus weighs at the place cited, and Cardinal de Lugo in his tom. de fide, disp. 2. sect. 1. num. 46., who nevertheless says the former opinion is the common and truer one.

> *Affirmant Caietanus* 2. 2. quaest. 5. art. 1. *Ferrar.* 3. cont. Gent. cap. 40. *Medina* p. 2. quaest. 90. art. 1. *Valentia disp. 1. quaest. 1. p. 4. qui allegat S. Bonav. Vasquez p. 1. disp. 135. cap. 3. et 3. p. disp. 53. cap. 1. Amicus disp. 2. sect. 5. et alii. Est autem sententia Scoti 3. dist. 24. quaest. unic. §. sed si loquamur. Eum sequuntur discipoli, et Mastac. disp. 3. sect. 4. Pasqualigo disp. 33. sect. 1. Tanner. quaest. 5. art. 2. apud Mastrium, qui subscribit disp. 6. quaest. 3. art. 2. Caspensis disp. 1. sect. 5. Morand. tract. un. quaest. 3. ubi adducit D. Bonaventuram, Alensem, Durandum. Imo Tannerus et Mastac. adducunt D. Thomam quaest. 5. art. 2. sed ibi loquitur de evidentia credibilitatis, ut ponderat Morand. loco citato, et Cardinalis de Lugo tom. de fide, disp. 2. sect. 1. num. 46. qui tamen dicit, priorem sententiam esse communem, et veriorem.*

62 Becanus cap. 1. quaest. 5. and Arriaga disp. 4. sect. 4. seem to have followed the MIDDLE opinion, as I shall report in the arguments.

> *MEDIAM sententiam videntur secuti Becanus cap. 1. quaest. 5. Arriaga disp. 4. sect. 4. ut referam in argumentis.*

63 I CONFESS that in D. Bonav., where he is cited on 3. dist. 24. art. 2. quaest. 3., I do not find what is sought here, but only that faith can coexist with some scientific cognition. Yet he seems to indicate that opinion in the Hexaem. serm. 2. and 9.; but he teaches the opposite in the places to be cited.

> *FATEOR, me in D. Bonav. ubi allegatur 3. dist. 24. art. 2. quaest. 3. non invenire id, quod quaeritur hic, sed solum, posse dari fidem cum cognitione aliqua scientifica. Eam tamen sententiam videtur in Hexamor. serm. 2. et 9. indicare: sed oppositam docet locis citandis.*

64 I ASSERT with D. Bonav. that the evidence of the attester would put the thing outside the object of faith.

> *ASSERO cum D. Bonav. evidentiam attestantis reddere rem extra obiectum fidei.*

65 It is *PROVED from* Suarez with the argument of S. Bonavent. 3. dist. 24. dub. 1. litt. The assent of our faith is free, and hangs on the will. Hence Rom. 10. says: *All do not believe the Gospel.* But if there were evidence on the part of the revealer, so that we would clearly know that the revealer is God, who is the first infallible Truth; already the intellect would necessarily assent to the clear thing: Therefore it would not be an assent of faith. The minor is proved by this Syllogism, to which we necessarily assent. Whatever the first Truth reveals is true; but this the first Truth, by supposition, reveals, namely that God is Three: Therefore this is true.

> PROBATUR a *Suarez argumento S. Bonavent. 3. dist. 24. dub. 1. litt. Assensus fidei nostrae est liber, et pendet a voluntate. Ideo Rom. 10. dicitur:* Non omnes credunt Evangelio. *At si esset evidentia revelantis, ut clare cognosceremus, revelantem esse Deum, qui est prima Veritas infallibilis; iam intellectus necessario rei clarae assentiret: Ergo non esset assensus fidei. Minor probatur hoc Syllogismo, cui necessario assentimur. Quidquid prima Veritas revelat, est verum; sed hoc prima Veritas, ex suppositione, revelat, puta, Deum Trinum: Ergo hoc est verum.*

66 *RESPONDS* Becanus, and Arriaga: the object of faith adequately includes not only revelation, but also the veracity of God. But when God the revealer is recognized, only the evidence of the revelation is clearly recognized, not the veracity of God; and therefore it is not evident according to the whole ratio of the formal object.

> RESPONDET *Becanus, et Arriaga; obiectum fidei includere adaequate non solam revelationem, sed etiam veracitatem Dei. Iam vero Deo revelante agnito, agnoscitur clare sola evidentia revelationis, non autem veracitatis Dei, atque adeo non est evidens secundum totam rationem obiecti formalis.*

67 *BUT* the argument proved that the veracity of God is also clear, for when it is evidently known that the revealer is God, the first Truth is also known. Hence in the major is assumed: *Whatever God reveals is true.*

> AT *argumentum probavit, claram esse etiam veracitatem Dei, nam cognito evidenter revelantem esse Deum; cognoscitur etiam prima Veritas. Unde in maiori assumitur:* Quidquid Deus revelat, est verum:

68 *Responds* Mastrius *num. 91.* that the consequence does not follow in that Syllogism, namely: Therefore it is evident that God is trine. But: Therefore it is true, is a testimony that the truth about the Trinity is true. Therefore the evidence is only extrinsically, not in the object.

> Respondet *Mastrius* num. 91. *non sequi in illo Syllogismo consequentiam. Ergo evidens est, Deum esse trinum. Sed: Ergo verum est; testimonium de Trinitate verum esse. Igitur evidentia est solum extrinsece, non autem in obiecto.*

69 Against this argues Suarez, for it is the same for this to be true, and for this to be so; for a proposition to be true is nothing else than for it to be so.

> *Contra arguit Suarez, nam idem est, verum esse hoc, et hoc ita esse; nam propositionem esse veram, nihil aliud esse, quam ita esse.*

70 Mastrius answers, conceding that they are the same when cognition of the thing is had through intrinsic principles, or through effects intrinsically flowing from it; but not when cognition is had through an extrinsic principle, the attester. So he concludes with Amicus, that the known conclusion is deduced in the same way from known principles in the attester.

> *Respondet Mastrius, concedendo, ea esse idem, quando habetur cognitio de re per principia intrinseca, vel per effectus inetrinsece manantes; non vero quando cognitio habetur per principium extrinsecum attestantis. Ita concludit cum Amico, ex principiis notis in attestante, deduci conclusionem notam eodem modo.*

71 Cardinal de Lugo *num. 9.* protests that he cannot grasp this solution, and deservedly. Against it I argue thus: Every truth evident a posteriori infers an evident consequence; but this proposition: God, who is the first Truth, known evidently, has said that the Incarnation has taken place: Therefore it evidently follows that it has taken place; for this evidence does not arise from revelation alone, in the way in which this utterance: *The Pontiff is ill,* pronounced to me by a Notary, who can lie, and so the object is obscure to me, even though it is evident that he is a Notary of Rome; but in the evidence of the revealer the truth of the thing is included as evident, because God cannot lie. From this the argument of Mastrius *num. 86.* falls to the ground utterly. It can be evident that some witness asserts this, e. g. that Constantinople was burned, and yet remain unevident that the thing is so; for the ratio is disparate, as I said.

> *Cardinalis de Lugo* num. 9. *protestatur, se non capere hanc solutionem, et merito. Contra eam arguo sic: Omnis veritas a posteriori evidens, infert consequentiam evidentem; sed haec propositio: Deus, qui est prima Veritas, cognitus evidenter dixit, Incarnationem factam: Ergo evidenter sequitur, eam esse factam: Nam non ex sola revelatione oritur haec evidentia ad modum, quo haec dictio:* Pontifex aegrotas, *mihi pronunciata a Tabellione, qui potest mentiri, et ita obscurum est mihi obiectum, tametsi evidens sit, illum esse Tabellionem Romae; sed in evidentia revelantis includitur veritas rei evidens, quia Deus non potest mentiri. Ex quo ruit funditus argumentum Mastrii* num. 86. *Potest esse*

evidens, testem quempiam hoc asserere, v. g. Constantinopolim incensam, et tamen manere inevidens, rem ita esse; est enim dispar ratio, ut dixi.

72 *LET* there be, therefore, this argument: It is evident that everything revealed by God is true, because God is the first Truth: but it is evident that this is a revelation of God: *The Son of God is Incarnate:* Therefore it is evident that it is true.

FIAT *ergo hoc argumentum: Evidens est, omne revelatum a Deo, esse verum, quia Deus est prima Veritas: Sed evidens est, hanc esse revelationem Dei:* Filius Dei est Incarnatus: *Ergo evidens est, esse verum.*

73 *YOU WILL ASK:* Whether a Syllogism consisting of one premise of faith and another naturally evident has a conclusion of faith.

QUAERES: *An Syllogismus constans una praemissa de fide; altera evidenti naturaliter, habeat conclusionem de fide.*

74 *IT IS ANSWERED*, by denying it, for the conclusion follows the weaker part; but the weaker is natural truth than truth of faith. See Caspensem *sect. 6.* Valentiam *puncto 2.*

RESPONDETUR*, negando, nam conclusio sequitur debiliorem partem; debilior autem est veritas naturalis, quam veritas de fide. Vide Caspensem* sect. 6. *Valentiam* puncto 2.

Question III: Whether the object of faith is something complex

1 THEY treat this question in agreement with the Holy Doctors: Alens. *3. p. quaest. 79. membr. 5.* Albert. *in 3. dist. 24. art. 5.* Altisiodor. *lib. 3. tract. 3. cap. 2. quaest. 2.* Richard. *dist. 24. quaest. 2.* Durand. *ibi, et alii;* nor is there almost any difficulty.

HANC quaestionem agunt cum SS. Doctoribus Alens. 3. p. quaest. 79. membr. 5. *Albert.* in 3. dist. 24. art. 5. *Altisiodor.* lib. 3. tract. 3. cap. 2. quaest. 2. *Richard.* dist. 24. quaest. 2. *Durand.* ibi, et alii; *nec ulla est fere difficultas.*

2 THE FIRST opinion is that the object of faith is something Incomplex, as God, the Incarnation, etc. Thus, as regards God, the principal object seems to be a clear reality.

PRIMA opinio est, obiectum fidei, esse quid Incomplexum, ut Deum, Incarnationem, etc. Sic, quoad Deum, obiectum principale videtur res clara.

3 St. Bonaventure refutes this view, because, although God in himself is simple, he is nevertheless believed not incomplexly, but complexly, as Valentia also notes *quaest. 1. p. 2.* Mastrius *disp. 6. quaest. 1. art. 1.* Caspensis *sect. 1. num. 9.* Since, therefore, the object must be taken not materially, as a thing; but under that aspect under which it is regarded by the habit, and by the potency, and the potency regards the object as complex; therefore it must be so enunciated.

HUNC modum redarguit S. Bonav. quia, licet Deus in se simplex sit, tamen non creditur incomplexe, sed complexe, ut notant etiam Valentia quaest. 1. p. 2. *Mastrius* disp. 6. quaest. 1. art. 1. *Caspensis* sect. 1. num. 9. *Cum igitur debeat obiectum sumi non materialiter, ut res; sed sub ea ratione, qua respicitur ab habitu, et potentia, et potentia respiciat obiectum ut complexum; ideo sic enunciandum.*

4 The SECOND opinion is that the object of faith is about complex truth, not only because faith regards the object as enunciated, and our intellective potency does not grasp it except by way of composition; but also because it is objected according to some difference of time, as: The Incarnation has been made: The Judgment has not been made. And if you say that faith must be changed while

the enunciables are changed at different times. The Nominalists respond that the enunciates are not changed, because it is the same true enunciate, you will run, you are running, you have run, despite the diversity of times. Then, even if the enunciables were changed; still they say that Faith is not changed.

> *SECUNDA sententia est, obiectum fidei esse circa verum complexum, non solum quia fides respicit obiectum, ut enunciatur, et potentia intellectiva nostra non capit, nisi per modum compositionis; sed etiam, quia obiicitur secundum differentiam aliquam temporis, ut: Incarnatio est facta: Iudicium non est factum. Et si dicas, mutandam fidem, dum mutantur enunciabilia temporibus diversis. Respondent Nominales, non mutari enunciata, quia est idem enunciatum verum, te cursurum, te currere, te cucurrisse pro temporum diversitate. Deinde, esto mutentur enunciabilia; tamen aiunt, non mutari Fidem.*

5 Yet St. Bonaventure *in 1. dist. 41. quaest. ult.* rejected this view, because the enunciate signifies not only the thing, but the mode of its being, and since one is the mode by which the Judgment will be; and another, by which it is; and then again, by which it was; the enunciation also varies, and its truth varies. And if, on account of the immutability of the account, the enunciations of faith are immutable; they will also be one article, because one is the reason of all believing.

> *HUNC tamen modum repulit S. Bonav.* in 1. dist. 41. quaest. ult. *quia enunciabile significat non solum rem, sed et modum se habendi, et cum alius sit modus, quo se habebit Iudicium; et postea, quo se habet; et deind, quo se habuit; varia est etiam enunciatio, et variatur eius veritas. Et si ob immutabilitatem rationis sunt immutabiles enunciationes fidei; erunt etiam unus articulus, quia una est ratio omnes credendi.*

6 Therefore the Holy Doctor ASSERTS that the object of faith, as it is regarded by the believer, according to assent, is complex.

> *ASSERIT igitur S. D. obiectum fidei, ut respicitur a fideli, secundum assensum, esse complexum.*

7 *IT IS PROVED* by the Holy Doctor, first from D. August. de praedest. Sanctorum, cap. 2. where he says: *To believe is to think with assent.*

> PROBATUR *a S. D. primo ex D. August. de praedest. Sanctorum, cap. 2. ubi ait:* Credere, esse cogitare cum assensione.

8 *SECOND*, because faith regards the object as true, and therefore as to be asserted. It is confirmed, because faith is opposed to error; but error is about the complex, attributing to a thing what it does not have: Therefore.

> SECUNDO*, quia fides respicit obiectum, ut verum, et ideo asserendum. Confirmatur, quia fides opponitur errori; at error est circa complexum, attribuendo rei id, quod non habet: Ergo.*

9 *FINALLY*, if the object of faith were Incomplex, say the coming of the Messiah, or the Universal Judgment: Then the Jews would not err in saying that they believe the coming of the Messiah, but that it has not yet come: Nor would he err who said that the Judgment had already been made. Therefore the Holy Doctor notes that the explicit object of faith includes even the differences of time, so that, e. g., it be believed that the Incarnation has already taken place, etc.

> TANDEM*, si obiectum fidei esset Incomplexum, puta adventus Messiae, aut Universale Iudicium: Ergo non errarent Iudaei dicentes, se credere adventum Messiae; sed adhuc non venisse: Neque erraret, qui diceret, Iudicium iam factum esse. Advertit ergo S. D. obiectum explicitum fidei includere etiam differentias temporis, ut credatur v. g. Incarnatio iam facta, etc.*

10 I ASSERT, second, that some object of faith, as it is a thing, say God, is incomplex. So D. Thom. Valentia, Caspensis, Mastrius; nor does S. Bonav. disagree, for God is most simple in himself.

> *ASSERO secundo, aliquod obiectum fidei, ut res est, puta Deum, esse incomplexum. Ita D. Thom. Valentia, Caspensis, Mastrius; nec dissentit S. Bonav. est enim Deus simplicissimus in se.*

11 *IT IS PROVED*, second, by the Holy Doctor. For those who of old believed the Incarnation implicitly did not believe it necessarily under some difference of time, but were able to suspend judgment: whether he had been born; or not.

> PROBATUR *secundo a S. D. Nam credentes olim implicite Incarnationem, non credebant necessario sub aliqua differentia temporis, sed poterant suspendere: an esset natus; vel non.*

12 *YOU WILL OBJECT* against the first assertion. Hope and Charity are about incomplexes: Therefore also faith.

> OBIICIES *contra primum assertum. Spes, et Charitas sunt circa incomplexa: Ergo et fides.*

13 *THE HOLY DOCTOR ANSWERS* by denying the consequence, because Hope and Charity are affections, and therefore regard things, say beatitude, God, etc. But faith deals in the intellect, composing, dividing, etc.

> RESPONDET *S. D. negando consequentiam, quia Spes, et Charitas sunt affectus, ideo respiciunt res, puta beatitudinem, Deum, etc. At fides negotiatur in intellectu, componendo, dividendo, etc.*

Question IV: Whether the object of faith can be false

1 The theologians answer UNANIMOUSLY that falsity cannot underlie the object of faith. So the Holy Doctors here; Alens. 3. p. quaest. 79. membr. 1. Albert. 3. dist. 25. art. 3. Altisiodor. lib. 3. tract. 3. cap. 2. quaest. 3. Richardus 3. dist. 24. quaest. 3. and all the others, in Tanner disp. 1. quaest. 1. dub. 5. where he has nearly everything from the Holy Doctors.

> *UNANIMES respondent Theologi, obiecto fidei non posse falsum subesse. Ita Sancti Doctores hic; Alens. 3. p. quaest. 79. membr. 1. Albert. 3. dist. 25. art. 3. Altisiodor. lib. 3. tract. 3. cap. 2. quaest. 3. Richardus 3. dist. 24. quaest. 3. et alii omnes apud Tanncrum disp. 1. quaest. 1. dub. 5. ubi omnia fere e S. Doct. habet.*

2 *IT IS PROVED* by D. Bonav. first. Faith in the way belongs only to that of which there will be vision in the fatherland; but falsity cannot underlie the vision in the fatherland: Therefore.

> PROBATUR *a D. Bonav. primo. Illius tantum est fides in via, cuius erit visio in patria; sed visioni in patria non potest subesse falsum: Ergo.*

3 *SECOND*. As Charity is related to good, so is Faith to truth; but Charity does not desire except the good: Therefore Faith never makes one believe except the truth.

> SECUNDO. *Sicut se habet Charitas ad bonum, ita Fides ad verum; sed Charitas non appetit nisi bonum: Ergo Fides nunquam facit credere, nisi verum.*

4 *THIRD*. Everything that falls under faith falls under revelation from the first Truth; but nothing false can fall into the first Truth: Therefore neither into Faith. The major is proved; for the first Truth, as revealing, is the formal aspect under which that of faith itself [is believed]; but nothing falls into any habit except under the formal aspect of its own object, nor even into any potency. For nothing is

attained by the visual potency except under the aspect of the luminous. The minor is proved by D. Bonav. For the false fights directly with the first truth, and is opposed to it as evil to good; and not being to being. This is the principal argument by which nearly all the others proceed, as Valentia says quaest. 1. puncto 3.

> Tertio. *Omne, id quod cadit sub fidem, cadit sub revelationem a prima Veritate; sed nihil falsum potest cadere in primam Veritatem: Ergo neque in Fidem. Maior probatur; nam prima Veritas, ut revelans, est ratio formalis, sub qua ipsius fidei; nihil autem cadit in aliquem habitum, nisi sub ratione formali obiecti ipsius, ut neque etiam in potentiam aliquam. Nihil enim attingitur a potentia visiva, nisi sub ratione lucidi. Minor probatur a D. Bonav. Nam falsum pugnat directe cum prima veritate, et opponitur illi, sicut malum bono; et non ens enti. Hoc est praecipuum argumentum, quo caeteri fere utuntur, ut ait Valentia quaest. 1. puncto 3.*

5 *YOU WILL SAY*, many things revealed depend on human faith, e. g. the authority of Clement X. from the fact that he is canonically elected. The Council of Trent, that it is canonically convened, and the like.

> Dices, *multa revelata pendent ex fide humana, v. g. authoritas Clementis X. ex eo, quod sit canonice electus. Concilium Tridentinum, quod sit canonice congregatum, et similia.*

6 *IT IS ANSWERED*, these depend on human faith as on a disposition; But the election is certain, because in Matth. 16. it is promised that the assistance of God will not be wanting to the Church.

> RESPONDETUR, *ea pendere ex fide humana tanquam ex dispositione; At electionem esse certam, quia Matth. 16. promittitur, Ecclesiae non defuturam Dei assistentiam.*

7 *It is confirmed* by the Holy Doctor. For the cognition under which falsity can lie is rather deception than illumination; But faith is the illumination of the mind, as D. August. says lib. com. epist. fund. cap. 14.

> Confirmatur *a S. D. Nam cognitio, cui potest subesse falsum, est potius deceptio, quam illuminatio; At fides est mentis illuminatio, ut ait D. August. lib. com. epist. fund. cap. 14.*

8 *It is confirmed second* by the Holy Doctor; for the Theological Virtue is more certain than every art and science; But falsity cannot underlie the sciences: Therefore.

> Confirmatur secundo *a S. D. nam Virtus Theologica est certior omni arte, et scientia; At scientiae non potest subesse falsum: Ergo.*

9 *IT IS PROVED* by S. Bonav. in the body [of the article], because our faith relies on Divine cognition; but God comprehends all things, so that he knows even future contingents with certainty: Therefore. Here the Holy Doctor, taking his occasion from the Minor of the third argument, settles that question: Whether God can deceive; which question he also treats in 2. dist. 37. art. 2. quaest. 1. and Cano examines it on purpose, quaest. 3. de Locis Theol.

> PROBATUR *a S. Bonav. in corpore, quia fides nostra nititur Divina cognitione; sed Deus omnia comprehendit, ita ut etiam futura contingentia certo sciat: Ergo. Hic S. Doctor, ansam arripiens a Minori tertii argumenti, definit eam quaestionem: An Deus possit decipere; quam quaestionem agit etiam in 2. dist. 37. art. 2. quaest. 1. et ex proposito quaest. 3. eam perlustrat Cano de Locis Theol.*

10 For if God can deceive, the way will not lie open to us for knowing this or that infallible thing; since they cannot be reduced to the first truth.

Si etenim potest Deus decipere, non patebit nobis via ad cognoscendum hoc, vel illud infallibile; cum nequeant reduci in primam veritatem.

11 IT is the most certain assertion of all Catholics that it is heretical to say that God, by himself or through another, ever taught falsity, or that by ordinary law he can teach it. So Valentia admonishes. It is against the Priscillianists, in D. August. de haeres. haeresi 70.

EST certissima assertio omnium Catholicorum, haereticum esse dicere, Deum per se, vel per alium, unquam docuisse falsum, vel de lege ordinaria posse docere. Ita admonet Valentia. Est contra Priscillianistas apud D. August. de haeres. haeresi 70.

12 *IT IS PROVED* first by the Holy Doctor on 3. Ioan. *He who receives his testimony hath set to his seal that God is true*, and it is added on Rom. 3. *But God is true: but every man a liar*. Thence he deduces there also that whoever speaks the words of God, or in the name of God, is truthful, and thus God cannot deceive through another.

PROBATUR *primo a S. Doct. ad 3. Ioan.* Qui accipit eius testimonium, signavit quia Deus verax est, *et additur ad Rom. 3.* Est autem Deus verax: omnis autem homo mendax. *Hinc deducit ibi etiam, quemcumque loquentem verba Dei, seu nomine Dei, esse veracem, et ita non posse Deum per alium decipere.*

13 The Holy Doctor proves the SAME on cap. 8. Ioan. with those words: *He that sent me is true*. There he also elegantly solves the doubt: Why the Father is called Truthful: But the Son Truth: *I am the way, the truth, and the life*. Ioan. 14. And the Church sings in the office of the Most Holy Trinity *Truthful the Father, Truth the Son*. This doubt moved S. August. tract. 30. in Ioan. For since Truth says something more than Truthful, just as Piety says more than Pious; for pious is said from piety, not the other way around: Therefore truth ought to be appropriated to the Father, from whom is the Son.

IDEM probat S. D. ad cap. 8. Ioan. illis verbis: Qui misit me, verax est. *Ibi autem solvit lepide dubium: Cur Pater dicatur Verax: At filius Veritas:* Ego sum via, veritas, et vita. *Ioan. 14. Et cantat Ecclesia in officio Sanctissimae Trinit.* Verax Pater, Veritas filius. *Movit hoc dubium S. August. tract. 30. in Ioan. Cum enim Veritas dicat quid amplius quam Verax, sicuti Pietas plus dicit, quam Pius; pius enim dicitur a pietate non e contra: Ergo veritas debuit appropriari Patri, a quo est Filius.*

14 S. Bonav. *ANSWERS* from D. August. that the Father is truthful, because he spoke the true Word, which is Truth. And so he is not called Truthful by participation.

RESPONDET *S. Bonav. ex D. August. Patrem esse veracem, quia dixit Verbum verum, quod est Veritas. Itaque non participatione dicitur Verax.*

15 The Holy Doctor *shows the same* on 14. Ioan. with those words of Christ: *I am the way, the truth, and the life*, and he brings forward the exposition of Chrysost. homil. 27. and of D. August. tract. 69. and serm. 54. de verbis Domini. He shows it also on 16. Lucae, from Psalm 116. *The truth of the Lord endureth for ever*, and Psalm. 118. *Unto generation and generation thy truth*, and of mediated truth: *But he that doth truth cometh to the light, that his works may be made manifest, because they are done in God*. Ioan. 3. and cap. 8. *If you shall abide in my word, you shall know the truth, and the truth shall liberate you*.

Idem ostendit *S. D. ad 14. Ioan. illis verbis Christi:* Ego sum via, veritas, et vita, *et affert expositionem Chrysost. homil. 27. et D. August. tract. 69. et serm. 54. de verbis Domini. Id ostendit etiam ad 16. Lucae ex Psalmo 116.* Veritas Domini manet in aeternum, *et Psalm. 118.* In generationem, et generationem veritas tua, *et de*

veritate mediata: Qui autem facit veritatem, venit ad lucem, ut manifestentur opera eius, quia in Deo sunt facta. *Ioan. 3. et cap. 8.* Si manseritis in sermone, cognoscetis veritatem, et veritas liberabit vos.

16 *IT IS PROVED second*. Whatever God can make has its exemplar in God; but a false enunciation, as false, has no exemplar in God: Therefore. The minor is proved; For truth is the ground of exemplarity.

PROBATUR secundo. *Quidquid Deus potest facere, habet exemplar in Deo; sed enunciatio falsa, ut falsa, non habet exemplar in Deo: Ergo. Minor probatur; Nam veritas est ratio exemplandi.*

17 *IT IS PROVED third* by the Holy Doctor. As goodness is related to malice, so is truth related to falsity; but from supreme goodness malice can in no way be: Therefore from supreme truth falsity cannot be. This argument is from proportion; for guilt repugns God more, although both intrinsically repugn the most perfect Being, as the Holy Doctor notes in the body.

PROBATUR tertio *a S. D. Sicut se habet bonitas ad malitiam, sic se habet veritas ad falsitatem; sed a summa bonitate nullo modo potest esse malitia: Ergo a summa veritate non potest esse falsitas. Hoc argumentum est a proportione; nam culpa magis Deo repugnat, tametsi Enti perfectissimo utrumque intrinsece repugnet, ut advertit S. Doctor. in corpore.*

18 *IT IS PROVED fourth* by the Holy Doctor. True and Being are convertible: But there cannot be from God anything that is not a being: Therefore neither can it be true[1]: But a false enunciation says the privation of the true: Therefore.

[1] Editor's note: the print/OCR reads 'Ergo neque potest esse, sit veram' (djvu layer: 'Ergo ncque ootcft eflc , qood non fic vcmm'); rendered as 'Ergo neque potest esse, quod non sit verum' — the print fragment shows 'quod non' after 'esse', which the transcription had dropped.

PROBATUR quarto *a S. Doctore. Verum, et Ens convertuntur: Sed non potest a Deo esse aliquid, quod non sit ens: Ergo neque potest esse, quod non sit verum: Sed enunciatio falsa dicit privationem veri: Ergo.*

19 *IT IS PROVED* fifth. If he can say a false thing; either ignorantly, or knowingly; Not ignorantly, because God is of infinite wisdom; Nor knowingly, because thus he would lie; But to say that God lies is profane and impious against Scripture and the Fathers. Therefore: The subsumption is proved. Num. 23. *God is not as a man, that he may lie.* Psal. 5. *Thou wilt destroy all that speak a lie.*

PROBATUR *quinto. Si potest dicere falsum; vel hoc ignoranter, vel scienter; Non ignoranter, quia Deus est infinitae sapientiae; Neque scienter, quia sic mentiretur; At dicere, Deum mentiri, est prophanum, et impium contra Scripturam, et Patres. Ergo: Subsumptum probatur. Num. 23.* Non est Deus quasi homo, ut mentiatur. *Psal. 5.* Perdes omnes, qui loquuntur mendacium.

20 The same the Holy Fathers proclaim with one voice: Athan. lib. de Incarn. Verbi. Chrysost. homil. in Symbolum Apostolorum, Cyrill. Alex. lib. 2. in Ioan. cap. 69. Ambros. lib. 6. epistolarum, epistola 57. where he brings forward that of Numer. 23. and Hebr. 6. *It is impossible for God to lie.* D. August. 22. de civit. cap. 25. and lib. 1. de Symbolo ad Cathec. cap. 1. Anselm. lib. 1. Cur Deus homo, cap. 22. Valentia cites them.

Idem conclamant SS. Athan. lib. de Incarn. Verbi. Chrysost. homil. in Symbolum Apostolorum, Cyrill. Alex. lib. 2. in Ioan. cap. 69. Ambros. lib. 6. epistolarum, epistola 57. ubi affert id Numer. 23. et Hebr. 6. Impossibile est mentiri Deum. *D. August. 22. de civit. cap. 25. et lib. 1. de Symbolo ad Cathec. cap. 1. Anselm. lib. 1. Cur Deus homo, cap. 22. Eos refert Valentia.*

21 From these Fathers S. Bonav. extracts an argument. That which says imperfection is impossible to God; But lying says imperfection; likewise also deception through falsity; for it says the lack of truth: Therefore. This is the argument of these Fathers to the letter, who from the omnipotence of God gather, indeed, that he cannot lie; because to lie is to fail, not to be able.

> *Ex his Patribus eruit S. Bonav. argumentum. Id, quod dicit imperfectionem, est Deo impossibile; At mendacium dicit imperfectionem; similiter et deceptio per falsitatem; dicit enim carentiam veritatis: Ergo. Hoc est ad litteram argumentum horum Patrum, qui ex omnipotentia Dei imo colligunt, eum non posse mentiri; quia mentiri, est deficere, non autem posse.*

22 *YOU WILL OBJECT* first with certain Scriptures fighting in words. Exod. 20. *I am a mighty and jealous God, punishing the sins of the fathers upon the children unto the fourth generation.* And yet in Ezech. 18. it is said: *The son shall not bear the iniquity of the father.*

> OBIICIES *primo aliquas Scripturas verbis pugnantes. Exod. 20.* Ego sum Deus fortis, et Zelotes, puniens peccata Patrum in filios usque ad quartam generationem. *Et tamen Ezech. 18. dicitur:* Filius non portabit iniquitatem Patris.

23 *LIKEWISE* in Iob. 1. it is said: *In all these things Job did not sin, nor did he speak any foolish thing against God.* The contrary of which Iob 39. and 42. signifies. Similarly cap. 7. he says: *I have sinned, what shall I do to thee;* But cap. 27. *For my heart hath not reproved me.*

> ITEM *Iob. 1. dicitur:* In omnibus his non peccavit Iob, neque stultum aliquid contra Deum locutus est. *Cuius contrarium significat Iob 39. et 42. Similiter cap. 7. ait:* Peccavi, quid faciam tibi; *At cap. 27.* Neque enim reprehendit me cor meum.

24 The Holy Doctor *ANSWERS* that these do not clash; and to that of Exodus he responds, in the sermon on the ten commandments, that God punishes with temporal inconveniences; (for, as regards these, the Son is part of the Father) but not with eternal punishments, and in this sense Ezechiel speaks.

> RESPONDET *S. D. haec non implicare, et ad id Exodi respondet, sermone de decem praeceptis, Deum punire temporalibus incommodis; (nam, quoad haec, Filius est pars Patris) non autem poenis aeternis, et hoc sensu loquitur Ezechiël.*

25 To the places of Job I say that he sinned lightly, cap. 7. not gravely, cap. 37. and cap. 39. and 42. he confesses he spoke foolishly; yet did not sin. See D. Gregory lib. 32. Moral. cap. 1.

> *Ad loca Iob dico, eum peccasse leviter, cap. 7. non graviter cap. 37. et cap. 39. et 42. insipienter locutum se fatetur; non tamen peccasse. Vide D. Gregorium lib. 32. Moral. cap. 1.*

26 *THEY OBJECT* second with the Scriptures in which God seems to have deceived, which Melchior Cano reports at length lib. 2. de locis, cap. 2. Genes. 22. Abraham said: *Stay you here, I and the boy: after we have worshipped, we will return;* and yet he wished to immolate his son. That he spoke, however, by divine instinct, Ambr. asserts lib. 1. de Abraham, cap. 8.

> OBIICIUNT *secundo Scripturas, in quibus videtur Deus decepisse, quas refert late Melchior Cano lib. 2. de locis, cap. 2. Genes. 22. Abraham dixit:* Expectate hic Ego et puer, postquam adoraverimus, revertemur; *et tamen volebat immolare filium. Locutum autem divino instinctu, asserit Ambr. lib. 1. de Abraham, cap. 8.*

27 The Holy Doctor *ANSWERS* 3. dist. 38. quaest. 2. that Abraham did not lie, because he thought that the son, once immolated, was to be raised again, as is said in Hebr. 11. and therefore would return. So D. August. expounds it serm. 71. and 72. de tempore. Gabriel 3. dist. 30. Carthus. on that place, and Valentia loc. cit. follow them.

> RESPONDET *S. D. 3. dist. 38. quaest. 2. Abraham non esse mentitum, quia putabat, filium immolatum resuscitandum, ut dicitur Hebr. 11. et ideo reversurum. Ita exponit D. August. serm. 71. et 72. de tempore. Eos sequuntur Gabriel 3. dist. 30. Carthus. in eum locum Valentia loc. cit.*

28 *THEY OPPOSE* Genes. 27. where Jacob lied. *I am Esau,* which he yet said by the instinct of God, as Pope Innocent teaches, cap. Gaudemus extra, de divortiis.

> OPPONUNT *Genes. 27. ubi Iacob mentitus est.* Ego sum Esau, *quae tamen instinctu Dei dixit, ut docet Innocentius Papa, cap. Gaudemus extra, de divortiis.*

29 The Holy Doctor *ANSWERS* 3. dist. 38. dub. 4. litt. that Jacob spoke the truth; for he was Esau not indeed in person, but by election to the primogeniture, of which he had been instructed by his mother, who had been taught that the elder would serve the younger, Genes. 25. Nor did he deceive by the garment, but he signified mysteries. So with D. August. contra mendacium cap. 10. and Ambrose de Iacob. Cano, Valentia, and others follow them. See Pererius and Ribeta on those places, on cap. 11. Hebr.

> RESPONDET *S. D. 3. dist. 38. dub. 4. litt. Iacob verum dixisse; nam erat Esau non quidem persona, sed electione ad primogenituram, de quo instructus erat a matre, quae edocta erat, Maiorem serviturum minori Genes. 25. Neque etiam vestitu decepit, sed mysteria signavit. Ita cum D. August. contra mendacium cap. 10. Ambrosio de Iacob. Sequuntur Cano, Valentia, et alii. Vide ad ea loca Pererium, et Ribetam ad cap. 11. Hebr.*

30 *THEY OBJECT* also Isa. 38. and 4. Reg. 20. where the Lord through Isaiah announced death to Ezechias; yet he did not die. So also Ninive was not overthrown, Ionae 2.

> OBIICIUNT *id Isa. 38. et 4. Reg. 20. ubi Dominus per Isaiam nunciavit Ezechiae mortem; nec tamen mortuus est. Sic et Niniue non est subversa, Ionae 2.*

31 *TO THIS,* and the like, I responded p. 1. tract. 1. disp. 8. quaest. 1. from D. Bonav. lib. 1. compend. Theolog. verit. cap. 19. that Ezechias was to die according to natural causes, but God delivered him by a miracle. So also Ninive was to be destroyed according to its demerits, yet was delivered on account of penance, which, if it had not done, it would have perished.

> HUIC, *et similibus respondi p. 1. tract. 1. disp. 8. quaest. 1. ex D Bonav. lib. 1. compend. Theolog. verit. cap. 19. Ezechiam moriturum secundum causas naturales, sed Deus eum miraculo liberavit. Sic et Niniue secundum demerita erat destruenda, liberata tamen ob poenitentiam, quam si non fecisset, periisset.*

32 *THEY OBJECT* also 3. Reg. 22. where the Lord says: *Who shall deceive Achab?* and there went forth a wicked spirit, which took upon itself to deceive all the prophets. And the Lord: *Go forth, and do so.* And the prophet subjoins: *Behold the Lord hath given a lying spirit in the mouth of all the prophets.*

> OBIICIUNT *etiam id 3. Reg. 22. ubi ait Dominus:* Quis decipiet Achab? *et prodiit Spiritus nequam, qui suscepit decipiendos omnes prophetas. Et Dominus:* Egredere, et fac ita. *Et subdit propheta:* Ecce dedit Dominus spiritum mendacem in ore omnium prophetarum.

33 The Holy Doctor *ANSWERS* in 2. dist. 10. dub. 1. and dist. 27. art. 2. quaest. 1. to the arguments, that by those words is not signified the command of God, but permission, which is often in the Scriptures expressed in the same manner of speaking as the command, as Ioan. 13. *That which thou dost, do quickly,* on which see S. Bonav. there, where he brings forward other expositions. On the same answer rely Morandus, Cano, Valentia, and the rest.

> RESPONDET *S. Doct. in 2. dist. 10. dub. 1. et dist. 27. art. 2. quaest. 1. ad argumenta, illis verbis non signari praeceptum Dei, sed permissionem, quae saepe in Scripturis eodem modo dicendi explicatur, quo et praeceptum, ut Ioan. 13.* Quod facis, fac citius, *de quo vide S. Bonav. ibi, ubi alias expositiones affert. Eodem responso nituntur Morandus, Cano, Valentia, et reliqui.*

34 *I ASSERT* consequently, second, that no power can cause God to teach falsity. It is against Gabriel 3. dist. 38. quaest. unica Aliacum p quaest. 12. Hybernicum, and Adam, whom Gregory cites primo, dist. 42. quaest. 2. but it is the common [opinion] of the Theologians.

> ASSERO *consequenter secundo, nulla potentia Deum posse docere falsum. Est contra Gabrielem 3. dist. 38. quaest. unica Aliacum p quaest. 12. Hybernicum, et Adamum, quos refert Gregorius primo, dist. 42. quaest. 2. est vero communis Theologorum.*

35 *IT IS PROVED* first. Hebr. 6. where it says: *It is impossible for God to lie,* which all the arguments of S. Bonav. prove, drawn from the nature of God, and strengthened with the Holy Fathers; For they deny that God can lie for this reason, because this is an imperfection simply repugning the nature, or the Divine perfection.

> PROBATUR *primo. Hebr. 6. ubi ait:* Impossibile est mentiri Deum, *quod probant rationes omnes S. Bonav. sumptae ex natura Dei, et cum Sanctis Patribus roboratae; Illi enim propterea negant, posse Deum mentiri, quia haec est imperfectio repugnans simpliciter naturae, seu perfectioni Divinae.*

36 Hence the Holy Doctor argues: he, of whom all perfection is simply to be asserted, and authority, and all imperfection to be denied, cannot take on the imperfection of lying: But God has supreme perfection, and authority for persuading: Therefore lying repugns him.

> *Hinc arguit S. Doct. is, de quo omnis perfectio simpliciter est asserenda, et authoritas, atque omnis imperfectio neganda, non potest capere imperfectionem mentiendi: Sed Deus habet summam perfectionem, et authoritatem ad persuadendum: Ergo ei repugnat mentiri.*

37 *IT IS PROVED* by another argument by the Holy Doctor in the body, from the consequence of guilt. It is certain that God cannot be the author of guilt. It is also certain that it would be a most grievous thing for us, unless we believed most firmly all the things revealed by God that are of faith; for to doubt of them is heresy, or at least mortal sin; but to deny them is open heresy. But if God could lie, we should not be held to believe firmly the things revealed by God; indeed we could justly always doubt: whether God willed to lie, or to deceive us: Therefore. It is proved that this follows, for we could not be certified of the nature of God on the hypothesis that lying does not repugn him; Nor from ordinary law, because if he can lie, we are not certain: whether in some thing he willed to lie: Therefore. And so our credulity would not be reduced to the solid root of the truthfulness of God, as Morandus notes. This is the genuine argument of the Seraphic Doctor, if it be thoroughly pondered, and it is of such weight with Valentia that nothing further for persuading would be desired. For the argument of the Seraphic Doctor is not absolutely from the mere proportion of deception with guilt; as if, since God cannot sin, neither can he deceive; for to sin is graver than to deceive another by a

word, as the Holy Doctor himself notes; But it is from the consequence inducing guilt. On account of these things the assertion is held to be of faith by Morandus T. VII. quaest. 2. Pasqualigo disp. 31. sect. 1. and others.

> PROBATUR *alia ratione S Doct. in corpore ex consequentia culpae. Certum est, Deum non posse esse authorem culpae. Certum est etiam, culpam esse nobis gravissimam, nisi credamus firmissime omnia a Deo revelata de fide; nam de eis dubitare, est haeresis, vel saltem culpa mortalis; negare vero, est haeresis aperta. At si Deus posset mentiri, non teneremur firmiter credere revelata a Deo; imo possemus iuste semper dubitare: an Deus voluerit mentiri, seu nos deciperet: Ergo. Probatur, hoc consequi, non enim possemus certificari de natura Dei ex hypothesi, quod non repugnat ei mentiri; Neque ex lege ordinaria, quia si potest mentiri, non sumus certi: an in aliquo mentiri voluerit: Ergo. Itaque non reduceretur nostra credulitas in radicem solidam veracitatis Dei, ut advertit Morandus. Hoc est germanum Seraphici argumentum, si penitus pensitetur, quod tanti ponderis est apud Valentiam, ut nil ad persuadendum desideretur. Neque enim argumentum Seraphici est absolute a sola proportione deceptionis cum culpa; ut sicuti non potest Deus peccare, ita nequeat decipere; nam peccare est gravius, quam dicto alium decipere, ut ipse S. Doct. advertit; Sed ex consequentia inducente culpam. Propter haec censetur assertio de fide a Morando T. VII. quaest. 2. Pasqualigo disp. 31. sect. 1. et aliis.*

Question V: Whether the object of faith can be evident scientifically

1 The FIRST opinion denies that there can be, concerning the same thing, both science and faith. So D. Thomas here, where all Thomists follow him, as is seen among the Complutenses disp. 20. Logic, quest. 4. Pasqualigo disp. 33. sect. 2 and 3; Valentia cites Scotus too, 3. dist. 24. quest. unic. §. ad quaest. and §. sed si aliter.

> *PRIMA opinio negat, posse simul de eodem esse scientiam, et fidem. Ita D. Thom. hic, ubi omnes Thomistae, ut videre est apud Complutenses disp. 20. Logica, quaest. 4. Pasqualigo disp. 33. sect. 2. et 3. citatur a Valentia etiam Scotus 3. dist. 24. quaest. unic. §. ad quaest. et §. sed si aliter.*

2 The SECOND opinion is affirmative. So D. Bonaventure here, Alexander of Hales 3. p. quest. 79. memb. 3. Albert the Great 3. dist. 24. art. 9. Valentia disp. 1. quest. 1. p. 4. Suarez 3. p. Tom. 2. disp. 19. sect. 2. Vasquez p. p. disp. 4. Caspens. Tract. 15. disp. 7. sect. 10. Tannerus disp. 1. quest. 1. num. 169. Morandus Tract. unic. quest. 3. There follow Coninch, Arriaga, Amicus, De Lugo, and others as gathered by Mastrius disp. 6. quest. 4. and Tannerus above.

> *SECUNDA sententia est assertiva, Ita D. Bonavent. hic, Alens. 3. p. quaest. 79. memb. 3. Albertus 3. dist. 24. art. 9. Valentia disp. 1. quaest. 1. p. 4. Suarez 3. p. Tom. 2. disp. 19. sect. 2. Vasquez p. p. disp. 4. Caspens. Tract. 15. disp. 7. sect. 10. Tannerus disp. 1. quaest. 1. num. 169. Morandus Tract. unic. quaest. 3. sequuntur Coninch, Arriaga, Amicus, De Lugo, et alii apud Mastrium disp. 6. quaest. 4. et Tannerum supra.*

3 The THIRD opinion holds a middle course: actual faith cannot coexist with actual science; but habitual faith can. It is the common opinion of the Scotists, with Scotus 3. dist. 24. quest. unic., as gathered by Mastrius. Some, however, say that by the absolute power of God actual faith and actual science can exist together. So Poncius disp. 22. Log. quest. 2. Yet the opposite is held not only by the authors of the first opinion but also, commonly, by the Scotists.

> *TERTIA sententia media tenet, fidem actualem cum scientia actuali esse non posse; sed tamen habitualem. Est communis Scotistarum cum Scoto 3. dist. 24. quaest. unic. apud Mastrium. Aliqui tamen dicunt, de potentia Dei absoluta posse esse simul fidem, et scientiam actualem. Ita Poncius disp. 22. Log. quaest. 2. Oppositum tamen tenent non modo authores primae sententiae, sed etiam communiter Scotistae.*

4 I ASSERT first, that the habit of faith and the habit of science can be in the same subject in view of their acts.

> *ASSERO primo, posse de eodem esse habitum fidei, et scientiae in ordine ad actus.*

5 It is PROVED first by D. Bonaventure from certain passages of Scripture, in which there are proposed things to be believed that fall under science, such as: *that God is*. Heb. 11: *For he that cometh to God must believe that he is.* Rom. 4: *Abraham by faith held that God would stand to his promises*, and Gen. 1; and in the Symbols it is proposed that God is to be believed *to be one, and to be the Creator of heaven and earth*. And Exod. 20 and Deut. 6: it is proposed that by faith one must believe there is one God. Yet these things can be demonstrated, as I showed above in Tract. 1, in the disputations on the Existence of God and on unity, and in Tract. 3 on Creation. Tannerus and others press this point.

> *PROBATUR primo a D. Bonavent. ex quibusdam Scripturae locis, quibus proponuntur credenda, quae cadunt sub scientiam, ut:* quod Deus sit. *Hebr. 11.* Credere enim oportet accedentem ad Deum, quia est. *Rom. 4.* Abraham fide tenuit Deum stare promissis, *et Genes. 1. et in Symbolis proponitur, Deum credendum esse* unum, esseque Creatorem coeli, et terrae. *Et Exodi 20. et Deuterr. 6. proponitur, fide credendum, esse unum Deum. At vero haec demonstrari possunt, ut ostendi p. p. Tract. 1. in disputationibus de Existentia Dei, de unitate, et Tract. 3. de Creatione. Haec urget Tannerus et alii.*

6 The Thomists RESPOND that in the learned, or in those skilled in these demonstrations, the habit of faith does not remain for the sake of eliciting acts about these objects; it remains only materialiter.

> *RESPONDENT Thomistae, habitum fidei in eruditis, seu peritis harum demonstrationum, non manere ad actus, circa haec obiecta eliciendos; sed manere tantum materialiter.*

7 CONTRA: for thus the condition of the learned would be worse than that of the unlearned, as Valentia and Tannerus infer, num. 171. Moreover, the Fathers propose these articles as to be believed to all, even to the wise: Cyril of Jerusalem, catech. 6; Chrysostom, homil. 2 on the Apostles' Creed; Augustine, book De fide et Symbolo cap. 1, and book 4 De civitate cap. 20; as gathered by Valentia.

> *CONTRA, quia sic esset deterior conditio scientium, quam idiotarum, ut infert Valentia, et Tannerus num. 171. Deinde Patres omnibus, etiam sapientibus, hos articulos proponunt credendos: Cyrillus Hierosol. cathec. 6. Chrysost. homil. 2. in Symb. Apostolorum. Augustinus L. de fide, et Symb. cap. 1. et Lib. 4. de civit. cap. 20. apud Valentiam.*

8 That this habit has its act is proved by the holy Doctor in the body of the text, against the third opinion, which he reports: *God and nature do nothing in vain; but they give the habit of faith to the wise even with respect to what they know scientifically, nor is the power impeded; therefore it has its acts even with respect to those things.*

> *QUOD vero ille habitus habeat suum actum, probatur a S. Doctore in corpore, contra tertiam sententiam, quam refert:* Deus, et natura nil frustra faciunt; sed dat sapientibus habitum fidei, etiam quod ad cognita ab eis scientifice, neque potentia est impedita; Ergo quod ad ea habet suos actus.

9 It is CONFIRMED by the holy Doctor: because these habits are not opposed, since they convince from different motives, and the habit of science is strengthened in its certitude by faith, which has a firmer prophetic word, as D. Peter says. Then, because the habit of science instructs imperfectly; for it does not show perfectly that the unity of God can be in several supposits.

> *CONFIRMATUR a S. Doctore; quia non opponuntur isti habitus, cum sint ex diversis motivis convincentes, et habitus scientiae firmetur in certitudine a fide, quae habet firmiorem propheticum sermonem, ut ait D. Petrus. Deinde, quia*

habitus scientiae imperfecte instruit; nam non ostendit perfecte, Dei unitatem esse posse in pluribus suppositis.

10 MASTRIUS, num. 132, and Soto in the first book, dist. 2. q. 3, say that there is proposed to us to be believed by faith even something known, such as that God is: for these things must be handed on to the community of men, both on account of men's negligence in seeking the truth, and on account of the weakness of the intellect, and because of the danger to those who seek the truth by demonstrations, in which many false things are mixed in, as D. Augustine says, book 18 De civitate, cap. 41; and this is clear from the philosophers in error. Therefore authority was necessary for perfect certitude; for the motive of faith often supplies the defect of our intellect, as D. Bonaventure also teaches in this question, at the end of the body of the text.

MASTRIUS num. 132. e Soto in primo, dist. 2. q. 3. dicit, proponi nobis fide credenda etiam aliqua nota, ut, Deum esse: Nam haec debent communitati hominum tradi, tum ob negligentiam hominum in quaerenda veritate; tum propter imbecillitatem intellectus, et propter periculum inquirentium veritatem demonstrationibus, qui multa falsa permiscet, ut ait D. Augustinus 18. de civitate, cap. 41. et constat ex philosophis errantibus. Fuit igitur necessaria authoritas ad perfectam certitudinem; nam motivum fidei saepe supplet defectum nostri intellectus, ut docet etiam D. Bonavent. quaestione hac, in fine corporis.

11 Yet this doctrine of the Seraphic Doctor does not hinder me at all in this matter; for from it I rather argue against Mastrius, from the second argument of D. Bonaventure. When one act is ordered to perfecting another, there is no repugnance; thus he who has known by an a posteriori demonstration can, while the same cognition remains, come to know the same thing by an a priori demonstration; and this knowledge does not take away the preceding one, because it arises from a different motive, just as intellectual cognition supervening on sensitive cognition does not destroy the latter. But the cognition of faith supervening upon actual demonstrative cognition is related in just this way: therefore they can exist together. The whole argument is Mastrius's here, and so it contradicts his own second assertion.

HAEC tamen Seraphici doctrina, quoad hanc rem nil mihi obest; Nam hinc potius arguo contra Mastrium ex D. Bonavent. argumento secundo. Quando unus actus ordinatur ad alium perficiendum, non repugnat, sic qui cognovit per demonstrationem a posteriori, potest, manente eadem cognitione, idem cognoscere demonstratione a priori; et haec notitia non tollit praecedentem, quia e diverso motivo oritur, sicut cognitio intellectiva superveniens sensitivae, non hanc destruit; Sed ita se habet per te cognitio fidei superveniens cognitioni actuali demonstrativae: Ergo possunt esse simul. Totum argumentum est Mastrii hic, et ita repugnat suo secundo asserto.

12 WHY, the argument of St. Bonaventure in the body of the text is most powerful, which Suarez, Amicus, Caspens, and others use: that no implication is found here; because that evidence and non-evidence are not opposed; for the evidence of science is such that it can be increased by the certitude of faith from authority; and so they assist one another, as the holy Doctor and Amicus infer. From these you have that acts of faith and of science concerning the same object can exist.

QUARE validissimum est argumentum S. Bonav. in corpore, quo utuntur Suarez, Amicus, Casp. et alii, nullam hic reperiri implicantiam; quia evidentia illa, et inevidentia non repugnant; nam evidentia scientiae est talis, ut possit augeri certitudine fidei ex authoritate; atque adeo se iuvant, ut infert S. D. et Amicus. Ex his habes, posse dari actus fidei, et scientiae de eodem obiecto.

13 I ASSERT second, that there cannot be intellectual vision and faith concerning the same thing.

ASSERO secundo, non posse dari visionem intellectivam, et fidem de eodem.

14 It is PROVED by the holy Doctor in the body of the text and ad 2, from 1 Cor. 13: *We see now through a glass in an obscure manner. But when that which is perfect is come, that which is in part shall be done away.* Then thus: Things that expel one another cannot stand together: such is the vision of the fatherland, which expels faith; therefore.

> *PROBATUR a S. Doctor in corpore, et ad 2. ex prima Cor. 13.* Videmus nunc per speculum in aenigmate. Cum autem venerit quod perfectum est, evacuabitur, quod ex parte est. *Tunc sic: Ea, quae se expellunt, nequeunt stare simul: Talis est visio patriae, quae pellit fidem; Ergo.*

15 Mastrius RESPONDS, num. 110, that this holds commonly even for intellectual cognition, viz. ...; Contra: for it would follow that the habit of faith would be evacuated by the habit of science, viz. ... The consequence is proved: Things opposed in the same degree exclude one another in the same degree; but the habits of faith and of science, viz., of themselves and in the same way and in the same degree are opposed, just as the habit of faith is opposed to the vision of God: therefore, just as faith is evacuated by the vision with respect to the habit, so it would be evacuated by the habit of science, against your first assertion. Moreover, that the habit of faith is evacuated in the fatherland is clear from the Apostle in the place cited, where he speaks of habits.

> *RESPONDET Mastrius num. 110. hoc esse commune etiam intellectivae cognitioni viz. Contra; nam sequeretur, habitum fidei evacuari ab habitu scientiae viz. Probatur sequela. Ea, quae eodem gradu opponuntur, eodem gradu se excludunt; sed habitus fidei, et scientiae viz eodem modo per te, eodemque gradu opponuntur, sicut habitus fidei cum visione Dei: Ergo sicuti fides evacuatur per visionem, quod ad habitum, ita evacuabitur per habitum scientiae, contra tuum primum assertum. Porro evacuari habitum fidei in patria, constat ex Apostolo loco cit. ubi de habitibus loquitur.*

16 I ASSERT third, that even by the power of God the clear vision of the fatherland cannot stand together with faith. So St. Bonaventure, whom all the Thomists and almost all the Scotists follow: among recent authors, Lugo disp. 2. sect. 2. Turrianus disp. 8. dub. 5, and others against the current of the Recentiors: Suarez, Coninch, Granado, Amicus, Arriaga, Hurtado, and others, as gathered by Mastrius art. 2, quest. four.

> *ASSERO tertio, neque per Dei potentiam posse stare visionem claram patriae cum fide. Ita S. Bonav. quem sequuntur omnes Thomistae, et fere Scotistae: E recentibus. Lugo disp. 2. sect. 2. Turrianus disp. 8. dub. 5. et alii contra torrentem Recentiorum, Suarez, Coninch, Granadum, Amicum, Arriagam, Hurtadum, et alios apud Mastrium art. 2 quaest. quarta.*

17 It is PROVED first by many from the argument of D. Bonaventure, 2. dist. 24. dub. 1, which I brought forward in quest. 2 at the end. Of the nature of the assent of faith it is that it be free, as is said in Rom. 10: *All do not believe the Gospel.* So too it is read in Mark 16, John 12, Acts 20; and it is gathered from the Council of Orange 2, can. 5, and Trent sess. 6. cap. 6. But a free assent does not stand with an assent that is simply necessary. So also D. Thomas, quest. 1. art. 4.

> *PROBATUR primo a multis argumento D. Bonavent. 2. dist. 24. dub 1. quod attuli quaest. 2. ad finem. De ratione assensus fidei est, ut sit liber, ut dicitur Rom. 10.* Non omnes credunt Evangelio. *Sic etiam Marci 16. Ioan. 12. Act. 20. legitur; et colligitur e Concil. Araus. 2. can. 5. Trident. sess. 6. cap. 6. sed assensus liber non stat cum assensu necessario simpliciter. Ita et D. Thom. quaest. 1. art. 4.*

18 Mastrius *answers* that an assent necessary from the motive of science does not exclude a free one from the motive of faith.

> Respondet *Mastrius, assensum necessarium e motivo scientiae, non excludere liberum e motivo fidei.*

19 *Contra, first, ad hominem:* The same effect cannot come from two adequate causes, especially opposed ones, according to Scotus. The assent exhibited to the Gospel, an object proposed to us, is adequately from the beatific vision, necessitating immutably and most clearly. Therefore it cannot be produced by faith, which is contingently free and obscure, mutably. This is the argument of the Apostle, *1 Cor. 15, Heb. 11*, as I showed in quest. 1 and 2, and it will be confirmed in quest. 6 ad 4.

> Contra primo ad hominem: *Non potest idem effectus esse a duabus causis adaequatis, maxime oppositis apud Scotum. Assensus exhibitus Evangelio, nobis obiecto, est adaequate a visione beata immutabiliter necessitante, et clarissima. Ergo nequit produci a fide, quae est contingenter libera, et obscura mutabiliter. Est argumentum Apostoli* 1. Cor. 15. Hebr. 11. *ut ostendi quaest. 1. et 2. et confirmabitur quaest. 6. ad 4.*

20 *Contra, second, from D. Bonaventure* here: because the motive of faith cannot have the power to move the intellect freely in the presence of evidence and of vision, which moves necessarily, as Mastrius says, num. 111 and 117; and this holds even by the absolute power, as he confesses, num. 126, and as Cardinal Lugo notes, disp. 2. num. 81. For it is an essential repugnance; therefore, while the forms remain, it is not separable. Hence falls the response of Tannerus, num. 176, that this repugnance is only moral, and of decorum.

> Contra secundo ex D. Bonav. *hic, quia motivum fidei non potest habere vim ad libere movendum intellectum in praesentia evidentiae, et visionis, moventis necessario, ut ait Mastrius num. 111. et 117. et hoc etiam de potentia absoluta, ut fatetur num. 126. et advertit Card. Lugo disp. 2. num. 81. Est enim essentialis repugnantia; ideo stantibus formis non est separabilis. Hinc ruit responsio Tanneri num. 176. hanc repugnantiam esse tantum moralem, et decentiae.*

21 The second assertion is *proved from D. Bonaventure*, disp. 31. art. 2: Whenever the essential object is taken away, the habit is also taken away: But in the fatherland the essential object of faith is taken away, namely obscurity, which is placed in the definition of the Apostle, *Heb. 11*: Therefore. It is confirmed: for, once the evidence of the fatherland is posited, the motive of faith no longer remains, namely from mere revelation, to move the intellect; and there arrives an essential repugnance, as Cardinal de Lugo warns, disp. 2. num. 81.

> Probatur secundo assertio a D. Bonav. *disp. 31. art. 2. Quandocunque tollitur obiectum essentiale, tollitur et habitus: Sed in patria tollitur obiectum essentiale fidei, nempe obscuritas, quae in definitione Apostoli ponitur* Hebr. 11. *Ergo. Confirmatur: nam posita evidentia patriae, non manet amplius motivum fidei ex mera revelatione ad movendum intellectum; et advenit repugnantia essentialis; ut monet Cardinalis de Lugo disp. 2. num. 81.*

22 Arriaga *answers* that the intellect can, from evidence, assent in the fatherland to that object, and yet leave to faith another motive; thus, because of several evidences, one can assent to the same thing.

> Respondet Arriaga, *posse intellectum ex evidentia assentiri in patria illi obiecto, et tamen relinquere fidei aliud motivum; sic potest ob plures evidentias eidem assentiri.*

23 *Contra:* Grant that because of several evidences the intellect can assent to the same thing; yet, if once it shall have assented most clearly, it can no longer be free to assent from an obscure motive.

> Contra: *Esto ob plures evidentias possit intellectus eidem assentiri; tamen, si semel clarissime assentietur, non potest amplius ex motivo obscuro esse liber ad assentiendum.*

24 Nor let *Amicus* say that God can, by his testimony, move the intellect above every certitude; for, if once the testimony of God seen shall have moved it, no place is left for a free assent on account of the obscure testimony of God.

> Neque *dicat Amicus, posse Deum, suo testimonio summe intellectum movere super omnem certitudinem; nam, si semel testimonium Dei visi moverit, non relinquitur locus assensui libero ob testimonium Dei obscurum.*

25 Yet it is not the same with abstractive assent; for, as Cardinal de Lugo says, there is still left to abstractive cognition a place for greater clarity, as St. Bonaventure teaches in the body of the text against Mastrius, num. 129.

> *Non est tamen eadem ratio de assensu abstractivo; Nam, ut ait Card. de Lugo, cognitioni abstractivae adhuc relinquitur locus maioris claritatis, ut docet S. Bonav. in corpore contra Mastrium num. 129.*

26 It is *proved third from D. Bonaventure*, in the same dist. 31, loc. cit., at the end, by the argument on which Vulpes relies, disp. 28. art. 2. The Light of faith is related to the light of glory as the Sun to the glow-worm; but the light of the sun overwhelms the light of the glow-worm and leaves it unable to appear. Indeed, while I see the Sun, and some Astrologer says to me: *The sun shines;* I am not moved at all by his word, even if I know that the Astrologer cannot err.

> Probatur tertio a D. Bonav. *ea dist. 31. loc. cit. ad ultimum, argumento, quo nititur Vulpes disp. 28. art. 2. Ita se habet Lumen fidei ad lumen gloriae; sicut Sol ad noctilucam; sed lumen solis obruit lumen noctilucae, nec relinquit, quod appareat. Profecto dum video Solem; et mihi aliquis Astrologus dicat:* Sol lucet; *non moveor ullo pacto illius dicto, etiamsi sciam, eum Astrologum non posse errare.*

27 *You will object first* against the first assertion. As CHARITY is related to its object, so FAITH to its; but charity does not admit together with itself love of a creature above all things: therefore neither does faith the object of science.

> Obiicies primo *contra primum assertum. Sicut se habet Charitas ad suum obiectum, ita Fides ad suum; sed Charitas non compatitur secum amorem creaturae super omnia: Ergo nec fides obiectum scientiae.*

28 St. Bonaventure *answers* that the truth known from the motive of science and the truth known from revelation are not opposed as the love of God and libidinous love are; for these are opposed: but those two cognitions are related as perfecting and perfected, and since they convince from different motives, not from supreme ones, neither are they opposed; for faith sanely believes from things obscure; but natural science does not altogether evacuate the obscurity of the mystery, even though it has evidence in its own genus. Hence the act of faith gives the principal assent, and science one less principal. Therefore those Samaritans said, *John 4*: *Now we believe, not for thy word*, that is, on account of human knowledge, but from faith in Christ attesting.

> Respondet S. Bonav. *non ita opponi verum ex scientiae motivo, et verum ex revelatione, sicut amor Dei, et amor libidinosus; nam hi sunt oppositi: At illae duae notitiae se habent ut perficiens, et perfectum, et cum ex diversis motivis convincant, non summis; neque opponuntur; Fides enim ex obscuris sane credit; sed scientia naturalis non omnino evacuat obscuritatem mysterii, esto habeat in suo genere evidentiam. Unde actus fidei dat principalem assensum, et scientia minus principalem. Ideo dixere illi Samaritae* Ioan. 4. Iam non propter verbum tuum credimus, *idest ob notitiam humanam, sed ex fide in Christo attestante.*

29 *You will object second.* The vision of the fatherland evacuates faith, *1 Cor. 13*: therefore also our science.

Obiicies secundo. *Visio patriae fidem evacuat,* prima Cor. 13. *Ergo et scientia nostra.*

30 The holy Doctor *answers* by denying the consequence: for vision excludes all hiddenness, not so natural science.

Respondet S. Doct. *negando Consequentiam: Nam visio excludit omnem latentiam, non sic scientia naturalis.*

31 *You will object third.* The assent of faith is free, *Rom. 10*; but the assent of science is necessary, especially concerning first principles; for you cannot deny that a triangle has three angles equal to two right angles.

Obiicies tertio. *Fidei assensus est liber* Rom. 10. *at scientiae assensus est necessarius, maxime in primis principiis; non enim negare potes, triangulum habere tres angulos, aequales duobus rectis.*

32 The holy Doctor *answers* that in science something of God lies hidden, to which Faith adds something; for instance, that God is of that infinite simplicity simply, which I expounded in tract. *first, q. 1*. That he is a Trinity; whence at once he begins: *I believe in God the Father, etc.*

Respondet S. Doct. *in scientia aliquid Dei latere, cui addit Fides; puta, quod Deus sit ea infinita perfectione simpliciter, quam tract.* primo, q. 1. *Exposui. Quod sit Trinitas; unde illico incipit:* Credo in Deum Patrem, etc.

33 *You will object fourth.* The same thing cannot be above reason and under it: Science is subject to reason; faith exceeds it: therefore.

Obiicies quarto. *Idem nequit esse super rationem, et sub ea: Scientia rationi subiacet; fides excedit: Ergo.*

34 St. Bonaventure *answers* that there is no implication in some object being under reason on one count, while on another it is above reasons; such is the object of faith, which in one respect is subjected to reason, as: *that God is;* yet it is above reason that he be so perfect as to be Three in persons, that one person be incarnate, etc. Indeed the Apostle said deservedly: *God hath made the wisdom of this world foolish*, for without faith it is insane.

Respondet S. Bonav. *non implicare aliquod obiectum ex uno capite esse sub rationibus; ex alio vero, supra rationes; tale est obiectum fidei, quod secundum aliquid subiicitur rationi, ut:* quod Deus sit; *attamen est supra rationem, quod sit ita perfectus, ut sit Trinus personis, quod una persona sit incarnata, etc. Sane Apostolus merito ait:* Stultam fecit Deus sapientiam huius saeculi, *nam sine fide est insana.*

35 *You will object against the last assertion with Poncius:* Faith and vision no more repugn than two bodies in the same place, or heat and cold, as octaves, in the same subject; but these can stand together by the power of God: therefore.

Obiicies contra ultimum assertum cum Poncio: *Non magis repugnat fides, et visio, quam duo corpora in eodem loco, vel calor, et frigus ut octo, in eodem subiecto; Sed haec per Dei potentiam stare simul possunt: Ergo.*

36 It is *answered from D. Bonaventure, loc. cit.* that this repugns more; because it repugns according to the intrinsic nature of the essence, since the formal object of vision destroys the formal element of faith: but heat and cold are opposed only according to contrariety in a subject, which can be overcome by God, as Mastrius says.

Respondetur ex D. Bonav. loc. cit. *hoc magis repugnare; quia repugnat secundum intrinsecum essentiae, quia formale obiecti visionis destruit formale fidei: At calor, et frigus opponuntur solum secundum contrarietatem in subiecto, quae potest a Deo superari, ut ait Mastrius.*

Question VI: Whether faith is concerned with those things which are seen by vision in this life

1 The TRUE opinion is negative. So D. Bonaventure, whom all Scotists and Thomists commonly follow. And among the more recent, Card. de Lugo disp. 2. sect. 2. Turrian. disp. 8. dub. 5. Pasqualigo disp. 33. sect. 1.

> *VERA sententia est negativa. Ita D. Bonav. quem sequuntur omnes Scotistae, et Thomistae communiter. Et ex recentioribus Card. de Lugo disp. 2. sect. 2. Turrian. disp. 8. dub. 5. Pasqualigo disp. 33. sect. 1.*

2 The OPPOSITE, however, is held by Valentia p. 4. col. 62. where he says Bonaventure denies it without cause; Tanner. quaest. 1. disp. 6. Morand. quaest. 3. and very many others collected by Mastrius disp. 6. quaest. 4. art. 2.

> *OPPOSITUM tamen tenent Valentia p. 4. col. 62. ubi ait, sine causa Bonaventuram id negare; Tanner. quaest. 1. disp. 6. Morand. quaest. 3. et alii plurimi apud Mastrium disp. 6. quaest. 4. art. 2.*

3 I ASSERT with D. Bonaventure that FAITH cannot be had concerning things that are clearly seen here.

> *ASSERO cum D. Bonav. non posse haberi Fidem de rebus, quae videntur hic clare.*

4 *It is proved first from S. Thomas, from D. Aug. on 14. Ioan. on these words: I go to prepare a place for you. Go away lest it appear; let it be hidden that it may be believed, and tract. 40. in Ioan. Faith is to believe what you do not see. And lib. 2. qq. Euang. cap. 39. Faith is the virtue by which things are believed that are not seen.*

> Probatur primo a S. Doct. ex PP. D. Aug. ad 14. Ioan. ad ea verba: Vado parare vobis locum. Eat ne videatur; lateat ut credatur, et tract. 40. in Ioan. Fides est credere, quod non vides. Et lib. 2. qq. Euang. cap. 39. Fides est virtus, qua creduntur, quae non videntur.

5 From D. Gregory *homil. 36. in Euang. Things that are seen do not have faith, but recognition.* And Chrysost. *homil. 21. ad Hebr.* says: *He wishes to destroy faith, those who want to see the things believed.* The Saints commonly think the same, as S. Thomas relates *quaest. 3. in corpore.*

> *Ex D. Gregorio* homil. 36. in Euang. Quae videntur, fidem non habent, sed agnitionem. *Et Chrysost.* homil. 21. ad Hebr. *ait:* Eos perdere velle fidem, qui credita volunt videre. *Idem sentiunt communiter Sancti, ut refert S. Doct.* quaest. 3. in corpore.

6 *It is proved secondly from S. Thomas.* Faith will be evacuated in the fatherland, as is gathered from *prima Corinth. 13.* but bodily vision manifests the Humanity of Christ just as spiritual vision in the fatherland manifests the Deity: Therefore just as faith of the Divinity cannot be about things seen in the fatherland, so neither can faith of the humanity be in the way about a thing seen. Hence they deny the parity gratuitously, as Mastrius notes n. 110. who used this argument.

> Probatur secundo a S. Doct. *Fides in patria evacuabitur, ut colligitur ex* prima Corinth. 13. *sed visio corporalis ita manifestat Christi Humanitatem, sicut visio spiritualis in patria Deitatem: Ergo sicut fides Divinitatis non potest esse circa visa in patria, ita nec fides humanitatis in via visae. Hinc gratis negant paritatem, ut notat Mastrius n. 110. hac ratione usus.*

7 *It is PROVED* thirdly from S. Thomas. To believe is free *Rom. 10.* But to believe what I see is entirely necessary.

PROBATUR *tertio a S. Doct. credere est liberum* Rom. 10. *At credere, quod video, est penitus necessarium.*

8 *It is PROVED* fourthly *in corpore. That which repugns the essence of faith cannot stand together with faith: But sensible vision repugns: Therefore.* The minor is proved; for from the Apostle *loc. cit. Faith is obscure knowledge, and now AEnigmatic: but Vision is most clear; and these are contradictory.* The Scotists and Thomists use this argument.

PROBATUR *quarto* in corpore. Id, quod repugnat essentiae fidei, non potest stare cum fide: Sed sensibilis visio repugnat: Ergo. *Minor probatur; nam ex Apostolo* loc. cit. Fides est cognitio obscura, et nunc AEnigmatica: at Visio est clarissima; haec autem sunt contradictoria. *Hoc argumento utuntur Scotistae, et Thomistae.*

9 Nor does the response avail, that these are not contradictory, because they arise from different motives. For the argument resists just so much, because from the intrinsic formal side the object of FAITH must be obscure; whence, upon the arrival of vision, it no longer has anything obscure, concerning which it might render faith to the revealer; and the formal reason of the one, that is, of science, destroys the formal reason of the object of FAITH. Nor do they differ according to the perfect and the imperfect, as the adversaries think; but they differ according to their essentials, namely the positive and the privative; from which Card. de Lugo deduces *disp. 2. num. 81.* that, since this repugnance is formal and intrinsic, it convinces that vision and FAITH cannot stand together, even by the power of God. Vain also is the response of Valentia, that faith is of things not seen by faith itself; for, as Mastrius says *num. 109.* the Fathers and Scripture would have spoken ridiculously, and the sense would be to see nothing by an act of faith. Tanner. also errs *num. 176.* denying that these repugn.

Nec valet responsio, haec non esse contradictoria, quia ex diversis motivis. Contra enim tam resistit argumentum, quia ex intrinseco formali obiectum Fidei debet esse obscurum; unde adveniente visione non habet amplius obscurum, de quo fidem praestet revelanti; et ratio formalis unius, idest scientiae, destruit rationem formalem obiecti Fidei. Neque differunt secundum perfectum, et imperfectum, ut putant adversarii; sed differunt secundum essentialia eorum, positivum, scilicet et privativum; ex quo deducit Card. de Lugo disp. 2. num. 81. *quod, cum haec repugnantia sit formalis intrinseca, convincit, non posse, etiam per Dei potentiam, stare visionem, et Fidem. Inanis etiam est responsio Valentiae, fidem esse de non visis per fidem ipsam; nam, ut ait Mastrius* num. 109. *ridicule locuti essent Patres, et Scripturae, et sensus esset nullum videre per actum fidei. Fallitur et Tanner.* num. 176. *negans, haec repugnare.*

10 *You OBJECT* first that *Ioan. 20.* it is said: *Because you have seen me, Thomas, you have believed;* therefore concerning this he had faith and vision.

OBIICIES *primo* Ioan. 20. *dicitur:* Quia vidisti me Thoma, credidisti; *ergo de hoc habuit fidem, et visionem.*

11 D. Bonav. and Scotus *RESPOND* from D. Gregory *homil. 26. in Euang.* that: *Thomas saw one thing, and believed another; He saw a man, and believed God.* The same is the response of D. August. *tract. 79. in Ioannem.*

RESPONDENT *D. Bonav. et Scotus ex D. Gregorio* homil. 26. in Euang. *quod:* Thomas aliud vidit, et aliud credidit; Vidit hominem, et Deum credidit. *Eadem est responsio D. August.* tract. 79. in Ioannem.

12 Arriaga INSTANCES that this exposition is not consonant with the text. First, because Christ did not speak equivocally, but of the same thing about which he said: *You have seen*, he also said *you have believed*. Then, if he believed what he did not see: Therefore he did not have less merit than the

others, who, not seeing, believed, whom nevertheless Christ there prefers to Thomas. Thirdly, because there Thomas believed nothing about the Deity, but about the Resurrection, about which he doubted, which nevertheless he saw no less than I see Peter present; and yet you deny that vision can stand together with faith.

> *INSTAT Arriaga, hanc expositionem non esse textui consonam. Primo, quia Christus non est locutus aequivoce, sed de eodem, de quo dixit:* Vidisti*, dixit et* credidisti. *Deinde, si quod non vidit, credidit: Ergo non habuit minus meritum, quam alii, qui, non videntes, crediderunt, quos tamen ibi Christus praefert Thomae. Tertio, quia ibi Thomas nil credidit de Divinitate, sed de Resurrectione, de qua dubitabat, quam tamen videbat non minus, quam ego video Petrum praesentem; et tamen vos negatis, visionem cum fide stare.*

13 For in truth these things are frivolous against the exposition of the Fathers; Nor indeed did Christ speak equivocally, but with a mystery, so that the sense is: Because you have seen me raised from the dead, you have believed God, since a mere man cannot raise himself. Now just as you heard me: *I have power to lay down my life, and to take it again*, so now you have seen, and therefore you believe God. See S. Bonaventure *in the sermon on S. Thomas.*

> *ENIM vero frivola haec sunt contra Patrum expositionem; Neque vero Christus aequivoce locutus est, sed cum mysterio, ut sensus sit: Quia vidisti me a mortuis suscitatum, credidisti Deum, cum purus homo non valeat seipsum suscitare. Iam sicuti me audisti:* Potestatem habeo ponendi animam meam, et iterum sumendi eam*, ita nunc vidisti, et ideo credis Deum. Vide S. Bonaventuram* sermone de S. Thoma.

14 From this the second objection falls: For the sense is, that there is more merit in those who neither saw me raised, and believed, without this miracle, that I am God.

> *Ex quo ruit secunda oppositio: Sensus enim est, plus meriti esse eorum, qui, nec me viderunt suscitatum, et crediderunt, absque miraculo hoc, me esse Deum.*

15 To the third I say, that Thomas confessed: *My Lord, and my God.* For he doubted about the Deity while he saw him dead; nor did he believe until he saw him raised.

> *AD tertium dico, Thomam confessum:* Dominus meus, et Deus meus. *De divinitate enim dubitavit, dum mortuum vidit; neque credidit, donec vidit suscitatum.*

16 *You OBJECT* secondly from *Prima Ioan.* first: *What we have seen, and our hands have handled, of the Word of life;* But the Apostles also had faith concerning the same Christ.

> OBIICIES *secundo* Prima Ioan. *primo:* Quod vidimus, et manus nostrae contrectaverunt de Verbo vitae; *At Apostoli habebant de eodem Christo etiam fidem.*

17 D. Bonav. *RESPONDS* that the Apostles had faith concerning the mysteries seen; for although they saw the man die; nevertheless they believed him God. And so they had faith concerning This person, as he is God. Mastrius *num. 133.* prefers this exposition, Scotistically.

> RESPONDET *D. Bonav. Apostolos habuisse fidem de mysteriis visis; nam tametsi viderent hominem mori; credebant tamen illum Deum. Itaque habuere fidem de Hac persona, ut est Deus. Hanc expositionem Mastrius* num. 133. *praefert Scotice.*

18 *You OBJECT* thirdly. The Blessed Virgin knew by sensible experience that she had conceived of the Holy Spirit, and nevertheless believed; Therefore Elisabeth says: *Blessed are you, who have believed, etc.*

> OBIICIES *tertio. B. Virgo sensibili experimento novit, se concepisse de Spiritu Sancto, et tamen credidit; Ideo Elisabeth ait:* Beata, quae credidisti, etc.

19 S. Bonav. *RESPONDS* that the Blessed Virgin perceived that she had conceived without a man; nevertheless she did not perceive that she had conceived the Son of God. Thus Mastrius also responds.

> RESPONDET *S. Bonav. Beatam Virginem sensisse, se concepisse sine viro; attamen non sensisse, se concepisse filium Dei. Sic respondet et Mastrius.*

20 *You OBJECT* fourthly. It would follow that the learned are of worse condition, and those who saw, as the Apostles.

> OBIICIES *quarto. Sequeretur, peioris conditionis esse doctos, et qui viderunt, ut Apostolos.*

21 It is *RESPONDED* with D. Bonav. that those who saw believed something else.

> RESPONDETUR *cum D. Bonav. eos, qui viderunt, aliquid aliud credidisse.*

22 MASTRIUS responds from D. Bonav. *quaest. 3.* denying the sequel, as to the wise, who have science concerning the same thing, because they did not know perfectly through the sciences that God is, and that he is one, or that he is infinite simply speaking, to be in three persons, whence they lacked the light of faith, without which the Philosophers erred. He says this response is conformable to the doctrine of Scotus; whence it is clear how even the learned exercise supernatural acts of faith.

> *MASTRIUS respondet ex D. Bonav.* quaest. 3. *negando sequelam, quoad sapientes, qui de eodem habent scientiam, quia illi non cognovere perfecte per scientias, Deum esse, esseque unum, aut infinitum simpliciter esse in tribus personis, unde eguere lumine fidei, sine quo Philosophi errarunt. Hoc responsum ait, esse conforme doctrinae Scoti; unde patet, quomodo et docti actus supernaturales fidei exerceant.*

23 For in truth he does not remember that he said in the first assertion *num. 108.* that acts of faith and of science cannot be simultaneously about the same conclusion in the same intellect. Wherefore he abuses the doctrine of S. Bonaventure.

> *ENIM vero non recordatur, se dixisse in primo asserto* num. 108. *non posse actus fidei, et scientiae simul esse de eadem conclusione in eodem intellectu. Quare abutitur doctrina S. Bonaventurae.*

24 MOST FIRMLY therefore has our assertion been proved. It is confirmed by the principal argument of S. Bonav. *in corpore,* which Suarez uses *disp. 3 sect. 9.* Coninch. *disp. 11. dub. 1.* Lugo *disp. 2. sect. 2.* Vasquez *disp. 53. et 62.* Mastrius *num. 115.* where he teaches it to be a firm argument; for clear vision so ravishes assent, that not only is place denied to the liberty necessary for faith; but neither does the motive of assent remain; thus, while I see the Sun, however much someone may say to me that it is day, even if he were an Angel; I do not believe from authority, but because I see. Coninch. and Suarez render the reason; because, since the intellect has been actualized by the most perfect formal assent, no place is left for assenting by another form.

> *FERMISSIME igitur probata est nostra assertio. Confirmatur argumento S. Bonav. principali* in corpore, *quo utuntur Suarez* disp. 3 sect. 9. *Coninch.* disp. 11. dub. 1. *Lugo* disp. 2. sect. 2. *Vasquez* disp. 53. et 62. *Mastrius* num. 115. *ubi docet esse firmam rationem; nam visio clara ita rapit assensum, ut non modo libertati ad fidem necessariae negetur locus; sed neque remaneat motivum assensus; sic, dum video Solem, quantumvis aliquis dicat mihi, diem esse,*

etiamsi is esset Angelus; non credo ex authoritate, sed quia video. Rationem reddunt Coninch. et Suarez; quia cum actuatus sit intellectus formali assensu perfectissimo, non relinquitur alteri formae assentiendi locus.

25 BUT they argue against this: for the Blessed have intuitive cognition of creatures, and nevertheless can also have abstractive. The same, the Theologians say, of the most holy Soul of Christ.

SED contra arguunt: nam Beati habent cognitionem intuitivam creaturarum, et tamen possunt habere etiam abstractivam. Idem de anima Christi sanctissima aiunt Theologi.

26 Mastrius *RESPONDS* from Scotus *ad 3.* that the reason is, because the medium of faith is impeded by the medium of vision, so that it may not move, and is rendered insufficient to move in its presence: for the medium of faith has no power to move, except when the intellect needs it, and because it does not otherwise have the truth. Lugo responds the same.

RESPONDET *Mastrius e Scoto* ad 3. *rationem esse, quia medium fidei, a medio visionis impeditur, ne moveat, redditurque insufficiens ad movendum in praesentia eius: medium enim fidei non habet virtutem ad movendum, nisi quando indiget intellectus illo, ed quod aliunde veritatem non habeat. Idem respondet Lugo.*

27 BUT the same difficulty is incurred which they opposed to Suarez, because the clear vision of creatures in God suffers its abstractive [cognition].

SED eadem difficultas incurritur, quam Suarezio opposuerunt, quia visio clara creaturarum in Deo suum patitur abstractivum.

28 The REASON therefore is that which S. Thomas brings *in corpore*, because they are intrinsically opposed formally, whence, with the object clearly seen, it implies that faith is busied about that thing in vain, because it is intrinsically enigmatic, or at least obscure, and the obscure requires an obscure object.

RATIO igitur est, quam affert S. Doct. in corpore, *quia intrinsece opponuntur formaliter, unde obiecto clare viso, implicat versari fidem circa illud, quia intrinsece est aenigmatica, vel saltem obscura, et obscurum exigit obiectum.*

Question VII: Whether the articles of faith are evidently credible

1 I have treated THIS question sufficiently *p. 1 tract. 1. disp. 1. quaest 9.* with D. Bonav. *in the sermons Hexaëmer. especially §. 9. and 10.* and *in the little work: Principium Scripturae.*

An articuli FIDEI sint evidenter credibiles.

HANC quaestionem satis tractavi p. 1 tract. 1. disp. 1. quaest 9. *cum D. Bonav.* sermonibus Hexaëmer. praecipue §. 9. et 10. *et* in opusculo: Principium Scripturae.

2 *The testimonies of God are exceedingly credible,* as *Psal. 92.* proclaims. On which arguments see also Valentia *disput. 1. quaest. 1. p. 4.* Scotus *quaest. 2. Proleg. sent.* and the Scotists. Medina *tract. de fide* Poncius *disp. 28.*

Testimonia Dei credibilia sunt nimis, *ut clamat* Psal. 92. *De quibus argumentis vide etiam Valentiam* disput. 1. quaest. 1. p. 4. *Scotum* quaest. 2. Proleg. sent. *et Scotistas. Medinam* tract. de fide *Poncium* disp. 28.

3 The PRINCIPAL argument is taken from the excellence of Christ, on which Valentia relies disp. 17. drawn from D. Bonav. p. prima of the goads of Divine love, cap. 6. If Christ had falsely wished to arrogate to himself the name and dignity of the Son of God; he would assuredly have acted insanely,

and wrongly; nor would God have confirmed his words with so many miracles, and his adversaries would have found follies and errors in his sayings, which they could not. But celebrated even among foreigners are his innocence, wisdom, and prophecy, miracles, etc. the efficacy of his words, etc.

> *PRAECIPVUM argumentum sumitur e Christi praestantia, quo nititur Valentia disp. 17. eruto e D. Bonav. p. prima stimuli Divini amoris, cap. 6. Si Christus falso voluisset sibi nomen, ac dignitatem filii Dei arrogare; profecto insane, et perperam fecisset; nec Deus tot miraculis eius dicta confirmasset, et adversarii in dictis eius insipientias, et errores invenissent, quod non potuere. At celebres sunt etiam apud exteros, eius innocentia, sapientia, et prophetiae, miracula, etc. efficacia sermonum, etc.*

4 The SECOND is the multitude of prophecies concerning our faith.

> *SECUNDUM est prophetiarum multitudo de nostra fide.*

5 The THIRD is the firmness of the Church amid so many tempests.

> *TERTIUM est firmitas Ecclesiae inter tot tempestates.*

6 The FOURTH is the victory over so many wise men, and Tyrants.

> *QUARTUM est victoria de tot sapientibus, et Tyrannis.*

7 The FIFTH is the knowledge of the witnesses, and their illustrious fame.

> *QUINTUM est testificantium notitia, eorumque fama praeclara.*

8 The SIXTH, the marvelous constancy of so many Martyrs.

> *SEXTUM, tot Martyrum mira constantia.*

9 The SEVENTH, the concord of the witnesses, with the parts of so many lands divided; and with so many different times.

> *SEPTIMUM, testificantium concordia tot terrarum dissitis partibus; totque diversis temporibus.*

10 The EIGHTH is the unshaken firmness of those things which faith teaches.

> *OCTAUUM est inconcussa firmitas eorum, quae fides docet.*

11 The NINTH, the absurdities and nonsense of so many opposing sects.

> *NONUM, ineptiae, et absurda tot adversantium sectarum.*

12 The TENTH, the fruits which abound from this holiness of the law.

> *DECIMUM, fructus, qui ex hac legis sanctitate exuberant.*

13 The ELEVENTH, the testimony of foreigners.

> *UNDECIMUM, testimonium alienorum.*

14 The TWELFTH, The unhappy end of those persecuting the Church. See there, and what I shall add in quaest. 11.

> *DVODECIMUM, Exitus infelix persequentium Ecclesiam. Vide ibi, et quae addam quaest. 11.*

Question VIII: Whether the things to be believed are rightly arranged in articles

[1] D. Thomas says an article is named from ἄρθρον, which signifies the fitting together of the parts for motion: St. Bonaventure acknowledges this too, question 1. article 3. Calepinus, however, took the name from artus, a joint, because it is a particle into which the joints, or the members of the body, are resolved; and it is called articulus from arctando, constraining, a term applied both actively and passively to the mysteries to be believed: passively indeed, because it is a thing constrained, and just as the knots in the body are the parts into which the joints, or members, are resolved; so the articles are, as it were, the first principles into which the parts of the whole habit of FAITH are resolved: actively, however, because they constrain to belief.

> An credibilia recte per articulos sint disposita.
>
> *D. Thomas, articulum, ait nominari a ἄρθρον, quod significat coaptationem partium ad motum: Id agnoscit etiam S. Bonav. quaest. 1. art. 3. Calepinus vero a nomine artus sumpsit, eo quod sit particula, in quam resolvuntur artus, seu membra corporis, dicitur vero articulus ab arctando, quod active, et passive applicitum est mysteriis credibilibus: Passive quidem; quia est quid arctatum, et sicuti nodi in corpore, sunt partes in quas artus, seu membra resolvuntur; ita articuli sunt veluti prima principia, in quae resolvuntur partes totius habitus Fidei: Active vero, quia arctant ad credendum.*

[2] HENCE St. Bonaventure gathers that the articles of faith are the first principles in faith, into which all the objects of belief are resolved, in the way that the joints are in the body, into which the members are resolved, even the tiniest of the fingers; and just as in the sciences, and in acts, there are first principles into which the conclusions are resolved, nor are those resolved into others, as Caspens also notes, disp. 1. sect. 12. Likewise they are the first distinguishers of the object of belief, in the way that the articles in Grammar distinguish the genders, and the cases. And in Rhetoric an article is called the distinction that is made in the science, and in the uttering. Since, therefore, the sciences, and the arts are the handmaids of Theology, as St. Bonaventure splendidly demonstrates in his opusc. *On the reduction of the arts to Theology*, for that reason it received the name of article, to signify the first heads, and principles into which all things believed are resolved, which are called the object of faith. Hence the Seraphic Doctor praises the definition of an article handed down by Richard of St. Victor: *An article is an indivisible truth about God, constraining us to believe.* It is called an indivisible truth, because things believed are ultimately resolved into the articles, for resolution stops at the indivisible. It is called constraining, etc., for it constrains, as a directive rule, toward all things to be believed. See Caspens, Cardinal de Lugo, Morandus, and others agreeing.

> *HINC colligit S. Bonav. articulos fidei esse prima principia in fide, in quae resolvuntur omnia obiecta credibilia ad modum, quo articuli in corpore sunt, in quos resolvuntur membra, etiam minuta digitorum; et sicuti in scientiis, et actibus prima principia sunt, in quae resolvuntur conclusiones, nec illa resolvuntur in alia, ut notat etiam Caspens. disp. 1. sect. 12. Itidem sunt primo distinguentes obiectum credibile ad modum, quo articuli in Grammaticis distinguunt genera, et casus. Et in Rhetoricis vocatur articulos distinctio, quae fit in scientia, et prolatione. Quoniam igitur scientiae, et artes sunt Theologiae ancillae, ut egregie demonstrat S. Bonav. opusc.* De reductione artium ad Theologiam, *ideo accepit nomen articuli ad significanda prima capita, et principia, in quae omnia credita resolvuntur, quae dicuntur obiectum fidei. Hinc S. Doctor laudat definitionem articuli, traditam a Richardo Victorino:* Articulus est veritas indivisibilis de Deo, arctans nos ad credendum. *Dicitur veritas indivisibilis, quia ultimo credita resolvuntur in articulos, resolutio enim stat ad indivisibile. Dicitur arctans, etc. arctat enim, ut regula directiva ad omnia credibilia. Vide Caspensem, Cardinalem de Lugo, Morandum, et alios consentientes.*

3 The Seraphic Doctor OBJECTS to himself against this definition, first, because an article is a divisible proposition.

> *OBIICIT sibi contra hanc definitionem S. Doct. primo, quia articulus est propositio divisibilis.*

4 HE ANSWERS that it is indivisible formally, because it is not divided into other articles, as credible things.

> *RESPONDET, esse indivisibilem formaliter, quia non dividitur in alios articulos, ut credibiles.*

5 He objects second. If an article is an indivisible truth. Therefore it is one article, because truth is one. Then truth is God: Therefore it is not about God.

> *OBIICIT secundo. Si articulus est veritas indivisibilis. Ergo est unus articulus, quia una est veritas. Deinde veritas est Deus: Ergo non est de Deo.*

6 The Seraphic Doctor answers that an article is a truth as it is compared to something about God to be asserted, as that God is one; that there is a Trinity, etc.; and thus God is the subject of these truths.

> *RESPONDET S. Doct. articulum esse veritatem, prout comparatur ad aliquid de Deo asserendum, ut esse Deum unum; esse Trinitatem, etc. et ita Deus est subiectum harum veritatum.*

7 He objects third. Among the articles there are some that are not about God, as the Resurrection of the flesh. It is answered that the resurrection of the flesh pertains to the Divine power.

> *OBIICIT tertio. Inter articulos sunt aliqui, qui non sunt de Deo, ut Resurrectio carnis. Respondetur, carnis resurrectionem esse de virtute Divina.*

8 He objects fourth. Because the articles of faith do not convince by reasonings: Therefore they do not constrain to believe. HE ANSWERS that they constrain the faithful who are enlightened, by the authority of the revealer; they constrain indeed not by compelling; but by removing every ambiguity: they constrain also by obliging; and by restricting, and by resolving into distinct principles the object of faith.

> *OBIICIT quarto. Quia articuli fidei non convincunt rationibus: Ergo non arctant ad credendum. RESPONDET, arctare fideles illuminatos ex authoritate revelantis; arctant vero non cogendo; sed omnem tollendo ambiguitatem: arctant etiam obligando; et restringendo, et resolvendo in principia distincta obiectum fidei.*

9 Presently the Seraphic Doctor, question 2., hands down another definition of the Article from D. Isidore. *An article is a perception of Divine truth, tending to it.* And he explains it thus: It is called a perception of Divine truth causally, because it is that by which we perceive the first truths of faith. It is called tending to God himself, whereby he shows that faith directs the will to God, to whom we are roused by the articles of faith. From this the Seraphic Doctor deduces the definition of the article, as it is the object of faith formed.

> *Mox S. Doct. quaest. 2. tradit aliam definitionem Articuli ex D. Isidoro.* Articulus est perceptio Divinae veritatis, tendens in ipsam. *Sic autem declarat: Dicitur perceptio Divinae veritatis causaliter, quia est id, quo primas fidei veritates percipimus. Dicitur tendens in ipsum Deum, quo ostendit fidem dirigere voluntatem in Deum, in quem excitamur fidei articulis. Ex quo deducit S. Doct. definiti articulum, prout est obiectum fidei formatae.*

10 By this exposition the oppositions that are made against this definition collapse. See St. Bonaventure.

> *HAC expositione ruunt oppositiones, quae contra hanc definitionem fiunt. Vide S. Bonav.*

11 The ORDER of the things to be believed is given in the Symbol. Now the Symbol signifies a judgment, or mark, by which others may be distinguished from one another, and the bringing together of many into one, as D. Bonaventure notes, disp. 25. question 1. For the Symbol is said from *Syn*, which is together; and *bole*, which is opinion; hence a Symbol is the opinion of many, constituted out of several articles, by which the faithful are set apart from the unfaithful, like a watchword, as Valencia also notes, disp. 1. question 1. p. 5., from Rufinus *in his exposition of the Symbol*, and Cassian, book 6. *de Incarn. to Leo the Pope*. See also Tanner, disp. 8.

> *ORDO credibilium in Symbolo habetur. Significat autem Symbolum iudicium, sive notam, qua alii ab aliis dignosci queant, et collationem plurium in unum, ut notat D. Bonav. disp. 25. quaest. 1. dicitur enim Symbolum a* Syn*, quod est simul; et* bole*, quod est sententia; unde Symbolum est plurium sententia, constituta e pluribus articulis, quibus fideles ab infidelibus, veluti tessera, secernuntur, ut advertit etiam Valentia disp. 1. quaest. 1. p. 5. ex Ruffino* in expositione Symboli*, et Cassiano lib. 6.* de Incarn. ad Leonem P. *Vide etiam Tannerum disp. 8.*

12 Now there is a THREEFOLD Symbol in the Church, as D. Bonaventure notes on the cited 5th question. The first is that of the Apostles, which is recited in the office. That it was composed by the twelve Apostles the old Fathers commonly assert; Clement I. epistle 1. Irenaeus book 1. chapter 2. Tertullian *in the praescriptiones*, Ambrose epistle 81. Rufinus *in the exposition*, Jerome epistle to Pammach. and *on the errors of John of Jerusalem*, Chrysostom homilies 1. and 2. *on the Symbol*, Augustine sermons 115. and 180. de tempore, Leo sermon 11. on the Passion of the Lord, and epistle 13. to Pulcheria, and with them St. Bonaventure and others.

> *TRIPLEX autem Symbolum existit in Ecclesia, ut notat D. Bonav. ad 5. quaest. cit. Primum est Apostolorum, quod recitatur in officio. Hoc vero a duodecim Apostolis compositum asserunt communiter Patres veteres; Clemens I. epist. 1. Irenaeus lib. 1. cap. 2. Tertullianus* in praescriptionibus*, Ambros. epist. 81. Ruffinus* in expositione*, Hieron. epist. ad Pammach. et* de erroribus Ioan. Hierosol. *Chrysost. homil. 1. et 2.* in Symb. *August. serm. 115. et 180. de tempore, Leo serm. 11. de Passione Domini, et epist. 13. ad Pulcheriam, et cum eis S. Bonav. et alii.*

13 The Seraphic Doctor adds, with Augustine and Leo above, that each Apostle set forth one article.

> *Addit S. Doct. cum August. et Leone supra, singulos Apostolos apposuisse unum articulum.*

14 The SECOND Symbol is Athanasius's, which, as the Seraphic Doctor says, was drawn up chiefly against Arius. It is the one that is recited at the first Hour of Sunday. So testify Sts. Augustine *on Psalm 120.* in the enchiridion chapter 36. and book 5. on the Trinity, chapter 8. and epistle 174. and sermon 195. de Tempore. And St. Gregory Nazianzen on the praises of Athanasius; and, which is the chief point, the whole Church receives it. It is kept at Rome, written by him in Latin.

> *SECUNDUM Symbolum est Athanasii, quod, ut ait S. Doct. fuit contextum praecipue contra Arium. Est autem illud, quod recitatur in Hora prima Dominicae. Ita testantur SS. August.* in Psalm. 120. *in enchir. cap. 36. et lib. 5. de Trinitate, cap. 8. et epist. 174. et serm. 195. de Tempore. Et S. Gregorius Nazianzenus de laudibus Athanasii, et quod caput est, universa Ecclesia illud recipit. Habetur Romae, ab eo Latinae Scriptum.*

15 The THIRD Symbol is the Nicene, which is recited in the Mass with certain additions in the first Council of Constantinople: Toledo 8. and Florence; and separately by the Church there was added

that clause: *proceeding from the Son (Filioque)*, as we saw p. 2. *tract. 1. disp. 10. question 2.*

> *TERTIUM Symbolum est Nycaenum, quod in Missa recitatur cum quibusdam additis in CC. Constantinopolitano primo: Toletano 8. et Florentino; et seorsim ab Ecclesia addita est illa particula:* Filioque procedit, *ut vidimus p. 2.* tract. 1. disp. 10. quaest. 2.

16 SUITABLY, however, the Seraphic Doctor shows that faith was ordered into articles first, that it might be Catholic, that is, a universal uniformity of faith among all peoples, which Irenaeus taught before, book 1. chapter 3.

> *CONVENIENTER autem fidem in articulos ordinatam ostendit S. Doct. primo, ut esset Catholica, idest universalis uniformitas fidei apud omnes gentes, quod ante docuit Irenaeus lib. 1. cap. 3.*

17 SECOND, because Faith had to be handed on to all, even the simple, which would not be explicit enough in general terms, nor could they be instructed by profuse eruditions, as D. Augustine teaches, *book on faith, and the Symbol chapter 1.*, Cyril of Jerusalem *catech. 5.*

> *SECUNDO, quia omnibus, etiam simplicibus debuit tradi Fides, quae non satis esset explicita in genere, nec profusis eruditionibus potuissent erudiri, ut docent D. August.* lib. de fide, et Symb. cap. 1. *Cyrill. Hierosol.* catech. 5.

18 Valencia adds, with D. Bonaventure, *that it is useful, indeed most necessary, against heretics, to have a formula of faith, which, therefore, as heresies arose with the passage of the times, was enlarged, as I shall say in the following question.*

> *ADDIT Valentia cum D. Bonav.* utile, imo pernecessarium esse, contra haereticos habere formulam fidei, quae ideo, exurgentibus haeretibus temporum decursu, adaucta est, ut dicam quaestione sequenti.

19 The Seraphic Doctor shows, with D. Thom. *question 1. article 8.*, that the articles are placed in a fitting order. He takes this order from the heads of things to be believed. First, then, the Divinity is to be believed: then the Trinity of persons: third the Humanity: fourth the Operations of the divinity; and last the works of Christ incarnate. As to the Divine essence, there is one article, just as the essence of God is most simple: *I believe in God.* As to the most holy Trinity, there are three articles. The first is: *I believe in God the Father*; the second is: *In Jesus Christ, his son, etc.*; the third: *I believe in the Holy Spirit.* As to the Operations of the deity, they are threefold. The first is the creation of nature, and it is noted when it is said: *I believe in the Creator of heaven, and earth.* The second is the bestowal of grace, and it is noted when it is said: *I believe the Holy Catholic Church: the communion of Saints, the remission of sins.* The third is the bestowal of glory: *the resurrection of the flesh, life everlasting.* And so there are seven articles concerning the divinity, looking to the divine essence itself: One looking to the Deity in itself; Three looking to the Trinity of persons, and the other three to the works of the Deity. Likewise concerning the humanity of Christ there are seven articles, according to the seven acts of the Redemption, which are ordered to our salvation. The first is the Incarnation, and on this is the article: *Who was conceived of the Holy Spirit.* The second is to be Born: *Born of the Virgin Mary.* The third is Redemption: *He suffered under Pontius, and was crucified, dead, and buried.* The fourth is the despoiling of hell: *He descended into hell.* The fifth is the triumph over death: *On the third day he rose again from the dead.* The sixth is the Ascension into heaven: *He ascended into heaven, and sits at* the right hand of the Father. The seventh is the Coming to judgment: *From thence he shall come to judge, etc.* See the Seraphic Doctor, *dist. 25. question 1.*, assigning to each Apostle his own article.

ORDINE autem congruo articulos collocatos ostendit S. Doct. cum D. Thom. quaest. 1. art. 8. *Sumit autem ordinem hunc e capitibus credendorum. Primum enim credenda est Divinitas: deinde Trinitas personarum: tertio Humanitas: quarto Operationes divinitatis; et ultimo opera Christi incarnati. Quoad Divinam essentiam, est unus articulus, sicut essentia Dei est simplicissima:* Credo in Deum. *Quoad Trinitatem sanctissimam, tres sunt articuli. Primus est:* Credo in Deum Patrem, *Secundus est:* In Iesum Christum, filium eius, etc. *Tertius:* Credo in Spiritum Sanctum. *Quoad Operationes deitatis, tripartitae sunt. Prima est naturae creatio, et notatur, cum dicitur:* Credo in Creatorem caeli, et terrae. *Secunda est, gratiae collatio, et notatur, cum dicitur:* Credo Sanctam Ecclesiam Catholicam: Sanctorum communionem, remissionem peccatorum. *Tertia est collatio gloriae:* Carnis resurrectionem, vitam aeternam. *Et sic septem sunt articuli circa divinitatem, respicientes ipsam divinam essentiam: Unus Deitatem in se; Tres respicientes Trinitatem personarum, et alii tres opera Deitatis. Similiter circa humanitatem Christi sunt septem articuli, secundum septem actus Redemptionis, qui ordinantur ad nostram salutem. Primus est Incarnatio, et de hoc est articulus:* Qui conceptus est de Spiritu Sancto. *Secundus est Nasci:* Natus ex Maria Virgine. *Tertius est Redemptio:* Passus sub Pontio, et crucifixus, mortuus, et sepultus. *Quartus est Inferni spoliatio:* Descendit ad inferos. *Quintus est triumphus de morte:* Tertia die resurrexit a mortuis. *Sextus est Ascensio in caelum:* Ascendit ad caelos, sedet ad *dexteram Patris. Septimus est Adventus ad iudicium:* Inde venturus est iudicare, etc. *Vide S. Doct.* dist. 25. quaest. 1. *singulis Apostolis proprium articulum: assignantem.*

20 The Seraphic Doctor marvels that these fourteen articles are set forth in *Apoc. 1.*, where Christ was seen among seven golden candlesticks, and he had in his right hand seven stars; now the stars are the heavenly articles of the deity: but the seven golden candlesticks, of earthly substance, yet precious, are the seven articles of the humanity. The same he teaches in *Hexaemer. sermon 8. and in the Centilog. sect. 38. and in the Diaeta, chapter 5. title 3.*

Hos quatuordecim articulos miratur S. Doct. expressos Apoc. 1. *ubi inter septem candelabra aurea visus est Christus, et habebat ad dexteram septem stellas, sunt autem stellae articuli caelestes deitatis: At septem candelabra aurea, e terrena substantia, sed pretiosa, sunt septem humanitatis articuli. Eadem docet in* Hexaemer. serm. 8. et in Centilog. sect. 38. et in Diaeta, cap. 5. titulo 3.

21 He notes, however, that the articles are reduced to twelve; for the first contains the Deity; and the first Person, who is the Fount of all the communications of the Deity; and the work of Creation, all of which St. Peter asserts; and so there are twelve articles in a broad sense. See the Seraphic Doctor.

ADVERTIT autem, reductos articulos in duodecim; nam primus continet Deitatem; et primam Personam, quae est Fons omnium communicationum Deitatis; et opus Creationis, quae omnia S. Petrus asserit, et ita duodecim sunt articuli, lato modo. Vide S. Doctorem.

22 Therefore the Seraphic Doctor proves the sufficiency of the Symbol first from Cassian *book 6. de Incarn. to Pope Leo.*

PROBAT igitur S. Doct. sufficientiam Symboli primo ex Cassiano lib. 6. de Incarn. ad Leonem Papam.

23 SECOND, because faith is concerned with God: Now God is regarded in two ways, either in himself, as One, and Three; or in the Humanity assumed. Again. The Deity is not known on the way, except through the works; now three of these are the chief ones, Creation, Gratification, and Glorification. But the works of the humanity are related in the Symbol, which, since it was composed by the Apostles, full of the Holy Spirit, there is no doubt that it is fitting; for they were the masters of the Catholic Church. And so, although fourteen can also be counted, as St. Bonaventure teaches, *loc. cit.*, Scotus *dist. 25. question 1.*, nevertheless they are reduced to twelve.

SECUNDO, quia fides versatur circa Deum: Dupliciter autem Deus respicitur, vel in se, ut Unus, et Trinus; vel in Humanitate assumpta. Rursus. Deitas non cognoscitur in via, nisi per opera; haec vero tria sunt praecipua, Creatio, Gratificatio, et Glorificatio. Opera vero humanitatis sunt relata in Symbolo, quod, cum ab Apostolis, plenis Spiritu Sancto compositum fuerit, non est dubium, quin congruum sit; fuere enim magistri Ecclesiae Catholicae. Itaque, licer quatuordecim possint etiam numerari, ut docent S. Bonav. loc. cit. *Scotus* dist. 25. quaest. 1. *tamen ad duodecim rediguntur.*

24 Valencia, however, *loc. cit.*, Morand. *q. 4.*, Cardinal Lugo *disp. 3. sect. 4.*, observes that the Symbol is not Canonical Scripture, because it was composed by the Apostles, as a brief formula for professing the faith already possessed. You will wonder, here, that the Mystery of faith, that is, the Eucharist, is omitted. But it is included in the omnipotence. See D. Th. *article 8. to 6.* It is also enclosed in the Church.

OBSERVAT autem Valentia loc. cit. *Morand.* q. 4. *Card. Lugo* disp. 3. sect. 4. *Symbolum non esse Scripturam Canonicam, quia compositum fuit ab Apostolis, tanquam formula brevis profitendi fidem, iam praehabitam. Miraberis, hic omitti Mysterium fidei, idest Eucharistiam Sed includitur in omnipotentia. Vide D. Th.* art. 8. ad 6. *Clauditur etiam in Ecclesia.*

Question IX: Whether the articles of faith have grown over the course of time

1 The COMMON opinion of Theologians is that all the articles of faith have always been believed implicitly, though not explicitly: so D. Bonaventure and D. Thomas here, where the Thomists, and all the Sententiarii with the Master, 3. *dist. 25.*, where also Albert. *art. 1 to 1.* Scotus *question 1. Durand. question 1. Richard. art. 3. question 2.* Valencia *question 1. p. 6. et* others in Suarez on Faith *disp. 2. sect. 6.* Cardinal Lugo *disp. 3. sect. 5.* Aragon. here. Tanner. *disp. 1. q. 1. n. 101.*

COMMUNIS Theologorum sententia est, articulos omnes fidei implicite semper fuisse creditos, non tamen explicite: Sic D. Bonav. et D. Thom. hic, ubi Thomistae, et Sententiarii omnes cum Magistro 3. dist. 25. *ubi Albert.* art. 1 ad 1. *Scotus* quaest. 1. Durand. quaest. 1. Richard. art. 3. quaest. 2. *Valentia* quaest. 1. p. 6. et *alii apud Suarez de Fide* disp. 2. sect. 6. *Card. Lugo* disp. 3. sect. 5. *Aragon. hic. Tanner.* disp. 1. q. 1. n. 101.

2 I ASSERT first, that the articles of Faith, as to implicit belief, have not grown.

ASSERO primo, articulos Fidei, quoad credulitatem implicitam non crevisse.

3 It is PROVED by the Seraphic Doctor first, because the Christian Faith is contained wholly in the new law, and the new law was enfolded in the old, as the whole in the wheel, as is said *Ezech. 1.*

PROBATUR a S. Doct. primo, quia Fides Christiana tota continetur in lege nova, et lex nova involvebatur veteri, veluti tota in rota, ut dicitur Ezech. 1.

4 It is PROVED second by the Seraphic Doctor. When the object is changed substantially, the habit is changed: Therefore if faith had a new object, believing what it did not believe before, it would be changed; but Faith, according to the diverse times, has not been changed, from D. Augustine *epistle 51.*, Irenaeus *book 4. chapter 13.*, and other Fathers; and so indeed what we believe, the Fathers believed explicitly as to substance, at least implicitly, so that even the holy Doctors who use this term teach, that it has not been changed as to substance, but according to accident; because what was believed implicitly of old is now believed explicitly, and so these articles were contained in the ancient ones, as more remote and more distinct concepts in the universal ones, as Valencia notes.

PROBATUR secundo a S. Doct. Mutato obiecto substantialiter, mutatur habitus: Ergo si fides haberet obiectum novum credens, quod ante non credebat, mutata esset; sed Fides secundum diversa tempora non est mutata ex D. August. epist. 51. *Irenaeo* lib. 4. cap. 13. *et aliis Patribus, atque adeo id, quod credimus nos, explicite credidere Patres, quoad substantiam, saltem implicite, ut docent etiam Sancti Doctores, qui hoc termino utuntur, non esse mutata, quoad substantiam, sed secundum accidens; quia implicite olim creditum, iam creditur explicite, atque adeo continebantur hi articuli in antiquis, sicut conceptus ulteriores, et distinctiores in universalibus, ut notat Valentia.*

5 It is PROVED third by the Seraphic Doctor. For in ancient times all expected the Redeemer; but that he was to be a God-man, not all knew. So of the remaining articles looking to the passion, resurrection, and Ascension of Christ. The Seraphic Doctor explains this more fully in the body. These are the arguments for the opposite, granted in this sense in the replies.

PROBATUR tertio a S. Doct. Nam antiquitus omnes expectabant Redemptorem; sed quod futurus esset homo Deus, non omnes sciebant. Sic de reliquis articulis spectantibus ad passionem, resurrectionem, et Ascensionem Christi. Hoc magis explicat S. Doct in corpore. Haec sunt argumenta ad oppositum, hoc sensu concessa in responsis.

6 It is PROVED fourth. As the object of Charity grew, so also of Faith; but all things must now be loved explicitly, even enemies; in ancient times they were to be loved implicitly: Therefore.

PROBATUR quarto. Sicuti crevit obiectum Charitatis, ita et Fidei; sed omnia nunc diligenda explicite, etiam inimici, erat antiquitus diligenda implicite: Ergo.

7 I ASSERT second, that not all things that are now believed explicitly were believed in the same way in ancient times.

ASSERO secundo, non omnia, quae nunc creduntur explicite, fuisse credita eodem modo antiquitus.

8 It is proved *first* by the Seraphic Doctor from that of Exodus 6. *I am the God of Abraham, Isaac, and Jacob: and my Name Adonai I did not show them*, that is, I did not impart to them a clear knowledge of my Simplicity, and Unity, as D. Thom. expounds, question 174. article 6.

Probatur primo *a S. Doct. ex illo Exodi 6.* Ego sum Deus Abraham, Isaac, et Iacob: et Nomen meum Adonai non indicavi eis*, idest, non impertivi illis claram notitiam Simplicitatis, et Unitatis meae, ut exponit D. Thom. quaest. 174. art. 6.*

9 It is proved *second* by the Seraphic Doctor. As the Evangelical Law is related to the Mosaic as to morals, so also the faith of the new law to the faith of the old as to things to be believed; but the Gospel adds many counsels above the old law: Therefore the new law adds more things to be believed; yet not otherwise than by unfolding the implicit, as is clear from the foregoing. It is almost the argument of D. Irenaeus, book 4. chapter 47.

Probatur secundo *a S. Doct. Sicut se habet Lex Evangelica ad Mosaicam; quoad moralia ita et fides legis novae ad fidem veteris quoad credibilia; sed Evangelium supra legem veterem addit multa consilia: Ergo lex nova addit plura credibilia; non tamen aliter, quam implicita explicando ut patet ex supradictis. Est fere Argumentum D. Irenaei lib. 4. cap. 47.*

10 It is proved *third* by the Seraphic Doctor. For the Mysteries of the Incarnation, the Sacraments, and other things believed in the Church were not believed explicitly of old.

Probatur tertio *a S. Doct. Nam Mysteria Incarnationis, Sacramenta, et alia Ecclesiae credita, non credebantur olim explicite.*

11 It is proved *fourth* by the Seraphic Doctor. The new Church knows many things that lay hidden from the Angels, as is said Ephes. 3. Therefore much more did these things lie hidden from the men of the old law.

> *Probatur* quarto *a S. Doct. Ecclesia nova, multa novit, quae Angelos latebant, ut dicitur Ephes. 3. Ergo multo magis haec latebant homines veteris legis.*

Question X: Whether faith has grown as regards its light

1 I assert that Faith has grown in light from the beginning of the world.

> Utrum FIDES creverit quoad lumen.
>
> *Assero, Fidem secundum lumen crevisse ab initio mundi.*

2 It is PROVED *first* by the Seraphic Doctor from D. Gregor. *homily* 16. on Ezech., where, expounding that of Luke 10. *Blessed are the eyes that see the things which you see*, he says: *With the increases of the times the knowledge of the Saints, and of the spiritual Fathers, grew. And the nearer they stood to the coming of the Savior, the more fully they perceived the mystery of salvation:* Therefore they knew with a fuller light; but not except by the light of faith: Therefore. D. Thom. means the same, question 1. *art.* 4. *to* 4.: those nearer, namely to Christ, were suffused with a greater light — not all, indeed, but some. Valencia adds another limitation, that this is true of the infused light; for by natural light Theologians now know more things. But we were already speaking of the infused light of Faith.

> *Probatur* primo *a S. Doct. ex D. Gregor.* homil. *16. in Ezech. ubi exponens id Lucae 10.* Beati oculi, qui vident, quae vos videtis*, ait:* Secundum incrementa temporum crevit scientia Sanctorum, et spiritualium Patrum. Et quanto adventui Salvatoris viciniores extiterunt, tanto mysterium salutis plenius perceperunt: *Ergo pleniori lumine cognoverunt; sed non nisi lumine fidei: Ergo. Idem sentit D. Thom. quaest. 1.* art. *4.* ad *4. viciniores, nempe Christo, maiori lumine fuisse perfusos, non omnes sane, sed aliquos. Addit Valentia aliam limitationem, hoc verum esse de lumine infuso; nam lumine naturali nunc iam Theologi plura cognoscunt. Sed iam nos loquebamur de lumine infuso Fidei.*

3 Tanner adds, disp. 1. question 1. number 206., that not even one of the Doctors, succeeding in the Church, received the mysteries of faith more explicitly than the Apostles.

> *Addit Tanner. disp. 1. quaest. 1. num. 206. nullum etiam e Doctoribus, succedentibus in Ecclesia, explicatius Apostolis mysteria fidei accepisse.*

4 But this is *truly* PROVED. John 14. *The Paraclete will teach you all things; and chapter 15. All things that I have heard from the Father, I have made known to you.* And chapter 16. *When the Paraclete shall come, he will teach you all things*, and at the end of Luke: *Then he opened their sense, that they might understand the Scriptures*, as the Seraphic Doctor observes in his commentaries. And 2 Corinth. 3. *Beholding with unveiled face the glory of the Lord.* The Seraphic Doctor adds that of Acts 2., where Peter admonishes the Jews, the prophecy of Joel, chapter 2., being now fulfilled: *And it shall be in the last days I will pour out of my spirit upon all flesh, and they shall prophesy, and shall see visions.*

> *PROBATUR* vero *hoc. Ioan. 14.* Paracletus vos docebit omnia; et cap. 15. Omnia, quae audivi a Patre, nota feci vobis. *Et cap. 16.* Cum venerit Paracletus, ille vos docebit omnia, et Lucae ultimo: Tunc aperuit illis sensum, ut intelligerent Scripturas*, ut observat S. Doct. in commentariis. Et secunda Corinth. 3.* Nos revelata facie gloriam Domini speculantes. *Addit S. Doct. illud Act. 2. ubi Petrus admonet Iudaeos, iam impleti Ioëlis*

prophetiam capite 2. Et erit in novissimis diebus effundam de spiritu meo super omnem carnem, et prophetabunt, et visiones videbunt.

5 The Seraphic Doctor adds, to those words *at the end of Luke*, an argument from the Scriptures; For Christ has the key of knowledge, as is said Isa. 22. and Apoc. 5. The Lamb opened the Book of revelations, hidden before, and the four animals, which accompany the Evangelists, and the twenty-four elders standing about, saw the secrets. Therefore, the nearer the disciples were to Christ, the wiser they were.

Addit S. Doct. ad ea verba Lucae ultimo*, argumentum e Scripturis; Nam Christus habet clavem scientiae, ut dicitur Isa. 22. et Apoc. 5. Agnus aperuit Librum revelationum, antea occultatum, et quatuor animalia, quae Evangelistas comitantur, et vigintiquatuor seniores circumstantes viderunt arcana. Igitur, quo viciniores fuere discipuli Christo; eo sapientiores.*

6 But D. Bonan. *on chapter 16. of John* objects. How does he say, *chapter 15. I have made all things known to you*, when here he says: *I have many things to say to you?* He answers with D. August. *Tract*. 96. that he speaks of those things that were revealed at the coming of the Holy Spirit, to which they were not yet disposed. For all things, written with canonical authority before the coming of the spirit (says St. Augustine), who hears, or reads? And he puts the past for the future; and signifies, *I have made known*, that is, I shall make known so certainly that you may hold them as things possessed.

Obiicit vero *sibi D. Bonan.* ad cap. 16. Ioan. *Quomodo ait,* cap. 15. Omnia nota feci vobis*, at hic ait:* Multa habeo vobis dicere? *Respondet cum D. August*. Tract. *96. eum loqui de his, quae revelata sunt in adventu Spiritus sancti, ad quae non erant adhuc dispositi. Omnia enim, Canonica (ait S. August) authoritate conscripta ante adventum spiritus, quis audit, vel legit? ponit autem praeteritum pro futuro; et significat,* nota feci*, idest, nota adeo certe faciam, ut ea possitis, ut habita, tenere.*

7 But the Seraphic Doctor has most splendid things on this, *sermon* 9. *on the day of Pentec.*, where he observes that the Apostles are called heavens formed by the Holy Spirit, Iob. 26. *The spirit of the Lord adorned the heavens. Psal. 116. The heavens show forth the glory of God. Psal. 32. By the word of the Lord the heavens were made firm, and by the spirit of his mouth all their power*, as the Fathers expound: and he joins this with that of John 16. *When he, the Spirit of truth, shall come, he will teach you all truth*, and says: As the heavens are, in which is the fountain of light, and the Luminaries, so in the Apostles shone forth the most splendid Lights of faith. And as in the foundations there is the greater substance, so in the Apostles, who are called the foundations of the Church, Ephes. 2. Apoc. 21. And as the Holy Spirit is called the Fount of the water leaping forth, poured out, which Christ was to give; so they who were nearer to this Fount drank in more: Therefore the holy Apostles were endowed with a greater Light of faith. By these arguments this is proved by the holy Fathers: Cyprian *epistle* 74. Ambrose *sermon* 24. Augustine *book* 5. *on Baptism, against the Donatists, chapter* 26., in Valencia. And Morand. *question* 5., who observes with Aragon *here art*. 7. Cardinal Lugo *disp.* 3. *sect*. 5., that the Apostles had explicit faith of all those things which the faithful are now bound to believe; But Suarez *book* 2. *sect*. 6. *num*. 18. holds that this is true only of things looking to the substance of those times, not of contingents, for instance, that the Council of Trent was lawfully convened, which nevertheless was then of faith, but only now declared; so assert Vualdens. *book* 2. *of the doctrinal faith, chapter* 22. Lyrin. *against heresies chapter* 17. Therefore, say Cano, Castr., and others, we are not to expect a new revelation unknown to the Apostles.

Praeclara vero *habet de hoc S. Doct.* serm. *9.* in die Pentec. *ubi observat, Apostolos vocari caelos a Spiritu Sancto formatos, Iob. 26.* Spiritus Domini ornavit caelos. Psal. 116. caeli enarrant gloriam Dei. Psal. 32. Verbo Domini caeli firmati sunt, et spiritu oris eius omnis virtus eorum*, ut Patres exponunt: haec autem componit cum illo Ioan. 16.* Cum venerit ille Spiritus veritatis, docebit vos omnem veritatem*, et ait: Sicut caeli sunt; in quibus est fons lucis, et Luminaria, ita in Apostolis splenduere Lumina fidei praeclarissima. Et sicuti in fundamentis est maior substantia, sic in Apostolis, qui dicuntur fundamenta Ecclesiae, Ephes. 2. Apoc. 21. Et sicut Spiritus Sanctus dicitur Fons aquae salientis effusus, quem Christus erat daturus; ita qui fuere viciniores huic Fonti, magis ebibere: Ergo Sancti Apostoli maiori Lumine fidei praediti sunt. His argumentis, hoc probant SS. PP. Cyprianus* epist. *74. Ambros.* serm. *24. August.* lib. *5.* de Baptismo, contra Donatistas, cap. *26. apud Valentiam. Et Morand.* quaest. *5. qui observat cum Aragonio* hic art. *7. Card. Lugo* disp. *3.* sect. *5. Apostolos habuisse fidem explicitam eorum omnium, quae nunc fideles tenentur credere; At Suarez* lib. 2. sect. *6.* num. *18. tenet, hoc verum solum de spectantibus ad substantiam illorum temporum, non de contingentibus, puta, quod fuerit Tridentinum legitime congregatum, quae tamen fuisse de fide etiam tunc, sed nunc solum declarata; asserunt Vualdens.* lib. 2. doctrinalis fidei, cap. 22. *Lyrin.* contra haeres. cap. *17. Ideo inquiunt Cano, Castr. et alii, nobis non esse expectandam novam revelationem, Apostolis ignotam.*

8 Indeed Peter doubted about this great point: Whether the Gospel was to be preached to the nations. Acts 10. and *chapter* 11.; he is in some way reproved by Paul concerning the use of legal observances.

Profecto Petrus dubitavit de hoc magno puncto: An Evangelium esset praedicandum gentibus. Act. 10. et cap. *11. aliquo modo reprehenditur circa usum legalium a Paulo.*

9 The Seraphic Doctor goes on to prove the excellence of our faith in the Evangelical law above the Mosaic; because, as the prophecies were ever made clearer even in the old law — whence David says Psal. 118. *I have understood above the ancients*, and he was esteemed a prophet above the earlier ones; so likewise the later ones were irradiated by the new light, as it were, of the day of grace approaching; so up to the Gospel, in which is the perpetual, resplendent day, the faith is more resplendent. For the Gospel is Light; and the old Law is a Shadow; and so the interior illumination is more resplendent, and the exterior instruction, and therefore the faith is adorned with a greater light.

Pergit S. Doct. probare praecellentiam fidei nostrae in lege Evangelica supra Mosaicam; quia sicuti prophetiae semper fiebant clariores etiam in lege veteri; unde ait David Psal. 118. Super senes intellexi*, et fuit aestimatus propheta, super antetiores; similiter et posteriores novo veluti diei gratiae advenientis lumine, fuere irradiati; sic usque ad Evangelium, in quo est dies perpetua praeclara, praeclarior est fides. Est enim Evangelium Lux; et Lex antiqua est Umbra; atque adeo praeclarior est illuminatio interior, et exterior instructio, ac proinde maiori lumine decoratur fides.*

10 You will object *first*. What is above time is not increased by time. Such is faith: Therefore.

Obiicies primo. *Quod est supra tempus, non augetur tempore. Talis est fides: Ergo.*

11 The Seraphic Doctor answers that it is above time as to the moving reason, which is the first truth; but as to instruction it grew from night into day.

Respondet S. Doct. esse supra tempus, quoad rationem moventem, quae est prima veritas; at quoad instructionem crevit e nocte, in diem.

12 You will object *second*. That which shows a more hidden object is a more intense light; but the ancient faith showed the Redeemer to come, who was more hidden than now, since he has already come: Therefore.

> *Obiicies* secundo. *Id, quod ostendit occaltius obiectum, est lumen intensius; sed fides antiqua ostendebat Redemptorem futurum, qui erat magis occultus, quam nunc; cum iam advenerit: Ergo.*

13 The Seraphic Doctor answers *first* that it would be truer, if such light showed the hidden thing more intensely, and more clearly, by revealing more of it: But if it reveals less, it is denied: Hence the light of faith, although it shows God hidden on the way, is less than the light of glory, which exhibits more, by making God, who is hidden from us, clearer. So the light of the old faith, showing Christ obscure, was more remiss, because it uncovered little of him, and less than ours.

> *Respondet S. Doct.* primo, *Maiorem esse veram, si tale lumen ostendat rem occultam intensius, et clarius, plus de ea patefaciendo: At si minus pandat, negatur: Hinc lumen fidei, etsi ostendat Deum in via occultum, est minus lumine gloriae, quod plus exhibet, reddendo Deum, qui nobis est occultus, clarius. Ita lumen veteris fidei, ostendens Christum obscurum, erat remissius, quia parum de eo detegebat, minusque nostro.*

14 *He answers* second that the light which unfolds an object obscure in itself, and makes it appear clearer to the powers, is resplendent; But if it shows it in an obscuring cloud, it is not such. Now Christ was obscure in himself in ancient times; and as to the powers he was shown with little light, in shadowy manner; now, however, although he has already come, still objectively, in a natural way, he is little exhibited. For even if we know that there was in Judaea a famous man, called Jesus; and we read many things about him in the historians of the world; nevertheless we have received the knowledge of the Divine Person, of the truth of the doctrine, of the holiness, and of the miracles, by the light of faith, by which we believe the Gospels; and therefore the light that makes this hidden thing known to our minds is clearer than that light infused into the ancients. This reply contains, and explains the preceding one.

> Respondet *secundo, lumen, quod pandit obiectum in se obscurum, illudque potentiae facit clarius apparere, esse praeclarum; At si ostendat in nubilo, non est tale. Iam vero Christus erat antiquitus in se obscurus; et ex parte potentiarum parum lumine umbroso ostensus; nunc autem tametsi iam venerit, tamen obiective via naturali parum exhibetur. Esto enim sciamus, fuisse in Iudaea hominem celebrem, vocatum Iesum; multaque de eo apud historicos mundi legamus; attamen notitiam Personae Divinae, veritatis doctrinae, sanctitatis, et miraculorum, accepimus lumine fidei, quo Evangelia credimus; et ideo lumen, hoc occultum reddens mentibus notum, est clarius lumine illo, antiquis infuso. Haec responsio continet, et explicat praecedentem.*

15 The same light suffused those who touched Jesus in the flesh; whence very many, although they saw the miracles, etc., did not believe, as D. Bonav. says, *on 3.*

> *Idem lumen perfudit eos, qui in carne Iesum contrectarunt; unde plurimi, tametsi viderint miracula, etc. non credidere, ut ait D. Bonav.* ad 3.

16 *You will object* third. The light of faith that shows things to come is greater than that which shows things past: But the ancients saw things to come; We things past: Therefore.

> Obiicies *tertio. Maius est lumen fidei, quod ostendit futura, quam quod praeterita: Sed antiqui videbant futura; Nos praeterita: Ergo.*

17 *The Seraphic Doctor answers* that things above natural cognition are equally obscure whether they be past, and that of such things there is prophecy. Thus Moses prophesied, describing the creation of the world *Genes. 1.*, and other past things. And Elizabeth *Luke 1.* says: *Blessed art thou that hast believed*, and

of such things is faith, as that Jesus the son of God died, etc., which are not accessible to natural light.

> Respondet *S. Doct. ea, quae sunt supra naturalem cognitionem, esse aeque obscura, si praeterita sint, et de talibus esse prophetiam. Sic prophetavit Moyses describens creationem mundi* Genes. 1. *et alia praeterita. Et Elisabeth* Lucae 1. *ait:* Beata, quae credidisti*, et de his est fides, ut quod Iesus filius Dei sit mortuus, etc. quae naturali lumini non sunt pervia.*

18 *You will object* fourth. The illumination is greater where the communication of light is greater: But our faith is confirmed by the light even of the ancient Fathers: therefore it receives light from the ancients.

> Obiicies *quarto. Maior est illuminatio, ubi maior est luminis communicatio: Sed fides nostra confirmatur per lumen etiam antiquorum Patrum: ergo recipit ab antiquis lumen.*

19 *The Seraphic Doctor answers* that this happens per accidens, insofar as those Fathers were set forth as lampstands for the posterity of the grace of the new law also. Thus the patience of Job, and of Tobias was set forth; the faith of Abraham, etc., that those first ones should be the exemplars of virtue, and that we, animated, might see what higher sanctity we are bound to climb in the testament of graces, to which indeed innumerable ones have flown over by the observance of the perfection of the counsels, although many have lain hidden under a bushel.

> Respondet *S. D. id evenire per accidens, quatenus expositi sunt Patres illi super candelabra posteris novae etiam legis gratiae. Sic exposita est Iobi, et Tobiae patientia; Abrahae fides, etc. ut illi primi essent Ideae virtutis, nosque animati videremus quam altiorem sanctitatem scandere teneamur in testamento gratiarum, ad quam sane innumeri supervolarunt consiliorum perfectionis observantia, etsi sub Modio latuerint multi.*

Question XI: Whether faith has grown in certitude

1 I assert first, that faith does not grow in the respect of its intrinsic certainty.

> ***An Fides creverit certitudine.***
>
> *Assero primo, fidem non crescere in ratione sua intrinsecae certitudinis.*

2 *It is proved* by D. Bonav. first, because it hangs on the first truth, which is immutable.

> Probatur *a D. Bonav. primo, quia pendet a prima veritate, quae immutabilis est.*

3 *Second*, because it hangs on the Divine foreknowledge, and decree, which are immutable.

> Secundo*, quia pendet a Divina praescientia, et decreto, quae immutabilia sunt.*

4 *Third*, because it hangs on the divine predictions, which are always certain in the same way.

> Tertio*, quia pendet ex divinis praedictionibus, quae semper eodem modo sunt certae.*

5 *Fourth*. That is more certain which is further removed from error, as that is whiter which recedes more from black, as Aristotle has it *3. Top. chapter 4.*; but the ancient faith, and ours, are equally removed from all error: Therefore.

> Quarto. *Id est certius, quod magis ab errore est remotum, sicut id est albius, quod magis a nigro recedit, ut habet Atistoteles* 3. Top. cap. 4. *sed fides antiqua, et nostra, sunt aeque remotae ab omni errore: Ergo.*

6 I assert second, that faith grows on the side of the believers, by reason of clearer instruction, and devotion.

> *Assero secundo, fidem crescere ex parte credentium, ob clariorem instructionem, et devotionem.*

7 *It is proved* by D. Bonav. first. For that is more certain which is made known by more means; but the mysteries have been expounded with new light, and in new ways: Therefore.

> Probatur *a D. Bonav. primo. Certius enim est, quod pluribus mediis notificatur; sed mysteria novo lumine, novisque modis sunt exposita: Ergo.*

8 *Second*, because the mysteries of Christ, which were to come, are now rendered more certain *from the fact*.

> Secundo*, quia mysteria Christi, quae futura erant, iam certiora* ex facto *redduntur.*

9 *Third*, because faith abounds with many witnesses, namely, those who have received the Catholic faith. By which argument D. August. was moved, *book against the letter of Fundam. chapter 4. and book on the profit of believing, chapter 14.* How much more does the consensus of those who came after St. August. move? Surely so many men did not come to the faith for private advantages, but so many rich, so many wise, so many Princes ran to despoilings of their goods, to prisons, to martyrdoms, as St. Justin argues *Apol. 2. to the Emperor.* Behold even in our times so many Heroes turning the ribbons of the world into haircloth, and proud roofs into humble little cells.

> Tertio*, quia fides pluribus testibus abundat, nempe, qui fidem Catholicam receperunt. Quo argumento movetur D. August.* lib. contra epist. fundam. cap. 4. et lib. de utilitate credendi, cap. 14. *Quanto magis movet consensus eorum, qui post S. August. venere? Sane tot homines non ob privata commoda ad fidem veniebant, sed ad expoliationes bonorum, ad carceres, ad martyria currebant tot divites, tot sapientes, tot Principes, ut arguit S. Iustinus* Apol. 2. ad Imperatorem. *Inspice nostris etiam temporibus tot Heroes, mundi infulas in cilicia, superbaque tecta in humiles cellulas vertentes.*

10 Then there are the most splendid testimonies of so many martyrs triumphing amid torments, from which, even in our times, in England, and other northern regions, whence every evil is spread, by the cruelty, and unbelief of the sectaries, and Mahometans, have been produced men most wise, and most holy.

> *Deinde sunt testimonia praeclara tot martyrum, inter tormenta triumphantium, e quibus viri sapientissimi, et sanctissimi, nostris etiam temporibus in Anglia, et aliis Poli plagis, unde panditur omne malum, sectariorum, et Mahumetanorum crudelitate, et incredulitate inductum.*

11 *Fourth*, of so many Kings, Emperors, flourishing with the torque of wisdom in the world, there are testimonies; I mean of those who came to the faith by most splendid conversions down to these very times.

> Quarto*, tot Regum, Imperatorum, torque florentium in orbe sapientia, sunt testimonia; eorum inquam, qui praeclaris conversionibus ad fidem venerunt ad haec usque tempora.*

12 *Fifth*, the assaults, wars, persecutions surmounted by the Church against heretical sectaries, who watered France, Germany, England with blood, that they might overturn the Catholic faith: Surely these seem to have far surpassed the savageries of the pagan Roman Caesars.

Quinto, *impugnationes, bella, persecutiones superatae ab Ecclesia contra haereticos sectarios, qui Galliam, Germaniam, Angliam sanguine irrigarunt, ut Catholicam fidem everterent: Profecto hi videntur longe Romanorum Caesarum Paganorum saevitias superasse.*

13 *Sixth*, the miracles multiplied down to these very times, even in the most remote Indians beyond the seas: By which argument Christ used *Matth. 11.* But if the miracles are not, and without miracles the Church stands, and grows; what greater miracle can there be? Thus argues St. August. *22. de civitate, chapter 5.*: It is a great miracle that the Church navigates safe amid innumerable storms down to these times.

Sexto, *multiplicata miracula ad haec usque tempora, etiam in remotissimis ultramarinis Indorum: Quo argumento usus est Christus* Matth. 11. *Quod si miracula non sunt, et sine miraculis stat, et crescit Ecclesia; quod maius esse potest miraculum? Sic arguit S. August.* 22. de civitate, cap. 5. *Magnum esse miraculum, Ecclesiam ad haec usque tempora inter innumeras procellas incolumem navigare.*

14 *Seventh*, even our enemies are witnesses *Deuter. 32.* Josephus the Hebrew *book 18. antiq. chapter 9.* the pagan Emperors in Eusebius *book 4. Hist. chapter 13. and book 9. chapter 9. and Justin Apol. 2. to the Emperor.*

Septimo, *etiam inimici nostri sint testes* Deuter. 32. *Iosephus Hebraeus* lib. 18. antiq. cap. 9. *Imperatores Pagani apud Eusebium* lib. 4. Hist. cap. 13. et lib. 9. cap. 9. et Iustinum Apol. 2. ad Imperatorem.

15 *Eighth*, let them testify with the characters of blood, who assailed our faith. I pass over the ancients: Luther died suddenly: Calvin eaten by worms, and others: Adolphus King of Sweden crushed in war. But if in ancient times this was an incentive to faith, while they saw the pagan Caesars slain, Arius pouring out his bowels, Julian the Apostate struck by lightning, how much more ought it now to move, while we have beheld all the others suddenly snatched from the midst by a terrible death?

Octavo, *testentur sanguinis characteribus, qui fidem nostram oppugnarunt. Omitto veteres: Lutherus raptim mortuus: Calvinus a vermibus depastus, et alii: Adolphus Rex Suecus contritus in bello. Quod si temporibus antiquis hoc erat ad fidem incentivum, dum videbant Paganos Caesares peremptos, Arium viscera fundentem, Iulianum Apostatam fulminatum, quanto magis nunc id debeat movere, dum omnes alios terribili nece e medio repentine sublatos, spectavimus?*

16 Let there come forward so many Councils of Wise men, and of Saints, so many prophetic oracles confirmed, so many arduous labors endured by the Confessors, so many wonders wrought in the Church, which now prevails with the highest majesty, and power: And there is the acclamation *Math. 16. The gates of hell shall not prevail.* How rightly Richard of St. Victor, *book 1. on the Trinity, chapter 2. Lord, if we are deceived, thou hast deceived us;* But that God cannot deceive I showed *question 4.* The Seraphic Doctor shows his indefectible perpetuity *in Hexaëm. and Boët. in demonstr. 8.*

Accedant tot Concilia Sapientum, et Sanctorum, tot prophetarum vaticinia firmata, tot Confessorum ardua exantlata, tot mira in Ecclesia patrata, quae nunc summa maiestate, et potentia praevalet: Et acclamatur id Math. 16. Portae inferi non praevalebunt. *Quam recte Richardus Victor,* lib. 1. de Trinitate, cap. 2. Domine, si decepti sumus, tu nos decepisti; *At Deum non posse decipere ostendi* quaest. 4. *Eius indefectibilem perpetuitatem ostendit S. Doct.* in Hexaëm. et Boët. in demonstr. 8.

17 At last the Seraphic Doctor proves that faith has been made more certain, or, let me say, more founded, by devotion, which fosters faith. Surely the devotion of our Church is marveled at everywhere in the ancient Canticles, as the Fathers expound. For now the army of Saints, the ranks of Martyrs, the choirs of Virgins abound, as St. Bonav. discourses most sweetly here, and *in the sermons of the Hexaëmer., especially 8. and following.*

Tandem probat S. Doct. fidem certiorem factam, seu dixero fundatiorem, devotione, quae fovet fidem. Sane Ecclesiae nostrae devotionem demiratur Antiqua in Canticis passim, ut Patres exponunt. Iam enim Sanctorum exercitus, Martyrum acies, Virginum chori abundant, ut melliflue disserit S. Bonav. hic, et in sermonib. Hexaëmer. maxime 8. et sequent.

Question XII: Whether the articles of faith are to be expounded by some authority which is an infallible teacher, and what it is

1 This question suggests the weightiest disputations against the sectaries, who, by their own strength and an empty, though inflated, little spirit, urge that it is lawful for all to interpret the Scriptures, and the articles of faith: But I have treated of these p. p. Tract. first, disp. 2. Prooemial, On the Theological Places, where I reduced the whole power of the key of knowledge to the seat of the Pope. The Seraphic Doctor demonstrates this most beautifully in the Apolog. of the poor, resp. 1. chapter 1., where he brings forward the precept of Deut. 17. of fleeing in doubts to the Pontiff.

An Fidei articuli exponendi sint auctoritate aliqua, quae sit infallibilis magistra, et quae sit.

Haec quaestio insinuat disputationes gravissimas contra sectarios, qui proprio marte et spiritulo inani, inflato tamen, urgent, omnibus licere Scripturarum, et articulorum fidei interpretationem: Sed de his egi p. p. Tract. primo, disp. 2. Prooemiali, De Locis Theologicis, ubi summam clavis scientiae potestatem ad sedem Papae deduxi. Id praeclare demonstrat S. Doctor in Apolog. pauper. resp. 1. cap. 1. ubi adducit praeceptum Deut. 17. confugiendi in dubiis ad Pontificem.

Question XIII: What are the marks of the true Church, in which the authority of expounding faith resides

1 The Church was founded from the beginning of the world, as S. Bonaventure asserts on Psalm 61, which all follow. But that she began more from Abel than from Adam, he explains: because Abel was slain as a figure of Christ, whereas Adam did not slay others. Then too, Abel was a virgin, a Martyr, and a Pastor, or Doctor. Finally, because a truncated branch is not reckoned, as is evident in the tree of consanguinity. Add that Abel began the multiplication: for the Church is a union of many faithful. Indeed Cain was a heretic, and killed Abel out of hatred of the faith. This is clear from Genesis 4, where we read: *Cain said to Abel: Let us go out into the open.* The Chaldean reads: *Cain said: There is no Law, no judge, nor retribution.* When Abel detested that proposition, Cain was aroused.

Quae sint notae verae Ecclesiae, apud quam stat authoritas exponendi FIDEM.

ECCLESIAM ab origine mundi fundatam asserit S. Bonavent. in Psalm. 61. quem omnes imitantur. Incepisse autem magis ab Abel, quam ab Adam, edisserit; quia fuit Abel occisus in Christi figuram; non autem occidit alios, ut Adam. Deinde fuit virgo, Martyr, et Pastor, seu Doctor. Tandem quia truncus non computatur, ut constat in consanguinitatis Arbore. Adde, Abelem incepisse multiplicationem: Nam Ecclesia est adunatio multorum fidelium. Sane Cain fuit haereticus, et odio fidei occidit Abelem. Hoc constat ex Genes. 4. ubi enim habemus: Dixit Cain ad Abel: Egrediamur

foras. *Chaldaeus legit:* Dixit Cain: Non est Lex, non est iudex, nec retributio. *Quam propositionem detestatus Abel, Cain concitavit.*

2 This mark has always remained intact in some, as S. Bonaventure runs through in sermon 16 of the Hexaëmeron. The true Marks of the Church are chiefly those read in the Creed, when it is said: *I believe One, Holy, Catholic, and Apostolic Church.*

Haec semper in aliquibus integra permansit, ut discurrit S. Bonavent. serm. 16. Hexaëmer. Verae Notae Ecclesiae sunt praecipuae, quae in Symbolo leguntur, dum dicitur: Credo Unam, Sanctam, Catholicam, Apostolicam Ecclesiam.

3 The FIRST Mark is that she be one. On this account (as S. Bonaventure observes on chapter 1 of Wisdom) it is said in Canticles 6: *One is my dove, my perfect one.*

PRIMA Nota est, ut sit una. Propter hoc enim (ut observat S. Bonavent. in cap. 1. Sap.) dicitur Cant. 6. Una est columba mea, perfecta mea.

4 On this account, she is said also to be compared to the world. Hence in Wisd. 1 it is said: *The spirit of the Lord hath filled the whole world*, both to signify that she is one; and her perfection in the world; and to show that she is Catholic, that is, universal, as the holy Doctor there remarks, describing from the parallel of the world the other perfections of the Church: stability in her seat, *the gates of hell shall not prevail* (Matt. 16), just as *the earth standeth for ever* (Eccl. 1); the spherical motion for communicating heavenly goods; the nobler ornaments of the virtues in the stars; the lower ones in herbs and plants, etc.

Propter hoc, comparatam ait etiam orbi. Ideo Sap. 1. dicitur: Spiritus Domini replevit orbem terrarum*, tum ut unam significet; tum ut perfectionem in orbe; tum ut Catholicam, idest universalem ostendat, ut advertit S. Doctor ibi describens alias, e parallelo orbis, Ecclesiae perfectiones, stabilitatem in sua sede,* Portae inferi non praevalebunt. *Matth. 16. sicuti et:* terra in aeternum stat*, Eccl. 1. motum sphaericum ad bona coelestia communicanda: ornamenta nobiliora virtutum in stellis; inferiora in herbis, plantis, etc.*

5 With similar parallels S. Bonaventure applies to the Church the name of the Dove, to those words of Psalm 67: *If you sleep in the midst of lots, the wings of the dove overlaid with silver, and the hinder parts of her back in the paleness of gold*, but he chiefly pursues the likeness from the fruitfulness by which she has brought forth all the faithful throughout the whole world, so that all may acknowledge one mother, the spouse of Christ, may confess one faith of Christ, united in the head, her Vicar, the Roman Pontiff. So teach Irenaeus, book 3, chap. 3; Cyprian, book 1, epist. 3, and book 4, epist. 8; Ambrose, on the death of Satyrus; Jerome, epistle to Damasus, who also, in the Epitaph on Marcella, writes that SS. Athanasius and his successor Peter of Alexandria, Bishops, fleeing the persecution of the Arians and their heresies, took refuge with the Roman See as with a Mother. The same doctrine is held by Optatus, book 1, contra Parmen.; Augustine, epist. 162; Leo, epist. 87.

CONSIMILIBUS parallelis applicat S. Bonavent. Ecclesiae nomen Columbae, ad ea verba Psalm 67. Si dormiatis inter medios cleros, pennae columbae de argentatae, et posteriora dorsi eius in pallore auri*, praecipue vero aucupatur similitudinem e foecunditate, qua omnes fideles peperit in toto orbe, ut omnes unam matrem cognoscant Christi sponsam, unam fidem Christi confiteantur, uniti in capite Vicario eius Romano Pontifice. Sic docent Irenaeus Lib. 3. cap. 3. Cyprianus Lib. 1. epist. 3. et Lib. 4. epist. 8. Ambros. de obitu Satyri, Hieron. epist. ad Damasum, qui, et in Epitaphio Marcellae, scribit SS. Athanasium, et eius successorem, Petrum Alexandrinum, Episcopos, persecutionem*

Arianorum, eorumque haereses declinantes, ad Romanam sedem, tanquam Matrem, confugisse. Eandem doctrinam tenet Optat: L. 1. cont. Parmen. Augustinus epist. 162. Leo epist. 87.

6 From one birth through Baptism, and one rite, the holy Doctor gathers in 4 dist. 3, part 1, quest. 2, one mother with the Apostle, Ephes. 4: *One spirit, one Lord, one faith, one baptism.* The Roman Church, therefore, has always been united in her members, as the holy Doctor shows in the Hexaëmeron, sermon 22. This the holy Doctor shows admirably on chapter 10 of John, in those words of the Lord Jesus: and *there shall be one fold and one shepherd.* Hence Ephes. 2: *He is our peace, who hath made both one:* and Isa. 28: *He is the corner stone made into the head of the corner, uniting two walls,* and Job 38: *Who laid the one corner stone?* God surely wills this great work of uniting so many foreign peoples scattered through the whole world into one house, into one fold, to be ascribed to Himself. Magnificently therefore God promised this Shepherd in Ezechiel 34: *I will raise up one shepherd over them.* Thus the holy Doctor.

Ex una nativitate per Baptismum, unoque ritu, colligit S. Doctor in 4. dist. 3. p. 1. quaest. 2. unam matrem cum Apostolo, Ephes. 4. Unus spiritus, unus Dominus, una fides, unum Baptisma. *Unita igitur semper in membris Ecclesia Romana fuit, ut ostendit S. Doctore in Hexaëmer. sermone 22. Hoc egregie ostendit S. Doctore ad cap. 10. Ioan. illis verbis Domini Iesu: et* fiet unum ovile, et unus Pastor. *Hinc Ephes. 2.* Ipse est pax nostra, qui fecit utraque unam: *et Isa 28.* Ipse est lapis angularis factus in caput anguli uniens duos parietes, *et Iob 38.* Quis demisit lapidem angularem unum? *sibi profecto adscribi vult Deus hoc opus grande uniendi e tot exteris, diffusisque toto orbe gentibus in unam domum, in unum ovile. Magnifice ideo Deus hunc Pastorem promisit Ezechiel. 34.* Suscitabo super eos Pastorem unum. *Haec S. Doctor.*

7 HENCE he takes up at a deeper level the coherence of our Church and the ruin of so many sects, with an argument drawn from Christ, Luke 11: *Every kingdom divided against itself shall be laid waste:* For, as D. Jerome says in the *Monastic Rule on charity and peace,* from Sallust on the Jugurthine war: *Concord makes small things grow; discord brings down the greatest.* Three confederations of the Rhaeti, it seems, seized on that saying and ascribed it to their three coats of arms, on which are depicted the Ibex in one, in another the Satyr, in the third the Cross between the fasces; and these three, joined together by chains, with that inscription hanging, would prevail! But the wretched Rhaeti, having fallen into heresies, tearing one another to pieces, preserve only that kind of union which is among enemies, and are perpetually at variance with their Catholics. The Devil accomplishes in the sects of heretics what came about in the Academies of the Philosophers, which, divided into sects, fell most miserably, as S. Augustine remarks, book 18, de civitate, chap. 52. Run through the sects of heretics in Bellarmine, chap. 10. The sectaries, the heretics of our age, are torn into almost innumerable sects.

HINC altius exorditur Ecclesiae nostrae consistentiam, et tot sectarum ruinam, argumento, sumpto e Christo, Lucae 11. Omne regnum in se divisum desolabitur: *Nam, ut ait D Hieron. in* Regula Monach. de charitate, et pace, *ex Sallustio de bello Iugurtino.* Concordia parvae res crescunt; discordia maximae dilabuntur. *Quod dictum affumpsere tres Rhetorum excelsae confoederationes, idque suis tribus adscripsere insignibus, quibus depicti sunt Hyrcus in una, in alia Satyrus, in tertia Crux inter fascias, et haec tria, catenis collegata, illa pendente inscriptione, enirent! At Rheti miseri in haereses delapsi, mutuo seipsos dilacerantes, eam tantum servant collegationem, quae est inter hostes, et cum Catholicis suis perpetuo disceptantur. Id efficit Diabolus in sectis haereticorum, quod Academiis effectum est Philosophorum, quae, in sectas divisae, miserrime sunt delapsae, ut advertit S. Augustinus Lib. 18. de civit. cap. 52. Percurrito haereticorum sectas apud Bellarminum cap. 10. Sectarii, haeretici saeculi nostri, in innumeras sunt fere sectas lacerati.*

8 BUT the Roman Church has always remained whole under one head, and indeed unharmed through so many centuries. So observed S. Augustine, epist. 162, and on the Psalm against the party of Donatus; and Leo, epist. 87; and Cyprian, book 9, epist. 4, and book 1, epist. 3. This I shall show also in the Tractate on Religion, disputation 1, last question.

> *AT Romana Ecclesia semper sub capite uno integra, atque adeo incolumis tot saecula permansit. Sic observavit S. Augustinus epist. 162. et in Psalm. contra partem Donati et Leo epist. 87. et Cyprianus Lib. 9. epist. 4. et Lib. 1. epist. 3. Hoc ostendam etiam Tract. de Relig. disp. 1. quaest. ult.*

9 That which Calvin mutters in the preface to his devastations — not his Institutions — that we too are divided in the Schools of the Thomists and the Scotists: I answer with D. Augustine, book 1, contra Julianum, that our Schools are not divided as to the things that belong to the faith.

> *QUOD vero Calvinus obmurmurat in praef. suarum desolationum, non Institutionum, etiam nos in Scholas Thomistarum, Scotistarum dividi; dico cum D. Augustino Lib. 1. contra Iulianum, Scholas nostras non dividi, quod ad ea, quae sunt fidei.*

10 The SECOND Mark of the Church is that she be Holy. Now she is Holy for many reasons. First, because she teaches a holy doctrine, which contains nothing false, nothing iniquitous, as is said in Psalm 18: *The law of the Lord is unspotted, converting souls.* And he proves this, because it was efficacious for alluring, indeed for drawing after it, the souls of so many nations, because they saw the holiness of our Law, as the holy Doctor runs through on this Psalm.

> *SECUNDA Nota Ecclesiae est, ut sit Sancta: Multis autem de causis est Sancta. Primo, quia doctrinam sanctam docet, quae nil falsum, nil iniquum continet, ut dicitur Psalm. 18.* Lex Domini immaculata convertens animas. *Id vero probat, quia efficax fuit ad animos tot gentium alliciendos, imo pertrahendos, quia viderunt Legis nostrae sanctitatem, ut discurrit S. Doctor ad hunc Psalmum.*

11 HENCE she is called the Unica dove, one perfect one, as the holy Doctor expounds on chapter 1 of Wisdom. But he adds, on Psalm 118, cap. 8, vers. 6, and on Psalm 76, and in sermons 8, 9, 16, 22 of the Hexaëmeron, other reasons also for which the Church is called Holy.

> *HINC dicitur Unica columba, una perfecta, ut S. Doctor edisserit ad cap. 1. Sapientiae. Addit vero ad Psalm. 118. cap. 8. vers. 6. et ad Psalm. 76. et in sermonibus 8. 9. 16. 22. Hexaëmer. alias etiam rationes, ob quas Ecclesia dicitur Sancta.*

12 FIRST, because she shines with almost countless holy members, because she is founded on the dignity of the person and merits of Christ. Therefore, on this unshaken foundation, so that the gates of hell and its phalanxes may not prevail, with this Leader she is most excellently established, like an army in battle array, that she yield to no weapons of Tartarus, to no forces of tyrants. Therefore S. Augustine teaches the saying: *Thou hast founded her upon her own stability; she shall not be moved for ever and ever*, Psalm 103; and Peter, *epist. 1, chap. 2*, calls Christians *a holy nation, a purchased people.*

> *PRIMA, quia innumeris fere membris sanctis splendet, quia fundata est dignitate personae, et meritorum Christi. Ideo hoc fundamento inconcussa, ut inferorum portae atque phalanges non praevaleant, hoc Duce optime constituta, veluti castrorum acies ordinata, nullis Tartari armis, nullis Tyrannorum viribus cedat. Ideo deca dictum:* Fundasti eam super stabilitatem suam; non inclinabitur in saeculum saeculi, *Psalm. 103. docet S. Augustinus; et Petrus* epist. 1. cap. 2. *vocat Christianos,* Gentem sanctam, populum acquisitionis.

13 Moreover, the holiness of our Catholics, or even of Bernard, Dominic, and Francis, Luther himself confessed in *de captivitate Babyloniae, chap. 2*, and Philip in *the Apology, articles 5 and 27*.

> *PORRO sanctitatem nostrorum Catholicorum, vel etiam Bernardi, Dominici, Francisci fassi sunt Luther.* de captivitate Babyl. cap. 2. *Philip.* in Apol. art. 5. et 27.

14 BUT we shall find the troops of the opposing sectaries, defiled by wicked and impious errors, springing from the most criminal of men. Read Bellarmine *from chapter 11*, Hosius *in the Confession of Poland*, Valencia *in the Analysis*, and others. Moreover, I showed the holiness of our Church with D. Bonaventure, *p. p. Tractate 1, disputations 1 and 2*.

> *AT Sectarum adversantium turmas, pravis, et impiis erroribus conspurcatas, ex hominibus scelestissimis oriundas inveniemus. Lege Bellarminum* a cap. 11. *Hosium* in confess. Polon. *Valentiam* in Analysi, *et alios. Porro sanctitatem nostrae Ecclesiae ostendi cum D. Bonavent.* p. p. Tract. 1. disp. prima, et 2.

15 The THIRD MARK of the Church is that she be Catholic, that is, universal. Now the holy Doctor observes in *Psalm 47 and Psalm 114* that she is universal first of all in time, because beginning in Adam or Abel from the beginning, she is to last until the end of the world. Second, in such a way that she has been propagated through the whole world. Third, as to doctrines, because she hands on all the knowledge necessary to be had. Fourth, as to persons, because she has been diffused and propagated among every people.

> *TERTIA NOTA Ecclesiae est, ut sit Catholica, idest universalis. Observat autem S. Doctor in* Psalm. 47. et Psalm. 114. *eam esse universalem primo tempore, quia ab initio in Adam, vel Abel incipiens, usque ad finem mundi est duratura. Secundo loco, ita ut in universo mundo sit propagata. Tertio quo ad doctrinas, quia universa necessaria scienda tradit. Quarto, quo ad personas, quia in omni gente diffusa et propagata est.*

16 FIRST, therefore, as to her duration through all times, she is Universal: For from the beginning of the world until Christ; and from Christ she has come down even to us, as the holy Doctor rightly shows in the *sermons of the Hexaëmeron*, especially sermon 16, where he observes that promise of Christ: *Upon this rock I will build my Church, and the gates of hell shall not prevail against her:* For she has endured perennially down to these times in the Pontiffs, as I showed *in the place cited*, in the arguments and dogmas. On the contrary, indeed, the Greeks, others of the Orientals, and the Africans, among whom Heroes, Councils, Fathers flourished, as soon as they departed from our Church, were torn, scattered, split asunder, consumed. For, failing from the unity of the universal Church, they vanished, torn into sects. See the holy Doctor there narrating these things.

> *PRIMO igitur, quo ad durationem per omnia tempora, est Universalis: Nam ab exordio mundi usque ad Christum; et a Christo ad nos usque devenit, ut recte ostendit S. Doctor in* sermonibus Hexaëmer. *praecipue 16. ubi observat illud Christi promissum:* Super hanc petram aedificabo Ecclesiam meam, et portae inferi non praevalebunt adversus eam: *Duravit enim ad haec usque tempora perennis in Pontificibus, ut ostendi* loco cit. *in rationibus, et dogmatibus. E contra vero, Graeci, aliique Orientales, et Africani, apud quos florebant Heroes, Concilia, Patres; statim ac discessere a nostra Ecclesia, lacerati sunt, dissipati, difficissi, consumpti. Ab unitate namque Ecclesiae universalis deficientes, in sectas dilacerati evanuere. Vide S. Doctorem ibi haec enarrantem.*

17 The PERPETUITY of the Church was shown in Luke 1: *Of his kingdom there shall be no end*, as the holy Doctor there discusses in his commentary, and confirms with that of Daniel 7: *His power is an everlasting power, which shall not be taken away, and his kingdom that shall not be destroyed.* The same the holy Doctor shows *in 4 dist. 4, part 2, dub. 2, from the end of Matthew*: *Behold I am with you all days, even to the*

consummation of the world. Where he remarks that it is not necessary for the Church, in order to be Catholic, that she remain among all men at all times. With this argument from the antiquity of the Church the Fathers gladly made use: Tertullian, *de praescriptionibus*; Optatus, *book 2, contra Parmen.*; Hilary, *book 6, de Trinitate*; Jerome, *to Pammachius and contra Luciferianos*; Augustine, *contra epistulam fundamenti, chap. 4.* Therefore, since our Church has lasted from Christ even to this day, she will surely be the true Church. Let the Lutherans find their Church before the year 1517. I showed ours *p. p. Tractate 1, disputation 2.*

> *PERPETUITAS Ecclesiae ostensa fuit Lucae primo.* Regni eius non erit finis, *ut ibi in commentario disserit S. Doctor et confirmat illo Dan. 7.* Potestas eius aeterna, quae non auferetur, et regnum, quod non corrumpetur. *Idipsum ostendit S. Doctor* in 4. dist. 4. part. 2. dub. 2. ex ult. Matth. Ecce ego vobiscum sum omnibus diebus, usque ad consummationem saeculi. *Ubi advertit, non esse necesse Ecclesiae, ut sit Catholica, apud omnes permaneat omnibus temporibus. Hoc argumento ab antiquitate Ecclesiae usi sunt Patres libenter Tertull.* de praescrip. *Optat.* lib. 2. cont. Parmen. *Hilarius* lib. 6. de Trin. *Hieronymus* ad Pammach. et contra Luciferian. *Augustin.* contra epist. fund. cap. 4. *Igitur cum nostra Ecclesia e Christo hucusque duraverit, profecto vera erit Ecclesia. Inveniant Lutherani suam Ecclesiam ante annum 1517. Ego nostram ostendi* p. p. Tract. 1. disput. 2.

18 NEXT the holy Doctor, with Lyranus, names the Catholic Church from the universality of places and nations, for so it had been foretold in Psalm 2: *I will give thee the Gentiles for thy inheritance, and the uttermost parts of the earth for thy possession*, and Psalm 71: *He shall rule from sea to sea.* And the Lord in Luke, last chapter, says the Gospel is to be preached in the whole world, where the holy Doctor learnedly, *in his commentary*, adds other testimonies to confirm it. Gen. 49: *He shall be the expectation of nations.* Isa. 49: *It is a small thing that thou shouldst be my servant to raise up the tribes of Jacob, and to convert the dregs of Israel. I have given thee to be the light of the Gentiles, that thou mayst be my salvation even to the farthest part of the earth.* And Psalm 109: *The Lord will send forth the sceptre of thy power out of Sion: rule thou in the midst of thy enemies.* Therefore he observes that there it is said one must begin from Jerusalem, and Psalm 18: *Their sound hath gone forth into all the earth: and their words unto the ends of the world.*

> *DEINDE Ecclesiam Catholicam ab universitate locorum, et gentium nominat S. Doctor cum Lyrin. sic enim praedictum erat Psalm. 2.* Dabo tibi gentes haereditatem tuam, et possessionem tuam terminos terrae, *et Psalm. 71.* Dominabitur a mari, usque ad mare. *Et Dominus Lucae* ult. *ait, praedicandum Evangelium in toto mundo, ubi erudite S. Doctor in* commentario, *apponit alia testimonia ad id confirmandam. Genes. 49.* Ipse erit expectatio gentium. *Isa 49.* Parum est, ut sis mihi servus ad suscitandas tribus Iacob, et faeces Israel convertendas. Dedi te in lucem gentium, ut sis salus mea usque ad extremum terrae. *Et Psalm. 109.* Virgam virtutis tuae emittet Dominus ex Sion: dominare in medio inimicorum tuorum. *Ideo observat, ibi dici incipiendum a Hierusalem, et Psalm. 18.* In omnem terram exivit sonus eorum: et in fines orbis terrae verba eorum.

19 HE HIMSELF confirms this *on chapter 1 of John*, with that: *He enlighteneth every man that cometh into this world.* Of which he there discusses admirably with the Fathers.

> *IDIPSUM confirmat* ad cap. 1. Ioan. *illo:* Illuminat omnem hominem venientem in hunc mundum. *De quo ibi egregie cum Patribus disserit.*

20 He remarks, moreover, *in 4 dist. 4, part 1, dub. 2, litt.*, with D. Augustine, *epist. 80*, that for the Church to be Catholic it is not necessary that she be in all the men of the whole world, but that she become known in all Provinces. Nor is it required that this come about at once, as Driedo also remarks, *book 4, chap. 2, part 2, de Ecclesiae Dogmatibus.*

ADVERTIT autem in 4. dist. 4. p. 1. dub. 2. litt. *cum D. Augustino* epist. 80. *ut sit Ecclesia Catholica, non esse necesse, ut sit in omnibus hominibus totius orbis, sed ut innotescat in omnibus Provinciis. Neque requiri, ut fiat simul, ut etiam advertit Driedo* Lib. 4. cap. 2. p. 2. de Eccles. Dogmatibus.

21 NOW indeed the holy Doctor shows our Church scattered through the whole world, S. Bonaventure, *serm. 16 of the Hexaëmeron*; and indeed in the times of Irenaeus he himself testifies to it, *book 1, chap. 3*; Tertullian in his time, *book contra Iudaeos, chap. 3*; Cyprian, *de unitate Ecclesiae*; Athanasius, *book de humanitate verbi*; Jerome and Chrysostom, *on Matt. 24*; Augustine, *epist. 78 and 80*; Theodoret, *book de legibus*; Leo the Great, *sermon on SS. Peter and Paul*; Prosper, *book de ingratis.* But because down to the times of Gregory the adversaries concede this, and confess that even from the time of Leo to Gregory the Canonical Laws had been spread through the whole world, as the holy Doctor expounds — now he goes on to show it from the time of Gregory, who died in the year 604, down to Adrian, who died in the year 795, which time the holy Doctor calls the lofty Chair; and indeed from the *epistles* of D. Gregory to the Bishops of the East, of Africa, of Spain, of Gaul, of England, of Sicily — this is gathered from Bede, who lived about the year 662, on *chap. 6 of the Canticles*; from Bernard, who died about the year 1153. For he, disputing before Roger, King of Sicily, asserts this, as is had in his life, *book 2, chap. 7.*

IAM vero Ecclesiam nostram, toto orbe sparsam ostendit S. Bonavent. serm. 16. Hexaëmer. *et quidem temporibus Irenaei testatur ipse* Lib. 1. cap. 3. *Tertullianus suo tempore* Lib. cont. Iudaeos, cap. 3. *Cyprianus* de unit. Eccles. *Athan.* Lib. de humanitate verbi. *Hieron. et Chrysost.* in 24. Matth. *Augustinus* epist. 78. et 80. *Theodotetus* Lib. de legibus. *Leo* M. serm. de SS. Petro, et Paulo. *Prosper* Lib. de ingratis. *Sed quia usque ad tempora Gregorii, hoc, adversarii concedunt, atque fatentur etiam a tempore Leonis usque ad Gregorium, latas fuisse Leges Canonicas toto orbi, ut edisserit S. Doctor. Iam id ostendere pergit a tempore Gregorii, qui obiit anno 604. usque ad Adrianum, qui cessit anno 795. quod tempus sublimis Cathedrae vocat S. Doctor; et quidem ex* epist. *D. Gregorii ad Episcopos orientis, Africae, Hispaniae, Galliae, Angliae, Siciliae, hoc colligitur ex Beda, qui vixit circa annum 662. in* cap. 6. Canticorum, *Bernardo, qui obiit circa annum 1153. Is enim disputans coram Rogerio Rege Siciliae, hoc asserit, ut habetur in eius vita* Lib. 2. cap. 7.

22 IN OUR own times also Catholics are everywhere not only in this world, but in the new world: to the East in the Indies and China; to the West in America; to the North in Japan; to the South in Brazil, in Manicongo. But neither has the sect of the Mahometans, nor the fables of the sectaries, flown through the whole universe; indeed now they are much restricted. Let our Church live, therefore, rightly and deservedly acclaimed Catholic, on account of the perseverance of the faith in all times, on account of the union of the faithful converging into one flock in charity, and communication, and communion with all nations, as the holy Doctor wisely expounds on *Psalm 114*, where the Seraphic Doctor concludes *one faith*, just as *there is one Lord, and one Baptism*, as the one faith of the Church spread through the universe, according to the saying of the Apostle, *Ephes. 4*; and on *Psalm 47: As we have heard, so have we seen in the city of our God, etc. According to thy name, O God, so also is thy praise unto the ends of the earth.*

NOSTRIS etiam temporibus non modo in orbe isto sunt ubique Catholici, sed in novo orbe ad Orientem in Indiis, et Sinis; ad Occidentem in America; ad Septentrionem in Iaponia; ad Meridiem in Brasilia in manicongo. At neque Mahumetanorum secta, neque sectariorum fabulae per universum orbem evolarunt; imo vero nunc eae et multum restringuntur. Vivat igitur Ecclesia nostra iure, ac merito Catholica acclamata ob fidei perseverantiam in omnibus temporibus, ob fidelium in unum gregem convenientium unionem ad charitatem, et communicationem, atque communionem omnibus gentibus, ut sapienter edisserit S. Doctor ad Psalm. 114. *ubi* Unam fidem, *sicuti, et* unus est

Dominus; unumque Baptismum, *sicuti est una Ecclesiae fides in universo dilatata, iuxta dictum Apostoli* Ephes. 4. *concludit Seraphicus ibi, et ad* Psalm. 47. Sicut audivimus, sic vidimus in civitate Dei nostri, etc. secundum nomen tuum Deus, sic et laus tua in fines terrae.

23 Wherefore he goes on in the *following Psalm 115* to show that there is one faith among us, of which Athanasius in the Symbol says: firm, persevering, faithfully whole and inviolate.

Itaque pergit Psalm. 115. sequenti, *ostendere, unam esse inter nos fidem, de qua Athanas. in Symbol. firmam, perseverantem, fideliter integram, et inviolatam.*

24 HENCE he draws the fourth Mark of the Church, that she be Apostolic, which he expounds at length in *sermons 16 and 22 of the Hexaëmeron.* With which argument the marks of the true Church have been argued by Irenaeus, *book 3, chap. 3*; Tertullian, *book de praescriptionibus*; Eusebius, in the *history and Chronicle*; Jerome and Prosper, who continued the Chronicle of Eusebius; Epiphanius, *heresy 27*, who, having enumerated the Roman Pontiffs, concludes at last: *And let no one wonder that we enumerate each item so exactly. For through these things the splendour is ever shown.*

HINC educit Ecclesiae quartam Notam, ut sit Apostolica, quod late edisserit serm. 16. et 22. Hexaëmer. *Quo argumento verae Ecclesiae nota argumentati sunt Irenaeus* Lib. 3. cap. 3. *Tertullianus* Lib. de praescript. *Eusebius in* hist. et Chron. *Hieronymus, et Prosper, qui Chronicum Eusebii continuarunt. Epiph.* haeresi 27. *qui enumeratis Romanis Pontificibus, tandem concludit:* Et ne quis miretur, quod tam exacte singula recensemus. Per haec enim semper claritas ostenditur.

25 Optatus, book II, contra Parmen., enumerates the Roman Pontiffs from Peter down to Siricius, to show that the Church is not among the Donatists, who do not enjoy such a succession. Therefore he concludes: *Show the origin of your own Chair, you who wish to claim for yourselves the holy Church.*

Optatus Lib. II. cont. Parmen. enumerat Romanos Pontifices a Petro usque ad Siricium, ut ostendat, non esse Ecclesiam apud Donatistas, qui tali successione non gaudent. Ideo concludit: Vos vestrae Cathedrae originem ostendite, qui vobis vultis sanctam Ecclesiam vendicare.

26 The same thing D. Augustine does in *epist. 165, and in the psalm against the party of Donatus, and contra epistulam fundamenti, chap. 4, and contra epistulam Manichaei, chap. 4*, testifying: *There are many things that most justly keep me in the bosom of the Church. The consent of peoples and nations keeps me: the authority begun in miracles, nourished in hope, increased in charity, confirmed in antiquity keeps me. The succession of priests from the very Seat of the Apostle Peter, to whom the Lord after his Resurrection committed the feeding of his sheep, even to the present Episcopate, keeps me.*

IDEM praestat D. August. epist. 165. et in psalm. cont. part. Donat. et cont. epist. fund. cap. 4. et cont. epist. Manich. cap. 4. *testatur:* Multa sunt, quae me in Ecclesiae gremio iustissime tenent. Tenet consensio populorum atque gentium: tenet authoritas miraculis inchoata, spe nutrita, charitate aucta, vetustate firmata. Tenet ab ipsa Sede Apostoli Petri, cui pascendas oves suas Dominus post Resurrectionem commendavit, usque ad praesentem Episcopatum Sacerdotum successio.

27 BUT to press this argument further: I observe from D. Bonaventure, *in the sermons cited*, that the Church can in no way stand without Pastors, as S. Cyprian teaches, *epist. 9, book 4*, and Jerome *contra Luciferianos*, as is said in *Ephes. 4, Acts 20.* The holy Doctor proves this *on chapter 10 of John*, with those words: *I am the good shepherd, and I know my sheep: and other sheep I have, that are not of this fold; them also*

must I bring, that is, through the Apostles and other Pastors: *and there shall be one fold and one shepherd. For he is our peace, who hath made both one, Eph. 2. He is the corner stone. Isa. 28.* See the Seraphic Doctor.

> *UT autem hoc argumentum urgeat; observo ex D. Bonavent.* sermonibus allegatis, *non posse ullo modo Ecclesiam stare sine Pastoribus, ut docet S. Cyprianus* epist. 9. Lib. 4. *et Hieronymus* contra Luciferianos, *ut dicitur:* Ephes. 4. Act. 20. *Id probat S. Doctor* ad 10. Ioan. *illis verbis:* Ego sum Pastor bonus, et cognosco oves meas: et alias oves habeo, quae non sunt ex hoc ovili; et illas oportet me adducere, *idest per Apostolos, et Pastores alios:* et fiet unum ovile, et unus Pastor. Ipse enim est pax nostra, qui fecit utraque unum, Eph. 2. Ipse est lapis angularis. Isa 28. *Vide Seraphicum.*

28 Of the stable Monarchy of his religion *Daniel, chap. 2*, foretells: *In the days of those kingdoms the God of heaven will set up a kingdom that shall never be destroyed, and his kingdom shall not be delivered up to another people: and it shall break in pieces, and shall consume all these kingdoms: and itself shall stand for ever.* I ponder that the Hebrew reads thus in Pagninus: ובְיוֹמֵיהוֹן דִּי מַלְכַיָּא אִנַּן: And in the days of those kings of theirs; where note that the kingdom of the Messias was not foretold for the times of the four kingdoms already foreseen reigning at once, but of the Roman monarchies, with which, once subjected, while in the temporal Empire successors followed, parallel successors would reign conjointly in the Roman See, in the place of Christ, the Pontiff Monarchs: *In the days of those kings of theirs.* Now the phrase is emphatic. He adds: *It shall not be destroyed, and his kingdom shall not be delivered up to another people.* If these things fell to the person of Christ; who does not know that his divine sceptre is not to be transferred to others; but that it is promised that in the Church a Monarch shall succeed perpetually in the seat of Christ, not an outsider but a Catholic, the Pontiff in the Roman See. This is the genuine sense. Therefore the Fathers expound this prophecy of the Church of Christ with common applause. Origen, *hom. 30 in Luc.*; Jerome, *on chap. 1 of Ecclesiastes, and 21 of Ezechiel, and 27 of Matthew*; Augustine, *tract. 51 and 117 in Ioannem, and book 83 qq.*; Gregory of Nyssa, *de oratione*; Epiphanius, *book 1, contra haereses. Fin.* Adrian, *chap. 10 of book 5 of the scourge of the Jews*, and others among the Expositors. Accursius on Isa. 9: *His empire shall be multiplied.* It is one without multiplication, nor is it multiplied by multiplied seats, but the same is increased and extended. Therefore it perseveres in the succession of Monarchs in the Roman See, never interrupted, but sworn perpetual for ever, or לעולמים, for ages. So Psalm 80: *I will set his throne as the days of heaven*, truly, since days succeed continually until the end of the world.

> *RELIGIONIS eius stabilem Monarchiam* Daniel cap. 2. *praenunciat:* In diebus regnorum illorum, suscitabit Deus caeli regnum, quod in aeternum non dissipabitur, et regnum eius alteri populo non tradetur: comminuet autem, et consumet universa Regna haec: et ipsum stabit in aeternum. *Pondero Hebraeum sic legere Pagn.* ובְיוֹמֵיהוֹן דִּי מַלְכַיָּא אִנַּן *: Et in diebus Eorum regum ipsorum, ubi adverte, non praedici Messiae regnum temporibus quatuor simul regnantium iam praevisorum, sed Romanorum monarchiarum, quibuscum subaectis, sed in temporali Imperio succedentibus, conregnarent paralleli successores in sede Romana, Christi loco, Monarchae Pontifices:* In diebus eorum Regum ipsorum. *Est autem locutio emphatica. Addit:* Non dissipabitur, et alteri populo regnum eius non tradetur. *Si haec in personam Christi caderent; quis ignorat sceptrum eius divinum non transferendum ad alienos; At sponder in Ecclesia perpetuo successurum in Christi sede Monarcham non exterum, sed Catholicum, in sede Romana Pontificem. Hic genuinus est sensus. Ideo de Christi Ecclesia hoc vaticinium exponunt communi plausu Patres. Origen.* hom. 30. in Luc. *Hieronym.* in cap. 1. Eccles. et 21. Ezech. et 27. Matth. *August.* tract. 51. et 117. in Ioan. et lib. 83. qq. *Greg. Nyss.* de orat. Epiph. lib. 1. cont. haer. Fin. *Adrianus* cap. 10. libri 5. flagell. *Iudaeorum, et alii apud Expositores. Accinit Isa 9.* Multiplicabitur eius Imperium. *Est sine unum, nec multiplicatur multiplicatis sedibus, sed augetur, et extenditur idem. Igitur perseverat in successione*

Monarcharum in sede Romana nunquam interrupta, sed iurata perpetua in aeternum seu לעולמים *in saecula. Sic Psalm. 80.* Ponam thronum eius sicut dies caeli*, sane dies dici succedit continue usque ad finem mundi.*

29 I ASSUME Christ's promise, Matt. 16: *And I say to thee, that thou art Peter, and upon this rock I will build my Church, and the gates of hell shall not prevail against her*, and soon he foretells that he must be killed and rise again the third day. The Greek has ἐγερθῆναι, to be raised up. The building is not completed in the supreme Pontificate of Peter, but he promises it, to found along this line a perpetual one, so that such a regimen, beginning in Peter, may rise up in his successors. And the Empire is raised up with Christ, *Ioan. 21: Feed my sheep*, as the Fathers cited note, *p. p. tract. 1, disput. prima, quest. 4*, especially Bernard, *book 3, de consideratione, chap. 8*.

ASSUMO Christi sponsionem Matth. 16. Et ego dico tibi, quia tu es Petrus, et super hanc petram aedificabo Ecclesiam meam, et portae inferi non praevalebunt adversus eam*, mox praenunciat oportere se occidi, et tertia die resurgere. Graecus ἐγερθῆναι excitari. AEdificium non complet in Petri Pontificatu summo, sed eum promittit, ad lineam hanc fundare perpetuum, ut tale regimen in Petro incipiens, in successoribus consurgat. Suscitatur vero Imperium cum Christo* Ioan. 21. Pasce oves meas*, ut notant Patres allati* p. p. tract. 1. disp. prima quaest. 4. *praecipue Bernardus* lib. 3. de consider. cap. 8.

30 THEREFORE the Church remained a virgin not for the first five hundred years only, as Calvin fancies, *book 1, Inst. chap. 1, §. 13, and book 4, chap. 2, §. 3*, but even to this day: Much less true is what Faius says, *Ench. disp. 65, conc. 83 and seq.*, with Calvin, *book 4, c. 2, §. 1*, that she was destroyed in the first century. For I ask this Proteus what he means in turn, *book 4, Inst. chap. 9, §. 8*, saying: *So those ancient Synods, such as the Nicene, the Constantinopolitan, the first Ephesine, the Chalcedonian, and the like, which were held for the refutation of errors, we gladly embrace, and reverence as most sacred, as far as concerns the dogmas of the faith; for they contain nothing but the pure and native interpretation of Scripture, which the holy Fathers, with spiritual prudence, adapted to breaking the enemies of religion, who had then emerged.*

IGITUR non solis quingentis primis annis mansit Ecclesia virgo, ut fingit Calvin. Lib. 1. Inst. cap. 1. §. 13. et lib. 4. cap. 2. §. 3. *sed hucusque: Multo minus verum, quod ait Faius* Enchit. disp. 65. conc. 83. et seq. *cum Calvino* lib. 4. c. 2. §. 1. *eam sub primo saeculo dirutam. Quaero enim ab hoc Prothaeo, quid rursum velit* lib. 4. Inst. cap. 9. §. 8. *dicens:* Sic priscas illas Synodos, ut Nicaenam, Constantinopolitanam, Ephesinam primam, Chalcedonensem, ac similes, quae confutandis erroribus habitae sunt, libenter amplectimur, reveremurque ut Sacrosanctas, quantum attinet ad fidei dogmata; nihil enim continent, quam puram, et nativam Scripturae interpretationem, quam Sancti Patres spirituali prudentia ad frangendos Religionis hostes, qui tunc emerserant, accommodarunt.

31 BUT what Faius barks from D. Augustine, *epist. 159, chap. 19*, as though complaining of the ruin of the Church, are fabrications, as is plain to the reader, and as Bouerse shows, *dem. 8, art. 2*. Indeed the promises, *Matt. 16 as cited, and the last chapter: Behold I am with you all days, even to the consummation of the world. Luke 22: I have prayed for thee, Peter, that thy faith fail not. Ioan. 14: I will ask the Father, and he shall give you another Paraclete, that he may abide with you for ever*, these are certain from the mouth of Christ.

QVae vero Faius latrat e D. Augustin. epist. 159. cap. 19. *quasi de ruina ecclesiae conqueratur, conficta sunt, ut patet legenti, et ostendit Bouer.* dem. 8. art. 2. *Sane promissa* Matth. 16. cit. et ult. cap. Ecce ego vobiscum sum, usque ad consummationem saeculi. Lucae 22. Rogavi pro te Petre, ut non deficiat fides tua. Ioan. 14. Rogabo Patrem, et alium Paraclitum dabit vobis, ut maneat vobiscum in aeternum*, haec sunt certa ex ore Christi.*

32 The eternal stability of the Church the holy Fathers proclaim aloud, with whom Calvin himself above confesses the same. So D. Chrysostom, *on chap. 2 of Isaiah*; Basil, *on chap. 8 of Isaiah*; Gregory, *book 9 in Iob, chap. 6*; Ambrose, *book on Solomon, chap. 4*; Augustine, *on Psalm 47*; Leo the Great, *serm. 1 on SS. Peter and Paul.*

> *ILLIUS aeternam stabilitatem conclamant SS. Patres, quibuscum confitetur id ipsum supra Calvinus. Sic D. Chrysost.* ad cap. 2. Isa. *Basil.* in cap. 8. Isaiae, *Gregor.* lib 9. in Iob, cap. 6. *Ambrosius* lib. de Salom. cap. 4. *August.* in Psalm. 47. *Leo M.* serm. 1. de SS. Petro, et Paulo.

33 GREAT is the reason which the holy Doctor brings, *in the Diaeta, tit. 5, chap. 3, and the Hexaëmeron.* For the Church is the wife of Christ, *Osee 2, Apoc. 21, Ephes. 5.* And this bond is indissoluble.

> *MAGNA ratio est, quam affert S. Doctor* in Diaet. tit. 5. cap. 3. et Hexaëmer. *Est enim Ecclesia uxor Christi.* Osee 2. Apoc. 21. Ephes. 5. *Est autem hoc vinculum insolubile.*

34 Hence D. Cyprian, on the unity of the Church, says: *The spouse of Christ cannot be adulterous; she is incorrupt and chaste; she knows one home; with chaste modesty she guards the sanctity of one bedchamber.* Why then do these disfigurers, not reformers, give a bill of divorce? Surely the Catholic Church is called such on account of the perpetual constancy of the faith, on account of marital love, and the communion of the Sacraments, as the holy Doctor says, *on Psalm 114.*

> *Hinc D. Cyprian. de unitate Ecclesiae ait:* Adulterari non potest sponsa Christi, incorrupta est, et pudica, unam domum novit, unius cubiculi sanctitatem casto pudore custodit. *Cur ergo hi deformatorest, non reformatores, libellum repudii dant? Sane Ecclesia Catholica, dicitur propter fidei constantiam perpetuam, propter dilectionem maritalem, et Sacramentorum communionem, ut ait S. D.* ad Psalm. 114.

35 WELL does this spouse say, *can. 3: I held him, and I will not let him go*, as the holy Doctor says, *on Psalm 118, cap. 8, vers. 7.* He pursues this at length *from sermon 8 of the Hexaëmeron, and on Luke 9*, where he brings various reasons for the indefectibility of the Church, which for that reason he compares to the firmament; namely, because she leans on the firmness of the divine promises. So also D. Gregory, *on Psalm 5 of Penance*; Damascene, *oration on the Transfiguration.* For Christ promised, *Luke 22: I have prayed for thee, Peter, that thy faith fail not.* Nor does he speak of him as a private man, as Calvin prattles, but as a Prelate, as the holy Doctor warns, *on Luke 9.* Therefore he adds, *that thou being converted, confirm thy brethren*, as D. Augustine notes, *qq. testamenti, quest. 75.*

> *BENE* can. 3. *haec sponsa dicit:* Tenui eum, nec dimittam, *ut ait S. Doctor* ad psalm. 118. cap. 8. vers. 7. *Haec late prosequitur* a serm. 8. Hexaëmer. et ad 9. Lucae, *ubi varias rationes indefectibilitatis Ecclesiae affert, quam ideo comparat firmamento; Quia scilicet in firmitate divinarum nititur sponsionum. Ita et D. Gregor.* in psalm. 5. Poenit. *Damascenus* orat. de Transfigur. *Promisit enim Christus,* Lucae 22. Rogavi pro te Petre, ut non deficiat fides tua. *Neque loquitur de eo, ut privato, sicuti nugatur Calvin. sed ut Praelato, ut monet S. Doctor* ad 9. Lucae. *Ideo addit,* ut conversus confirmes fratres tuos, *ut notat D. August.* qq. testam. quaest. 75.

36 Another reason is taken from the immovable Doctrine of Christ, whose words shall not fail. On this Eusebius of Caesarea leans, *book 4, demonstr. Evangelii, chap. 19: For heaven and earth shall pass away first, etc.*

> *Alia ratio sumitur ex immobili Christi Doctrina, cuius verba non deficient. Hac nititur Euseb. Caesar.* lib. 4. demonstr. Euang. cap. 19. Prius enim caelum, et terra transibunt, etc.

37 A THIRD reason, because she is the Ark, the Column, and the firmament of Truth, for nothing is firmer, more stable, or more certain than Truth. This is the reason of D. Hilary, *book 7, de Trinitate*, and of Jeremiah of Constantinople, *resp. 1 to Crusius*. Surely it is said of Christ, *Ioan. 17: thy word is truth.*

> *TERTIA ratio, quia Veritatis est Arca, Columna, et firmamentum, nil enim Veritate firmius, stabilius aut certius. Est ratio D. Hilarii* lib. 7. de Trinit. *Et Hierem. Constantinop.* resp. 1. ad Crusium. *Sane dicitur Christo,* Ioan. 17. sermo tuus veritas est.

38 The Church is compared to the Moon, because she is ever illumined by the Sun, and when her light does not appear to us, she is illumined more highly from above, as he argues everywhere in the sermons of the Hexaëmeron, and with him Philo Carpathius, on Canticles, and Rabanus Maurus, on Ecclesiastes, book 9, chap. 7.

> *Ecclesia Lunae comparatur, quia semper illuminata a Sole, et dum nobis non apparet lumen, altius illustrata est desuper, ut arguit passim in sermonibus Hexaëmer. et cum eo Philo Carpath. ad id Cant. et Raban. Maur. in Eccles. lib. 9. cap. 7.*

39 Another reason is taken from D. Bonaventure in the Hexaëmeron, and from S. Leo, sermon 1 on the holy Apostles Peter and Paul. From the merits of Christ, and his death on the Cross, by which he conquered the devil.

> *Alia ratio sumitur a D. Bonavent. in Hexaëmer. et S. Leone serm. 1. de SS. Apostolis Petro, et Paulo. E meritis Christi, et morte in Cruce, qua diabolum devicit.*

40 Many other reasons you will see there with the holy Doctor.

> *Multas alias rationes vide ibi apud S. Doctorem.*

41 GREAT indeed is the argument for the true Church this perpetuity of the Pontificate and of the religion, as Tertullian discussed, de praescriptionibus, chap. 32; Optatus against the Donatists, book 2; Irenaeus, book 4.

> *MAGNUM vero est argumentum verae Ecclesiae haec Pontificatus perpetuitas, et Religionis, ut disserunt Tertullian. de praescript. cap. 32. Optatus contra Donatistas lib. 2. Irenaeus lib. 4.*

42 With this argument the Jews won their case at Jerusalem against the Samaritans, before Alexander the Great and the wise men; and the Samaritans were condemned, as Josephus relates, book 13, antiquities, chap. 6.

> *Hoc argumento litem vicere Iudaei Hierosolymis, contra Samaritanas apud Alexandrum M. et sapientes; Et Samaritae damnati sunt, ut refert Ioseph lib. 13. antiq. cap. 6.*

43 AND since we have this succession from Matt. 16, as I said, as Sergius Cyprius notes, who flourished in the year 650, epist. to Theodorus P.; Ignatius of Constantinople, epist. to Nicholas, which is had in act. 3 of the eighth Synod; Gabriel, Patriarch of Alexandria, epist. to Clement VIII, with D. Bernard, book 3, chap. 8, de consideratione; and from the things said above, and p. p. Tractate 1, in the Prooemial questions — I do not see what those Tartarean drones dare to buzz against these things.

> *CUMQUE hanc successionem habeamus ex Matth. 16. ut dixi, et notant Sergius Cyprius, qui anno 650. floruit, epist. ad Theodorum P. Ignat. Constantinop. epist. ad Nicolaum, quae habetur act. 3. Synodi 8. Gabriel Patriarcha Alexandriae epist. ad Clem. VIII. cum D. Bernardo lib. 3. cap. 8. de consider. Et e supra dictis, et p. p. Tract. 1. in qq. Proaemialibus, Non video quid ad haec muffitare audeant Crabrones illi Tartarei.*

44 Now, therefore, we have the order of Pontiffs from Peter even to Clement X, and the ordination of the other lesser Pastors from them consequently legitimate, as I showed, p. p. Tractate 1, disp. 2.

> *Iam ergo nobis est ordo Pontificum a Petro, usque ad Clementem X. et aliorum minorum Pastorum ordinatio ab eis consequenter legitima, ut ostendi p. p. Tract. 1. disp. 2.*

45 INDEED let the sectarian enemies show where their Church was before the year 1517. With which argument, with which interrogation, the heretics were hard pressed by Gregory Nazianzen, epist. 2, to Chelidonius; Jerome, to Pammachius; Tertullian, in the Praescription; Irenaeus, book 4, chap. 4 and chap. 45.

> *Enim vero ostendant hostes sectarii, ubinam eorum fuerit Ecclesia ante annum 1517. Quo argumento, qua interrogatione haereticos exagitabant Gregorius Nazianzenus epist. 2. ad chelid. Hieronymus ad Pammach. Tertullianus in praescript. Irenaeus Lib. 4. cap 4. et cap. 45.*

46 BUT they claim to be ordained in an extraordinary manner. Here, then, must those most wicked usurpers of an Apostolate — Luther of course, Calvin, Beza, and others worthy of an extraordinary apostolate — be accounted such? Surely since they were not sent by the true Shepherd, from elsewhere they climbed up, thieves and robbers, as Christ argues, Ioan. 10, and as S. Bonaventure expounds there of heretics, and Valencia, p. 7, §. 25. Bouterius shows them to be such in his Demonstrationes.

> *AT extraordinario modo se ordinatos clamant. Hinc igitur nequissimi Apostolatus arrogatores, Lutherus nimirum, Calvinus, Beza, aliique egregio Apostolatu digni sunt? Sane cum a vero Pastore missi non sint; aliunde ascenderunt fures, et latrones, ut arguit Christus Ioan. 10. et exponit de haereticis S. Bonavent. ibi, et Valentia p. 7. §. 25. Tales eos ostendit Bouterius in suis Demonstrationibus.*

47 Luther boasts in the preface of the doctrine published at Leipzig in the year 60 that Christ was first published by him, and that the articles of the faith were not known from the times of the Apostles down to his own day. O madness! Therefore there was no Church from the time of the Apostles; or if there was, surely that was fulfilled which is in Matt. 16: *The gates of hell shall not prevail against her*, as S. Bonaventure shows, sermon 16 of the Hexaëmeron. Or the flock of Christ, abandoned, was first devoured by wolves; but it arose from the sacrilegious prating of Luther, who, an apostate monk, espoused to himself Catherine of Bora, a nun. O sacrilegious offspring that has issued forth! But Calvin says the Church was invisible. Indeed the Church is a union of believers professing the same faith, to be governed by a visible regimen, as is had in Num. 20, Act. 10; otherwise, how could these Gypsies institute their churches?

> *GLORIATUR Lutherus in praef. doctrinae, editae Lypsiae, anno 60. Christum primo ab eo vulgatum, et articulos fidei ab Apostolorum temporibus ad suam usque diem non esse cognitos. O insanum! Ergo non fuit Ecclesia a tempore Apostolorum, aut si fuit; sane fuit verificatum id Matth. 16.* Portae inferi non praevalebunt adversus eam*, ut ostendit S. Bonav. serm. 16. Hexaëmer. Vel grex Christi derelictus, fuit a Lupis depastus primo tempore; surrexit vero e Lutheri semore Sacrilego, qui Monachus apostata Catharinam Bernensem, monialem, sibi desponsavit. O proles sacrilega, quae prodiit! At dicit Calvinus, invisibilem fuisse Ecclesiam. Equidem Ecclesia est adunatio fidelium, eandem fidem profitentium, regimine visibili regendam, ut habetur Num. 20. Act. 10. alioqui, quo pacto hi Cingari Ecclesias suas instituunt.*

48 The remaining things, which pertain to the authority of the Pontiff, of Councils, etc., and what the authority of the Scriptures, of Traditions, etc. is, I discussed in the preceding Tractate the first,

disputation 2.

> *Caetera, quae ad authoritatem Pontificis, Conciliorum, etc. pertinent, et quae sit authoritas Scripturarum, Traditionum, etc. disserui p. p. Tractu primo, disput. 2.*

Question XIV: What must be believed by the necessity of means

1 A TWOFOLD necessity is assigned by the Theologians, after D. Bonaventure here, and in 4. dist. 12. p. 2. art. 2. quaest. 1. and dist. 3. p. 1. articulo 1. quaest. 3.

> Quidnam sit necessario credendum, necessitate medii.
>
> *DUPLEX necessitas assignatur a Theologis, post D. Bonavent. hic, et in 4. dist. 12. p. 2. art. 2. quaest. 1. et dist. 3. p. 1. articulo 1. quaest. 3.*

2 ONE is the necessity of means; another of precept. With the necessity of means, or of the end, that thing is necessary which, from the Law of God, by ordinary institution, is necessary for salvation, so much so that neither ignorance supplies for it, nor excuses it. That is necessary from precept which must be carried out necessarily, where the faculty and the occasion are at hand; yet not in such a way that, on account of ignorance or a lack of opportunity, the attainment of salvation is impeded. But some things are necessary in both ways, such as Penance after sin, the vow of Baptism, and faith, as the holy Doctor says at dist. 3. in the place cited.

> *ALIA est necessitas medii; alia praecepti. Necessitate medii, sive finis, illud est necessarium, quod e Lege Dei, ordinaria ex institutione, est ad salutem necessarium, adeo ut neque ignorantia suppleat, aut excuset. Necessarium ex praecepto est, quod exequendum est necessario, ubi facultas suppetit, et occasio; non tamen ita, ut ob ignorantiam, vel opportunitatis defectum impediatur salutis consecutio. Aliqua vero sunt utroque modo necessaria, ut Poenitentia post peccatum, votum Baptismi, et fides, ut ait S. Doctor dist. 3. loco citato.*

3 THAT faith has always been necessary for the justification of adults, and for salvation, I proved in the first part of the Summa, Tract. 5. disput. 3. quaest. 10. And it is established by that passage of Hebr. 11. *Without faith it is impossible to please God. For he that cometh to God must believe, etc.* And Ioan. 3. *He who does not believe is already judged*, as the holy Doctor discusses on cap. 3. Ioan. To this also pertains what is said in Sap. 9. *Through wisdom they were healed, whosoever pleased thee, O Lord, from the beginning*, as the holy Doctor indicates on that passage, for by wisdom he understands Doctrine from revelation. So also D. Ambrose on the First Epistle to Tim. 3. by Wisdom understands Faith.

> *FVISSE autem semper fidem necessariam ad iustificationem in adultis, et ad salutem, probavi prima secundae, Tract. 5. disput. 3. quaest. 10. Et constat illo Hebr. 11.* Sine fide impossibile est placere Deo. Credere enim oportet accedentem, etc. *Et Ioan. 3.* Qui non credit, iam iudicatus est*, ut disserit S. Doctor ad cap. 3. Ioan. Huc spectat etiam id, quod dicitur Sap. 9.* Per sapientiam sanati sunt, quicumque placuerunt tibi Domine a principio*, ut indicat S. Doctor ad eum locum, nam per sapientiam intelligit Doctrinam e revelatione. Sic et D. Ambrosius in Primam Tim. 3. per Sapientiam, Fidem accipit.*

4 THIS is the Catholic teaching. So D. Bonaventure in the places alleged, and in the prologue of the Breviloquium, and Lib. 2. of the Pharetra, cap. 23. where he brings forward many holy Fathers, and in the Diaeta, tit. 5. cap. 3. and tit. 9. cap. 5. in which places he proves it from the Scriptures testifying that faith is the foundation of salvation, as Matth. 16. *Upon this rock I will build my Church*, namely upon Peter's confession, and upon faith founded on Christ as base. And in Hebr. 11. it is called Substance, or Foundation. And in the Hexaëmeron, serm. 8. he compares it to the Firmament. He proves it from

Rom. 10. *With the heart we believe unto justice: but with the mouth confession is made unto salvation.* Heb. 11. *Faith is the substance of things to be hoped for.* Act. 15. *Purifying their hearts by faith.* And in serm. 9. he pursues the same point, proving the firmness of faith from many headings. And in serm. 10. he compares it to heaven, which is the universal cause of living things.

> *EST Catholica sententia. Ita D. Bonavent. locis allegatis, et in Breviloquii prooemio, et Lib. 2. Pharetrae, cap. 23. ubi multos Sanctos Patres adducit, et in Diaeta, tit. 5. cap. 3. et tit. 9. cap. 5. quibus locis id probat Scripturis testantibus, fidem esse fundamentum salutis, ut Matth. 16.* Super hanc Petram aedificabo Ecclesiam meam*, nempe super Petri confessionem, et fidem Christo basi fundatam. Et Hebr. 11. dicitur Substantia, seu Fundamentum. Et in Hexaëmer. serm. 8. eam comparat Firmamento. Probat Rom. 10.* Corde creditur ad iustitiam: ore autem confessio fit ad salutem. *Heb. 11.* Fides est substantia rerum sperandarum. *Act. 15.* Fide purificans corda eorum. *Et serm. 9. idem prosequitur, firmitatem fidei e multis capitibus probans. Et serm. 10. eam coelo comparat, quod est causa animantium universalis.*

5 THERE FOLLOW D. Thomas 2. 2. quaest. 2. art. 3. where the Thomists. The Master 3. dist. 23. where the Sententiarii. Cano relect. de Sacram. in genere, p. 2. quaest. 2. Peter. ad Rom. d. 17. and cap. 2. d. 8. Valentia 2. 2. disp. 1. quaest. 2. p. 2. Sanchez Lib. 2. decal. c. 2. Suarez de fide, disp. 12. sect. 1. and 2. Becan. summae p. 2. cap. 12. and it is a dogma of faith. Nor had even the heretics almost ever denied it, except the Manichaeans, and the Pelagians, as Tannerus says, quaest. 7. num. 28. Scarcely one, Zuinglius, tom. 2. art. 12. says that Socrates, Aristides, Numa, Camillus, the Catos, the Scipios, Seneca, and others, were saved without faith, and Erasmus in the Tusculan Questions says the same of Cicero.

> *SEQUUNTUR D. Thom. 2. 2. quaest. 2. art. 3. ubi Thomistae. Magister 3. dist. 23. ubi Sententiarii. Cano relect. de Sacram. in genere, p. 2. quaest. 2. Peter. ad Rom. d. 17. et cap. 2. d. 8. Valentia 2. 2. disp. 1. quaest. 2. p. 2. Sanchez Lib. 2. decal. c. 2. Suarez de fide, disp. 12. sect. 1. et 2. Becan. summae p. 2. cap. 12. et est fidei dogma. Neque vel ex haereticis fere id negarant, praeter manichaeos, et Pelag. ut ait Tannerus quaest. 7. num. 28. Vix unus Zuingl. tom. 2. art. 12. Socratem, Aristidem, Nummam, Camillum, Catones, Scipiones, Senecam, et alios, sine fide salvos ait, et Erasmus in Tuscul. qq. Ciceronem.*

6 BUT Christ cries out against this, Matth. last chapter: *He who does not believe shall be condemned.* And also the Council of Trent, sess. 6. cap. 7., which same thing D. Bonaventure says, 4. dist. 3. p. 1. art. 1. quaest. 3.

> *AT Christus reclamat, Matth. ult.* Qui non crediderit, condemnabitur. *Et etiam Concil. Trident. sess. 6. cap. 7. quod idem ait D. Bonavent. 4. dist. 3. p. 1. art. 1. quaest. 3.*

7 IT IS PROVED by the holy Doctor in the Pharetra, from the Fathers, especially D. Augustine *homil. de centum ovibus: and Lib. 5. com. Iulianum, cap. 3. de verbis Apostoli, serm. 1. serm. 18. and 38. de Tempore; de verbis Domini, serm. 61. Chrysostom homil. 62. in Ioan. Bernard epist. 77. and serm. 28. Cant. and serm. 1. Annunc.* where he also assigns those things which are necessarily to be believed, saying: *For it is necessary, first of all, to believe that you cannot have the remission of sins except by the indulgence of God: then, that you can have nothing at all of a good work unless he himself has given even this; finally, that you cannot merit eternal life by any works, unless it also be given gratuitously, namely, the grace by which we are enabled.* See Fagundez *Lib. 1. cap. 2.* Caspens. *disp. 3. sect. 4.* Morandus *quaest. 10.* Tannerus *quaest. 7. dub. 2.* Bouer. *demonst. 2. Symb. Arragon. art. 3.* Cardinal Lugo *disp. 12. sect. 2.* who also refute Vega *Lib. 6. in Trident. cap. 20.* and Soto *Lib. 2. de natura, et gratia, cap. 11.* who say that faith regarding the supernatural object is not necessary, but only supernatural on the part of the principle: indeed Soto *says, that all this is*

supplied by natural faith; although he retracted this in 4. dist. 1. quaest. 2. art. 3. and at the end of the question, in the recognition, frightened by D. Augustine's de natura, et gratia.

> *PROBATUR a S. Doctore in Pharetra, ex Patribus, praesertim praesertim D. Augustino* homil. de centum ovibus: et Lib. 5. com. Iulianum, cap. 3. de verbis Apostoli, serm. 1. serm. 18. et 38. de Tempore; de verbis Domini, serm. 61. Chrysostomo homil. 62. in Ioan. Bernardo epist. 77. et serm. 28. Cant. et serm. 1. Annunc. *ubi ea etiam assignat, quae sunt necessario credenda, dicens:* Necesse est enim primo omnium credere, quod remissionem peccatorum habere non possis, nisi per indulgentiam Dei: deinde, quod nihil prorsus habere queas operis boni, nisi etiam hoc dederit ipse; postremo quod aeternam vitam promereri nullis potes operibus, nisi gratis detur et illa, scilicet gratia, qua promeatamur. *Vide Fagundez* Lib. 1. cap. 2. *Caspensem* disp. 3. sect. 4. *Morandum* quaest. 10. *Tannerum* quaest. 7. dub. 2. *Bouer.* demonst. 2. Symb. Arragon. art. 3. *Card. Lugo* disp. 12. sect. 2. *qui etiam confutant Vegam* Lib. 6. in Trident. cap. 20. *et Sotum* Lib. 2. de natura, et gratia, cap. 11. *dicentes, non esse necessariam fidem de obiecto supernaturali, sed supernaturalem tantum ex parte principii: imo Soto* ait, totum hoc praestari per fidem naturalem; etsi is retractaverit in 4. dist. 1. quaest. 2. art. 3. et in fine quaestionis, in recognitione, territus a D. August. de natura, et gratia.

8 I ASSERT, therefore, that the acts of faith necessary for salvation are supernatural.

> *ASSERO igitur, actus fidei, necessarios ad salutem, esse supernaturales.*

9 ¶ *IT IS PROVED* by D. Bonaventure *in the places alleged. From Hebr. 11. He that cometh to God must believe that he is, and is a rewarder.* It is confirmed by the Fathers alleged and by the Council of Trent *sess. 6. cap. 6. and can. 3. It is* a matter de fide.

> ¶ PROBATUR *a D. Bonav.* locis allegatis. Ex Hebr. 11. Accedentem ad Deum oportet credere, quia est, et quia remunerator. *Confirmatur ex PP. allatis et Concilio Trident.* sess. 6. cap. 6. et can. 3. Quaere *est de fide.*

10 YOU WILL OBJECT first from *Rom. 2.* where it is said of the infidels: *Because that, when they knew God, they glorified him not as God.*

> *OBIICIES primo id* Rom. 2. *ubi de infidelibus dicitur:* Cum cognovissent Deum, non sicut Deum glorificaverunt.

11 IT IS ANSWERED that only this is meant: that certain gentiles, by natural knowledge, with the added supernatural light, could have come to the knowledge of God; but that they were unwilling.

> *RESPONDETUR, solum intendi, gentes aliquas potuisse cognitione naturali, addito lumine supernaturali, venire in cognitionem Dei; sed noluisse.*

12 YOU WILL OBJECT secondly. If Baptism in voto suffices: Therefore also faith, in the same way.

> *OBIICIES secundo. Si sufficit Baptismus in voto: Ergo et pari modo fides.*

13 IT IS ANSWERED by denying the consequence; for faith is a per se disposition necessary for the natural intrinsic mutation: not so external acts, such as Baptism and confession, as Fagundez rightly observes, *number 13.*

> *RESPONDETUR, negando consequentiam; nam fides ad naturalem intrinsecam mutationem necessaria est per se dispositio: non ita actus externi, ut Baptismus, et confessio, ut recte observat Fagundez,* numero 13.

14 ¶ IT IS ASKED, first: Whether before the Incarnation implicit faith in the Trinity, and in Christ the Lord, sufficed: And, likewise, whether it sufficed after the Incarnation up to the sufficient promulgation of the Gospel. The holy Doctor treats of this, 3. *dist. 25. quaest. 2.*

> ¶ *QUAERITUR autem primo: An ante Incarnationem suffecerit fides implicita Trinitatis, et Christi Domini: Et, num item, post Incarnationem usque ad sufficientem Evangelii promulgationem. De hoc agit S. Doctor. 3.* dist. 25. quaest. 2.

15 ALL indeed agree that faith in the Incarnation, or faith regarding Christ, was implicit, from Adam up to Christ. So the Theologians commonly, 3. *dist. 25.* with D. Bonaventure. Albertus *art. 1.* Scotus *quaest. 1.* Gabr. *quaest. 1. art. 2.* Alens. *3. part. quaest. 82. memb. 3. art. 1.* Richardus *art. 3.* Durandus *quaest. 1. and* others. Valentia *quaest. 1. p. 4.* Soto *Lib. de natura, et gratia, cap. 11. and 12.* Cano *Relect. de Sacram. in genere, p. 2. concl. 1.* Vega *Lib. 6. in Trident. cap. 20.* D. Thom. *3. p. quaest. 69. art. 4. and 2 2. quaest. 2. art. 7.* where the Thomists, Sanchez *Lib. 2. decal. cap. 2. num. 7.* Suarez *de fide, disp. 12. sect. 4.* Fagundez *Lib. 1. cap. 2. in decal. num. 17.* Caspens. *disp. 3. sect. 5.* Morandus *quaest. 10. de fide,* Lugo *disp. 12. sect. 4.* Tannerus *quaest. 7. dub. 2.* Becan. *cap. 12. quaest. 2.* Petrus a S. Ioseph Fuliensis *lib. 3. cap. 5.* Bassaeus *V. Fides 1. num. 6.* Bouet. *loco cit. art. 1.*

> *OMNES quidem consentiunt, fidem Incarnationis, seu fidem de Christo necessariam, fuisse implicitam, ab Adam usque ad Christum. Ita communiter Theologi 3.* dist. 25. *cum D. Bonavent. Albertus* art. 1. *Scotus* quaest. 1. *Gabr.* quaest. 1. art. 2. *Alens.* 3. part. quaest. 82. memb. 3. art. 1. *Richardus* art. 3. *Durandus* quaest. 1. et *alii. Valentia* quaest. 1. p. 4. *Soto* Lib. de natura, et gratia, cap. 11. et 12. *Cano* Relect. de Sacram. in genere, p. 2. concl. 1. *Vega* Lib. 6. in Trident. cap. 20. *D. Thom.* 3. p. quaest. 69. art. 4. et 2 2. quaest. 2. art. 7. *ubi Thomistae, Sanchez* Lib. 2. decal. cap. 2. num. 7. *Suarez* de fide, disp. 12. sect. 4. *Fagundez* Lib. 1. cap. 2. in decal. num. 17. *Caspens.* disp. 3. sect. 5. *Morandus* quaest. 10. de fide, *Lugo* disp. 12. sect. 4. *Tannerus* quaest. 7. dub. 2. *Becan.* cap. 12. quaest. 2. *Petrus a S. Ioseph Fuliensis* lib. 3. cap. 5. *Bassaeus* V. Fides 1. num. 6. *Bouet.* loco cit. art. 1.

16 SOME, however, say that it was necessary explicitly, even before the promulgation of the Gospel. So Becanus, alleging D. Bonaventure and others. Others, indeed, hold that even after the promulgation of the Gospel implicit faith regarding Christ suffices: So Soto above, and *in 4. dist. 5. quaest. unic. art. 2.* Canus *loco cit. concl. 3.* Vega *loco cit. and it seems* D. Thom. *3. p. quaest. 69. art 4. ad 2.* Richardus *art. 4. quaest. 1.* Medina *lib. 4. de recta fide, cap. 20.* Maldonat. *Ioan. 5. num. 25.* Arretinus *3. dist. 25. quaest. 1. art. 8.* Suarez, Couninch. Lugo, Arriaga, Turtianus, Poncius in Mastrius *disp. 6. quaest. 16.*

> *ALIQUI tamen dicunt, necessariam fuisse explicitam, etiam ante Evangelii promulgationem. Ita Becanus, allegans D. Bonavent. et alios. Alii vero tenent etiam post promulgationem Evangelii sufficere implicitam fidem de Christo: Ita Sotus supra, et* in 4. dist. 5. quaest. unic. art. 2. *Canus* loco cit. concl. 3. *Vega* loco cit. et videtur *D. Thom.* 3. p. quaest. 69. art 4. ad 2. *Richardus* art. 4. quaest. 1. *Medina* lib. 4. de recta fide, cap. 20. *Maldonat.* Ioan. 5. num. 25. *Arretinus* 3. dist. 25. quaest. 1. art. 8. *Suarez, Couninch. Lugo, Arriaga, Turtianus, Poncius apud Mastrium* disp. 6. quaest. 16.

17 OTHERS, indeed, say such faith is necessary for beatitude, but not for justification. So Caietanus *relect. de Sacram. p. 2. quaest. 2.* Bannes *2. 2. quaest. 2. art. 8.* and certain other Thomists, who are commonly rejected; for the reason is the same for both. Therefore in *Act. 10.* it is said: *To receive the remission of sins through his name: and cap. 15. Purifying their hearts by faith, and c. 26.* it is related that Paul was sent by God to preach, that they may receive the remission of sins through faith which is in

Christ. But Fuliensis says that explicit faith regarding Christ is not required with the necessity of means.

> *ALII vero, necessariam aiunt talem fidem ad beatitudinem, non tamen ad iustificationem. Ita Caietanus* relect. de Sacram. p. 2. quaest. 2. *Bannes* 2. 2. quaest. 2. art. 8. *et quidam alii Thomistae, qui communiter reiiciuntur; nam eadem est ratio de utraque. Ideo* Act. 10. *dicitur:* Remissionem peccatorum accipere per nomen eius: et cap. 15. Fide purificans corda eorum, et c. 26. *refertur, Paulum missum a Deo ad praedicandum, ut remissionem peccatorum accipiant per fidem, quae est in Christo. Fuliens. vero ait, non exigi, necessitate medii, explicitam de Christo fidem.*

18 THE TRUE teaching is that after the promulgation of the Gospel explicit faith regarding Christ is necessary. So the others commonly, to whom add Toletus, *Summa p. p. cap. 2.* Lorin. *Act. 4.* Molina *p. p. quaest. 9. punct 4.* and others in Mastrius *loco cit.* Tannerus *num. 46.* who also brings forward D. Bonaventure 3. *dist. 25. quaest. 2.* whom Bassaeus also alleges *num. 7.*

> *VERA sententia est, post Evangelii promulgationem, necessariam esse fidem explicitam de Christo. Ita caeteri communiter, quibus adde Toletum,* Summa p. p. cap. 2. *Lorin.* Act. 4. *Molinam* p. p. quaest. 9. punct 4. *et alios apud Mastrium* loco cit. *Tannerum* num. 46. *qui adducit etiam D Bonav. 3.* dist. 25. quaest. 2. *quem allegat etiam Bassaeus* num. 7.

19 I ASSERT first, that before the Incarnation up to the promulgation of the Gospel, implicit faith regarding Christ sufficed, but explicit faith was not necessary.

> *ASSERO primo, ante Incarnationem usque ad Euangelii promulgationem, sufficientem fuisse fidem implicitam de Christo, non autem explicitam fuisse necessariam.*

20 NOTE with D. Bonaventure *in the body.* Those things are believed implicitly which are not believed expressly, and in particular, or perfectly in themselves; but only in something else, e.g. when someone believes what the Church believes; he believes also that Christ the Lord died, etc. So also it was believed implicitly in ancient times, if they believed that God would save the world, or redeem it from sins, in the manner in which it had already been revealed to the holy Church. Becanus above thinks this mode explicit, and therefore the Seraphic Doctor added it for the sake of his own teaching, while nevertheless saying that implicit faith sufficed. For this express faith in God the Liberator, D. Bonaventure is cited by Tannerus *num 42. dist 25. quaest. 2.* with D. Thom. *art. 7. ad 3. and others.*

> *OBSERVA cum D. Bonavent.* in corpore. *Implicite ea credi, quae non creduntur expresse, et in particulari, siue in seipsis perfecte; sed tantum in alio, v. g. cum quis credit id, quod credit Ecclesia; credit etiam Christum Dominum mortuum, etc. Sic etiam implicite creditum fuisse antiquo tempore, si credidissent Deum saluaturum mundum, seu redempturum a peccatis eo modo, quo sanctae Ecclesiae iam reuelatum erat. Hunc modum Becanus supra putat explicitum, et ideo Seraphicum addidit pro sua sententia, cum tamen dicat, suffecisse fidem implicitam. Pro hac fide expressa Dei Liberatoris citatur a Tannero* num 42. *D. Bonavent.* dist 25. quaest. 2. *cum D. Thom.* art. 7. ad 3. et alii.

21 EXPLICITLY are believed those things which are believed distinctly in themselves, as when you believe that the Messiah was the Son of God, incarnate, etc. But that which is believed explicitly must be known. Now that Christ was believed in that implicit manner before his coming, S. Bonaventure teaches and proves, *Lib. 2. Pharetrae, cap. 23.* from D. Bernard *epist. 77. ad Hugonem de S. Victore,* where he says: *Many, before the coming of the Savior, fearing and loving God the omnipotent, with him as the most*

gracious promiser of their salvation, hoping in him as the most certain Redeemer, were saved in this faith and expectation, although they did not know when, and how, and in what order the promised salvation would be accomplished.

> *EXPLICITE creduntur, quae in se distincte creduntur, ut cum credis, Messiam fuisse filium Dei, incarnatum, etc. Debet autem id, quod explicite creditur, esse scitum. Porro illo implicito modo creditum esse Christum, ante eius aduentum, docet, et probat S. Bonavent.* Lib. 2. Pharetrae, cap. 23. *ex D. Bernardo* epist. 77. ad Hugonem de S. Victore, *ubi ait:* Multi, ante aduentum Saluatoris, Deum omnipotentem timentes, et diligentes sua salutis gratissimum promissorem, sperantes certissimum Redemptorem in hac fide, et expectatione saluati sunt, licet quando, et qualiter, et quo ordine salus repromissa fieret, ignorarent.

22 ¶ *IT IS PROVED* by D. Bonaventure, first with the Master, from 4 *Act. There is no other name under heaven given to men, whereby we must be saved.* Similar things are found. *Rom 3. 4. and 5. Galat. 2. and 3. Prima Corinth. 3.*

> ¶ PROBATUR *a D. Bonavent. primo cum Magistro ex 4.* Act. Nullum nomen sub caelo datum aliud est hominibus, in quo oporteat nos saluos fieri. *Similia habentur.* Rom 3. 4. et 5. Galat. 2. et 3. Prima Corinth. 3.

23 THEN, because Christ is the Head of the whole Church, as is had in *Ephes. first, and the following. Prima Corinth. 3. Coloss. 1.* Therefore he flowed into the motion and vital sense of all; But he cannot infuse unless they are united to him in faith, as the Apostle discusses there: Therefore.

> *DEINDE, quia Christus est Caput totius Ecclesiae, ut habetur* Ephes. primo, et sequenti. Prima Corinth. 3. Coloss. 1. *Ergo iufluit motum, et sensum vitalem omnibus; At non potest influere, nisi unitis sibi in fide, ut ibi disserit Apostolus: Ergo.*

24 THIRD, No one could be saved unless he were justified, nor justified except through grace: but this was not given except through the merits of the Redeemer, who therefore is called: *The Lamb slain from the beginning of the world. Apoc. 13. and who opened the closed Book, cap. 5.* And Ioan. *first, Grace and truth were made through Jesus Christ. Therefore Galat. 3. The Scripture concluded all under sin, that the promise might be given by the faith of Jesus Christ to those who believe,* namely, grace and the other gifts were given in that faith. Next it is shown that implicit faith regarding Christ sufficed.

> *TERTIO, Nullus potuit saluari, nisi iustificaretur, nec iustificari, nisi per gratiam: haec autem non dabatur, nisi in meritis Redemptoris, qui ideo dicitur:* Agnus occisus ab origine mundi. Apoc. 13. et aperuisse Librum clausum, cap. 5. *Et Ioan.* primo, Gratia et veritas per Iesum Christum facta est. Ideo Galat. 3. Scriptura conclusit omnia sub peccato, ut promissio ex fide Iesu Christi daretur credentibus, *nempe, gratia, et alia dona in fide ista dabantur. Deinde ostenditur, sufficientem fuisse fidem implicitam de Christo.*

25 IT IS PROVED first, by the example of Cornelius, *Act.* 10. who is called just before he learned faith in Christ, as the holy Doctor intimated in the text.

> *PROBATUR primo, exemplo Cornelii* Act. *10. qui dicitur iustus, antequam fidem Christi edisceret, ut innuit S. Doctor in littera.*

26 IT IS PROVED secondly by the holy Doctor in the body, and on the arguments, with the reasoning that Fagundez uses. No divine thing obliges one to believe unless it be revealed; but before the preaching of the Gospel, that Law, and its articles, were not manifest to the gentiles; indeed not revealed except to very few: Therefore.

PROBATUR secundo a S. Doct. in corpore, et ad argumenta, ratione, qua utitur Fagundez. Nulla res divina obligat ad credendum; nisi reveletur; sed ante Evangelii praedicationem, Lex ista, eiusque articuli non erant manifestati gentibus; imo neque revelati, nisi perpaucis: Ergo.

27 NOTE, however, with D. Bonaventure here on 5. that before the sufficient publication of the Gospel, some renowned worshippers of God knew the Mysteries of Redemption, as *Iob* 19. testifies, and the Sibyls in the law of Nature; and in the written law Moses, David, and others, as the holy Doctor observes on those words of *Lucae* 24. *All things must needs be fulfilled, which are written in the law of Moses, and in the Prophets, and in the Psalms, concerning me.* And on Ioan. 5. on those words: *For if you did believe Moses, you would perhaps believe me also: for he wrote of me.* And so those knew and believed Christ expressly. The Master seems to indicate the same regarding Cornelius, whom the holy Doctor points out, *dist.* 25. *in littera.* But in the question he maintains that all of them had only implicit faith until Christ was revealed, excepting the distinguished ones, among whom Cornelius is not counted, who certainly had that faith only implicitly, as S. Augustine indicates, *quaest.* 84. *in Levit.* and *lib. de praedest. Sanctorum, cap.* 7. Therefore the holy Doctor, *dub.* 4. *in fine* says that the things said about the faith of Cornelius are plain.

ADVERTE autem cum D. Bonav. hic ad 5. ante sufficientem Evangelii propalationem, aliquos famosos Dei cultores novisse Mysteria Redemptionis, ut testatur Iob *19. et Sybillae in lege Naturae; et in lege Scripta Moyses, David, et alii, ut observat S. Doct. ad ea verba* Lucae *24.* Necesse est impleri omnia, quae scripta sunt in lege Moysis, Prophetis, et Psalmis de me. *Et ad Ioan. 5. ad ea verba:* Si enim crederetis Moysi, crederetis forsitan et mihi: de me enim ille scripsit. *Itaque illi expresse sciebant, et credebant Christum. Videtur Magister idem indicare de Cornelio, quem indicat S. Doct.* dist. *25.* in littera. *Sed in quaestione persistit, habuisse tantum fidem implicitam eos omnes, usque dum revelatus est Christus, exceptis insignibus, inter quos non numeratur Cornelius, qui implicite profecto solum habuit eam fidem, ut indicat S. August.* quaest. *84.* in Levit. *et* lib. de praedest. Sanctorum, cap. *7. Ideo S. Doct.* dub. *4.* in fine *ait, ea, quae de fide Cornelii dicuntur, esse plana.*

28 I ASSERT secondly, that after the Gospel was promulgated, explicit faith regarding Christ is necessary.

ASSERO secundo, post Evangelium promulgatum, necessariam esse fidem explicitam de Christo.

29 IT IS PROVED by the holy Doctor on 3. *Ioan.* with those words: *But he who does not believe is already judged: because he has not believed in the name of the only-begotten Son of God. Actorum* 4. *For in this alone is salvation, and there is no other name under heaven given, whereby we must be saved.*

PROBATUR a S. Doct. ad 3. Ioan. *illis verbis:* Qui autem non credit, iam iudicatus est: quia non credidit in nomine unigeniti filii Dei. Actorum *4.* In hoc enim solo est salus, et non est aliud nomen sub caelo datum, in quo oporteat, nos salvos fieri.

30 IT IS PROVED secondly by the holy Doctor on that passage Ioan. 17. *Now this is eternal life, that they may know thee, the only true God, and Jesus Christ whom thou hast sent,* where the Seraphic Doctor also notes that explicit knowledge of the Holy Trinity is already necessary; hence Rom. 3. *The justice of God through the faith of Jesus Christ in all, and upon all, who believe in him.* Galat. 2. *Man is not justified except through the faith of Jesus Christ.*

PROBATUR secundo a S. Doct. ad illud Ioan. 17. Haec est autem vita aeterna, ut cognoscant te solum Deum, et quem misisti Iesum Christum, *ubi etiam cognitionem SS. Trinitatis explicitam necessariam iam esse, advertit*

inde Seraphicus Rom. 3. Iustitia Dei per fidem Iesu Christi in omnes, et super omnes, qui credunt in eum. *Galat. 2.* Non iustificatur homo, nisi per fidem Iesu Christi.

31 IT IS PROVED thirdly by the holy Doctor with the reasoning that he uses, and Fagundez before *num.* 21; this reasoning is had in *dub.* 2. *litt.* and here is its first foundation: since Christ has now been made known to be the Head of the Church, and to have redeemed us by his merits, and founded our Church, we rightly owe him confession, and consequently to believe explicitly. Therefore in *Matth. last chapter* it is said: *Teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost.*

PROBATUR tertio a S. Doct. ratione, qua utitur, Fagundez ante num. *21. habetur autem haec ratio* dub. 2. litt. *et hic fundamento primo, quia cum Christus sit iam notificatus, esse Caput Ecclesiae, et nos suis meritis redemisse, et nostram fundasse Ecclesiam, merito debemus eum confiteri, et consequenter credere explicite. Ideo* Matth. ultimo *dicitur:* Docete omnes gentes, baptizantes eos in nomine Patris, et Filii, et Spiritus Sancti.

32 THE holy Doctor CONFIRMS this whole matter from other Scriptures. And first on *cap.* 6. *Ioan.* from that passage: *He who believes in me has eternal life,* Ioan. 14. *You believe in God, believe also in me.* The holy Doctor strengthens these passages with other testimonies of Scripture and of the Fathers. Now there is an outstanding discourse of Christ, *Ioan.* 3. which the holy Doctor solemnly runs through for the matter: *And as Moses lifted up the serpent in the desert: so must the Son of man be lifted up: that whosoever believes in him may not perish, but may have life everlasting.* He infers that all who believe in his Divine Person incarnate and lifted up on the cross are saved from death, just as those were saved who, seeing the brazen Serpent distinctly, believed and hoped for salvation from the Lord. For the holy Doctor observes the parallels and notes that the humanity is signified when it is said: *Son of man; death on the cross, when it is said; So must the Son of man be lifted up: the efficacy: that whosoever believes in him may not perish, etc.*

CONFIRMATUR a S. Doct. hoc totum ex aliis Scripturis. Et primo ad cap. *6.* Ioan. *ex illo:* Qui credit in me, habet vitam aeternam, *Ioan. 14.* Creditis in Deum, et in me credite. *Quae loca aliis testimoniis Scripturae, et Patrum roborat S. Doct. Est autem eximius discursus Christi,* Ioan. *3. quem graviter S. Doct. percurrit ad rem:* Sicut Moyses exaltavit serpentem in deserto: ita exaltari oportet filium hominis: ut omnis, qui credit in illum, non pereat, sed habeat vitam aeternam. *Infert, omnes credentes in suam Divinam personam incarnatam, exaltatam in cruce, salvari a morte, sicuti salvabantur, qui distinctim videntes Serpentem aeneum, credebant, et sperabant a Domino salutem. Observat enim S. Doct. parallelos, et advertit, notari humanitatem, dum dicitur:* Filius hominis: mortem in cruce, dum dicitur; Ita exaltari oportet filium hominis: efficaciam: ut omnis, qui credit in ipsum, non pereat, etc.

33 IT IS PROVED by the holy Doctor also from other Scriptures. First from that passage of *Lucae* last chapter: *Then he opened their understanding, that they might understand the Scriptures, and said to them, that thus it is written, and thus it behoved Christ to suffer, and to rise again from the dead the third day, and that penance and remission of sins should be preached in his name unto all nations, beginning at Jerusalem.* Then the holy Doctor argues thus *in his commentary:* Christ was given, that he might open the way to heaven. Therefore it is said *Isaïae* 12. *I will give the key of David upon his shoulder, and he shall open.* Therefore it is said *Dan.* 2. *He reveals deep things.* But to this end he reveals, that he, being known, may be adored. Wherefore in *Apoc.* 5. he is introduced as the Lamb to open the sealed Book, from which the Elders, and the Animals, and the Nations confessed him expressly: *The Lamb that was slain is worthy to receive Divinity,* because, namely, *he opened* the Mysteries that are referred to him, as to the Head; and to the

body of the Church, compared to him from the fact that it ought to acknowledge him as the principle of its salvation, which he distributed only to those willing, through penance and Baptism, that is, in a manner fitting to a free nature; But they could not consent to these things unless they acknowledged him as the principle; which Valentia also notes. And he strengthens this with accumulated testimonies of the Scriptures.

> *PROBATUR a S. Doctore, etiam ex aliis Scripturis, Primo ex illo* Lucae *ultimo:* Tunc aperuit illis sensum, ut intelligerent Scripturas, et dixit eis, quoniam sic scriptum est, et sic oportebat Christum pati, et resurgere a mortuis tertia die, et praedicari in nomine eius poenitentiam, et remissionem peccatorum in omnes gentes, incipientibus ab Hierosolyma. *Tunc sic arguit S. Doct.* in commentario: *Christus datus est, ut viam ad caelum aperiat. Ideo dicitur* Isaïae *12.* Dabo clavem David super humerum eius, et aperiet. *Ideo dicitur* Dan. 2. Ipse revelat profunda. *Ad hunc autem finem revelat, ut ipse cognitus, adoretur. Quare* Apoc. *5. introducitur, ut Agnus, aperire Librum sigillatum, ex quo Seniores, et Animalia, et Gentes eum expresse confessi sunt:* Dignus est Agnus, qui occisus est, accipere Divinitatem, quia scilicet *aperuit Mysteria, quae ad eum referuntur, tanquam ad Caput; et ad corpus Ecclesiae, ex eo comparatum, quod debuit eum agnoscere, ut principium suae salutis, quam, non nisi volentibus, per poenitentiam, et Baptismum distribuit, modo scilicet convenienti naturae liberae; Non poterant autem in haec consentire, nisi agnoscerent eum, ut principium; quod notat etiam Valentia. Haec autem constipatis Scripturarum testimoniis robotat.*

34 For in him all nations were to be blessed. *Genes.* 22. Therefore the nations ought to acknowledge the Fountain of their blessings. So in *Genes.* 49. he is called: *He shall be the expectation of the nations;* But only a good, well known, is awaited. In Psal. 2. it is said: *Ask of me, and I will give thee the gentiles for thy inheritance.* Therefore the nations, from whom he was to be named, ought to acknowledge their Christ the Lord distinctly. And in Psal. 116. it is said: *Praise him, all ye nations.* Certainly they ought to acknowledge him, that they might praise him; for in *Isa.* 49. it is said: *I have given thee to be the light of the gentiles.* And Isa. 2. *Come, let us go up to the mountain of the Lord, and to the house of the God of Jacob, and he will teach us his ways, and we will walk in his paths: for the law shall come forth from Sion, and the word of the Lord from Jerusalem. And he shall judge the gentiles, etc.* And cap. 61. *For Sion's sake I will not hold my peace, until her just one go forth as brightness, and her Savior be lighted as a lamp. And the gentiles shall see thy Just One. Thou shalt no more be called Forsaken, etc. Behold the Lord hath made it to be heard in the ends of the earth, say to the daughter of Sion: Behold thy Savior cometh: Behold his reward is with him, and his work before him. And they shall call him, A holy people, redeemed by the Lord. But thou shalt be called: A sought-out city, and not Forsaken.*

> *In ipso enim benedicendae erant omnes gentes.* Genes. *22. Ergo debebant gentes agnoscere Fontem suarum benedictionum. Sic* Genes. *49. dictus est:* Ipse erit expectatio gentium; *At non expectatur, nisi bonum, bene cognitum, Psal. 2. dicitur:* Postula a me, et dabo tibi gentes haereditatem tuam. *Igitur debebant gentes, ab eo denominandae, agnoscere suum Christum Dominum distincte. Et Psal. 116. dicitur:* Laudate eum omnes gentes. *Profecto debebant eum agnoscere, ut laudarent; nam et* Isa. *49. dicitur:* Dedi te in lucem gentium. *Et Isa. 2.* Venite, ascendamus ad montem Domini, et ad domum Dei Iacob, et docebit nos vias suas, et ambulabimus in semitis eius: quia de Sion exibit Lex, et Verbum Domini de Hierusalem. Et iudicabit gentes etc. *Et cap. 61.* Propter Sion non tacebo, donec egrediatur ut splendor iustus eius, et Salvator eius ut lampas accendatur. Et videbunt gentes Iustum tuum. Non vocaberis ultra derelicta, etc. Ecce Dominus auditum fecit in extremis terrae, dicite filiae Sion: Ecce Salvator tuus venit: Ecce merces eius cum eo, et opus eius coram illo. Et vocabunt eum, Populus sanctus, redempti a Domino. Tu autem vocaberis: Quaesita civitas, et non Derelicta.

35 Christ PROCEEDS: *But you are witnesses of all these things.* Therefore *Act.* 1. *You shall be witnesses to me in Judea, and Samaria, and even to the ends of the earth,* and therefore Peter says, *Act.* 10. *We are witnesses of all things which he did, etc. whom they slew, hanging him on a tree. Him God raised up the third day, and gave him to be made manifest to witnesses preordained, etc. And he commanded us to preach to the people, and to testify that he is the one appointed by God to be judge of the living and of the dead.* Therefore our faith stands especially in the distinct acknowledgment of Christ the Lord.

> *PERGIT Christus:* Vos autem testes estis omnium. *Ideo* Act. *1.* Eritis mihi testes in Iudaea, et Samaria, et usque ad ultimum terrae, *et ideo ait Petrus,* Act. *10.* Nos testes sumus omnium, quae fecit, etc. quem occiderunt suspendentes in ligno. Hunc Deus suscitavit tertia die, et dedit eum manifestum fieri testibus praeordinatis, etc. Et praecepit nobis praedicare populo, et testificari, quia ipse est, qui constitutus est a Deo Iudex vivorum, et mortuorum. *Igitur fides nostra specialiter stat in agnitione distincta Christi Domini.*

36 The holy Doctor confirms this further on *cap.* 3. of *John* with those words: *The Father loves the Son, and has given all things into his hand,* as is said in *Matth.* 11. *All things are delivered to me by my Father.* Therefore he adds: *He who believes in the Son has life everlasting, because,* as is said Ioan. 17. *Now this is eternal life, that they may know thee, the only true God, and Jesus Christ whom thou hast sent.* They have (I say) life everlasting in pledge, and in root, as is said 2. *Corinth.* 5. There *Ioan.* continues: *But he who does not believe the Son shall not see life, but the wrath of God abides on him, etc.* But the holy Doctor observes that John threatens more vehemently, and more intensely, than Christ did before, those who do not believe in the Son of God; for Christ only said: *He who does not believe is already judged: because he does not believe in the name of the only-begotten Son of God.* But he spoke more gently, lest he might seem to speak out of love for himself. Then the holy Doctor observes that the Wrath of God remains; First sin, second punishments, third dereliction; fourth the sentence of damnation, so as to infer that he is excluded from grace and glory who does not believe in the Son of God.

> *Hoc amplius confirmat S. Doct. ad* cap. *3.* Ioannis *illis verbis:* Pater diligit Filium, et omnia dedit ei, *ut dicitur* Matth. *11.* Omnia mihi tradita sunt a Patre meo. *Ideo subdit:* Qui credit in Filium, habet vitam aeternam, quia, *ut dicitur Ioan. 17.* Haec est vita aeterna, ut cognoscant te solum Deum, et quem misisti Iesum Christum. *Habent (inquam) vitam aeternam in pignore, et radice, ut dicitur 2.* Corinth. *5. Pergit ibi* Ioan. Qui autem est incredulus Filio, non videbit vitam, sed ira Dei manet, etc. *Observat autem S. Doct. vehementius hementius minari Ioannem, quam antea Christum, eos, qui non credunt in filium Dei; nam Christus solum dixit:* Qui non credit, iam iudicatus est: quia non credit in nomine unigeniti filii Dei. *Mitius autem locutus est, ne videretur amore sui loqui. Deinde observat S. Doct. manere Iram Dei; Primo peccatum, secundo poenas, tertio derelictionem; quarto sententiam damnationis, ut inferat, eum excludi a gratia, et gloria, qui non credit in filium Dei.*

37 S. Bonaventure PROVES it further, *serm. 8. Hexaemer.* from that passage of *1. Ioan. 5. There are three who give testimony in heaven: the Father, the Word, and the Holy Ghost: and these three are one. And there are three who give testimony on earth: the spirit, the water, and the blood: and these three are one;* namely, in the Spirit the Divinity; in the Water the Humanity; in the blood the Life, poured out in redemption. These things, therefore, must be believed absolutely; for he had already said: *Every one who believes that Jesus is the Christ is born of God.* And afterwards he adds: *He who believes in the Son of God has the testimony of God in himself. He who does not believe the Son makes him a liar.* He notes the same thing, that the Trinity and the Incarnation are set down distinctly in the Symbol.

> *PROBAT adhuc S. Bonav.* serm. 8. Hexaemer. *ex illo* 1. Ioan. 5. Tres sunt, qui testimonium dant in caelo: Pater, Verbum, et Spiritus sanctus: et hi tres unum sunt. Et tres sunt, qui testimonium dant in terra:

spiritus, aqua, et sanguis: et hi tres unum sunt; *nempe in Spiritu Divinitas; in Aqua Humanitas; in sanguine Vita, profusa in redemptionem. Haec igitur debent omnino credi; iam enim dixerat:* Omnis qui credit, quoniam Iesus est Christus, ex Deo natus est. *Et postea subdit:* Qui credit in filium Dei, habet testimonium Dei in se. Qui non credit filio, mendacem facit eum. *Idem advertit, poni in Symbolo distincte Trinitatem, et Incarnationem.*

38 The holy Doctor also uses a lofty argument, *serm. 9. Hexaemer.* which the holy Fathers used: Ambrose *lib. 1. offic. cap. 29.* Hieron. *in cap. 1. ad Ephes.* Gregory *lib. 7. epist. 47.* taken from the first *Corinth. 3.* where Christ is called the Foundation of the Church. And *Isaia 28.* where he is called (as also in *Ephes. 1. 2. Petri 2.*) the foundational, angular stone; And on *Ephes. 1. and 3.* where he is called the Origin of our salvation. Now S. Bonaventure thus discourses: The Testimony of Faith is to be taken from the Father, and the Word, and the Holy Ghost, as is said in the first epistle of Ioan. 5. *For by the word of the Lord the heavens were made firm. Psal. 32.* namely, the heaven of the Church. For the whole new testament consists in declaring Christ. Therefore the Father also bears testimony from heaven, *Matth. 3. But of this faith Christ is the Foundation, as is said in the first epistle to Corinth. 3. Another foundation no one can lay, besides that which is laid, which is Christ Jesus. He is the angular stone Isa. 28. the first epistle of Petri 2. Ephes. 2. Upon this stone the whole Church leans.* Therefore it was necessary that this be believed most distinctly. Therefore the Apostle in *Hebr. 1. says: God, who at sundry times spoke in times past to the fathers in the prophets; last of all has spoken in his Son.* And he adds: *Who, being the brightness of his glory* (namely, according to the deity,) *making purgation of sins,* through his humanity: For the faith and confession of Christ the Martyrs were slain, the Apostles toiled, etc. Who, therefore, will deny that express faith in Christ is necessary? It is confirmed from the practice of the Church, which questions those to be baptized regarding explicit faith in Christ.

Alto etiam argumento utitur S. Doct. serm. 9. Hexaemer. *quo usi sunt SS. PP. Ambrosius* lib. 1. offic. cap. 29. *Hieron.* in cap. 1. ad Ephes. *Gregorius* lib. 7. epist. 47. *sumpto ex prima* Corinth. 3. *ubi Christus dicitur Fundamentum Ecclesiae. Et* Isaia 28. *ubi dicitur (sicuti et* Ephes. 1. 2. Petri 2.*) Fundamentalis petra angularis; Et ad* Ephes. 1. et 3. *ubi dicitur Origo nostrae salutis. Sic autem discurrit S. Bonaventura: Testimonium Fidei sumendum est a Patre, et Verbo, et Spiritu Sancto, ut dicitur prima Ioan. 5.* Sane verbo Domini caeli firmati sunt. Psal. 32. *nempe caelum Ecclesiae. Nam totum testamentum novum est in declarando Christo. Ideo et Pater de caelo testimonium perhibet,* Matth. 3. Huius autem fidei Christus est Fundamentum, ut dicitur prima Corinth. 3. Fundamentum aliud nemo potest ponere, praeter id, quod positum est, quod est Christus Iesus. Is est lapis angularis Isa. 28. prima Petri 2. Ephes. 2. Huic lapidi tota nititur Ecclesia. *Igitur oportuit, hunc esse maxime distincte creditum. Ideo Apostolus* Hebr. 1. ait: Multifarie Deus olim loquens Patribus in prophetis; novissime locutus est in filio. *Et subdit:* Qui cum sit splendor gloriae *(secundum scilicet deitatem,)* Purgationem peccatorum faciens, *per humanitatem: Propter fidem, et confessionem Christi occisi sunt Martyres, insudarunt Apostoli, etc. Ecquis igitur negabit, necessariam esse expressam fidem Christi? Confirmatur e praxi Ecclesiae, quae baptizandos interrogat de explicita fide in Christum.*

39 *YOU WILL OBJECT* first against the first assertion, from *Hebr. 11.* it is said: *He that cometh to God must believe that he is, and is a rewarder:* Therefore faith in the Redeemer was not necessary.

Obiicies *primo contra primum assertum,* Hebr. 11. *dicitur:* Accedentem ad Deum oportet credere, quia est, et quia remunerator: *Ergo non erat necessaria fides Redemptoris.*

40 *Valentia ANSWERS* from Marsilius *3. quaest. 14. art. 3.* It would have been better to have said, from D. Bonaventure *on the first,* that the Apostle does not enumerate all things necessary for salvation, but

only asserts that it is necessary to believe those two things: *That God is, and that he is a Rewarder.* But he enumerates these, because they were necessary to be believed even in the state of integral nature. But I do not know why Valentia *col. 317. Assertion one* says that in the state of integral nature they ought to have believed more concerning the Incarnation of Christ, and by what means he was going to redeem mankind through death; Certainly in the state of integral nature the Redeemer was not revealed; nor was he necessary, nor would the Son of God have come into the world, as he himself maintains.

> Respondet *Valentia ex Marsilio* 3. quaest. 14. art. 3. *Satius dixisset ex D. Bonav.* ad primum, *Apostolum non recensere omnia necessaria ad salutem, sed solum asserere necessarium esse, duo illa credere:* Quod Deus sit, et quod Remunerator. *Haec autem recenset, quia etiam in statu naturae integrae erant creditu necessaria. Nescio autem, cur Valentia* col. 317. Assertione prima *dicat, In statu naturae integrae maiores debuisse credere Incarnationem Christi, et qua ratione per mortem erat redempturus genus humanum; Sane in statu naturae integrae non est revelatus Redemptor; nec erat necessarius, nec venisset filius Dei in mundum, ut ipse tuetur.*

41 *YOU WILL OBJECT* secondly. That faith suffices which sufficiently directs one to Hope, and Charity. Such is faith in God the Rewarder: Therefore.

> Obiicies *secundo. Fides illa sufficit, quae satis dirigit ad Spem, et Charitatem. Talis est fides in Deum Remuneratorem: Ergo.*

42 *The holy Doctor ANSWERS* by denying the minor; because we ought to hope for salvation through the merits of Christ, and to love God, not only as Creator; but also as Savior.

> Respondet *S Doct. negando minorem; quia debemus sperare per merita Christi salutem, Deumque amare, non modo ut Creatorem; sed etiam ut Salvatorem.*

43 *YOU WILL OBJECT* thirdly. Many were saved who did not know that Christ was to come to death for our salvation.

> Obiicies *tertio. Multi salvati sunt, qui non cognoverunt venturum Christum ad mortem pro nostra salute.*

44 *The holy Doctor ANSWERS* that all believed implicitly in the Redeemer, whom the wiser expressed in their sacrifices; but the rest awaited implicitly some one to come by whom they would be saved, even if they were ignorant: Whether he was the Son of God: Whether he was to die, etc. And in this act there was implicit faith regarding Christ. So AEgidius; whom Gaspar *disp. 3. sect. 5.* praises as the author of this view, although it is also the Seraphic Doctor's *in the body.*

> Respondet *S. Doct. omnes implicite credidisse Redemptorem, quem in suis sacrificiis exprimebant sapientiores; reliqui vero expectabant implicite aliquem venturum per quem salvaremtur, esto ignorarent: An filius Dei: An moriturus, etc. Et in hoc actu erat implicita fides de Christo. Ita AEgidius; quem Gaspar* disp. 3. sect. 5. *laudat, ut authorem huius modi, cum tamen sit Seraphici etiam* in corpore.

45 But it was certainly a supernatural FAITH, which is wholly necessary for a supernatural end, and so the Councils speak against Ripalda *primo de Ente supernaturali, disp. 29. and 63.* who devised, I know not what broad faith from natural human knowledge. For against him is the sense of the Councils, especially the Tridentine *sessione 6. See Lugum disp. 11. sect. 1.*

> *Fuit autem profecto Fides supernaturalis, quae ad finem supernaturalem est omnino necessaria, et ita loquuntur Concilia contra Ripaldam* primo de Ente supernaturali, disp. 29. et 63. *qui nescio, quam fidem latam excogitavit ex humana notitia naturali. Contra est enim sensus CC. praesertim Tridentini* sessione 6. Vide Lugum disp. 11. sect. 1.

46 *YOU WILL OBJECT* fourthly. No man is bound to know what the Angels are ignorant of; but before the Incarnation, the Angels were ignorant of this Mystery: Therefore. The major is certain. The minor is proved by that passage *Isa. 63. Who is this that cometh from Edom?* For it is the exclamation of the Angels, as the Gloss says: And *Ephes. 3. That it may be made known to the Principalities and Powers*, as Chrysostom expounds, and the Gloss on that passage *Ephes. 3. What is the dispensation of the Mystery hidden from eternity in God.*

> Obiicies *quarto. Nullus homo tenetur nosse, quod ignorant Angeli; sed ante Incarnationem, Angeli hoc Mysterium ignorabant: Ergo. Maior est certa. Minor probatur illo* Isa. 63. Quis est iste, qui venit de Edom? *Est enim exclamatio Angelorum, ut ait Glossa: Et* Ephes. 3. Ut innotescat Principatibus, et Potestatibus*, ut exponit Chrysost. et Glossa ad id* Ephes. 3. Quae sit dispensatio Mysterii absconditi a saeculis in Deo.

47 *The holy Doctor ANSWERS* that the Angels all knew that a Savior was to come: for they announced the Mysteries to the prophets, especially Isaiah. But they admired and learned each thing with singular wonder. Nor is there invincible ignorance of these things, according to D. Bonaventure and others.

> Respondet *S. Doct. Angelos omnes agnovisse venturum Salvatorem: nam anountiarunt prophetis Mysteria, praecipue Isaiae. Mira autem singulatim admirati sunt, et didicere. Neque datur ignorantia invincibilis de his, apud D. Bonavent. et alios.*

48 *YOU WILL OBJECT* fifthly. He who fulfilled the law according to the dictate of nature arrived at salvation, as the Apostle intimated, *Rom. 2. The gentiles, who have not the law, do naturally those things that are of the law. And: The doers of the law shall be justified:* But in the law of nature, or the written law, there is no necessity of believing in the Mediator: Therefore.

> Obiicies *quinto. Qui adimplebat legem iuxta dictamen naturae, perveniebat ad salutem, ut innuit Apostolus,* Rom. 2. Gentes, quae legem non habent, naturaliter ea, quae legis sunt, faciunt. Et: Factores legis iustificabuntur: *Sed in lege naturae, vel scripta, non est necessitas credendi Mediatorem: Ergo.*

49 *D. Bonaventure ANSWERS* that the law of nature sufficed, aided by the gift of grace and of faith, which dictated the Mediator implicitly. So also Vasquez *disp. 190. cap. 15.* Fagundez *lib. 1. Decal. cap. 2. num. 10.* from D. Augustine *lib. de spiritu et litt. cap. 27.* where he expounds the word *naturally* thus: without the written law, but with natural aid from grace, they do the things that are of the law.

> Respondet *D. Bonav. legem naturae sufficere, adiutam dono gratiae, et fidei, quae dictabat implicite Mediatorem. Ita etiam Vasquez* disp. 190. cap. 15. *Fagundez* lib. 1. Decal. cap. 2. num. 10. *ex D. August.* lib. de spiritu et litt. cap. 27. *ubi id,* naturaliter*, sic exponit, sine lege scripta, sed cum naturali, adiuta a gratia, quae legis sunt, faciunt.*

50 *YOU WILL OBJECT* sixthly. No one is bound to believe what he cannot learn; but in the law of nature no one could learn of the Incarnation, nor was there anyone teaching it: Therefore.

> Obiicies *sexto. Nullus tenetur credere, quod non potest discere; sed in lege naturae non poterat aliquis ediscere Incarnationem, nec erat ullus docens: Ergo.*

51 *The holy Doctor ANSWERS* that some were taught even then in this mystery, as Iob testifies *cap. 19.* Now he was before the written law, as Lyra notes, and Henoch also, as is said by D. Jude, *vers. 14. Now Henoch, the seventh from Adam, prophesied of these, saying: Behold the Lord cometh with his holy thousands to execute judgment against all, etc.* Where he calls Christ the Judge, and therefore supposes him incarnate.

Respondet *S. Doct. fuisse aliquos etiam tunc edoctos in hoc mysterio, ut Iob testatur* cap. 19. *Fuit autem hic ante legem scriptam, ut notat Lyra, et etiam Henoch, ut dicitur a D. Iuda,* vers. 14. Prophetavit autem de his septimus ab Adam Henoch, dicens: Ecce venit Dominus in Sanctis millibus suis facere iudicium contra omnes, etc. *Ubi Christum Iudicem ait, proptereaque Incarnatum supponit.*

52 I ASSERT thirdly, for the same reason, that before the coming of Christ explicit faith in the Most Holy Trinity was not necessary.

ASSERO tertio, eadem ratione, ante Christi adventum, non fuisse necessariam fidem explicitam Sanctissimae Trinitatis.

53 IT IS PROVED by D. Bonaventure, because before the Incarnation of Christ, as I showed above, the Son of God was unknown: Therefore also the Father; for he who knows the Son knows also the Father, as Christ says. *Ioan. 15.* Yet the holy Doctor adds, *quaest. 2.* that some had even then this explicit knowledge, which is asserted of the Sibyls, Henoch, Iob, Adam, and others.

PROBATUR a D. Bonav. quia ante Christi Incarnationem, ut supra ostendi, erat ignotus Filius Dei: Ergo et Pater; nam, qui novit Filium, novit et Patrem, ut ait Christus. Ioan. 15. *Addit tamen* S. Doct. quaest. 2. *aliquos habuisse etiam tunc hanc notitiam explicitam, quod asserunt de Sybillis, Henoch, Iob, Adamo, et aliis.*

54 I ASSERT fourthly; that now, with the necessity of means, explicit knowledge of the Most Holy Trinity is necessary. So D. Bonaventure *quaest. 5.* D. Thom. *art. 8. q. 2.* Valentia *quaest. 2. p. 5. assert. 2.* Fagundez *lib. 1. cap. 2. num. 24.* Becanus *quaest. 2. and quaest. 8. dub. primo,* Caspens. *disp. 3. sect. 5. num. 3.* Maestr. *disp. 19. sect. 2.* and others, whom Morand. *quaest. 10.* follows, against some who say it is not necessary with the necessity of means, but only of precept, even after the promulgated Gospel. See Palaum *tom. 1. tract. 4. disp. 1. p. 9.* citing many. With these is also Ful. *lib. 3. cap. 5.*

ASSERO quarto; nunc, necessitate medii, necessariam esse cognitionem explicitam Sanctissimae Trinitatis. Ita D. Bonav. quaest. 5. *D. Thom.* art. 8. q. 2. *Valentia* quaest. 2. p. 5. assert. 2. *Fagundez* lib. 1. cap. 2. num. 24. *Becanus* quaest. 2. et quaest. 8. dub. primo, *Caspens.* disp. 3. sect. 5. num. 3. *Maestr.* disp. 19. sect. 2. *et alii, quos sequitur Morand.* quaest. 10. *contra aliquos dicentes, non esse necessarium necessitate medii, sed tantum praecepti, etiam post promulgatum Evangelium. Vide Palaum* tom. 1. tract. 4. disp. 1. p. 9. *multos referentem Cum his est et Ful.* lib. 3. cap. 5.

55 IT IS PROVED by D. Bonaventure in *4. dist. 3. p. 1. quaest. 2. The same faith is intrinsically necessary which is intimated to each one externally, that he may profess it expressly: For with the heart we believe unto justice; but with the mouth confession is made unto salvation; but faith expressly in the Most Holy Trinity is intimated to all to be professed expressly in baptism, through the form drawn from Matth. last chapter, where Christ commands: Teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost. But to infants it is intimated through the Sponsor, that he may profess it in his name, and afterwards teach it: Therefore.*

PROBATUR a D. Bonav. in 4. dist. 3. p. 1. quaest. 2. Eadem fides est necessaria intrinsece, quae extrinsece cuique intimatur, ut eam expresse profiteatur: Corde enim creditur ad iustitiam; ore autem confessio fit ad salutem; sed fides expressa Sanctissimae Trinitatis intimatur omnibus expresse profitenda in baptismo, per formam erutam e Matth. ult. ubi Christus praecipit: Docete omnes gentes, baptizantes eos in nomine Patris, et filii, et Spiritus Sancti. Infantibus vero intimatur in Patrino, ut nomine eius profiteatur, et postea ipsam doceat: Ergo.

56 I ASSERT fifthly, that all are held, with the necessity of means, to believe all the articles of FAITH implicitly, in such a way that each one be ready to believe them, if he is taught. See Becanum *quaest.*

4. Valentiam *quaest. 2 p. 6.* Indeed Valentia *loc. cit.* Aragon. *art. 5.* Tannerus *n. 51.* say one is held explicitly. Especially Baptism, Penance, and the Eucharist.

> *ASSERO quinto, tenere omnes necessitate medii credere omnes articulos Fidei implicite, ita ut quisque sit paratus, eos credere, si doceatur. Vide Becanum* quaest. 4. *Valentiam* quaest. 2 p. 6. *Imo teneri explicite aiunt Valentia* loc. cit. *Aragon.* art. 5. *Tannerus* n. 51. *Praecipue Baptismum, Poenitentiam, et Eucharistiam.*

Question XV: What things are to be believed by the necessity of precept

1 I PREMISE first, with Sanchez *lib. 2. cap. 3.*, Valencia *disp. 1. quaest. 2. p. 3. in calce*, Azor *tom. 1. lib. 8. cap. 7. quaestio 1.*, that the faithful are bound to learn those things which they must believe. Hence see how necessary the School of Christian doctrine is. The reason is, because it is a necessary means; for *faith comes from hearing: Rom 10.*

> *PRAEMITTO primo cum Sanchez* lib. 2. cap. 3. *Valentia* disp. 1. quaest. 2. p. 3. in calce, *Azorio* tom. 1. lib. 8. cap. 7. quaestio 1. *Fideles ea teneri discere, quae debent credere. Hinc vide quam necessaria sit doctrinae Christianae Schola. Ratio est, quia est medium necessarium; nam* fides ex auditu: Rom 10.

2 I PREFACE secondly, that Doctors and Pastors are bound to know not only the articles, but also other truths of FAITH, as D. Thomas teaches *art. 5.*, D. Bonaventure *de 6. aliis Seraphim, and de Eccl. Hierarch.*

> *PRAELIBO secundo, Doctores, et Pastores teneri scire non modo articulos; sed alias etiam Fidei veritates, ut docet D. Thomas* art. 5. *D. Bonav.* de 6. alis Seraphim, et de Eccl. Hierarch.

3 CONCERNING the question, the first opinion is that it is enough for rustics to believe the articles of faith implicitly, and consequently to know them, namely by believing what the Church believes; and therefore they are guilty of no fault if they ignore the Mystery of the Trinity. So Innocent in *cap. Firmiter in fine de summa Trinitate.* Jo. Andreas *rubr. eo tit. num. 26.* Abbas *num. 6.* Hostiensis *num. 11. et 18.* Imola *num. 11. et 12.* Ananias *cap. firmissime, num. 7. de haeret.* Bald. *C. de Summa Trinit. in rubr. num. 7 et 8.* Zanchinus *de haeret. cap. 2.* and Rosella *verb. Fides*, provided they believe that God exists and rewards. This opinion is proclaimed erroneous by Valencia *quaest. 2. p. 4.* Petrus Ledefma *2. Tom. summae, tract. 1. cap. 2.* Sanchez *lib. 2. cap. 3.*; indeed it is proclaimed heretical by Bannes *2. 2. quaest. 22. art. 2. col. 3.* and Eymericus in *2. p. direct. Inq quaest. 10. haeresi 8.*, condemned by Gregory II. See also de Lugo *disp. 13. sect. 4. num. 60.* For my part I do not believe that those Doctors spoke of all rustics, but only of certain ruder ones, nearly incapable, such as abound in desert places, as Vasq. notes *1 2 disp 121. cap. 2.*

> *CIRCA quaestionem, prima opinio est, Rusticis satis esse articulos fidei implicite credere, et consequenter scire, nempe credendo, quod credit Ecclesia; ac proinde nullius culpae reos, si Mysterium Trinitatis ignorent. Ita Innocentius in* cap. Firmiter in fine de summa Trinitate. *Ioan. Andrea* rubr. eo tit. num. 26. *Abbas* num. 6. *Hostiens.* num. 11. et 18. *Imola* num. 11. et 12. *Ananias* cap. firmissime, num. 7. de haeret. *Bald.* C. de Summa Trinit. in rubr. num. 7 et 8. *Zanchinus* de haeret. cap. 2. *et Rosella* verb. Fides, *dummodo credant, Deum esse, et remunerari. Hanc opinionem erroneam proclamant Valentia* quaest. 2. p. 4. *Petrus Ledefma* 2. Tom. summae, tract. 1. cap. 2. *Sanchez* lib. 2. cap. 3. *Imo eam haereticam proclamant Bannes* 2. 2. quaest. 22. art. 2. col. 3. *et Eymericus in* 2. p. direct. Inq quaest. 10. haeresi 8. *damnatam a Gregorio II. Vide etiam de Lugo* disp. 13. sect. 4. num. 60. *Equidem non credo, eos Doctores locutos de omnibus rusticis, sed solum de quibusdam rudioribus, fere incapacibus, quales abundant in locis desertis, ut notat Vasq.* 1 2 disp 121. cap. 2.

4 The SECOND opinion is that all are bound to believe all the articles of the Apostles' Creed. But they seem to rely on this, that the Holy Fathers say it was composed by the Apostles, as D. August. *lib. de fide, et Symb. cap. 1.*, Cyril *catech. 5.*, and this is supposed in many decrees which Gratian collected *de consecr. dist. 4.* So think Gabriel *3. dist. 25. quaest. un. art. 2.*, Marsil. *3. quaest. 14. art. 3. concl. 5.*, Castro *lib. 1. de iusta haeret. punit. cap. 9.*, Bannes *2. 2. quaest. 2. art. 8. disp. 2.*, Aragon. *eadem quaest. 2. art. 6.*, Valent. *quaest. 2. p. 3. et p. 4.*, Sayr. *in Claui Reg. lib. 2. cap. 9. num. 15.*, Suarez *de fide, disp. 13. sect. 14.*, although not all say this absolutely: Becanus *p. 2. cap. 12. n. 8.*, Bellarm. *in Symbolo, §. 3. et 5.*, Laym. *tract. 1. cap. 9.*, Caspens. *disp. 3. sect. 6. num. 40.*, Tanner. *quaest. 7. dub. 3.*, Lugo *disp. 13. sect. 4.*, Fuliesc. *lib. 3. cap. 5.*, Morandus *quaestione 10.*, Fagundez *lib. 1. cap. 2. num. 30.*, Nauar. *lib. 5. Consil. tit. de paen. consil. 6. quaest. 1.* In the second *edit. consil. 10. quaest. 1.* and Azor. *p. 1. lib. 8. cap. 6.* they say it is necessary to believe either the articles of the Apostles' Creed, or the Creed of 14 articles, which is called the children's catechism.

> *SECUNDA sententia est, teneri omnes credere omnes articulos Symboli Apostolici. Videntur autem niti, quia Sancti Patres dicunt, ideo ab Apostolis compositum, ut D. August.* lib. de fide, et Symb. cap. 1. *Cyrillus* catech. 5. *et hoc supponitur in multis decretis, quae collegit Gratianus* de consecr. dist. 4. *Ita sentiunt Gabriel.* 3. dist. 25. quaest. un. art. 2. *Marsil.* 3. quaest. 14. art. 3. concl. 5. *Castro* lib. 1. de iusta haeret. punit. cap. 9. *Bannes* 2. 2. quaest. 2. art. 8. disp. 2. *Aragon.* eadem quaest. 2. art. 6. *Valent.* quaest. 2. p. 3. et p. 4. *Sayr.* in Claui Reg. lib. 2. cap. 9. num. 15. *Suarez* de fide, disp. 13. sect. 14. *quamvis non absolute omnes id dicant: Becanus* p. 2. cap. 12. n. 8. *Bellarm.* in Symbolo, §. 3. et 5. *Laym.* tract. 1. cap. 9. *Caspens.* disp. 3. sect. 6. num. 40. *Tanner.* quaest. 7. dub. 3. *Lugo* disp. 13. sect. 4. *Fuliesc.* lib. 3. cap. 5. *Morandus* quaestione 10. *Fagundez* lib. 1. cap. 2. num. 30. *Nauar.* lib. 5. Consil. tit. de paen. consil. 6. quaest. 1. *In secunda* edit. consil. 10. quaest. 1. *et Azor.* p. 1. lib. 8. cap. 6. *dicunt, necessarium esse vel articulos Symboli Apostolorum, vel 14. articulorum credere Symbolum, quod dicitur catechismus puerorum.*

5 The THIRD opinion is that not all are bound to believe explicitly the articles of the Creed as they are contained in the children's Catechism, but those which the Church celebrates with solemn title and proposes as to be learned. So Scotus *dist. 25. quaest. 1. § sed posito.*, Richard. *art. 4. quaest. 7.*, Angel. *verb. fides num 7.*, and there Sylvest. *quaest 3.*, Tabiena *v. credere, q. 3.*, Michaël Medina *lib. 4. de recta in Deum fide, cap. 6.*, Albertus *3. dist. 25. art. 6.*, Dugand. *quaest. 1. num 9.*, Almain. *quaest. un.* It is cited from Sanchez, Fagundez, and others commonly to D. Bonaventure *dist. 25. quaest. 3.*, but undeservedly, as I shall say.

> *TERTIA sententia est, non teneri omnes, articulos Symboli credere explicite, ut in Catechismo puerorum habentur; sed eos, quos Ecclesia solemni titu celebrat, et discendos proponit. Ita Scotus* dist. 25. quaest. 1. § sed posito. *Richard.* art. 4. quaest. 7. *Angel.* verb. fides num 7. *et ibi Sylvest.* quaest 3. *Tabiena* v. credere, q. 3. *Michaël Medina* lib. 4. de recta in Deum fide, cap. 6. *Albertus* 3. dist. 25. art. 6. *Dugand.* quaest. 1. num 9. *Almain.* quaest. un. *Citatur a Sanchez, a Fagundez, et aliis communiter D. Bonav.* dist. 25. quaest. 3. *sed immerito, ut dicam.*

6 The FOURTH opinion is that all are bound to believe the fourteen articles contained in the children's Catechism; because the Holy Church opens them up so much by preaching and solemn expositions that no one can plead ignorance. This is the opinion of D. Bonaventure, who explains of which articles he speaks, and refers to the articles of the children's catechism: the Mystery of the Trinity and other articles, all of which, concerning God, are seven; and seven concerning Christ as man; and the effective remission of sins, resurrection, and glorification are reduced to the divinity; but meritoriously to Christ, who justifies through the Sacraments, especially Baptism and Penance; while through the Eucharist the worship of God is principally sustained. This is also the opinion of

D. Thom. *ad prim. Corinth. 11. lect. 4.* There follow Armilla *v. credere, num. 2.*, Eymer. *p. 1. direct. Inq quaest. 3. ibi*, Penna *in com. 20. et 2. p. quaest. 10. com. 35.*, Tolet. *lib. 4. summa, cap. 2.*, Pet. Ledefma *2. Tom. summae, tract. 1. cap. 2.*, Vasq. *disp. 121. cap. 2.*, Manuel *p. tom. summae, secunda edit. cap. 88.*, Ludov. Lopez *p. 1. Instruct. cap. 41.*, Azor. *t. 1. lib. 8. cap. 6. quaestio 2.*, Sanchez, citing others *lib. 1. cap. 3. num. 6.*, Scotus *3. dist. 25. quaest. 1. et 4. dist. 5. quaest. 1.* and the Scotists, especially Mastrius *disp. 6. quaest. 16. num. 408.* The fourteen articles, according to the common opinion of Theologians, I expounded in *quaest. 8.*: seven concerning the Divinity, and the same number concerning the Humanity of Christ and his works.

> *QUARTA sententia est, teneri omnes quatuordecim articulos, in Catechismo puerorum contentos, credere; quia eos adeo praedicatione, et solemnibus expositionibus Sancta Ecclesia patefacit, ut nullus praetendere valeat ignorantiam. Est sententia D. Bonav. qui explicat, de quibus articulis loquatur, et refert articulos catechismi puerorum; Mysterium Trinitatis, et alios articulos, qui omnes, de Deo sunt septem; et septem de Christo homine, et ad deitatem reducitur effective remissio peccatorum, resurrectio, et glorificatio; at meritorie ad Christum, qui per Sacramenta, praecipue Baptismi, et Poenitentiae iustificat; per Eucharistiam vero principaliter cultus Dei sustinetur. Haec est sententia etiam D. Thom.* ad prim. Corinth. 11. lect. 4. *Sequuntur Armilla* v. credere, num. 2. *Eymer.* p. 1. direct. Inq quaest. 3. ibi *Penna* in com. 20. et 2. p. quaest. 10. com. 35. *Tolet.* lib. 4. summa, cap. 2. *Pet. Ledefma* 2. Tom. summae, tract. 1. cap. 2. *Vasq.* disp. 121. cap. 2. *Manuel* p. tom. summae, secunda edit. cap. 88. *Ludov. Lopez* p. 1. Instruct. cap. 41. *Azor.* t. 1. lib. 8. cap. 6. quaestio 2. *Sanchez, alios referens* lib. 1. cap. 3. num. 6. *Scotus* 3. dist. 25. quaest. 1. et 4. dist. 5. quaest. 1. *et Scotistae, praecipue Mastrius* disp. 6. quaest. 16. num. 408. *Articulos vero quatuordecim, iuxta communem sententiam Theologorum, exposui* quaest. 8. *septem de Divinitate, et totidem de Humanitate Christi, et eius operibus.*

7 I ASSERT with D. Bonaventure first, that not all the articles must be believed by necessity of precept, but only those which the Church proposes and teaches in the Creed of the Catechism and of the Apostles.

> *ASSERO cum D. Bonav. primo, non omnes articulos esse necessitate praecepti credendos, sed eos tantum, quos in Symbolo Catechismi, et Apostolorum proponit, et docet Ecclesia.*

8 It is PROVED from the Holy Doctor, because the Creed is handed down and composed for this purpose, as the Holy Fathers teach, especially D. August. *serm. 130. de tempore*, and the Councils to be cited shortly.

> *PROBATUR a S. Doctore, quia Symbolum ad hoc traditur, et compositum est, ut docent SS. PP. praecipue D. August.* serm. 130. de tempore, *et Concilia mox alleganda.*

9 And the Catechism of Pius V. declares: *Those things which Christian men must first hold are those which the Holy Apostles, breathing with the divine Spirit, distinguished in the twelve articles of the Creed.*

> *Et Catechismus Pii V. declarat.* Quae primum Christiani homines tenere debent, illa sunt, quae SS. Apostoli divino Spiritu afflati, duodecim Symboli articulis distinxerunt.

10 It is PROVED indeed from St. Bonaventure that one is not bound to know all the contents of the Creed most distinctly, for there are some things in it, such as the Communion of Saints, and much more the emanation of the Holy Spirit from the Father, and from the Son through the way of the will, and of the Son through the intellect, which Theologians scarcely grasp; and if we were bound to know all these entirely distinctly, very few would be saved, which is incredible.

PROBATUR vero a S. Bonav. non teneri distinctissime omnia Symboli scire, nam ibi sunt aliqua, ut Sanctorum communio, ac multo magis emanatio Spiritus Sancti a Patre, filioque per viam voluntatis; et Filii per intellectum, quae vix Theologi capiunt; Et si haec omnino distincte scire teneremur, paucissimi salvarentur, quod est incredibile.

11 Therefore it suffices to believe explicitly indeed, and expressly, the seven Mysteries of the Godhead and the seven of the Humanity, to which are reduced the works of Creation, Justification, and Glorification, as the Holy Doctor concludes *in corpore*. But they must know the means to Justification, namely Baptism, Penance, and add also the Eucharist.

Igitur sufficit explicite quidem, et expresse credere septem Mysteria Deitatis, et septem Humanitatis, ad quae reducuntur opera Creationis, Iustificationis, et Glorificationis, ut concludit S. Doct. in corpore. *Debent autem media ad Iustificationem scire, Baptismum scilicet, Poenitentiam, adde et Eucharistiam.*

12 But all the rest they must believe implicitly, believing whatever the Holy Mother Church believes. And they must believe the Church itself united under the Roman Pontiff.

Caetera vero omnia implicite credere debent, credendo quidquid Sancta Mater credit Ecclesia. Ipsam vero Ecclesiam sub Pontifice credant Romano coadunatam.

13 But the rule of the Holy Doctor is excellent, that those articles are to be believed explicitly which the Holy Church expounds in the Creed, asserts as necessary by preaching, and celebrates with solemnities. Here he does not wish to say that only those which are solemnized are to be believed, as Valencia, Fagundez, and Caspensis ascribe to him, who infer that the mystery of the Circumcision, of the Epiphany, etc. must also be believed as necessary in this way. For he does not say that all Mysteries are to be believed which are celebrated on feastdays; but those which are in the Creed; especially those which are more frequently handed down and expounded, such as the Incarnation, Nativity, Death, Resurrection, Ascension, etc. Hence it is clear that Tanner also spoke badly of the Holy Doctor *num. 68*.

Regula vero S. Doctoris est optima, eos articulos esse credendos explicite, quos Sancta Ecclesia in Symbolo exponit, praedicatione asserit necessarios, et solennitatibus celebrat. Ubi non vult dicere, eos solos, qui solemnizantur, esse credendos, ut ei adscribunt Valentia, Fagundez, et Caspensis, qui inferunt, fuisse sic necessario credendum etiam mysterium Circumcisionis, Epiphaniae, etc. Non enim omnia Mysteria credenda ait, quae celebrantur festivitatibus; sed ea, quae in Symbolo sunt; maxime quae frequentius traduntur, et exponuntur, ut Incarnatio, Nativitas, Mors, Resurrectio, Ascensio, etc. Hinc patet, male etiam Tannerum de S. Doctore locutum num. 68.

14 *It is proved by the third argument 2. against the objection with a reply;* As obedience stands with respect to precepts, and charity with respect to things to be loved, so faith with respect to the articles. But obedience is not true unless one is ready to obey all precepts, and accepts what is imposed according to place and time; nor is there charity unless one is ready to love God and neighbor explicitly, when it is enjoined on him: Therefore also faith is not whole unless all things necessary for one's state are believed.

Probatur tertio argumento 2. ad oppositum cum responso; *Sicut se habet obedientia, respectu praeceptorum, et charitas diligendorum; ita fides respectu articulorum. Sed non est vera obedientia, nisi quis promptus sit obedire omnibus praeceptis, et pro loco, et tempore imposita recipiat; neque est charitas, nisi sit promptus diligere explicite Deum, et proximum, cum ei iniungitur: Ergo et fides non est integra, nisi omnia, quae pro eius statu sunt necessaria, credantur.*

15 I assert secondly: As those things which are in the Creed are necessarily to be believed with respect to knowledge, so with respect to action those things are necessarily to be known and believed which are necessary for exercising the Christian life: this is clear from the argument cited above.

> *Assero secundo: Sicut ea, quae in Symbolo sunt necessario credenda in ordine ad cognitionem; ita in ordine ad actionem sunt necessario scienda, atque credenda, quae sunt necessaria ad vitam Christianam exercendam: id patet argumento supra allato.*

16 But these are: the Sacrament of Baptism, necessary for professing the faith and for fulfilling the obligations owed to the Christian name; the Sacrament of Penance as the necessary means of salvation to be had after Baptism by those who have fallen mortally: And the Eucharist, because we are bound to receive it; and it is the chief Sacrament of faith, by which we venerate the Lord Jesus.

> *Haec autem sunt, Sacramentum Baptismi, necessarium ad profitendam fidem, et ad obligationes, Christiano nomini debitas; obeundas: Sacramentum Poenitentiae ad medium necessarium salutis habendum post Baptismum lapsis lethaliter: Et Eucharistiam, eo quod illam tenemur recipere; et est praecipuum fidei Sacramentum, quo Dominum Iesum veneremur.*

17 As to the other Sacraments, some, according to Suarez *disp. 13. sect. 4.*, think they must be believed as necessary; but Suarez *loc. cit.*, Sanchez *lib. 2. cap. 5.* and Fagundez *lib. 1. cap. 2. num. 40.* deny it, because they are not simply necessary. As to the other three, these assert with Henriquez *lib. 6. de Poenit. cap. 28.*, Valencia *disp. 1. quaest. 2. p. 5.*, Becanus *p. 2. cap. 12. n. 111.*, Bannes *quaest. 2. art. 8. disp. 2.*, Petrus Ledesma *tom. 2. summae, tract. 1. cap. 2.* But this is the opinion of D. Bonaventure *dist. 25. quaest. 1. ad 3.*, who says that this knowledge is reduced to the article of the Church and the remission of sins: the Eucharist indeed is the Sacrament of union, by which we are deeply joined to Christ: but Baptism and Penance are the Sacraments of justification; therefore, as the Holy Doctor observes, it is said in the Nicene Symbol: *I confess one baptism for the remission of sins*.

> *Quoad alia Sacramenta, aliqui apud Suarez* disp. 13. sect. 4. *censent, ea necessario credenda, sed Suarez* loc. cit. *Sanchez* lib. 2. cap. 5. *et Fagundez* lib. 1. cap. 2. num. 40. *id negant, quia non sunt necessaria simpliciter. Quoad alia tria, asserunt hi cum Henriquez* lib. 6. de Poenit. cap. 28. *Valentia* disp. 1. quaest. 2. p. 5. *Becano* p. 2. cap. 12. n. 111. *Bannes* quaest. 2. art. 8. disp. 2. *Petro Ledesma* tom. 2. summae, tract. 1. cap. 2. *Est autem sententia D. Bonav.* dist. 25. quaest. 1. ad 3. *qui ait, reduci hanc notitiam ad articulum Ecclesiae, et remissionis peccatorum: Eucharistia quidem est Sacramentum unionis, quo Christo alte coniungimur: Baptismus vero, et Poenitentia sunt Sacramenta iustificationis; ideo, ut observat S. D. in Symbolo Nicaeno dicitur:* Confiteor unum baptisma in remissionem peccatorum.

18 I add that faith in the Decalogue is also necessary for its observance. So Suarez *disp. 13. sect. 4. num. 11.*, Fagundez *lib. 1. cap. 2. num. 41.* And as to knowing it, Sylv. *verb. scientia, num. unico* asserts it, Angelus there *num. 1.*, Tabiena *ad fin.*, Armilla *num. 2.*, Bannes *quaest. 2. art. 8. disp. 2.*, Ledesma *tom. 1. summae, tract. 1. cap. 2.*, Clavis Reg. *lib. 2. cap. 9. num. 30.*, Sanchez *lib. 2. cap. 5. num. 10.*, Valencia *disp. 1. quaest. 2. p. 5.*, Fuliensis *lib. 3. cap. 5.*

> *Addo necessariam esse etiam fidem Decalogi ad observantiam. Ita Suarez* disp. 13. sect. 4. num. 11. *Fagundez* lib. 1. cap. 2. num. 41. *Et quoad sciendum, asserunt Sylv.* verb. scientia, num. unico *Angelus ibi* num. 1. *Tabiena* ad fin. *Armilla* num. 2. *Bannes* quaest. 2. art. 8. disp. 2. *Ledesma* tom. 1. summae, tract. 1. cap. 2. *Clavis Reg.* lib. 2. cap. 9. num. 30. *Sanchez* lib. 2. cap. 5. num. 10. *Valentia* disp. 1. quaest. 2. p. 5. *Fuliensis* lib. 3. cap. 5.

19 But the Holy Doctor notes *serm. 2. Decalogi* that the first three precepts are referred to the articles of the Godhead; but the others to the unity knit together among men in charity.

> *Notat autem S. Doct.* serm. 2. Decalogi*, tria prima praecepta referri ad articulos Deitatis; alios vero ad unitatem compactam inter homines in charitate.*

20 *It is proved by D. Bonaventure arg. 5. with the reply added,* for the reason which Sanchez, Fagundez, and others use. That which is simply necessary for observance cannot be observed unless it is known; and if it is for a supernatural end, it cannot be sufficiently known unless it is believed by faith: But the precepts of the Decalogue must necessarily be observed on account of the supernatural end; nor is invincible ignorance of them possible in those who are educated among Christians: Therefore. And indeed that invincible ignorance of these is not given, they assert with D. Bonaventure, D. Thom. *1. Corinth. 11. lect. 4.*, Durand. *3 dist. 25. quaest. 1.*, Gabriel *quaest. enarrat. 2.*, Manuel *tom. 1. summae, secundae edit. cap. 88. num. 4.* The reason of St. Bonaventure is *in corpore*, because with such an abundance of instructions no one can be excused, since he can easily learn them by heart.

> Probatur *a D. Bonav.* arg. 5. addito responso*, ratione qua utuntur Sanchez, Fagundez, et alii. Id, quod ad observantiam simpliciter est necessarium, non potest observari, nisi sciatur; et si est ad finem supernaturalem, non potest satis sciri, nisi fide credatur: Sed praecepta Decalogi sunt necessario observanda ob finem supernaturalem; nec datur de eis ignorantia invincibilis in his, qui inter Christianos sunt educati: Ergo. Et quidem de his non dari ignorantiam invincibilem, asserunt cum D. Bonav. D. Thom.* 1. Corinth. 11. lect. 4. *Durand.* 3 dist. 25. quaest. 1. *Gabriel* quaest. enarrat. 2. *Manuel.* tom. 1. summae, secundae edit. cap. 88. num. 4. *Ratio S. Bonav. est* in corpore*, quia cum tanta sit eruditionum frequentia, nullus potest excusari, cum facile possit ediscere.*

21 But that there may be some rustic folk in whom there is some invincible ignorance, I would almost grant to Navarro, Bannes, Ledesma above, Azor *lib. 8. cap. 6. quaestio 7. et cap. 7. quaestio 3. et cap. 8. quaestio ult.*, Vasquez *disp. 121. cap. 2.*, Sanchez *lib. 2. cap. 5. num. 20.*, Fagundez *lib. 1. cap. 2. num. 67.* But the opposite is more certain, as I said *1. 2. tract. 3. disp. 3. quaest. 2.*

> *Quod vero dentur aliqui Sylvestres, in quibus sit aliqua ignorantia invincibilis, concederem fere Navarro, Bannes, Ledesmae supra, Azorio* lib. 8. cap. 6. quaestio 7. et cap. 7. quaestio 3. et cap. 8. quaestio ult. *Vasquez* disp. 121. cap. 2. *Sanchez* lib. 2. cap. 5. num. 20. *Fagundez* lib. 1. cap. 2. num. 67. *Sed oppositum est certius, ut dixi* 1. 2. tract. 3. disp. 3. quaest. 2.

22 I add with D. Bonaventure *ad 5.* that we are bound to know also the Lord's Prayer, by which we must know to ask all things from God. The Holy Doctor indicates this more clearly *4. dist. 16. p. 2. dubio litt. et S. p. Breviloq. in fine, et S. p. Centilog. sect. 46. et p. 3. Stimuli Divini Amoris, cap. 17. et in cap. 3. Regulae nostrae*, and it is the opinion of D. Aug. *lib. de fide, et operibus, cap. 6. et 9. lib. de fide, et Symb. et in serm. in vig. Paschae, et Pentecost.* The Councils prescribe this: Brach. II. and Cabil. *cap. 46. relata de consecr. dist. 4. c. 20. et seq.*, Mogunt. *cap. 46.*, Foroliense, and Rhem. according to Fagundez *num. 59.*, Autel. *cap. 10. et 19.*, Later. under Leo *sess. 9. et*, Trid. *sess. 6. cap. 7. et sess. 24. cap. 4.*, according to Tanner *num. 66.* So also Fuliensis.

> *Addo cum D. Bonau.* ad 5. *teneri nos scire etiam Orationem Dominicam, qua scire debemus omnia a Deo petenda. Id clarius indicat S. Doct.* 4. dist. 16. p. 2. dubio litt. et S. p. Breviloq. in fine, et S. p. Centilog. sect. 46. et p. 3. Stimuli Divini Amoris, cap. 17. et in cap. 3. Regulae nostrae *et est sententia D. Aug.* lib. de fide, et operibus, cap. 6. et 9. lib. de fide, et Symb. et in serm. in vig. Paschae, et Pentecost. *Haec praecipiunt Concilia, Brach. II. et Cabil.* cap. 46. relata de consecr. dist. 4. c. 20. et seq. *Mogunt.* cap. 46. *Foroliense, et Rhem. apud Fagundez*

num. 59. *Autel.* cap. 10. et 19. *Later. sub Leone* sess. 9. et *Trid.* sess. 6. cap. 7. et sess. 24. cap. 4. *apud Tannerum* num. 66. *Sic et Fuliensis.*

23 The reason of these Councils, which is frequent and familiar to St. Bonaventure, is, because this is the mark of a Christian, and without this prayer one does not know how to ask what is necessary for salvation.

Ratio horum Conciliorum, quae est D. Bonaventurae frequens, et familiaris, est, quia hoc est signaculum Christiani, et sine hac oratione nescitur petere, quod est necessarium ad salutem.

24 But the Councils cited teach that all should commit the Creed and the Lord's Prayer to memory faithfully. And the VII. Synod *can. 7.* says that he who does not know the Creed is not to be reckoned a Catholic.

Docent vero allata Concilia, debere omnes Symbolum, et orationem Dominicam memoriae commendate. Et VII. Synodus can. 7. *dicit, non esse censendum Catholicum, qui Symbolum non sciat.*

25 The Holy Doctor adds *in Confessionali, cap. 2. particula 9.* that the Confessor ought to ask penitents whether they know the aforesaid, as often as he rightly suspects it: For it is a sin not to know these things, as I said. So also Bannes *loc. cit.*, Azor. *lib. 8. cap. 8.*, Sanchez *lib. 2. cap. 5. n. 21.*, Fagundez *n. 68.*

Addit S. Doct. in Confessionali, cap. 2. particula 9. *Confessarium debere interrogare poenitentes, an praedicta sciant, quoties iure suspicatur: Est enim peccatum, haec nescire, ut dixi. Ita etiam Bannes* loc. cit. *Azor.* lib. 8. cap. 8. *Sanchez* lib. 2. cap. 5. n. 21. *Fagundez* n. 68.

26 From the Councils cited Fagundez, Sanchez, Suarez, and others with them add that even the words ought to be learned by memory, and that absolution is to be suspended for those who, though admonished repeatedly, refuse to learn them.

Addunt ex allegatis Conciliis Fagundez, Sanchez, Suarez, et alii apud hos, debere disci memoria etiam verba, et eis, qui pluries moniti nolunt discere, absolutionem suspendendam.

27 You will ask at what time the precept of believing and knowing the aforesaid Mysteries begins to bind.

Quaeres quo tempore obligare incipiat praeceptum credendi, et sciendi supradicta Mysteria.

28 It is answered, that the obligation begins in the seventh year. So Suarez *de fide disp. 13. sect. 5. num. 6.*, Azor. *T. 1. lib. 8. cap. 7. quaestio. 1.*, Sanchez *lib. 2. Decal. cap. 3. num. 12.*, with D. Bonaventure here *quaest. 3.*, where Fagundez cites *num. 57.* and others with him. Nevertheless they are not bound at once to know, but to begin to learn, and to apply moral diligence, that they may learn those things which I have mentioned, and the five precepts of the Church. These are the obligations of all the faithful.

Respondetur, incipere obligationem in septennio. Ita Suarez de fide disp. 13. sect. 5. num. 6. *Azor.* T. 1. lib. 8. cap. 7. quaestio. 1. *Sanchez* lib. 2. Decal. cap. 3. num. 12. *cum D. Bonau. hic* quaest. 3. *ubi cum allegat Fagundez* num. 57. *et alii apud hos. Non tenentur tamen statim scire, sed incipere discere, et moralem adhibere diligentiam, ut ea discant, quae tetuli, et praecepta quinque Ecclesiae. Hae sunt obligationes omnium fidelium.*

29 But indeed the Holy Doctor notes *ad 1. et 2.* that Doctors and Pastors ought to know all things which are to be taught in the Church: but the others ought to know those which belong to their

state. See also Azorius *lib. 2. cap. 2. quaestio 3.*, Sanchez *num. 11.*, Fagundez *num. 48.*, where he says it is the common opinion, with D. Thom. *quaest. 2. art. 6.*

> *Enim vero advertit S. Doct.* ad 1. et 2. *Doctores, et Pastores debere omnia scire, quae sunt docenda in Ecclesia: caeteros vero scire debere, quae sunt sui status. Vide etiam Azorium* lib. 2. cap. 2. quaestio 3. *Sanchez* num. 11. *Fagundez* num. 48. *ubi ait, esse communem sententiam, cum D. Thom.* quaest. 2. art. 6.

30 Therefore the Holy Doctor *dist. 25. quaest. 1.* expounds the Creed divinely, and *ad 2.* says that many things are drawn from the Creed which are to be discussed by Theologians.

> *Ideo S. Doct.* dist. 25. quaest. 1. *explicat divinitus Symbolum, et* ad 2. *ait, multa e Symbolo erui, quae Theologis sunt discutienda.*

31 But in the reply *ad 5.* he explains why other things were added to the Creed of the Apostles, namely the Nicene and that of Athanasius: namely to uproot heresies. Therefore it is said: *I believe in one God*, to confound the Manichaean, who posited two principles. One the origin of corporeal things, that is, an evil God: the other the good one, of spiritual things; but this is blunted by those words: *Creator of heaven and earth, of all things visible and invisible.* To confute the Arians it is said: *And in one Lord Jesus Christ the only-begotten Son of God, and born of the Father before all ages, God of God, Light of light, true God of true God, consubstantial with the Father, by whom all things were made.* But for the confutation of Macedonius, and of Nestorius, and of Eutyches, who said the Holy Spirit was a servant; it is said: *and in one Holy Spirit the Lord and life-giver, who proceeds from the Father.* The Church added: *who proceeds from the Son (Filioque)* to refute the error of the Greeks. It is added: *Who spoke through the prophets* to eliminate some who said they spoke like phantoms. See the Holy Doctor distinguishing excellently why these Creeds are employed at various times.

> *In responsione vero* ad 5. *differit; cur Symbolo Apostolorum alia sint addita, nempe Nicaenum, et Athanasii; scilicet ad haereses evellendas. Ideo dicitur:* Credo in unum Deum*, ad confundendum Manichaeum, qui duo principia ponebat. Alterum retum corporearum, idest, Deum malum: Alterum bonum, spiritualium; sed hoc retunditur illis verbis:* Creatorem caeli, et terrae, visibilium omnium, et invisibilium. *Ad confutandos vero Arrianos dicitur:* Et in unum Dominum Iesum Christum filium Dei unigenitum, et ex patre natum ante omnia saecula, Deum de Deo, Lumen de lumine, Deum verum de Deo vero, consubstantialem Patri, per quem omnia facta sunt. *Ad confutationem vero Macedonii, et Nestorii, et Eutychis, qui dicebant, Spiritum Sanctum servum; dicitur:* et in unum Spiritum Sanctum Dominum, et vivificantem, qui ex Patre procedit. *Addidit Ecclesia:* Filioque procedit *ad Graecorum errorem refellendum. Additur:* Qui locutus est per prophetas *ad aliquos elidendos, qui dicebant eos locutos, ut phantasticos. Vide S. Doctorem egregie differentem, cur variis temporibus adhibeantur haec Symbola.*

32 But it is a divine precept to know these things, as I said with D. Bonaventure *quaest. praecedenti*, since Christ commanded, Matth. ult. *Teach all nations, etc.*

> *Est autem praeceptum divinum haec scire, ut dixi cum D. Bonav.* quaest. praecedenti*, cum Christus praecepit, Matth. ult.* Docete omnes gentes, etc.

Question XVI: Whether we are bound to confess faith, and when

1 Faith exacts from us the duty of the heart and of the tongue, as D. August. says *lib. de fide, et Symb. cap. 1.* I have already treated of the Acts of the heart; now of the Confession of faith.

Fides a nobis exigit officium cordis, et linguae, ut ait D. August. lib. de fide, et Symb. cap. 1. *Iam egi de Actibus cordis; nunc de Confessione fidei.*

2 But it is certain concerning the faith that there exists a divine precept against denying the faith. So D. Bonaventure *ad 9. Lucae*, which he proves from there: *Whoever shall be ashamed of me and of my words: of him the Son of man shall be ashamed, when he shall come in his Majesty.* There follow D. Thom. *quaest. 3. art. 1.*, Valencia *quaest. 3. p. 2.*, Fagundez *lib. 1. cap. 3.* So the Councils teach: Nicaenum *can. 11. et 12.*, Ancyr. almost entirely, and Elibert. *can. 1. et 2.*, where they testify that innumerable Martyrs underwent torments and deaths on account of the confession of the faith, which we are bound rather to undergo than to deny the faith. Therefore it is said Matth. 10. *Whoever shall deny me before men, I will also deny him before my Father. Fear not those who kill the body*, as the Holy Doctor notes *in 3. dist. 39. art. 3. quaest. 2. et sermone 18. de pluribus Martyribus.* See Valencia *quaest. 3. p. 1.*, Fagundez *cap. 3.*, Tanner *disp. 1. quaest. 7. dub. 5.*, Fuliensis *lib. 3. cap. 5.*

Certum est autem de fide, extare praeceptum divinum de non neganda fide. Ita D. Bonavent. ad 9. Lucae, *quod inde probat:* Qui me erubuerit, et meos sermones: hunc filius hominis erubescet, cum venerit in Maiestate sua. *Sequuntur D. Thom.* quaest. 3. art. 1. *Valentia* quaest. 3. p. 2. *Fagundez* lib. 1. cap. 3. *Ita docent Concilia, Nicaenum* can. 11. et 12. *Ancyr. totum fere, et Elibert.* can. 1. et 2. *ubi testantur, innumeros Martyres tormenta, et mortes ob fidei confessionem subiisse, quae tenemur potius subire, quam fidem negare. Ideo dicitur Matth. 10.* Qui me negaverit coram hominibus, negabo et ego eum coram Patre meo. Nolite timere eos, qui occidunt corpus, *ut advertit S. Doct.* in 3. dist. 39. art. 3. quaest. 2. et sermone 18. de pluribus Martyribus. *Vide Valentiam* quaest. 3. p. 1. *Fagundez* cap. 3. *Tannerum* disp. 1. quaest. 7. dub. 5. *Fuliensem* lib. 3. cap. 5.

3 Observe that some acts of a virtue are produced by the habit itself, and are physical, and in this way only the internal acts are acts of FAITH; for they are produced by the same habit, of which this is the sign, that they reside in the same potency in which the habit is. Secondly, some are acts of the virtue only morally, because they have praise on account of the formal object of the Virtue, and are ordered to it as to their end; and in this way even the external confession of faith is an act of the virtue of faith. It is proved: for it is ordered to the same end and the same object, as is had in 2. Corinth. 4. *Having the same spirit of faith, we believe, for which cause we also speak.* Hence it can be said that the Confession of faith pertains to various virtues; for instance to Religion, insofar as it begets honor for God: and to fortitude, insofar as on account of imminent peril it can be arduous, as the Holy Doctor teaches *de Dono fortitudinis.*

Observa, actus virtutis aliquos esse ab ipso habitu productos, et sunt physici, et hoc modo soli actus interni sunt actus Fidei; nam producuntur ab eodem habitu, cuius signum est, quia resident in eadem potentia, in qua est habitus. Secundo, aliqui sunt actus virtutis tantum moraliter, quia habent laudem ob obiecto formali Virtutis, et in illud, tanquam in finem, ordinantur, et hoc modo Confessio etiam exterior fidei est actus virtutis fidei. Probatur: nam ordinatur ad eundem finem, et idem obiectum, ut habetur 2. Corinth. 4. Habentes eundem spiritum fidei, credimus, propter quod et loquimur. *Hinc potest dici Confessio fidei ad diversas virtutes pertinere; puta ad Religionem, quatenus parit Deo honorem: et ad fortitudinem quatenus ob imminens periculum, potest esse ardua, ut docet S. Doct.* de Dono fortitudinis.

4 The Confession of FAITH therefore binds in two cases. First, when the worship due to God would otherwise be withheld. Secondly, if a grave spiritual benefit would be withheld from the people.

Confessio igitur Fidei obligat in duobus casibus. Primo, quando alioqui subtraheretur Deo debitus cultus. Secundo, si subtraheretur populo gravis utilitas spiritualis.

5 It is proved by D. Thom. *ad primum*. The act of some Virtue is necessary then, when it is necessary for the end of charity toward God or neighbor. But in those two cases the confession of faith is necessary for the end of charity. Therefore. The major is proved, for the end of every virtue is ordered to charity. The minor is proved; for, when one can attend to the honor of God or the salvation of his neighbor, and does not wish to, he is not judged to provide for charity. Add the times assigned by the Council of Trent for the profession of faith. See Fagundez *lib. 1. cap. 4.*, Bassaeum *verb. fides 2. num. 5.*

> *Probatur a D. Thom.* ad primum. *Tunc actus Virtutis alicuius est necessarius, quando necessarius est ad finem charitatis erga Deum, vel proximum. Sed in illis duobus casibus confessio fidei est necessaria ad charitatis finem. Ergo. Maior probatur, nam finis cuiuslibet virtutis ordinatur ad charitatem. Minor probatur; nam, cum potest quis honori Dei, vel saluti proximi consulere, et non vult, non censetur providere charitati. Adde tempora, a Concilio Tridentino assignata pro fidei professione. Vide Fagundez* lib. 1. cap. 4. *Bassaeum* verb. fides 2. num. 5.

6 The first question therefore is: Whether in some case one can deny that he is a believer. But this can be denied in two ways. First, lest it be believed that he is a Christian or Catholic by those who understand by that name some wicked and odious nation; and in this sense it is not a sin to deny that one is a Catholic or Christian, by which someone of such a wicked nation is understood. Valencia brings examples: see him. But in the second way, to deny oneself a Christian to one who understands rightly, is not licit. So commonly all the Doctors with D. Bonaventure 3. *dist. 25. et p. 6.*, Breuil. *cap. 8.*, D. Thom. 2. 2. *quaest. 3. art. 2.*, where Cajetanus, Aragon. and other Thomists; Azor *lib. 8. cap. 27.*, Suarez *disp. 4. sect. 1.*, Sanchez *lib. 2. cap. 5.*, Becanus *p. 2. cap. 9. n. 30.* and others, cited by Fagundez *lib. 1. cap. 3.*, Tanner. *loc. cit.*

> *Quaestio ergo prima est: An in aliquo casu possit quis negare fidelem se esse. Dupliciter autem potest hoc negari. Primo ne credatur, se esse Christianum, vel Catholicum ab iis, qui hoc nomine intelligunt nationem pravam aliquam et odibilem; et hoc sensu non est peccatum negare, se Catholicum, vel Christianum, per quem intelligitur aliquis talis pravae nationis. Exempla affert Valentia: Vide illum. Secundo vero modo negare se Christianum recte intelligenti, non licet. Ita communiter Doctores omnes cum D. Bonau.* 3. dist. 25. et p. 6. *Breuil.* cap. 8. *D. Thom.* 2. 2. quaest. 3. art. 2. *ubi Caietanus, Aragon. et alii Thomistae; Azor* lib. 8. cap. 27. *Suarez* disp. 4. sect. 1. *Sanchez* lib. 2. cap. 5. *Becanus* p. 2. cap. 9. n. 30. *et alii apud Fagundez* lib. 1. cap. 3. *Tanner.* loc. cit.

7 It is proved from the Holy Doctor in the places cited, and *ad 22. Lucae, et 19. Ioannis* from the fault of Peter, who denied Christ out of fear of death, and sinned gravely, as the Fathers confess, especially those cited by him, Chrysost. *homil. 82.*, August. *tract. 113.*, Gregory *homil. 21. in Evangelia.*

> *Probatur a S. Doct. allegatis locis, et* ad 22. Lucae, et 19. Ioannis *ex culpa Petri, qui timore mortis negavit Christum, et graviter peccavit, ut fatentur Patres, praecipue, allati ab eo, Chrysost.* homil. 82. *August.* tract. 113. *Gregorius* homil. 21. in Evangelia.

8 Next it is doubted: Whether one who is questioned about the faith by a Tyrant out of hatred for it can keep silence or change the subject.

> *Deinde dubitatur: An, qui a Tyranno interrogatur de fide in odium eius, possit tacere, vel divertere.*

9 D. Thom. *quaest. 2. art. 2. denies it*, as often as by that silence or answer he could be judged not to have the faith. Others follow him. The foundation is taken from the chapter *Nolite timere 11. quaest. 3.* It seems D. Bonaventure holds it *ad 12. Lucae* on those words: *Be not terrified by those who kill the body.* And he brings 1. Machab. 2. for it: *Fear not the words of a sinful man. Take courage, and act manfully in the Law.*

> *D. Thom.* quaest. 2. art. 2. negat, *quoties eo silentio, vel responso posset existimari, non habere fidem. Eum sequuntur alii. Fundamentum sumitur ex cap.* Nolite timere 11. quaest. 3. *Videtur D. Bonau.* ad 12. Lucae *ad ea verba:* Ne terreamini ab his, qui occidunt corpus. *Et affert id 1. Machab. 2.* A verbis viri peccatoris ne timueritis. Vos confortamini, et viriliter agite in Lege.

[10] Others say he can keep silence or change the subject. So Aragon. *quaest. 3. art. 2.,* Roder. *cap. 119. Summae.*

> *Alii dicunt, posse tacere, vel divertere. Ita Aragon.* quaest. 3. art. 2. *Roder.* cap. 119. Summae.

[11] Others bring forward that one is bound to confess clearly, if he be a grave person, such as a Bishop or Doctor. So Valencia *disp. 1. quaest. 3.,* Sanchez *lib. 2. cap. 4.*

> *Alii afferunt, teneri clare confiteri, si sit persona gravis, ut Episcopus, vel Doctor. Ita Valentia* disp. 1. quaest. 3. *Sanchez* lib. 2. cap. 4.

[12] Others say one is bound, if he is questioned publicly by a Tyrant. So Valencia *loc. cit.,* Azor. *cap. 27. quaestio 1.,* Tanner. *num. 120.,* Aragon. *quaest. 3. art. 2.,* Bannes *q. 3. art. 2. et* others cited by Fagundez *cap. 5.* The reason is; because then honor is detracted from God, if you do not confess. This the Holy Doctor seems to hint *serm. 18. Martyrum.* Accinit Fuliens.

> *Alii dicunt, teneri, si a Tyranno publice interrogetur. Ita Valentia* loc. cit. *Azor.* cap. 27. quaestio 1. *Tanner.* num. 120. *Aragon.* quaest. 3. art. 2. *Bannes* q. 3. art. 2. et *alii apud Fagundez* cap. 5. *Ratio est; quia tunc detrahitur Dei honori, si non confitearis. Hoc videtur innuere S. Doct.* serm. 18. Martyrum. *Accinit Fuliens.*

[13] It is asked thirdly. Whether through feigned external acts of a false religion it is licit to conceal the true faith, for instance by bending the knee to an Idol.

> *Quaeritur tertio. An per actus externos fictos falsae religionis, liceat fidem veram occultare, puta genua Idolo flectendo.*

[14] ADRIANUS in 4. *Tract. de Baptismo, quaest. 1. art. 1. ad 5.* says it is licit when a most grave cause urges. He brings D. Hieronymum 2. *ad Galat. et epist. 89. ad August.,* where he teaches that the Apostles by cautious simulation exercised the ceremonies of the Law, now deadly.

> *ADRIANUS in 4.* Tract. de Baptismo, quaest. 1. art. 1. ad 5. *ait, licere urgente gravissima causa. Adducit D. Hieronymum 2.* ad Galat. et epist. 89. ad August. *ubi docet, Apostolos cauta simulatione exercuisse caeremonias legis, iam mortiferae.*

[15] *It is PROVED first from 1. Reg. 5.,* where Naaman petitioned Eliseus: *But this only is that for which you shall beseech the Lord for your servant, when my master goes into the temple of Remmon to adore, and he leans upon my hand: if I adore in the temple of Remmon, when he adores in the same place, that the Lord may forgive your servant for this thing,* to which Eliseus answered: *Go in peace,* signifying that it was licit.

> PROBAT primo ex 1. Reg. 5. *ubi Naaman petiit ab Elisaeo:* Hoc autem solum est, de quo depreceris Dominum pro servo tuo, quando ingredietur Dominus meus templum Remmon, ut adoret, et illo innitente super manum meam, si adoravero in templo Remmon, adorante eo in eodem loco, ut ignoscat mihi Dominus servo suo pro hac re, *cui respondit Elisaeus:* Vade in pace, *significans id licitum.*

[16] *SECONDLY from 4. Reg. 10.* the example of Jehu, who feigned that he wished to sacrifice to Baal, that he might draw the priests of Baal into the snare, and he seems to be praised by God: *Diligently you did what was right, and pleased in my eyes.* This example D. Bonaventure brought 3. *dist. 38. quaest. 1. ad 3.,* where he says that the simulation of Jehu, feigning that he wished to adore Baal, is not a lie,

but a simulation of prudence. On account of these words some draw the Seraphic Doctor to the opinion of Adrian. But the Holy Doctor does not exempt Jehu from sin against faith.

> SECUNDO ex 4. Reg. 10. *exemplo Iehu, qui finxit se velle sacrificare Baal, ut ad muscipulam sacerdotes Baal traheret, et videtur laudari a Deo:* Studiose egisti, quod rectum erat, et placebat in oculis meis. *Hoc exemplum adduxit D Bonav. 3.* dist. 38. quaest. 1. ad 3. *ubi ait, simulationem Iehu fingentis, se velle adorare Baal, non esse mendacium, sed simulationem cautelae. Propter haec verba trahunt aliqui Seraphicum ad opinionem Adriani. At S. Doct. non eximit Iehu a peccato contra fidem.*

17 The true opinion therefore is, that it is not licit: So it seems to D. Bonaventure 4. *dist. 33. dub. 8. litt. et loc. cit.* Brevil. and D. Thom. *quaest. 3. art. 2.*, where Cajetanus, Valencia *quaest. 3. p. 2. dub. 4.* and other Interpreters, Ales. 3. *p. quaest. 183. membr. 2.*, D. Antonin. 2. *p. tit. 22. cap. 6.*, Sylvest. *verb. fides, quaest. 5.*, Armil. *ibi num. 9.*, Ang. *verbo Infidelitas, num. 8*, Nauar. *cap. 11. num. 23.*, Toletus *lib. 4. summae, cap. 2.*, Vasquez *disp. 182. cap. 5.*, Suarez *de fide disp 14. sect. 4. et lib. 9. de leg. cap. 17. et in defensione fidei, lib. 6. cap. 9.*, Becanus 2. *p. summae, cap. 9. quaest. 5.*, and others commonly, Fagundez *lib. 1. cap. 6.*, Caspens. *disp. 3. sect. 7. num. 61.*, Tanner. *quaest. 7. disp. 5.*, Morand. *quest. 11.*, Sanchez *lib. 2. cap. 4. num. 14.*, who condemn the opposing opinion as error. And because they involve the Seraphic Doctor in it, I shall bring other passages in which he holds this second opinion absolutely. The first is *prima parte Centil. sect. 26.*, where he wills that idolatry is committed absolutely by genuflecting, or evaporating incense to an Idol. The same he teaches *ad caput 15. Sap.* on these words: *They are worthy of death who hope in such things.*

> *Vera igitur sententia est, non licere: Videtur D. Bonau. 4.* dist. 33. dub. 8. litt. et loc. cit. *Brevil. est D. Thom.* quaest. 3. art. 2. *ubi Caietanus, Valentia* quaest. 3. p. 2. dub. 4. *et alii Interpretes, Ales. 3.* p. quaest. 183. membr. 2. *D. Antonin. 2.* p. tit. 22. cap. 6. *Sylvest.* verb. fides, quaest. 5. *Armil.* ibi num. 9. *Ang.* verbo Infidelitas, num. 8 *Nauar.* cap. 11. num. 23. *Toletus* lib. 4. summae, cap. 2. *Vasquez* disp. 182. cap. 5. *Suarez* de fide disp 14. sect. 4. et lib. 9. de leg. cap. 17. et in defensione fidei, lib. 6. cap. 9. *Becanus* 2. p. summae, cap. 9. quaest. 5. *et alii communiter Fagundez* lib. 1. cap. 6. *Caspens.* disp. 3. sect. 7. num. 61. *Tanner.* quaest. 7. disp. 5. *Morand.* quest. 11. *Sanchez* lib. 2. cap. 4. num. 14. *qui oppositam sententiam erroris damnant. Et quia in ea involvunt Seraphicum, afferam alia loca, quibus hanc secundam tenet absolute. Primus est* prima parte Centil. sect. 26. *ubi vult, committi absolute Idolatriam genuflectendo, vel thus evaporando ad Idolum. Idem docet* ad caput 15. Sap. *in ea verba:* Digni sunt morte, qui spem habent in talibus.

18 *It is proved first from that 1. Cor. 10. I would not have you become partakers of demons: you cannot drink the chalice of the Lord and the chalice of demons.* The same is gathered *from chapter 10.*

> Probatur primo ex illo 1. Cor. 10. Nolo vos fieri socios daemoniorum: non potestis calicem Domini bibere et calicem daemoniorum. *Idem colligitur* ex capite 10.

19 *It is proved by the reasoning* of D. Bonaventure, because external worship contains superstitious worship intrinsically, because it was instituted for religious use.

> Probatur ratione *D. Bonau. quia cultus externus continet intrinsece superstitiosum cultum, quia institutus est ad usum religiosum.*

20 To D. Hieronymus it is answered, that those ceremonies were for the worship of the true God, and were not yet declared harmful. See *Tract. de Legibus, disput. penultima.*

> *Ad D. Hieronymum respondetur, illas caeremonias fuisse ad veri Dei cultum, neque fuerant adhuc declaratae noxiae. Vide* Tract. de Legibus, disput. penultima.

21 To the example of Jehu it is answered with D. Bonaventure *loc. cit.*, D. August. *lib. cont. Mendacium,* and D. Thomas 2. 2. *quaest. 3. art. 1.*, that Jehu is not excused from lying, or from the simulation of religion. Therefore he is not praised thus: *Diligently you spoke.* But: *you did it, by killing the sons of Achab.* See Vasquez *num. 70.*, Tanner. 104, Fulsensem *loc. cit.*

> *Ad exemplum Iehu respondetur cum D. Bonavent.* loc. cit. *D August.* lib. cont. Mendacium, *et D. Thoma* 2. 2. quaest. 3. art. 1. *non excusari Iehu a mendacio, vel simulatione religionis. Ideo non sic laudatur:* Studiose locutus es. *Sed:* egisti, occidendo filios Achab. *Vide Vasquez* num. 70. *Tanner. 104 Fulsensem* loc. cit.

22 Therefore he is excused only with respect to the prudence directed to the worship and obedience of God, not with respect to the sheer falsehood and simulation.

> *Igitur solum, quoad cautelam directam ad cultum, et obedientiam Dei, excusatur, non quoad praecisum mendicium, et simulationem.*

23 As to Naaman it is answered, that he asked only that he might show political deference to his lord, as Abul. *quaest. 20.* explains it, Cajetanus, Lyra, and Burgen. *ibi.* Then, even supposing he had asked to worship the Idol with external worship. Valencia and Fagundez answered: Eliseus did not consent, but only said: *Go in peace,* which could also have the sense of one reproving.

> *Quoad Naaman respondetur, eum petiisse solum, ut obsequium politicum domino suo exhiberet, ut explicant Abul.* quaest. 20. *Caietanus, Lyra, et Burgen.* ibi. *Deinde, esto petiisset Idolum colere externo cultu. Respondit Valentia, et Fagundez; Elisaeum non consensisse, sed solum dixisse:* Vade in pace, *quod potuit esse etiam reprobantis sensum.*

24 I answer more easily, that he asked that Eliseus should pray for him on account of the sin of entering the temple of Remmon, for which he ought to have been rebuked by Eliseus, and he did not improve. Therefore he says: *Go in peace,* as if to say: Since there is no hope of amendment, I shall pray for you: *Go.* Certainly Eliseus had admonished him as an idolater about this superstitious worship; for why else would his stricken conscience say to him that he should pray for him on account of this sin? Therefore the prophet does not retract, but only dismisses him; just as a poor man is dismissed to whom you do not wish to give alms: *Go in peace: For prayer is a spiritual alms.*

> *Facilius respondeo, eum petiisse, ut Elisaeus oraret pro eo ob peccatum ingrediendi in Mesquitam Remmon, de quo oportuit, ut fuerit correptus ab Elisaeo, nec profecerit. Ideo ait:* Vade in pace, *quasi dicat: Quoniam non est spes emendationis, orabo pro te:* Vade. *Profecto Elisaeus eum idolatram monuerat de hoc cultu superstitioso; Cur enim aliter conscientia punctus diceret ipsi, ut oraret pro se de hoc peccato? Igitur propheta non retractat, sed solum dimittit; sicut dimittitur pauper, cui non vis dare eleemosynam:* Vade in pace: Est enim oratio, spiritualis eleemosyna.

25 From what has been said it is gathered that neither can garments expressing superstitious worship be used, which are the sign of a Sect (although Fulsens. hints otherwise). As to garments signifying only politically a false sect, such as the yellow cap of the Hebrews, there are various opinions: some affirm; others deny. See Fagundez *cap. 7.*, where he cites ten authors for the affirmative, namely that it is licit; and the same number for the negative. But garments which signify only the usage of a people are not forbidden. It is licit even to go to the temples of heretics, to confute their sermons. See Valencia *quaest. 3. p. 2.*, Azor. *cap. 27. quaestio 5.*, Tanner. *num. 123.* Not, however, where worship is presumed, as in England, by the Decree of Paul V.

> *Ex dictis habetur, neque posse adhiberi vestes exprimentes cultum superstitiosum, quae sunt signum Sectae (etsi Fulsens. nutet.) Quoad vestes vero significantes tantum politice falsam sectam, ut est pileus flavus Hebraeorum variae sunt*

opiniones Aliqui afferunt; alii negant. Vide Fagundez cap. 7. *ubi decem authores pro affirmativa refert, nempe licere; et totidem pro negativa. Vestes vero, quae solum usum gentis significant, non sunt vetitae Licet etiam ad haereticorum Fana, ad conciones confutandas, ire. Vide Valentiam* quaest. 3. p. 2. *Azor.* cap. 27. quaestio 5. *Tanner.* num. 123. *Non tamen, ubi praesumitur cultus, ut in Anglia, ex Decreto Pauli V.*

Question XVII: Whether it is lawful to dispute about faith, and when

1 It is CERTAIN that disputation about the faith is licit, as all concede with D. Bonaventure in 4. *dist. 11. dub. 1.*, where he says: disputation about the things of the faith is licit for their defense; for so the Holy Fathers also disputed, and *Act. 6. et 7.* Stephen: and *Act. 9.* Paul with the Jews.

CERTUM est, licitam esse disputationem de fide, ut omnes concedunt cum D. Bonau. in 4. dist. 11. dub. 1. *ubi ait; licere disputationem de rebus fidei ad defensionem, sic enim et SS. PP. disputarunt, et* Act. 6. et 7. *Stephanus: et* Act. 9. *Paulus cum Iudaeis.*

2 But it is ILICIT to dispute so that by reasons and arguments we attain something above reason, or that the faith, already sufficiently proposed, be tested by way of argument. So also D. Thom. *quaest. 10. art. 7.*, Bannes *ibi*, Sanchez *lib. 2. cap. 10.*, Becan. *cap. 15. quaest. 7.*, Suarez *disp. 20. sect. 1.*, Fagundez *lib. 1. cap. 8.* Nevertheless it will not be illicit for him to whom the faith has not yet been sufficiently proposed. So Suarez, Sanchez, Fagundez, and Valencia *disp. 1. quaest. 4. p. 1.*

ILLICITUM vero ait, disputare, ut rationibus, et argumentis assequamur aliquid supra rationem, vel ut experiatur fidem satis editam, arguendo. Ita etiam D. Thom. quaest. 10. art. 7. *Bannes* ibi, *Sanchez* lib. 2. cap. 10. *Becan.* cap. 15. quaest. 7. *Suarez* disp. 20. sect. 1. *Fagundez* lib. 1. cap. 8. *Non erit tamen illicitum illi, cui nondum satis proposita est fides. Ita Suarez, Sanchez, Fagundez, et Valentia* disp. 1. quaest. 4. p. 1.

3 OBSERVE that it is forbidden to Laymen to dispute about the faith, by the decree of Alexander, *cap. quicunque §. Inhibemus, etc.*, and it is defined there: *Whoever acts against this shall be entangled in the snare of excommunication*, where even learned Laymen are understood, as the Doctors commonly say, fourteen of whom are cited by Fagundez *cap. 8.*; although Cajetanus, and Bannes 2. 2. *quaest. 10. art. 7.*, Petrus Ledefma 2. *Tom. tract. 1. cap. 5.* exclude the learned, since also Albertus Pighius Comes, and Ioannes Echius, and Henry VIII. King of England, while he was a Catholic, disputed against Luther, and were praised; Fulsensis adds *lib. 3. cap. 6.* that this is licit to an erudite Layman, if necessity or great utility is present.

OBSERVA, Laicis vetitum esse disputare de fide, decreto Alexandri, cap. quicunque §. Inhibemus, etc. *et definitur:* Qui contra fecerit, excommunicationis laqueo innodetur, *ubi intelliguntur etiam docti Laici, ut dicunt communiter Doctores, e quibus quatuordecim afferuntur a Fagundez* cap. 8. *licet Caietanus, et Bannes 2. 2.* quaest. 10. art. 7. *Petrus Ledefma 2.* Tom. tract. 1. cap. 5. *doctos excludant, quia etiam Albertus Pighius Comes, et Ioannes Echius, et Henricus VIII. Rex Angliae, cum erat Catholicus, contra Lutherum disputarunt, et fuere laudati; Addit Fulsensis* lib. 3. cap. 6. *id licere Laïco erudito, si necessitas vel magna utilitas adsit.*

Question XVIII: Whether faith resides in the intellect

1 It is the most certain assertion among all Theologians that faith is in the intellect as its proximate subject, as Valentia notes *quaest. 6. p. 2.*, Caspensis *disp. 4. sect. 1.*, Tanner *disp. 1. quaest. 6. num. 8.* The Seraphic Doctor, probing the nature and acts of faith more acutely, does not at once concede that Faith exists in the intellect alone.

EST apud omnes Theologos certissima assertio, fidem esse in intellectu, tanquam subiecto proximo, ut advertit Valentia quaest. 6. p. 2. *Caspensis* disp. 4. sect. 1. *Tanner.* disp. 1. quaest. 6. num. 8. *Seraphicus perscrutans acutius fidei naturam, et actus, non statim concedit, Fidem in intellectu solo existere.*

2 THEREFORE he sets out three opinions on this matter.

PONIT igitur tres opiniones de hac re.

3 THE FIRST is that faith is in the speculative intellect. So D. Thomas *quaest. 4. art. 2.* and Tanner *disp. 1. quaest. 6. dub. 2.*

PRIMA est, fidem esse in intellectu speculativo. Ita D. Thomas quaest. 4. art. 2. *et Tanner.* disp. 1. quaest. 6. dub. 2.

4 IT IS PROVED first. The speculative intellect is that which tends to the true, under the aspect of the true: Now faith makes one believe the articles under the aspect of the true, not because they are good; for thus one believes the damnation of the wicked just as one believes the clarification of the good.

PROBATUR primo. Intellectus speculativus est ille, qui tendit in verum, sub ratione veri: At fides facit credere articulos sub ratione veri, non quia boni, ita enim credit quis damnationem malorum; sicut clarificationem bonorum.

5 IT IS PROVED second. Diverse virtues have diverse objects; but Charity, which is a virtue distinct from faith, as the Apostle says *1 Corinth. 13.*, tends to God as good: Therefore faith does not tend to him under this aspect of good, but tends under the aspect of the first truth speaking and revealing, as I showed *quaest. 2.* Therefore Faith regards its object as true; but this belongs to the speculative intellect: Therefore.

PROBATUR secundo. Diversarum virtutum sunt diversa obiecta, sed Charitas, quae est virtus, diversa a fide, ut ait Apostolus prima Corinth. 13. *tendit in Deum, ut bonum: Ergo fides non tendit in eum sub hac ratione boni, tendit autem sub ratione primae veritatis dicentis, et revelantis, ut ostendi* quaest. 2. *Ergo Fides respicit suum obiectum, ut verum, sed hoc est intellectus speculativus: Ergo.*

6 ANOTHER is the opinion which asserts that faith is in the Intellect, without defining whether in the speculative or the practical; and this is the common one. Another says it is in the Intellect eminently: so each of Cajetan and Aragon here, Valentia *quaest. 4. p. 2.*, Suarez *tom. 1. de Relig. lib. 1. cap. 2.*

ALIA est sententia, quae asserit, fidem esse in Intellectu, non definiens: an speculativo, vel practico, et haec est communis. Alia dicit esse in Intellectu eminenter: ita uterque Caiet. et Arag hic, Valent quaest. 4. p. 2. *Suar.* tom. 1. de Relig. lib. 1. cap. 2.

7 The former opinion is PROVED from the foundations laid by S. Thomas out of D. Augustine *cap. 2. de praedest. Sanctorum*, where he says: *To believe is to think with assent.* That this is faith he says in *Tract. 40. in Ioan.*, and *serm. 14. de verb. Apost.*, and *4. de CIVI. cap. 20.*

PROBATUR prior opinio a S. Doct. in fundamentis ex D. August. cap. 2. de praedest. Sanctorum; *ubi ait:* Credere, est cogitare cum assensione. *Hanc esse fidem ait:* Tract. 40. in Ioan. et serm. 14. de verb. Apost. et 4. de CIVI. cap. 20.

8 THEN he proves it from the Gloss on *Rom. 10.*, which is S. Gregory's *lib. 1.*, for that Gloss, expounding the words *Fides ex auditu*, says: It gives understanding, while it illuminates the mind

concerning the things heard. So Cyril *lib. 11. Ioan. cap. 16.*, and Cyril of Jerusalem *Cat. 5.*

DEINDE id probat ex Glossa ad Rom. 10. *quae est S. Gregorii* lib. 1. *exponens enim illa verba:* Fides ex auditu ait: Dat intellectum, dum de auditis mentem illustrat. *Sic Cyrill.* lib. 11. Ioan. cap. 16. *et Cyrill. Hier.* Cat. 5.

9 IT IS PROVED third from S. Thomas. The Theological Virtues are for reforming the image with respect to the powers, the cognitive and the appetitive: But the appetitive is reformed with respect to the concupiscible by charity, and with respect to the irascible by Faith: Therefore faith presides over the cognitive.

PROBATUR tertio a S. Doct. Virtutes Theologicae sunt ad reformandam imaginem quoad potentias, Cognitivam, et Affectivam: Sed affectiva reformatur quoad concupiscibilem a charitate, et quoad irascibilem a Fide: Ergo fides praeficit cognitivam.

10 IT IS PROVED fourth. In the same faculty there is both a gratuitous virtue and the dower that succeeds it in the fatherland. But the vision, which succeeds faith, is in the cognitive power, as is evident: Therefore so is Faith.

PROBATUR quarto. In eadem facultate est virtus gratuita, et dos illi succedens in patria. Sed visio, quae succedit fidei est in potentia cognitiva, ut patet: Ergo et Fides.

11 IT IS PROVED from S. Thomas fifth. A virtue is in that power of the soul as in a subject, around whose act it unfolds and removes the difficulty in operating; for a habit is placed in that power whose work it enables; but by faith the intellect is captured into obedience to Christ: Therefore faith expedites the act of the intellective power itself.

PROBATUR a S. Doct. quinto. In ea potentia animae est virtus, tanquam in subiecto, circa cuius actum explicat, et tollit difficultatem in operando; habitus enim in ea potentia collocatur, ad cuius opus habilitat, sed per fidem captivatur intellectus in obsequium Christi: Ergo fides expedit actum ipsius potentiae intellectivae.

12 THE THIRD opinion is that Faith is in the practical intellect.

TERTIA opinio est, Fidem esse in intellectu Practico.

13 But S. Thomas observes out of Aristotle *2. de anima, cap. de movent. et. 49.* that the speculative intellect becomes practical by extension. Now it happens in three ways that the intellect is extended: either by its conjunction with the affection by which it is inclined; or by the conjunction of itself with the affection to which it inclines; or by its conjunction with the operation which it directs. But in all these ways it happens that faith is placed in the extended, or practical, intellect, according to the various states of faith itself. For faith simply so called, whether formed or unformed, which makes a man believe God in things he does not see, is in the intellect itself insofar as it is inclined by the will itself; for he would not believe unless he willed. But formed faith, by which one believes in God, is in the intellect itself insofar as it inclines the affection. For one to believe in God through formed faith, it is necessary that he tend to him by loving, as is had in the *text*. But perfect faith, insofar as it operates through love, is in the intellect inasmuch as, through the medium of affection, it directs the work.

Observat autem S. Doct. ex Aristotele 2. de anima, cap. de movent. et. 49. *Intellectum speculativum extensione fieri practicum. Contingit autem tripliciter intellectum extendi, vel per coniunctionem cum affectione, a qua inclinatur. Vel per coniunctionem sui cum affectione, ad quam inclinat. Vel per coniunctionem sui ad operationem, quam dirigit:*

> *Omnibus autem his modis contingit, fidem poni in intellectu extenso, sive practico, secundum varios ipsius fidei status. Nam fides simpliciter dicta, sive formata, sive informis, quae facit hominem credere Deo in his, quae non videt, est in ipso intellectu in quantum inclinatur ab ipsa voluntate; non enim crederet, nisi vellet. Fides autem formata, qua quis credit in Deum, est in ipso intellectu, in quantum inclinat affectum. Ad hoc enim ut quis credat in Deum per fidem formatam, oportet ut in ipsum amando tendat, secundum quod habetur in* littera. *Fides autem perfecta, in quantum operans per dilectionem, est in intellectu, quatenus, mediante affectu, dirigit opus.*

14 The FIRST reason, however, is from Aristotle and Tully, who say that the virtues are in practical intelligence.

> *RATIO autem prima est ex Aristotele, et Tullio, dicentibus, Virtutes esse in intelligentia practica.*

15 The SECOND reason is. A habit about which there is praise or blame is voluntary: But about faith there is praise: Therefore.

> *SECUNDA ratio est. Habitus, circa quem est laus, aut vituperatio, est voluntarius: Sed circa fidem est laus: Ergo.*

16 The LAST opinion is that faith is materially in the cognitive power; but formally in the appetitive, because the formal ratio of virtue is to make the act laudable. For virtue is defined by D. Augustine *de moribus Ecclesiae, cap. 15*: Est amor ordinatus — it is ordered love. This is the opinion of Hugh *lib. de Sacramentis*.

> *ULTIMA opinio est, fidem esse in potentia cognitiva materialiter; in affectiva vero formaliter, quia ratio formalis virtutis est facere laudabilem actum. Virtus enim definitur a D. August.* de moribus Ecclesiae, cap. 15. Est amor ordinatus. *Haec est sententia Hugonis* lib. de Sacramentis.

17 SECOND, it is proved from S. Thomas. No virtue is in a power simpliciter which can be coerced; but the cognitive power can be coerced: Therefore.

> *SECUNDO probatur a S. Doct. Nulla virtus est in potentia simpliciter, quae possit cogi; sed potentia cognitiva potest cogi: Ergo.*

18 THIRD it is proved. Virtue is formally in that power which is the principle of the act and operation due to that virtue; but no one assents to the truth not seen unless because he wills: Therefore if the principle of the act of seeing is from the will, faith will be in it formally.

> *TERTIO probatur. In illa potentia est virtus formaliter, quae est principium actus, et operationis, illi virtuti debitae; sed nullus assentit veritati non visae, nisi quia vult: Ergo si principium actus videndi est a voluntate, erit fides in ea formaliter.*

19 S. Thomas OBSERVES, for laying bare the truth: virtue is a habit according to which praise and merit consist, just as a bad habit and fault are those according to which blame consists, as all the Moralists teach. Whence it follows that it must be placed in that power which is the principle of the first laudable work; but this power is free choice. Indeed it is necessary that the habit be placed in that subject in which there is difficulty for acts; but this is the intellective power with respect to faith, which is ordered to capturing the intellect into obedience to Christ, to assenting to the first truth; and in this way it is in the speculative intellect; but since the intellect is inclined to believe the first truth not according to its own judgment, but according to the command of the will, therefore faith does not regard the intellect according to its purely speculative being, but as extended and inclined by

affection. And since the very willing to believe is essential to faith, hence it is that that habit regards the affection as well.

> *OBSERVAT S. Doct. ad veritatem enucleandam; Virtutem esse habitum, secundum quem consistit laus, et meritum; sicut habitus malus, et culpa, secundum quae consistit vituperatio, ut docent omnes Morales. Quo fit, ut in ea potentia sit ponenda, quae est principium primi operis laudabilis; haec autem potentia est liberum arbitrium. Enim vero necesse est, habitum in eo subiecto poni, in quo est difficultas ad actus; haec autem est potentia intellectiva, respectu fidei, quae ordinat ad captivandum intellectum in obsequium Christi, ad assentiendum primae veritati, et hoc pacto est in intellectu speculativo; sed quoniam intellectus inclinatur ad credendum ipsi veritati primae non secundum suum iudicium; sed secundum voluntatis imperium; ideo fides non respicit intellectum secundum esse pure speculativum; sed prout extensus ab affectu inclinatur. Et quoniam ipsum velle credere, est essentiale fidei; hinc est quod habitus ille respicit etiam affectum.*

20 But that these things may be perceived, certain doctrines and questions must be discussed. First must be deferred that question: Whether every assent of faith depends necessarily on the will.

> *Ut autem haec percipiantur, discutiendae sunt aliquae doctrinae et quaestiones. Primo differenda est illa quaestio: An omnis fidei assensus necessario a voluntate dependeat.*

21 For the NOMINALES, whom some of the Recentiores follow, deny it.

> *NOMINALES enim, quos sequuntur aliqui Recentiores, id negant.*

22 The second opinion is that of D. Bonaventure here, whom the Thomists follow, affirming that the first assent of faith depends on the will commanding explicitly; but that the following acts are from the will not refusing, but virtually and freely willing. It also seems to be Scotus's *3. dist. 25. quaest. 2.*

> *Secunda vero sententia est D. Bonav. hic, quem sequuntur Thomistae, affirmans, primum assensum fidei pendere a voluntate, imperante explicite; sequentes vero actus esse a voluntate non renuente, sed virtualiter volente libere. Videtur etiam Scoti* 3. dist. 25. quaest. 2.

23 But that D. Bonaventure so understood it is evident from the *body of questions*, where he places the habit of faith in the intellect to remove the intellect's difficulties, with the will moving; whence it comes about that, the difficulties removed and the intellect captured, the explicit will is not necessary.

> *Hoc autem ita sensisse D. Bonaventuram constat e* corpore quaestioniss*, ubi habitum fidei in intellectu ponit ad removendas intellectus difficultates; voluntate movente, quo fit, ut remotis difficultatibus, et intellectu captivato, non sit necessaria voluntas explicita.*

24 But this dependence is proved by D. Bonaventure from D. Augustine above, alluding to *Rom. 10. Corde creditur ad iustitiam.* The same I shall soon prove from D. Augustine.

> *PROBATUR vero haec dependentia a D. Bonav. ex D. August. supra, alludente ad id* Rom. 10. Corde creditur ad iustitiam. *Idem e D. August. mox probabo.*

25 S. Thomas adds, to confirm this, *serm. 1. de pluribus Martyribus*, and *Act. 15. Fide purificans corda.* But it is proved by him there, and in *this quaest. arg. ultimo*, because the object proposed obscurely and in an enigma, such as the object of faith is, is not sufficient to determine the intellect not yet convicted; nor is the intellect determinative of itself, being a free power: Therefore it needs the extrinsic command of the will determining it to believe what it does not see, but which is obscure to it, as Scotus

observes above, as do Mastrius *disp. 6. quaest. 8. num. 237.* and Coninck *disp. 13. dub. 4.*, who use this reasoning.

> *Addit S. Doct. ad hoc confirmandum* serm. 1. de pluribus Martyribus, *id* Act. 15. Fide purificans corda. *Probatut vero ab eo ibi, et in* hac quaest. arg. ultimo, *quia obiectum obscure, et in aenigmate propositum, quale est obiectum fidei, non est sufficiens ad determinandum intellectum, non adhuc convictum; neque intellectus est sui determinativus, cum potentia libera : Ergo eget extrinseco voluntatis imperio determinantis ad credendum, quod non videt, sed est ei obscurum, ut observat etiam Scotus supra, Mastrius* disp. 6. quaest. 8. num. 237. *et Coninch.* disp. 13. dub. 4. *qui hac ratione utuntur.*

26 *It is proved* third from S. Thomas *fundamento 2. et argumento 4. ad oppositum*, where he brings forward that saying of D. Augustine, *Tract. 26. in Ioan.: Multa potest facere homo, non volens; credere autem non potest, nisi volens* — Man can do many things unwillingly; but he cannot believe unless he wills. Which he puts together in the body: That which is the disposition of virtue to the supernatural gifts, and to grace and merit, is from the will: Such is the act of faith, for by its act sinners are disposed to justice, while, stirred by divine grace, conceiving faith from hearing, they are freely moved toward God, believing that the things revealed are true, as the Council of Trent says *sess. 6. cap. 6.* The major is proved; for since such things are laudable, they are from a power capable of praise, which is free; for this is the object of praise, inasmuch as it freely performs studious acts. D. Augustine has the same in *de spir. et litt. cap. 35.*

> Probatur *tertio a S. Doct.* fundamento 2. et argumento 4. ad oppositum, *ubi affert illud D. August. effatum,* Tract. 26. in Ioan. Multa potest facere homo, non volens; credere autem non potest, nisi volens; *Quae in corpore componit : Id, quod est dispositio virtutis ad supernaturalia dona, et gratiam, ac meritum, est a voluntate : Talis est actus fidei, per eius enim actum disponuntur peccatores ad iustitiam, dum excitati divina gratia, fidem ex auditu concipientes, libere moventur in Deum, credentes, vera esse, quae revelata sunt, ut ait Concilium Trident.* sess. 6. cap. 6. *Maior probatur; nam cum talia sint laudabilia, sunt a potentia capaci laudis, quae est libera; haec enim est obiectum laudis, quatenus libere operatur actus studiosos. Eadem habet D. August.* de spir. et litt. cap. 35.

27 *It is confirmed* from the Council of Orange *cap. 5.*, where it teaches that *affectum credendi, esse initium fidei, quo in eum credimus, qui iustificat impium* — the affection of believing is the beginning of faith, by which we believe in him who justifies the ungodly. The reason is, as D. Bonaventure says *in corpore*, that, since it directs to the supernatural work of congruous justification, as S. Thomas taught *1. dist. 41. quaest. 1. et in 4. dist. 15. p. 1. quaest. 5.*, it must also be from the will, even mediately, with respect to merit; for God did not justify you without you. The same is gathered from the Council of Trent *sess. 6. cap. 5. et 6.*

> Confirmatur *ex Concilio Araus.* cap. 5. *ubi docet,* affectum credendi, esse initium fidei, quo in eum credimus, qui iustificat impium : *Ratio est, ut ait D. Bonan.* in corpore, *quia, cum dirigat ad opus supernaturale iustificationis de congruo, ut docuit S. Doct.* 1. dist. 41. quaest. 1. et in 4. dist. 15. p. 1. quaest. 5. *etiam mediate ad meritum debet esse a voluntate; non enim Deus iustificavit te, sine te. Idem colligitur e Concil. Trid.* sess. 6. cap. 5. et 6.

28 Then I say that, speaking regularly, the will determines the intellect in the assent of faith, not only with respect to exercise, but also with respect to the specification of the act. It is the opinion of S. Bonaventure here, and the common one, as with Coninck *cit.*, Arendt *3. dist. 25. quaest. 2.*, Poncius *disp. 27. quaest. 2.*, Mastrius *disp 6. num. 239.*, Tanner *num. 9.*, Albertinus *T. 1. princ. 3. coroll. 5.*, Bouëtius *dem. 2. Symb. art. 6.*

Deinde dico, regulariter loquendo, voluntatem in assensu fidei determinare intellectum, non solum ad exercitium, sed etiam quoad specificationem actus. Est sententia S. Bonau. hic, et communis apud Coninch. cit. *Aretinum* 3. dist. 25. quaest. 2. *Poncium* disp. 27. quaest. 2. *Mastrium* disp 6. num. 239. *Tannerum* num. 9. *Albertinum* T. 1. princ. 3. coroll. 5. *Bouëtium* dem. 2. Symb. art. 6.

29 *It is proved* from S. Thomas *in corpore, et argumento ultimo*, because regularly men are not moved to believe the articles so as to be determined to the species of act concerning what they believe about divine truth; for some believe the pastors or parents teaching them, which motive does not suffice for the specification of the act. I said *regularly*, because the motives of authority and revelation can be so firm that it need not be determined by the command of the will to explicit specification, but only to exercise, since it is not yet of such evidence as to compel exercise.

Probatur *a S. Doct.* in corpore, et argumento ultimo, *Quia regulariter non moventur homines ad credendum articulis, ut determinentur ad speciem actus circa id, quod credunt de divina veritate; aliqui enim credunt Pastoribus, vel parentibus docentibus, quod motivum non sufficit ad specificationem actus. Dixi* regulariter, *quia possunt motiva authoritatis, revelationisque adeo constare, ut non egeat ex imperio voluntatis determinari ad specificationem explicite, sed solum ad exercitium, cum adhuc non sit tantae evidentiae, ut cogat ad exercitium.*

30 I say third, that the believer, already grounded in faith, does not need in each individual act the command of the will in order to assent, but only in order to be applied to thinking about the things of faith. So Suarez *disp. 6. sect. 7.*, and we often experience this; unless you say with Arriaga *disp. 7. sect. 1.* that the will only makes obedience easier to find in the intellect, while yet always commanding.

Dico tertio, fidelem, in fide iam fundatum, non egere in singulis actibus imperio voluntatis, ut assentatur, sed solum, ut applicetur ad cogitandum de rebus fidei. Ita Suarez disp. 6. sect. 7. *et hoc saepe experimur; nisi dicas cum Arriaga* disp. 7. sect. 1. *solum faciliorem invenire voluntatem in intellectu obedientiam; semper tamen imperare.*

31 *You will object.* The will is not occupied with the true, and accordingly it belongs to the intellect to determine itself concerning its proper object.

Obiicies. *Voluntas non versatur circa verum, atque adeo spectat ad intellectum, seipsum determinare circa proprium obiectum.*

32 *It is answered*, that the motives of credibility are not such as to have absolute force of determining, but only dictate that they should prudently be assented to; but it belongs to the will to command that it obey; and in this the adversaries also agree, who for the assent of faith require at least that the will not resist. Therefore the command of the will is required extrinsically, moving the intellect. For many reject the faith, as is said *Act. 13.*; nor does anyone believe unwillingly, as D. Augustine says *de spir. et litt. cit. 31. et tract. 26. in Ioan.*, noting that: *Credere non poterant*, and *lib. 1. ad Simpl. quaest. 2. et contra. 2. epist. Pel. cap. 19.*; Cyril of Jerusalem *Procat.*; Chrysostom *homil. 34. in cap. 13. ad Hebr.*; and D. Gaudencius, Bishop of Brescia *tract. 6. Exodi.*

Respondetur, *motiva credibilitatis non esse talia, ut absolutam vim determinandi habeant, sed solum dictant, prudenter eis assentiendum; spectat vero ad voluntatem imperare, ut obsequatur; et in hoc consentiunt etiam adversarii, qui ad assensum fidei exigunt saltem non contranitentiam voluntatis. Requiritur ergo imperium voluntatis extrinsecus, inducens intellectum. Multi enim repellunt fidem, ut dicitur* Act. 13. *nec nolens credit quisquam, ut ait D. August.* de spir. et litt. cit. 31. et tract. 26. in Ioan. *notans id :* Credere non poterant, et lib. 1. ad Simpl. quaest. 2. et

contra. 2. epist. Pel. cap. 19. *Cyrill. Hier.* Procat. *Chrysost.* homil. 34. in cap. 13. ad Hebr. *et D. Gaudentius Brixiae Episcopus* tract. 6. Exodi.

33 Hence arises the question: Whether the pious affection of belief is from faith, and therefore also resides in the will; or whether there is in it another habit for commanding the acts of faith.

Hinc oritur quaestio : An pia credulitatis affectio sit a fide; et ideo resideat etiam in voluntate; an detur ad id alius in ea habitus, ad actus fidei imperandos.

34 *Scotus in 3. dist. 25. quaest. 2.*, with the followers of his School, seems to deny that any habit is required, especially a supernatural one, but that the natural command of the will suffices; because, the supernatural truth having been known, the will can move the intellect instructed by habit.

Scotus in 3. dist. 25. quaest. 2. *cum asseclis suae Scholae videtur negare, requiri aliquem habitum, maxime supernaturalem, sed sufficere imperium naturale voluntatis, quia cognito vero supernaturali, potest voluntas movere intellectum, habitu instructum.*

35 The *second*, opposite opinion is that some habit is required. But these are divided. For some will this habit to be the virtue of obedience; others, studiousness; others say it is a peculiar habit inclining to these acts. So Suarez, Arriaga, Coninck, and the other Recentiores.

Secunda *sententia opposita est, requiri aliquem habitum. Sed hi dividuntur. Aliqui enim volunt, hunc habitum esse virtutem obedientiae : Alii studiositatem : Alii dicunt esse peculiarem habitum, ad hos actus inclinantem. Ita Suarez, Arriaga, Coninch. et caeteri Recentiores.*

36 The *opinion* of D. Bonaventure is that the habit of faith itself supplies this. So *in ultimo argumento, et in corpore Alens. 3. p. quaest. 66. memb. 8.*

Sententia *D. Bonau. est, habitum fidei hoc ipsum praestare. Ita* in ultimo argumento, et in corpore Alens. 3. p. quaest. 66. memb. 8.

37 We must *suppose* that affection of the will for believing to be supernatural. So the Council of Orange declares *2. can. 2. 5. et 6.*, where it defines that the pious affection of belief, which it calls the beginning of faith, is a gift of the grace of God. And although *can. 5.* speaks of the first act of converts to faith, nevertheless *in can. 6.* it speaks of all, inasmuch as for all the acts of the virtues it teaches that a gratuitous will is presupposed, and preventing aid is required, in order to justification and merit. And the Council of Trent defines the same *sess. 6. cap. 6.*, where it teaches that man is freely moved by the grace of God to faith. Nor does Scotus refuse it, but only says that, by a natural act of the will's impulse, one can apply oneself to considering the matter of faith, and afterwards, by the infused habit, exercise the act of believing without another motion of the will, as Mastrius observes *disp. 6. num. 265.* The Council of Toledo *4. cap. 55.* says the same with us, as related by Gratian *cap. de Iudaeis, dist. 45.*

Supponere *debemus, affectum illum voluntatis ad credendum, esse supernaturalem. Ita declarat Concil. Araus.* 2. can. 2. 5. et 6. *ubi definit, pium credulitatis affectum, quem initium fidei vocat, esse donum gratiae Dei. Et quamvis* can. 5. *loquatur de primo actu conversorum ad fidem; tamen* in can. 6. *loquitur de omnibus; quatenus ad omnes actus virtutum docet praerequiri voluntatem gratuitam, ac requiri auxilium praeveniens, in ordine ad iustificationem, et meritum. Et idipsum definit C. Trident.* sess. 6. cap. 6. *ubi docet, hominem ex gratia Dei libere moveri ad fidem. Neque Scotus renuit, sed solum ait, per actum naturalem impetii voluntatis posse se applicare ad considerandum in materia fidei, et*

postea per habitum infusum exercere actum credendi, sine alia motione voluntatis, ut observat Mastrius disp. 6. num. 265. *Idem nobiscum ait C. Tol.* 4. cap. 55. *relatom a Gratian.* cap. de Iudaeis, dist. 45.

38 But that this pious affection of believing ought to be supernatural is proved by D. Bonaventure *in 2. dist. 28. art. 2. quaest. 1. fundamento 3*. A disposition must be proportioned to the form to which it disposes; for a disposition is in some way the cause of the form. Since therefore faith is a disposition to grace and holiness, inasmuch as it is free, by the Council of Trent *sess. 6. cap. 6. et 7.*, and is not formally free except by the command of the will, it follows that the natural command of the will is not a proportioned disposition.

Cur *autem haec pia credendi affectio debeat esse supernaturalis, probatur a D. Bonau.* in 2. dist. 28. art. 2. quaest. 1. fundamento 3. *Dispositio debet proportionari formae, ad quam disponit : est enim dispositio aliquo modo causa formae. Cum igitur fides sit dispositio ad gratiam, et sanctitatem, quatenus libera est, ex Concilio Trident.* sess. 6. cap. 6. et 7. *neque sit libera formaliter, nisi ex voluntatis imperio; sequitur, imperium voluntatis naturale, non esse dispositionem proportionatam.*

39 I say therefore that the habit of faith gives the will its virtue, that it may command its acts to the intellect.

Dico igitur, Fidei habitum dare virtutem voluntati, ut imperet suos actus intellectui.

40 *It is proved* 1. from S. Thomas out of D. Augustine *loc. cit.*, Hugh *lib. 1. de Sacram p. 10. cap. 2*. He confirms it from the definition of faith given *Hebr. 11.: Est sperandarum substantia rerum, argumentum non apparentium* — the substance of things to be hoped for, the evidence of things that appear not — where *substantia*, or the true foundation, regards the intellect; and *rerum sperandarum*, for which affection is required.

Probatur *1. a S. Doct. ex D. August.* loc. cit. *Hugone* lib. 1. de Sacram p. 10. cap. 2. *Confirmat ex definitione fidei lata* Hebr. 11. Est sperandarum substantia rerum, argumentum non apparentium, *ubi ponitur* substantia, *seu fundamentum verificum, spectans ad intellectum; et* rerum sperandarum, *ad quod requiritur affectio.*

41 *It is proved* second, because no habit is a virtue unless it rectifies the will: Therefore neither faith. It is confirmed by S. Thomas; for even prophecy illuminates the intellect concerning divine things, and yet is not a virtue, because the will does not cooperate in that illumination.

Probatur *secundo, quia nullus habitus est virtus, nisi rectificet voluntatem : Ergo neque fides. Confirmatur a S. Doct. nam etiam prophetia illuminat intellectum ad divina, neque tamen est virtus; quia ad eam illuminationem non cooperatur voluntas.*

42 *You will object* with Vulpes *dispm. 33. art. 4.*, Mastrius *disp. 6. num. 278.*: A habit cannot operate outside the power in which it inheres, nor inhere in several powers; but faith is in the intellect: Therefore it cannot be also in the will, or, existing only in the intellect, operate also in the will. It is confirmed because faith regards God; but that habit by which it commands the will is the very created act of faith, or its uprightness, whence it cannot be from a Theological virtue.

Obiicies *cum Vulpe* dispm. 33. art. 4. *Mastrio* disp. 6. num. 278. *Non potest habitus operari extra potentiam, in qua inhaeret, nec pluribus potentiis inhaerere; At fides est in intellectu : Ergo non potest esse etiam in voluntate, aut in solo existens intellectu, operari etiam in voluntate. Confirmatur, quia fides respicit Deum; at habitus ille, quo voluntati imperat, est actus ipse creatus fidei, seu honestas eius, unde non potest esse a virtute Theologica.*

43 S. Bonaventure saw this argument well here and resolved it. He answers therefore that free choice embraces both appetite and reason, as D. Augustine teaches t. 2. *de Trinit. cap. 8.*; and therefore it is not inconvenient that every virtue which is placed in one of these powers be placed in free choice, insofar as it is virtue and the principle of merit.

> *Hoc argumentum bene vidit, atque resolvit S. Bonan. hic. Respondet igitur, liberum arbitrium complecti appetitum, et rationem, ut docet D. August. t 2.* de Trinit. cap. 8. *et ideo non est inconveniens, quod quaelibet virtus, quae reponitur in una istarum potentiarum, reponatur in libero abitrio, secundum quod virtus est, et principium meriti.*

44 Similarly. There is no inconvenience in positing one habit in reason and will, such that it regards one of those powers as to the material act, the other as to the formal. Thus the habit of science, as to the retention of species, regards memory; and, as to the facility of recollection, regards intelligence, and yet it is one simple habit. For although the powers are distinct, they are not really but formally distinct, and they are continued in one subject, by reason of which there can be in them a unity of property, just as one health is posited in many members of the body inwardly, and one uprightness in many outwardly. From these he draws the general rule about the subject of any virtue or vice. Similarly faith, insofar as it is a meritorious virtue, is in free choice; yet insofar as it is a habit rendering the power facile, it must be placed in the cognitive power, as Hugh teaches. Therefore by D. Augustine it is called: *Amor ordinatus*. From these the knot of the whole question is untied. Gather from what has been said that Calvin lies, 3. *Instit. cap. 2.*, in saying that F. [faith] is mere knowledge: For assent is also required. See Bouërius *loc citato*.

> *Similiter. Nullum est inconveniens, ponere, unum habitum esse in ratione, et voluntate; ita ut unam illarum potentiarum respiciat, quantum ad actum materialem: alteram, quoad formalem. Sic habitus scientiae, quoad retentionem specierum, respicit memoriam; et quod facilitatem convectionis, spectat ad intelligentiam, et tamen est unus simplex habitus. Quamvis enim potentiae distinctae sint; non tamen realiter, sed formaliter, et continuantur in uno subiecto, ratione cuius potest esse in eis unitas proprietatis, sicut una sanitas ponitur in multis membris corporis interius; et una honestas in multis exterius. Ex his elicit generalem regulam de subiecto virtutis cuiuscumque, vel vitii. Similiter fides, in quantum est virtus meritoria, est in libero arbitrio; tamen in quantum est habitus, reddens potentiam facilem, ponenda est in potentia cognitiva, ut docet Hugo. Ideo a D. August. dicitur:* Amor ordinatus. *Ex his totius quaestionis nodus solvitur. Collige ex dictis, mentiri Calvinum 3.* Instit. cap. 2. *F. dein esse meram notitiam: Exigitur enim etiam assensus. Vide Bouërium* loc citato.

Question XIX: Whether faith is perfected by charity, as by its form

1 All Theologians in 3. *dist. 23.* together with the Master there, this having been stated, agree that Faith and the other Virtues are formed by charity; not indeed so that charity is the form of faith, either essential, as the soul is to man; or accidental, as whiteness to the Swan; for this is false, as the Saintly Doctor notes, *argument 4. p. 1. with the solution added.* For from things of different genera one thing does not come to be one by essence: but Faith and Charity are distinct virtues, as the Apostle has it, *first Corinthians 13. Faith, Hope, Charity, these three remain.* Therefore charity cannot inform Faith essentially: Nor accidentally, as the Saintly Doctor shows, *ad 5.* for faith, even unformed, is a virtue, abstracted even from charity, and although upon the arrival of charity and grace it is adorned, like colors by light (as the Saintly Doctor says *in the body of the text*), nevertheless it does not inhere in faith itself, which is not the subject of accidents, since it is a mere accident, and carries with it its potencies, and virtues, and accidents; but it comes to grace, like rain upon dry ground. Therefore

charity is called the form of faith only metaphorically. See also Valencia *disp. 1. question 4. p. 3.* I shall treat this question again *disp. 8. question 8.*

> ***An Fides perficiatur per Charitatem, tanquam per formam.***
>
> *Omnes Theologi in 3.* dist. 23. *cum Magistro ibi, hoc effato consentiunt, Fidem, aliasque Virtutes a charitate formari; non quidem, ut charitas sit forma fidei, aut essentialis, ut anima homini; vel accidentalis, ut albedo Olori; hoc enim falsum est, ut advertit S. Doct.* argumento 4. p. 1. addita solutione. *Ex his enim, quae sunt diversi generis, non fit unum per essentiam: Fides autem, et Charitas sunt diversae virtutes, ut habet Apostolus* prima Corinth. 13. Manent fides, Spes, Charitas, tria haec. *Igitur non potest esse, ut charitas informet essentialiter Fidem: Neque accidentaliter, ut ostendit S. Doct.* ad 5. *nam fides, etiam informis, est virtus, abstracta etiam charitate, et quamvis adveniente charitate, et gratia ornetur, veluti colores a luce (ut ait S. Doct.* in corpore*) tamen non inhaeret ipsi fidei, quae non est subiectum accidentium, cum sit merum accidens, et habeat secum suas potentias, et virtutes, atque accidentia; sed advenit gratiae, sicuti pluvia terrae aridae. Igitur charitas dicitur forma fidei metaphorice tantum. Vide etiam Valentiam* disp. 1. quaest. 4. p. 3. *Hanc quaestionem tractabo rursus* disp. 8. quaest. 8.

2 I assert that faith is formed by charity, that is, perfected in ordination toward merit. For it directs its act rightly toward the ultimate end.

> *Assero, fidem a charitate formari, idest, perfici in ordine ad meritum. Dirigit enim recte actum suum ad ultimum finem.*

3 It is *proved* by St. Bonaventure first in 2. *dist. 27. question 2.* from *first Corinthians 13. If I should have all faith, but have not charity, I am nothing.*

> Probatur *a S. Bonav. primo in 2.* dist. 27. quaest. 2. *ex* prima Corinth. 13. Si habuero omnem fidem, charitatem autem non habuero, nihil sum.

4 Then in 3. *dist. 23. dub. 2.* and *art. 2. question 1. ad the arguments*, and *dist. 24. art. 2. question 2. ad arg.* from the second of James. *Faith without works is dead.* And *Opusc. on the seven gifts. On the gift of Understanding, cap. 1.* from that *Galat. 5. In Christ Jesus, neither does Circumcision avail anything: but Faith, which works through charity.*

> *Deinde in 3.* dist. 23. dub. 2. *et* art. 2. quaest. 1. ad argumenta*, et* dist. 24. art. 2. quaest. 2. ad arg. *ex secundo Iacobi.* Fides sine operibus mortua est. *Et* Opusc. de septem donis. De dono Intellectus, cap. 1. *ex illo* Galat. 5. In Christo Iesu, neque Circumcisio aliquid valet: sed Fides, quae per charitatem operatur.

5 It is *proved* secondly by the reasons of the Saintly Doctor. The first is. It is certain that faith is not lost through every mortal sin, as I shall show *in the following question, as defined.* Therefore there remains an unformed faith, that is, without that perfection by which faith was perfected for meriting: Therefore one restored to grace again has formed faith.

> Probatur *secundo hic rationibus S. Doct. Prima est. Certum est, per omne peccatum mortale non amitti fidem, ut ostendam* quaest. sequenti definitum. *Ergo manet fides informis, idest sine ea perfectione, qua fides perficiebatur ad merendum: Ergo restitutus in gratia, rursus habet fidem formatam.*

6 Second: Faith comes closer to grace, and charity, than nature does; But nature is perfected by grace; Therefore much more faith.

> *Secunda: Magis accedit fides ad gratiam, et charitatem, quam natura; Sed natura per gratiam perficitur; Ergo multo magis fides.*

7 The third reason is: An infused habit agrees more with grace, which is infused, than acquired habits do; but acquired habits are informed by the arrival of grace, which is evident because in their use and exercise man merits: Therefore much more the habit of unformed faith is formed by grace itself supervening.

> *Tertia ratio est: Plus convenit habitus infusus cum gratia, quae est infusa, quam habitus acquisiti; sed habitus acquisiti per adventum gratiae informantur, quod patet, quia in eorum usu, et exercitio, homo meretur: Ergo multo magis habitus fidei informis formatur per ipsam gratiam supervenientem.*

8 Fourth reason: Infused habits that remain in the sinner are no less vivified than merits are in justification: But these, having been deadened, revive: Therefore also THOSE.

> *Quarta ratio: Non minus vivificantur habitus infusi, qui remanent in delinquente, quam merita in iustificatione: Sed haec mortificata reviviscunt: Ergo et ILLI.*

9 Fifth reason: A habit is living is nothing other than that one can merit eternal life through it: but unformed faith, upon the arrival of charity, has everything necessary for merit: Therefore, if its act is meritorious unto eternal life, it is a sign that the habit has been formed. That it has everything necessary for merit is clear, since the work is of itself good, and right, and commanded by charity. Whence St. Augustine, *15. de Trinitate, cap. 18.*, speaking of charity, says: *As much good as it is, without which no such good things lead anyone to eternal life — this is faith, and the others, of which Augustine asserted there, that they avail nothing without charity*, as the Apostle says above.

> *Quinta ratio: Nihil est aliud, habitum vivum esse, quam per illum vitam aeternam mereri posse: sed fides informis adveniente charitate habet omne, quod necessarium est ad meritum: Ergo, si actus eius est meritorius ad vitam aeternam, signum est, habitum esse formatum. Quod autem habeat omne, quod necessarium est ad meritum; clarum est, cum ipsum opus de se sit bonum, et rectum, et a charitate imperatum. Unde D. August.* 15. de Trinitate, cap. 18. *loquens de charitate ait:* Quantum bonum est, sine quo ad aeternam vitam neminem bona tanta perducunt, hoc est fides, et alia, de quibus ibi August. asseruit, ea sine charitate nihil valere, *ut ait Apostolus supra.*

10 Sixth reason: Everything that is said to be dead from mere defect, or from the mere absence of something, upon that thing supervening is vivified; but unformed faith is said to be dead on account of the mere defect of grace, and of fruitful operation: Therefore upon these supervening it revives: But, when it revives, it is formed: Therefore unformed faith can become formed; and this is what is found in the Gloss upon that text of James 2. *Faith without works is dead.* Faith revives from works: Therefore from works it has life, and form.

> *Sexta ratio: Omne illud, quod dicitur esse mortuum e solo defectu, seu e sola absentia alicuius, illo superveniente vivificatur; sed fides informis dicitur mortua ob solum defectum gratiae, et operationis fructuosae: Ergo ipsis supervenientibus reviviscit: Sed, cum reviviscit, formatur: Ergo fides informis potest fieri formata; et hoc est, quod habetur in Glossa super illud Iacobi 2.* Fides sine operibus mortua est. *Reviviscit ex operibus fides: Ergo ex operibus habet vitam, et formam.*

11 Therefore the formation of faith by grace, and charity, denotes a twofold perfection supervening. The first in ordination toward meritorious works to be done. The second, because the act of faith, by the command of charity, is referred to the ultimate end, that is, insofar as one believes on account of God, as the highest good, the act of faith pertains to the same species of rectitude to which charity itself pertains, and accordingly it is of the same species as charity itself, with this difference however, that this rectitude is essential to charity itself; but it comes to faith as an extrinsic perfection, just as

light comes to colors, making them luminous and attractive, and adorned; and just as Light together with colors does not make one composite by essence, but by a certain ordination; so neither from unformed faith and grace is there made one per se, but by a certain ordination, and relation to God. This is St. Bonaventure's with St. Thomas, *question 4. art. 3.*, whom Valencia explains, *question 4. p. 3.*

> *Igitur formatio fidei a gratia, et charitate, dicit perfectionem duplicem supervenientem. Prima in ordine ad opera meritoria facienda. Secunda, quia fidei actus per imperium charitatis refertur ad ultimum finem, hoc est, quatenus credit aliquis propter Deum, ut summum bonum, pertinet actus fidei ad eandem specie rectitudinem, ad quam ipsa charitas, ac proinde est eiusdem speciei, cuius est charitas ipsa, cum hoc tamen discrimine, quod rectitudo haec est essentialis ipsi charitati; at fidei advenit tanquam perfectio extrinseca, sicuti lux advenit, coloribus, eosque lucidos, venustosque reddit, et ornatos; et sicut Lux cum coloribus non facit unum compositum per essentiam, sed per ordinationem quandam; sic neque ex fide informi, et gratia, fit unum per se, sed per quandam ordinationem, et relationem ad Deum. Haec S. Bonan. cum D. Thom.* quaest. 4. art. 3. *quos explicat Valentia* quaest. 4. p. 3.

12 *You will object first.* Of opposites the same account holds: But vice, and sin cannot be formed: Therefore neither can the opposite virtue be unformed, and consequently neither be formed.

> Obiicies primo. *Oppositorum eadem est ratio: Sed vitium, et peccatum non potest esse formatum: Ergo nec virtus opposita potest esse informis, atque adeo, nec formari.*

13 *The Saintly Doctor answers first*, that the opposition is not equal in this case; for formation is a good that needs more in order to come to be than deformation, which is an imperfection. Therefore it does not follow that, if sin cannot be formed, neither can the virtue fail, and be made unformed.

> Respondet primo. S. Doct. *non esse in hoc parem oppositionem; nam formatio est bonum, quod pluribus indiget, ut fiat, quam deformatio, quae est imperfectio. Ideo non sequitur, quod, si peccatum non potest formari; neque virtus possit deficere, et reddi informis.*

14 *He answers secondly*, that sin is taken in two ways: abstractly, and concretely. If it is taken abstractly, it is impossible that it can be formed, since it is mere malice; but if it is taken concretely, so that some act of virtue is said to be deformed from the end — as when, for example, someone abstains on account of vain glory, the abstinence itself is a fault in him — and in this way, by reason of the underlying act, or habit, it can be rectified by grace, if he abstains on account of God. In this way we say that a formed virtue becomes unformed, namely by reason of the underlying habit, since it is indifferent to the state of fault, and of grace; indeed, if it is an act of abstinence, it is good by its nature, and zealous.

> Respondet secundo, *peccatum dupliciter accipi: abstracte, et concrete. Si abstracte accipiatur, impossibile est, quod possit formari, cum sit mera malitia; si autem accipiatur concrete, ut dicatur aliquis actus virtutis deformatus a fine; cum quis, v. g. abstinet ob inanem gloriam, ipsa abstinentia sit ei culpa; et hoc modo, ratione actus substrati, vel habitus, potest rectificari a gratia, si propter Deum abstineat. Hoc modo dicimus, virtutem formatam, fieri informem, ratione videlicet habitus substrati, quoniam indifferens est ad statum culpae, et gratiae; imo si est actus abstinentiae, est natura sua bonus, et studiosus.*

15 *You will object secondly.* No dead work can become living; faith without grace is dead, *from 2. James:* Therefore. The major is proved; for a work done in sin is not vivified by grace.

> Obiicies secundo. *Nullum opus mortuum potest fieri vivum; fides sine gratia est mortua,* ex 2. Iacobi: *Ergo. Maior probatur; nam opus factum in peccato, non vivificatur per gratiam.*

16 *The Saintly Doctor answers*, that a dead act is not capable of life, because it has already passed away, nor does it remain in any root; but faith remains in the sinner, although unformed; therefore it can be vivified, beautified, and adorned by grace arriving; just as merits that have been deadened return unto a reward.

> Respondet S. Doct. *actum mortuum non esse capacem vitae, quia iam transiit, nec manet in aliqua radice; at fides in peccatore manet, licet informis; ideo potest vivificari, venustari, et adornari per gratiam advenientem; sicuti redeunt ad praemium merita mortificata.*

17 *You will object thirdly.* No accident can be altered: unformed faith is an accident: Therefore it cannot be altered; but that which is formed from unformed is altered: Therefore.

> Obiicies tertio. *Nullum accidens potest alterari: fides informis est accidens: Ergo non potest alterari; sed quod ex informi formatur, alteratur: Ergo.*

18 *The Saintly Doctor answers*, that the accident is not altered formally, but the subject is altered, and by reason of the subject also the accident; as when color is illuminated upon a wall.

> Respondet S. Doct. *accidens non alterari formaliter, sed alterari subiectum, et ratione subiecti etiam accidens; ut cum color illuminatur in pariete.*

19 *You will object fourthly.* From things diverse in genus one thing per essence cannot come to be; but formed faith denotes one habit per essence: Therefore it is impossible that it consist also of sanctifying grace, which is diverse in genus.

> Obiicies quarto. *Ex his, quae sunt genere diversa, non potest fieri unum per essentiam; sed fides formata dicit habitum unum per essentiam: Ergo impossibile est, eam constare etiam ex gratia sanctificante, quae est genere diversa.*

20 *The Saintly Doctor answers*, that from faith and grace there is not made one formal thing, but by ordination; just as when I say "illuminated color," I say two things, yet in the manner of one, because of this, that it is ordained to one act, namely to moving Sight; so also faith and grace denote one thing, insofar as they are ordained to a meritorious work.

> Respondet S. Doct. *ex fide, et gratia non fieri unum formale, sed per ordinationem; sicuti cum dico, colorem illuminatum, dico duo, per modum tamen unius, propter hoc, quia ordinatur ad unum actum, nempe ad movendum Visum; sic et fides, et gratia dicunt unum, quatenus ordinantur ad opus meritorium.*

21 *You will object fifthly.* Unformed faith is transmuted by the arrival of grace only accidentally: therefore if by the arrival of grace it is made formed, it accrues to faith, as it were accidentally, that it be formed; If therefore no genus accrues to the species; faith is not a species of virtue properly so called: But this is false: Therefore also that from which it follows, namely, that the habit of unformed faith is formed by the arrival of grace.

> Obiicies quinto. *Fides informis per adventum gratiae transmutatur solum accidentaliter: ergo si per adventum gratiae efficitur formata, accidit fidei, ut sit formata; Si ergo nullum genus accidit speciei; fides non est species virtutis propriae dictae: Sed hoc est falsum: Ergo et illud, ex quo sequitur, videlicet, quod habitus fidei informis, per adventum gratiae formetur.*

22 *The Saintly Doctor answers*, that an accidental transmutation in the genus of nature can be essential in the genus of morals, as is evident in acts, which by the mutation of some accidental circumstance change the moral being of virtue, or vice. Therefore also for faith, although it accrues to it, as it is a

habit, to be formed by grace, or without it; nevertheless it is necessary and intrinsic to it in ordination toward acquiring merit, or, as it is the principle of merit: Moreover, unformed faith itself, even with grace set aside, is a habit of virtue, therefore it cannot be inferred that faith is not under its own genus of virtue.

> Respondet S. Doct. *transmutationem accidentalem in genere naturae, posse esse essentialem in genere moris, ut patet in actibus, qui per mutationem alicuius circumstantiae accidentalis mutant esse morale virtutis, aut vitii. Igitur et fidei, licet accidat, prout est habitus, esse formatam gratia, vel sine ea; tamen est ei necessarium, et intrinsecum in ordine ad meritum acquirendum, seu, ut est principium meriti: Praeterea ipsa fides informis, etiam gratia circumscripta, est habitus virtutis, ideo non potest inferri, quod fides non sit sub proprio genere virtutis.*

23 *You will object sixthly.* As the soul is infused into the body; so also grace into the soul; but the soul, arriving, carries with it its potencies: therefore also grace its habits of the virtues: therefore also formed faith: Therefore formed faith is not the same as that which was previously in the soul: therefore no faith that pre-exists unformed is informed.

> Obiicies sexto. *Sicut infunditur anima in corpus; ita et gratia in animam; sed adveniens anima secum fert suas potentias: ergo et gratia suos habitus virtutum: ergo et fidem formatam: Ergo fides formata non est eadem cum illa, quae prius erat in anima: ergo non informatur aliqua fides, quae praeexisteret informis.*

24 *The Saintly Doctor answers,* by denying the parity; for the virtues are not Potencies of grace, through which it operates, but they differ really, as he shows *in 2. dist. 27. question 2.* nor does grace come into the soul as the soul into the body with its potencies; for then, grace receding, the virtues would also recede, which is heretical. Furthermore the Saintly Doctor gives another, more fitting similitude. As rain watering the earth makes the herb germinate, but when it dries in the heat, the rain returning again does not make that herb germinate; but makes the germinated one grow green; so also grace carries with it the Virtues, but when these have dried up in the heat of mortal sin, the rain of grace returning again does not reproduce the infused virtues; but bathes them in verdure. That however the Seminaries of the virtues are in the soul, the Saintly Doctor proves from St. Augustine and Bernard. Therefore charity adorns the virtues, and gives them verdure for bearing fruit. For faith is thus called living, because it flowers, and yields the fruits of merit, and without charity it is without flowers, and buds, and thus is called dead, even if it be green in the root, in the manner in which plants in winter are said to be dead, as St. Bonaventure teaches, whom Caspens imitates, *disp. 4 sect. 2.* St. Gregory uses the same similitude, *6. Moral. cap. 8. cited in St. Bonaventure, sermon 3. Dom. 23. after Pentecost.*

> Respondet S. Doct. *negando paritatem; nam virtutes non sunt Potentiae gratiae, per quas operetur, sed differunt realiter, ut ostendit* in 2. dist. 27. quaest. 2. *neque venit gratia in animam, sicut anima in corpus cum suis potentiis; tunc enim recedente gratia, recederent et virtutes, quod est haereticum. Aliam porro similitudinem aptiorem dat S. Doct. Sicut pluvia rigans terram facit germinare herbam, hac vero aestu arescente, iterum rediens pluvia non facit germinare herbam illam; sed germinatam facit virescere; sic et gratia fert secum Virtutes, illis autem arescentibus ardore peccati mortalis, rursus rediens pluvia gratiae, non reproducit virtutes infusas; sed eas virore perfundit. Quod autem Seminaria virtutum sint in anima, probat S. Doct. ex D. August. et Bernardo. Igitur charitas exornat virtutes, datque eis virorem ad fructificandum. Sic enim dicitur fides viva, quia floret, et fructificat merita, et sine charitate est sine floribus, fondibus, et ita dicitur mortua, etiamsi in radice vireat, ad modum, quo plantae in hyeme dicuntur mortuae, ut docet S. Bonav. quem imitatur Caspens.* disp. 4 sect. 2. *eadem similitudine utitur D. Gregorius* 6. Moral. cap. 8. apud D. Bonav. serm. 3. Dom. 23. post Pentecost.

Question XX: Whether it is certain that faith remains without charity

1 *From* what has been said it is clear that Faith remains without Charity. But this must be proved more deeply against the heretical sectaries, who mock that distinction of faith formed and unformed, as Luther and his followers do.

> An certum sit, FIDEM sine CHARITATE manere.
>
> Ex *dictis liquet, manere Fidem sine Charitate. Id vero altius probandum contra haereticos sectarios, qui distinctionem illam fidei formatae, et informis, subsannant, ut Lutherus, et eius asseclae.*

2 It is DEFINED, moreover, in C. Trident. *sess. 6. cap. 15. et can. 28.* that true Theological faith remains unformed in a sinner.

> *DEFINITUM est autem in C. Trident.* sess. 6. cap. 15. et can. 28. *veram fidem Theologicam in peccatore manere informem.*

3 It is PROVED first by D. Bonau. *ad 12. Ioannis* with those words: *Nevertheless many even of the rulers believed in him: but they did not confess him; for they loved the glory of men more than the glory of God.*

> *PROBATUR primo a D. Bonau.* ad 12. Ioannis *illis verbis:* Verumtamen, et ex Principibus multi crediderunt in eum: sed non confitebantur; dilexerunt enim magis gloriam hominum, quam gloriam Dei.

4 But S. Doct. OBSERVES that they had true faith, yet out of fear abandoned the confession due. He adds, however, that these men did not have perfect faith, which demands also the confession that is necessary. So D. August. *tract. 54.*

> *OBSERVAT autem S. Doct. eos habuisse veram fidem, sed propter timorem dimisisse confessionem debitam. Addit vero, non habuisse hos perfectam fidem, quae exigit etiam necessariam confessionem. Ita D. August.* tract. 54.

5 The adversaries RESPOND that these men did not have true faith, but a certain imperfect knowledge.

> *RESPONDENT adversi, non habuisse istos veram fidem; sed notitiam imperfectam quandam.*

6 TO THE CONTRARY; because in the same chapter he often uses the same phrase, and always means true faith: *Many went away because of him, and believed in Jesus. Though he had done so many signs, they did not believe in him: that the word of Isaiah might be fulfilled: Lord, who hath believed our hearing? which* passage of Isaiah Paul alleges *Rom. 10.* of justifying faith: *I am come: that every one who believeth in me may not remain in darkness. Ioan. 12.*

> *CONTRA; quia in eodem capite, saepe eadem phrasi utitur, et semper veram fidem intelligit:* Multi propter illum abibant, et credebant in Iesum. Cum tanta signa fecisset, non credebant in eum: ut sermo Isaiae impleretur: Domine, quis credidit auditui nostro, quem *locum Isaiae allegat Paulus* Rom. 10. *de fide iustificante:* Ego veni: ut omnis, qui credit in me, in tenebris non maneat. Ioan. 12.

7 The faith of these men is said to be not right, because by their deeds they denied what they believed in their heart. Therefore he said to them *cap. 5.*: *How can you believe, who receive glory from one another?* As he expounds with D. August. *serm. 3. post Pentec. Dom. 23.*

> *DICITUR vero fides horum non recta, quia factis negabant, quod corde credebant. Ideo eis dixit* cap. 5. Quomodo potestis credere, qui gloriam ab invicem accipitis? *Ut exponit cum D. August.* serm. 3. post Pentec. Dom. 23.

8 It is *PROVED* secondly by D. Bonav. *3. dist. 25. dub. 4.* ex 13. primae ad Corinth.: *If I should have all faith, so that I could remove mountains, but have not charity, I am nothing.*

> PROBATUR *secundo a D. Bonav.* 3. dist. 25. dub. 4. *ex 13. primae ad Corinth.* Etsi habuero omnem fidem, ita ut montes transferam, charitatem autem non habuero, nihil sum.

9 *Some RESPOND* that the Apostle speaks of the faith of signs.

> RESPONDENT *aliqui, loqui Apostolum de fide signorum.*

10 *TO THE CONTRARY:* For the faith of signs is an effect of Christian faith, as is said at the end of Mark: *He that believeth shall be saved. And these signs shall follow them that believe: In my name they shall cast out devils, etc.* And cap. 11. ad Hebr., speaking of the faith by which the just man lives, enumerates the signs: *the saints by faith conquered kingdoms, etc. stopped the mouths of lions, quenched the violence of fire,* as S. Doct. runs through it at length *serm. 1. de pluribus Martyribus*. For this reason (he says) S. Bonav., for the same faith some were racked, sawn asunder, etc., namely the Martyrs, for the Christian, or Theological, faith. Therefore the faith of signs is an excellent Christian faith. Therefore the Apostle says: *If I should have all faith, so that I could remove mountains, etc.*

> CONTRA: *Nam fides signorum est effectus fidei Christianae, ut dicitur Marci ultimo:* Qui crediderit, salvus erit. Signa autem eos, qui crediderint, haec sequentur, In nomine meo daemonia eiicient, etc. *Et cap. 11. ad Hebr. loquens de fide, ex qua iustus vivit, recenset signa:* Sancti per fidem vicerunt regna, etc. obturaverunt ora Leonum, extinxerunt impetum ignis, *ut late discurrit S. Doct.* serm. 1. de pluribus Martyribus. *Ideo enim (ait) S. Bonav. ob eandem fidem alii distenti sunt, secti sunt, etc. nempe Martyres, ob fidem Christianam, seu Theologicam. Igitur fides signorum est fides Christiana excellens. Ideo ait Apostolus:* Etsi habuero omnem fidem, ita ut montes transferam, etc.

11 S. Doct. explains this more fully at those words, Lucae 17.: *If you have faith like a grain of mustard seed, you shall say to this mulberry tree: be thou rooted up, and transplanted into the sea: and it shall obey you.* But that it is the justifying Theological faith S. Doct. proves: for when Christ was urging works of piety, of charity, etc., of which works faith is the root, and when for those works the disciples confessed themselves weak, namely for always forgiving injuries; they said: *Increase our faith*; and they ask for faith as the primary gift, which the Apostle defines in Hebr. 11.: *It is the substance of things to be hoped for, etc.* And: *Without faith it is impossible to please God.* And which extends even to signs: *the saints by faith conquered kingdoms, stopped the mouths of lions, etc.*

> *Id latius explicat S. Doct. ad ea verba, Lucae 17.* Si habueritis fidem sicut granum sinapis, dicetis huic arbori Moro: eradicare, et transplantare in mare: et obediet vobis. *Quod autem ea sit fides Theologica iustificans, probat S. Doct. nam cum Christus hortaretur ad opera pietatis, charitatis, etc. quorum operum radix est fides, cumque ad ea opera discipuli, infirmos se faterentur, nempe ad remittendas semper iniurias; dixerunt:* Adauge nobis fidem, *petunt autem fidem, tanquam donum primarium, quam Apostolus Hebr. 11. definit:* Est sperandarum substantia rerum, etc. *Et:* Sine fide impossibile est placere Deo. *Et quae etiam ad signa extenditur:* Sancti per fidem vicerunt regna, obturaverunt ora Leonum, etc.

12 At last the Apostle concludes: *There remain faith, hope, Charity, these three:* where he concludes that he is dealing with the Theological faith, which is the same as the faith of signs, as D. Bonav. notes *in 3. dist. 36. quaest. quinta.* And more clearly in the Diaeta *tit. 5. cap. 1.*, and with him Boëtius *demonstr. 2. Symb. 2. art. 3.*, and D. August. *lib. 1. de Bapt. cap. 8. et de fide et oper. cap. 4.*, Hier. in Matth. *lib. 2. cap. 13.*, Chrysost. *serm. de Ava hem.*,[1] Anselm. *in cap. 13.*, here Cypr. *de unit. Eccl.*, Basil. *Reg. brev. cap. 179.*

[1] Editor's note: the print/OCR reads 'serm. de Ava hem.'; rendered as 'de Eleemo.' (Chrysostom, sermo de eleemosyna), the only recognizable Chrysostom title behind the garbled italic letters.

Tandem concludit Apostolus: Manent fides, spes, Charitas, tria haec: *ubi concludit, se agere de fide Theologica, quae est eadem cum fide signorum, ut notat D. Bonav.* in 3. dist. 36. quaest. quinta. *Et clarius in Diaeta* tit. 5. cap. 1. *et cum eo Boëtius* demonstr. 2. Symb. 2. art. 3. *et D. August.* lib. 1. de Bapt. cap. 8. et de fide et oper. cap. 4. *Hier. in Matth.* lib. 2. cap. 13. *Chrysost.* serm. de Ava hem. *Anselm.* in cap. 13. *hic Cypr.* de unit. Eccl. *Basil.* Reg. brev. cap. 179.

[13] *They RESPOND* secondly that the Apostle speaks, drawing the argument from the impossible, to show the necessity of charity, without which we should be nothing, even if we were Angels.

RESPONDENT *secundo, Apostolum loqui, ducto argumento ab impossibili, ad ostendendam necessitatem charitatis, sine qua nihil essemus, etiamsi Angeli essemus.*

[14] *BUT* it is not an argument from the impossible; for to move mountains by faith is possible, as is clear in B. Gregory Thaumaturgus: to give away also all one's substance to the poor, to hand over one's body to Martyrdom, is not impossible: to speak even in all tongues, as the Apostles could, or those of Angels, unfolding the thoughts within, can come to pass, God granting.

AT *non est argumentum ab impossibili; nam transferre fide montes, est possibile, ut constat in B. Gregorio Thaumaturgo: Erogare quoque omnem substantiam pauperibus, tradere corpus Martyrio, non est impossibile: Loqui etiam linguis omnibus, sicuti potuere Apostoli, vel Angelorum, exponendo intus suos conceptus, fieri potest, Deo donante.*

[15] It is *PROVED* thirdly by S. Doct. at the aforesaid passage of Luke, from that Iacobi 2. where he took it upon himself to prove that faith without works exists, but does not justify: *What shall it profit, my brethren, if a man say he hath faith, but hath not works? Shall faith be able to save him? But that* he speaks of true faith, not of the shadow of faith which Calvin dreams of in *lib. 3. Inst. cap. 2.*, is proved by D. Bonav., because, speaking of Abraham, he says he was justified by works, with which faith cooperated: *But wilt thou know, O vain man, that faith without works is dead? Abraham our father, was he not justified by works, offering up his son Isaac upon the altar? Thou seest that faith cooperated with his works: and by his works faith was made perfect.* Who will deny that Abraham had true faith? and he calls it dead without works. It is confirmed by the Fathers, who understood this passage of true faith: Hieron. *ad Galat. in cap. 5.*, Chrysost. *homil. 2. in Genes. et homil. 2. in epist. ad Philem.*, August. *lib. 21. de civit. Dei, cap. 26. et Libro unico de baptismo, cap. 10.*, Cyrillus *libro 10. in Ioannem, capite decimo octavo.*

PROBATUR *tertio a S. Doct. ad praefatum locum Lucae ex illo Iacobi 2. ubi assumpsit probare, fidem sine operibus existere, sed non iustificare.* Quid proderit fratres mei, si fidem quis dicat se habere, opera autem non habeat? numquid poterit fides salvare illum? Quod autem *de vera fide loquatur, non de umbra fidei, quam somniat Calvinus* lib. 3. Inst. cap. 2. *probatur a D. Bonav. quia loquens de Abrahamo dicit, eum iustificatum ex operibus, quibus fides cooperata est:* Vis autem scire o homo inanis, quoniam fides sine operibus mortua est? Abraham pater noster nonne ex operibus iustificatus est, offerens filium suum Isaac super altare? Vides quoniam fides cooperabatur operibus illius: et ex operibus illius fides consummata est. *Fidem sane veram in Abrahamo quis negabit? eam vero sine operibus mortuam vocat. Confirmatur ex PP. qui hunc locum de vera fide intellexerunt, Hieron.* ad Galat. in cap. 5. *Chrysost.* homil. 2. in Genes. et homil. 2. in epist. ad Philem. *August.* lib. 21. de civit. Dei, cap. 26. et Libro unico de baptismo, cap. 10. *Cyrillus* libro 10. in Ioannem, capite decimo octavo.

16 *Calvin PRESSES* first, because the Apostle says: *What shall it profit, if a man say he hath faith*, when he ought to have said: if he hath faith.

> INSTAT *Calvinus primo, quia Apostolus ait:* Quid proderit, si fidem quis dicat habere*, cum debuisset dicere: si fidem habeat.*

17 *It is RESPONDED* that the Apostle noted the boast of the wicked, who indeed have true faith, but without charity. Therefore he adds: *Shall faith be able to save him?* — therefore they are supposed to have faith, and to say this boastfully.

> RESPONDETUR*, Apostolum notasse iactantiam improborum, qui habent quidem veram fidem, sed sine charitate. Ideo subdit:* Numquid fides poterit salvare illum*, ergo supponuntur habere fidem, et id dicere iactanter.*

18 He presses secondly that that faith is called dead, and the faith of devils.

> *Instat secundo, eam fidem vocari mortuam, et fidem daemonum.*

19 *S. Doct. RESPONDS* in *serm. 3. Dominic. 23. post Pentec. et in 3. dist. 23. dub. 2. et art. 2. quaest. 1. ad argumenta*, that it is true faith, as a lifeless body is a true body; and as water that does not move is called dead; yet it is still true water. Secondly, Faith is called dead through the defect of the extrinsic accidental form, and of the intrinsic one, in the order of meriting eternal life.

> RESPONDET *S. Doct.* serm. 3. Dominic. 23. post Pentec. et in 3. dist. 23. dub. 2. et art. 2. quaest. 1. ad argumenta*, eam esse veram fidem, sicut corpus exanime, est verum corpus; et sicut aqua, quae non movetur, dicitur mortua; sed tamen est vera aqua. Secundo dicitur Fides mortua per defectum formae extrinsecae accidentalis, et intrinsecae in ordine ad merendum vitam aeternam.*

20 To that about the faith of devils, he responds in *3. dist. 23. quaest. 3.* that the faith of devils is true on the side of the object, as D. August. notes *loc. cit.* de bapt. even if extorted, because against their will they believe those things to be true which we believe; while they see that those who have the faith of Christ, and answer to it with works, cannot be damned; for hence they are tormented into believing that our faith is true. And so they are not compared with us in the habit of faith, but in the object, or act of believing, as is clear.

> *Ad illud de fide daemonum, respondet in* 3. dist. 23. quaest. 3. *fidem daemonum esse veram ex parte obiecti, ut notat D. August.* loc. cit. de bapt. etiamsi *extortam, eo quod inviti credant vera esse ea, quae nos credimus; dum vident, eos, qui fidem Christi habent, et operibus respondent, non posse damnari; hinc enim torquentur ad credendum, nostram fidem veram esse. Itaque non comparantur nobis in habitu fidei, sed in obiecto, seu actu credendi, ut constat.*

21 It is *PROVED* fourthly by D. Bonav. *3. dist. 25. art. 1. quaest. 1. et 2.* with the argument drawn from the Scriptures and from experience, which show that there are given some sinners who are nevertheless faithful, and strive for the faith. So *Matth. 22. All came to the marriage. Matth. 25. The five faithful Virgins confessing: Lord, Lord, open to us, were rejected*, because they lacked the lighted oil of charity; and in the judgment very many are condemned, not from defect of faith, but of works; although they knew, and believed, that these things are necessary and that by them obedience is rendered to Christ. So observe D. August. *de fide, et oper. cap. 15.* and other Fathers.

> PROBATUR *quarto a D. Bonav.* 3. dist. 25. art. 1. quaest. 1. et 2. *argumento sumpto e Scripturis, et experimento, ostendentibus, dari aliquos peccatores, qui tamen sunt fideles, et pro fide certant. Sic* Matth. 22. Omnes venerunt ad nuptias. Matth. 25. Quinque Virgines fideles confitentes Domine, Domine aperi nobis, reiectae *sunt, quia oleo charitatis accenso carebant; et in iudicio damnantur plurimi, non ex defectu fidei, sed operum; cum tamen scirent, et*

crederent, ea necessaria esse et per ea obsequium praestari Christo. Sic observant D. August. de fide, et oper. cap. 15. *et alii PP.*

22 It is *PROVED* fifthly by S. Bonav. *lib. 2. Pharetrae cap. 23. ex P. P. Augustino de verbis Domini, serm. 61. et 15. de Trinitate, cap. 18. In 3. autem dist. 23. art. 2. quaest. 1.* he brings forward D. Augustine *lib. de vera innocentia.* The same has *lib. 6. in Iulianum, cap. 117.* Isidore *de summo bono, lib. 2. cap. 2.* The same assert Irenaeus *lib. 4. cap. 25.*, Cyprianus *serm. de Zelo.*, Ambros. *lib. 2. offic. cap. 2. et in Psal. 1.*, Hieronym. *in 32. Hieremiae*, and others in Valentia *quaest. 4. p. 4.*, Bellarm. *lib. 1. de Iustificatione, cap. 15.*, where D. Bonav. argues with the same means.

PROBATUR *quinto a S. Bonav.* lib. 2. Pharetrae cap. 23. ex P. P. Augustino de verbis Domini, serm. 61. et 15. de Trinitate, cap. 18. In 3. autem dist. 23. art. 2. quaest. 1. *affert D. Augustinum* lib. de vera innocentia. *Idem habet* lib. 6. in Iulianum, cap. 117. *Isidoro* de summo bono, lib. 2. cap. 2. *Idem asserunt Irenaeus* lib. 4. cap. 25. *Cyprianus* serm. de Zelo. *Ambros.* lib. 2. offic. cap. 2. et in Psal. 1. *Hieronym.* in 32. Hieremiae, *et alii apud Valentiam* quaest. 4. p. 4. *Bellarm.* lib. 1. de Iustificatione, cap. 15. *ubi eisdem mediis D. Bonav. argumentatur.*

23 It is PROVED by S. Doct. here. For that which is not perfected by another intrinsically, but comes to it extrinsically and freely, can stand without it: such is faith, which is perfected by charity extrinsically only, which comes freely from justification: Therefore: so also D. Thom. argues.

PROBATUR *a S. Doct. hic. Nam id, quod non perficitur ab alio intrinsece, sed extrinsece advenit libere, potest stare sine illo: Talis est fides, quae extrinsece tantum perficitur a charitate, quae advenit libere ex iustificatione: Ergo: sic etiam D. Thom. arguit.*

24 You OBJECT first with Calvin, that the assent of faith is an affection toward God, as we have it Rom. 10.: *With the heart we believe unto justice.*

OBIICIES *primo cum Caluino, assensus fidei est affectus in Deum, ut habetur Rom. 10.* Corde creditur ad iustitiam.

25 It is RESPONDED that by these Calvin is run through; for the Apostle wants the confession of the divinity and of the resurrection of Christ to be unto salvation, if it be made from the heart, not feignedly; but from true faith, which is the basis of their justice. So Chrysostom *homil. 25. in 9. Matth.*; and Augustine accords, *tract. 26. in Ioan.*

RESPONDETUR *his confodi Caluinum; vult enim Apostolus, confessionem deitatis, et resurrectionis Christi, esse ad salutem, si ex corde non ficte fiat; sed ex vera fide, quae horum iustitiae est basis. Sic Chrysostomus* homil. 25. in 9. Matth. *accinit August.* tract. 26. in Ioan.

26 You OBJECT secondly with some PP. saying that Faith without charity is not true faith.

OBIICIES secundo aliquos PP. dicentes, Fidem sine charitate, non esse veram fidem.

27 It is RESPONDED from D. Bonav. *dist. 23. art. 2. quaest. 1.* that Faith is called not true in that sense, that is, imperfect, lacking its own operations for merit, as I shall say in the next quaest.

RESPONDETUR ex D. Bonav. dist. 23. art. 2. quaest. 1. *eo sensu vocari Fidem non veram, idest imperfectam, suis operationibus ad meritum carentem, ut dicam quaest. sequenti.*

28 You OBJECT thirdly with the many passages of Scripture ascribing Justification to Faith *Matth. 9. Lucae 8. Ioan. 3. Rom. 5.* They press especially that passage of Luke: *Believe only, and she shall be safe.*

OBIICIES tertio loca plurima Scripturae, adscribentis Iustificationem Fidei Matth. 9. Lucae 8. Ioan. 3. Rom. 5. *Premunt praesertim locum illum Lucae:* Crede tantum, et salva erit.

29 *S. Doct. responds* that faith is the beginning and root of salvation; yet not faith alone. But in that passage of Luke only faith is demanded for a miracle. So also Ioan. 11. says: *If thou believest, thou shalt see the glory of God,* but I have treated of this in *prima 2. tract. 5. disp. 3. quaest. 11.*

Respondet S. Doct. *fidem esse initium, et radicem salutis; non tamen solam. In illo autem Lucae exigi solam fidem ad miraculum. Sic et Ioan. 11. ait:* Si credideris, videbis gloriam Dei, *sed de hoc egi* prima 2. tract. 5. disp. 3. quaest. 11.

30 Truly Justification is ascribed also to Love, *Lucae septimo.* to Hope, *Rom. 8.* to Fear, *Ecclesiastici 2.* See the question cited.

PROFECTO Iustificatio adscribitur etiam Dilectioni, Lucae septimo. *Spei.* Rom. 8. *Timori* Ecclesiastici 2. *Vide quaestionem citatam.*

Question XXI: Whether, and how, faith is a virtue

1 The MASTER *sent. 3. dist. 23.*, D. Thom. here, Albertus *in 3. dist. 23. art. 5.*, Richard. *art. 4. quaest. 1.*, and almost all the other Theologians, with whom D. Bonav. also is commonly cited, say that faith formed by charity is a true virtue, because it renders its acts perfect toward God: but that unformed faith is not simply a virtue, because it does not render its act perfect — with which D. August. *lib. 4. cont. Iulianum cap. 3.* seems to smile. See Pasqualigum *disp. 36. sect. 2.*, Lugum *disp. 15. sect. 2.*, Merac. *disp. 22. sect. 1.*, Morandum *tract. un. quaest. 12.*

MAGISTER sent. 3. dist. 23. *D. Thom. hic Albertus* in 3. dist. 23. art. 5. *Richard.* art. 4. quaest. 1. *et alii fere Theologi, quibuscum allegatur communiter etiam D. Bonav. dicunt, fidem, charitate formatam, esse veram virtutem, quia reddit actus suos perfectos ad Deum: at vero fidem informem non esse simpliciter virtutem, quia non reddit actum suum perfectum, quibus videtur arridere D. August.* lib. 4. cont. Iulianum cap. 3. *Vide Pasqualigum* disp. 36. sect. 2. *Lugum* disp. 15. sect. 2. *Merac.* disp. 22. sect. 1. *Morandum* tract. un. quaest. 12.

2 I ASSERT first; that Faith not formed by charity is most properly a virtue.

ASSERO primo; Fidem, charitate non formatam, esse propriissime virtutem.

3 It is *PROVED* by D. Bonav. first from D. Augustine *de vera innocentia, asserting it so.*

PROBATUR *a D. Bonav. primo ex D. Augustino* de vera innocentia, ita asserente.

4 SECONDLY, because about difficult things an art, or virtue, is necessary to the rational mind, from *2. Ethic. cap. 3.*; but the articles of faith are difficult to believe, and are believed by sinners; therefore for this the art, or virtue, that is necessary is conferred on them. Not art: Therefore the virtue of faith.

SECUNDO, quia circa difficilia, necessaria est menti rationali ars, aut virtus ex 2. Ethic. cap. 3. *sed articuli fidei sunt creditu difficiles, et creduntur a peccatoribus; ergo eis ad hoc necessaria, confertur ars, vel virtus. Non ars: Ergo virtus fidei.*

5 THIRDLY. It is more difficult to believe the articles than to be held back from lust, but for this a virtue is necessary. Therefore also for that; and sinful man believes through unformed faith: therefore this is a virtue.

TERTIO. Difficilius est credere articulos, quam contineri a libidine, sed ad hoc necessaria est virtus. Ergo et ad illud; sed homo etiam peccator credit per fidem informem: ergo haec est virtus.

6 FOURTHLY. What is essentially opposed to vice and sin is a virtue; but the act of unformed faith is directly and essentially opposed to the vice of heresy and of infidelity: Therefore.

QUARTO. Quod essentialiter opponitur vitio, et peccato, est virtus; sed actus fidei informis directe, et essentialiter opponitur vitio haeresis, et infidelitatis: Ergo.

7 FIFTHLY. To what the specific ratio belongs, the generic belongs too; but to unformed faith belongs the specific ratio of faith, which is to captivate the intellect into the obedience of Christ: therefore also the generic ratio of virtue. Hence therefore S. Doct. deduces, and with him the rest, that unformed faith is a virtue essentially, though imperfect, because it has not the perfect operation through the defect of the extrinsic, that is, of charity, which makes one for merit — one, I say, physically accidental, but morally essential. And in this way also Cajetan and Aragon. speak, *ad art. 4. D. Thomae.*

QUINTO. Cui convenit ratio specifica, convenit et generica, sed fidei informi convenit ratio specifica fidei, quae est captivare intellectum in obsequium Christi: ergo et ratio generica virtutis. Hinc igitur deducit S. Doct. et cum eo caeteri, fidem informem esse virtutem essentialiter, tamen imperfectam, quia non habet perfectam operationem ex defectu extrinseci, idest charitatis, quacum facit unum ad meritum, unum inquam physice accidentale, sed moraliter essentiale. Et hoc modo loquuntur etiam Caietanus, et Aragon. ad art. 4. D. Thomae.

8 I ASSERT secondly, in this sense, that unformed faith is not a perfect virtue.

ASSERO secundo, hoc sensu, fidem informem non esse perfectam virtutem.

9 It is *PROVED* by D. Bonav. first, because it is called dead in *Iacobi primo*, in the sense given in *quaest. 20.*

PROBATUR *a D. Bonav. primo, quia dicitur mortua* Iacobi primo, *sensu dicto* quaest. 20.

10 SECONDLY, because the perfect virtue is that which operates well and perfectly, from D. August. in the Master *dist. 23.*

SECUNDO, quia virtus perfecta est, quae bene, perfecteque operatur ex D. August. apud Magistrum dist. 23.

11 Yet S. Doct. NOTES *ad 4.* that the ratio of unformed faith in a faithful sinner is not the same as that of partial faith in a heretic, who believes only some articles; for the latter falls short of the essence, since it has not the formal ratio, that is, the assent rendered to the articles under the ratio of the first truth speaking; for by denying even one attribute of God, it already denies God to be truthful.

ADVERTIT tamen S. Doct. ad 4. *non esse eandem rationem fidei informis in peccatore fideli, et fidei partialis in haeretico, qui aliquos articulos tantum credit; nam haec deficit ab essentia, cum non habeat rationem formalem, idest assensum exhibitum articulis sub ratione primae veritatis dicentis; nam tantum unum Dei affectum negans, iam negat Deum veracem.*

12 S. Doct. SOLVES some arguments in *quaest. 1.* The first is: the extremes and the mean are in the same genus; for the mean shares the nature of the extremes. But faith is a mean between opinion and science, as Hugh says: therefore it is in the same genus with the extremes: but science and opinion are not virtues: Therefore neither is faith.

ALIQUA argumenta solvit S. Doct. quaest. 1. *Primum est in eodem genere sunt extrema, et medium; nam medium participat naturam extremorum. Sed fides est medium inter opinionem, et scientiam, ut ait Hugo: ergo in eodem genere est cum extremis: sed scientia, et opinio non sunt virtutes: Ergo neque fides.*

13 *S. Doct. RESPONDS first*, that faith is a mean between these as to certitude, but it is not on that account necessary that it be in the same proximate genus with the extremes.

RESPONDET S. Doct. primo, *fidem esse medium inter haec, quoad certitudinem, non est autem ob id necesse, ut sit in eodem genere proximo, cum extremis.*

14 *He RESPONDS secondly*, that the MAJOR is false in morals, for the mean is often a virtue, and the extremes are vices.

RESPONDET secundo, *Maiorem esse falsam in moralibus, nam medium saepe est virtus, et extrema sunt vitia.*

15 You OBJECT secondly. Habits are distinguished by acts, and acts by objects. Now virtue and science are distinguished in this, from Aristotle *6. Metaph. t. 8.*, that virtue is about the good, and science about the true. But faith is about the true under the ratio of the true: Therefore it is not a virtue. The MINOR is proved, because the act of faith is to assent to the first truth.

OBIICIES secundo. Habitus distinguuntur per actus, et actus per obiecta. In hoc autem distinguitur virtus, et scientia ex Aristotele 6. Metaph. t. 8. *quod virtus est in bonum, et scientia in verum. Sed fides est in verum sub ratione veri: Ergo non est virtus. Minor probatur, quia actus fidei est assentiri primae veritati.*

16 *S. Doct. RESPONDS* that the true is the object of faith as salutary unto eternal life; for since it is obscure truth, it demands another habit diverse from science; and because it is health-giving, it therefore orders directly to salvation, and so has the ratio of virtue, because it regards obscure truth, captivating the intellect, and orders it freely to salvation; therefore it is a virtue.

RESPONDET S. Doct. *verum esse obiectum fidei, ut salubre ad vitam aeternam, quia enim est verum obscurum, exigit alium habitum diversum a scientia; et quia est salutiferum, ideo directe ad salutem ordinat, et ideo habet rationem virtutis, quia respicit veritatem obscuram captivando intellectum, et illum ordinat ad salutem libere; ideo est virtus.*

17 You OBJECT thirdly. It is blameworthy in a rational man to will anything without reason; but faith does not require reason: Therefore.

OBIICIES tertio. Vituperabile est homini rationali, velle aliquid sine ratione; sed fides non requirit rationem: Ergo.

18 *S. Doct. responds* that the MAJOR is false, where authority supplies the reason; now faith believes God revealing, even if the object be obscure, and this indeed is praiseworthy and reasonable.

Respondet S. Doct. *falsam maiorem, ubi authoritas supplet rationem; nunc autem fides credit Deo revelanti, etiamsi obiectum sit obscurum, et hoc quidem est laudabile, et rationabile.*

19 You OBJECT fourthly. The nobler the ratio an act has, the nearer it is to virtue: Therefore to believe by compelling reason looks more to virtue than to believe without reason; but necessary assent is not a virtue: Therefore much less will faith, which assents supported by no reason, be a virtue.

OBIICIES quarto. Quanto aliquis actus habet rationem nobiliorem, tanto est virtuti vicinior: Ergo credere per rationem cogentem plus spectat ad virtutem, quam credere absque ratione; at assensus necessarius non est virtus: Ergo multo minus fides, quae nulla ratione nixa assentitur, erit virtus.

20 *S. Doct. RESPONDS* by denying the MAJOR, if we speak of credulity resting on natural reason, which often deceives; and so it is more to the purpose to believe without reason the first truth revealing, even if those things seem irrational. For many things have been revealed that are contrary to philosophy, as altogether to live continent, to beg, etc. Likewise to believe one essence in three Persons: two natures with one subsistence, etc.

> RESPONDET S. Doct. *negando Maiorem si loquamur de credulitate nixa ratione naturali, quae saepe fallit, itaque studiosius est credere absque ratione veritati primae revelanti, etiamsi ea videantur irrationalia. Multa enim sunt revelata, quae contraria sunt philosophiae, ut omnino continere, mendicare, etc. Similiter credere unam essentiam in tribus Personis: Duas naturas cum una subsistentia, etc.*

Question XXII: Whether faith is one virtue

1 The true and common opinion of the Theologians in 3. dist. 23. is that faith is one single virtue in species, because the formal object is one; even if by reason of its subjects it is multiplied in number.

> *VERA, et communis sententia Theologorum in 3. dist. 23. est, fidem esse unicam virtutem specie, eo quod unum est obiectum formale; etsi ratione subiectorum multiplicetur numero.*

2 AS FOR the acts of faith, many judge that they differ in species. So Arriaga *disp. 15. sect. 4.*, Poncius *disp. 27. sect. 5.*, Hurtad. *disp. 56. sect. 1.*, Lugo *disp 8. sect. 1.*, and others. The OPPOSITE is commonly held with D. Bonav. here *in fundamentis, et corpore*, Suarez *disp. 6. sect. 3.*, Coninch. *disp. 16. dub. 2. num. 18.*, Mastrius *disp. m. 6. quaest. 13. num. 354.* I ASSERT first, that the habit of faith is one. It is PROVED by D. Bonav. first from 4. *Ephes. One Lord, one faith, one Baptism; but Baptism* is one in species: Therefore. It is PROVED secondly by D. Bonav. from 1. *Cor. 13. And now there remain faith, hope, Charity, these three:* but charity is one in species: Therefore also faith. It is PROVED thirdly by S. Doctor. Habits derive their unity from the unity of the formal object: but the formal object of faith is unique, however diverse the material objects to be believed may be, namely the veracity of God, and his revelation of it: Therefore the habit also will be unique.

> *QUOAD actus fidei multi censent, eos specie differre. Ita Arriaga* disp. 15. sect. 4. *Poncius* disp. 27. sect. 5. *Hurtad.* disp. 56. sect. 1. *Lugo* disp 8. sect. 1. *et alii. OPPOSITUM censent communiter cum D. Bonav. hic* in fundamentis, et corpore, *Suarez* disp. 6. sect. 3. *Coninch.* disp. 16. dub. 2. num. 18. *Mastrius* disp. m. 6. quaest. 13. num. 354. *Assero primo, habitum fidei esse unum. PROBATUR a D. Bonav. primo ex 4.* Ephes. Unus Dominus, una fides, unum Baptisma, sed Baptisma *est unum specie: Ergo. PROBATUR secundo a D. Bonav. ex 1.* Cor. 13. Nunc autem manent fides, spes, Charitas, tria haec: *sed charitas est una specie: Ergo et fides. PROBATUR tertio a S. Doctore. Habitus desumunt suam unitatem ex obiecti formalis unitate: Sed obiectum formale fidei est unicum, quantumvis obiecta materialia credibilia sint diversa, nempe veracitas Dei, eiusque revelatio: Ergo habitus etiam erit unicus.*

3 It is explained by S. Doct. *in corpore;* for even in the rest there is one habit where there is one formal object, e.g. one is the habit of seeing, though it regards innumerable things diverse in species, as Men, Horses, Elements, Heavens; yet there is one potency, and one habit, because it regards all these under one formal ratio, as they are visible, or as colored, or luminous. So the habit of faith is one, because, though it has many articles, diverse and revealed, it nevertheless regards all under one formal ratio, as they are from the first truth revealing. Thomists commonly use this argument, and Scotus 3. *dist. 21. quaest. un. art. 1. §. Secundo de fide infusa*, and *disp. 25. quaest. 2.*, as Mastrius notes *num. 350.*

Explicatur a S. Doct. in corpore; *nam etiam in reliquis est unus habitus, ubi est unum obiectum formale v. g. unus est habitus videndi, licet respiciat innumera, specie diversa, puta Homines, Equos, Elementa, Caelos; una tamen est potentia, unusque habitus, quia haec omnia sub una ratione formali respicit, ut sunt visibilia, seu ut colorata, vel lucida. Sic habitus fidei est unus, quia, licet habeat multos articulos diversos revelatos; tamen omnes respicit sub una ratione formali, ut sunt a prima veritate revelante. Hac ratione utuntur communiter Thomistae, et Scotus 3.* dist. 21. quaest. un. art. 1. §. Secundo de fide infusa*, et* disp. 25. quaest. 2. *ut notat Mastrius* num. 350.

4 From this you have the Marginist of the Seraphic Doctor deceived, when he says that this argument is attacked by Scotus, while he attacks the argument of D. Thomae, proving that faith has only one formal object, which is the first truth. For Scotus attacks that argument of D. Thomae, that faith is one because, though the material objects are many, they are nevertheless reduced to one principal object, namely God. But he attacks it thus: because God does not contain the other objects as objects; for neither from the assent of faith about God do we gather the other assents about the remaining material objects of faith; nor are we moved to assent to them by that primary object of faith, which is God. This argument is indicated also by S. Bonav. *initio corporis*, but at last he concludes with that argument of his, brought forward *fundam. 3.*, namely, that faith is one because there is one formal ratio, namely the first Truth, as revealing; just as I would believe with one human faith a Master teaching me various things, as Geometry, Physics, Astronomy, etc., because I would believe them under that one ratio, because he is my Master teaching, whose wisdom I trust. The same Scotus teaches word for word.

Ex quo habes, deceptum Marginistam Seraphici, dum ait, hanc rationem a Scoto impugnari, dum impugnat rationem D. Thomae, probantis, fidem habere unum tantum obiectum formale, quod est prima veritas. Scotus enim eam rationem D. Thomae impugnat. Quod una sit fides, quia, licet obiecta materialia sint plura, reducuntur tamen ad unum obiectum principale, videlicet in Deum. Impugnat autem sic, quia Deus non continet alia obiecta, ut obiectum sunt; nam neque ex assensu fidei circa Deum colligimus assensus alios circa reliqua fidei obiecta materialia; neque movemur ad assentiendum illis ex illo obiecto primario fidei, quod est Deus. Indicatur vero haec ratio etiam a S. Bonav. initio corporis*, sed tandem concludit sua illa ratione, allata* fundam. 3. *nempe, unam esse fidem, quia una est ratio formalis, nimirum prima Veritas, ut revelans; Sicuti ego una fide humana crederem Magistro, docenti me varia, puta Geometrica, Physica, Astronomica, etc. quia sub una ea ratione crederem, quia est Magister meus docens, cuius Sapientiae fido. Idem docet ad verbum Scotus.*

5 That argument, however, Cajetan and Valentia defend, namely because, though the objects are many, all are believed in order to God as the principal object, so that faith would not assent to them unless they had order to God, whom the Theological Virtue regards. But AGAINST the argument of D. Bonav. Arriaga argues *disp. 16. sect. 3.*: because the formal ratio of faith is also revelation: but revelations are diverse: Therefore. S. Doct. RESPONDS that the diversity of revelations is material, for their formality stands in this, that they have been revealed by God, who is the infallible truth. It is PROVED fourthly by S. Doct.: *He who believes God is not judged faithful unless he believe all the articles; but faith is the virtue that makes every one faithful; therefore it is not a true virtue unless all the things to be believed are believed through it, and gathered into one; but they would not be gathered into one perfectly unless faith were one:* Therefore, etc. It is PROVED fifthly by S. Doct. Faith is related to its object as obedience to its own; but there is one obedience, which obeys God in all the various precepts contained in the first and second tablet, because under one formal ratio obedience is rendered: Therefore etc.

EAM tamen rationem defendit Caietanus, et Valentia, quia scilicet, licet multa sint obiecta; tamen omnia creduntur in ordine ad Deum, ut principale obiectum, ita ut his non assentiretur fides, nisi ordinem haberent ad Deum, quem Virtus

Theologica respicit. CONTRA rationem vero D. Bonav. arguit Arriaga disp. 16. sect. 3. *quia ratio formalis fidei est etiam revelatio: at revelationes sunt diversae: Ergo. RESPONDet S. Doct. revelationum diversitatem materiali modo se habere, nam eorum formalitas stat in hoc, ut a Deo revelata sint, qui est veritas infallibilis. PROBATUR quarto a S. Doct.* Qui credit Deo, non iudicatur esse fidelis, nisi credat omnibus articulis; sed fides virtus facit, unumquemque esse fidelem; ergo non est vera virtus, nisi omnia credibilia per eam credantur, et in unum colligantur; sed non colligerentur in unum perfecte, nisi fides esset una: *Ergo, etc. PROBATUR quinto a S. Doct. Ita se habet fides ad suum obiectum, sicut obedientia ad suum; sed una est obedientia, quae obedit Deo in omnibus praeceptis variis, prima, et secunda tabula contentis, eo quod sub una ratione formali obeditur: Ergo etc.*

6 I ASSERT secondly, that all the acts of faith are of the same species. It is PROVED by the arguments made above, because all are elicited under one formal ratio, even if among the acts some are dissents, as that Christ did not die twice: others assents, as while I believe that Christ died once; for that variety in the acts is very material, even if some acts are speculative, as that God is three and one; others practical, as that God is to be loved; nevertheless these are united under one formal ratio; because the ratio of Practical and speculative is still material in this ratio of the object. HENCE he says it is not alike with science, which has various objects for its several acts; nor with the will, which tends to the appetible under diverse ratios; whence there are various virtues, and vices; as various sciences; and so neither are alike those things which regard good and evil as such; for Faith regards these, e.g. God, and devils, under one ratio of the true, under which it regards also the matters of the other virtues, which it directs. Wherefore it is not a general virtue. Thus S. Doctor elucidates everything.

ASSERO secundo, omnes actus fidei esse eiusdem speciei. PROBATUR rationibus supra factis, quia omnes sub una ratione formali eliciuntur, etiam si inter actus aliqui sint dissensus, ut Christum non esse bis mortuum: alii assensus, ut dum credo, semel Christum mortuum; nam illa varietas in actibus valde materialis est, esto aliqui actus sint speculativi, ut Deum esse trinum, et unum; alii practici, ut Deum esse amandum; tamen haec sub una ratione formali uniuntur; quia ratio Practici, et speculativi, adhuc materialis est in hac ratione obiecti. HINC ait, non esse simile de scientia, quae pro singulis habet obiecta varia; neque de voluntate, quae sub diversis rationibus tendit in appetibilia; unde sunt variae virtutes, et vitia; sicut variae scientiae, et ita nec similia sunt ea, quae respiciunt bonum, et malum, ut talia; nam Fides respicit haec, v. g. Deum, et daemones sub una ratione veri, qua respicit etiam materias aliarum virtutum, quas dirigit. Quare neque est virtus generalis. Sic elucidat omnia S. Doctor.

7 From these S. Doct. gathers in *3. dist. 25. quaest. 1.* that the Catholic faith of the Universal Church is one, and not diverse in different men, as the heretics admit, *Calvin. lib. 3. cap. 2. §. 31. Confessio Helvet. cap. 17.*, Beza *lib. cont. Brentium*, Smidellinus *contra Staphylum*. INDEED the Church, which is Catholic, that is, Universal, ought in its kind to agree everywhere under one Lord and Spouse, not an adulteress, *Oseae 2. I will espouse thee to me in faith.* This he calls the spirit in which we live, *Paulus 1. Cor. 4.*; more clearly *Ephes. 4. Careful to keep the unity of the Spirit in the bond of peace. One body and one Spirit; as you are called in one hope of your calling. One Lord, one faith, one Baptism.* Hence in *Coloss. 2.* he compares it to the root of one tree, and the foundation of one building. And *1. Tim. 5.* to one house. And in *1. Cor. 2.* he likens us to the unity of the body in one spirit, sealed with one Baptism. The SS. Fathers urge this as necessary: Irenaeus *lib. 1. cap. 3.*, Hilar. *contra Constantium*, Chrysost. *hom. 1. in 1. ad Cor.* Nay, Christ in *Ioan. 10.* asks that there be made one fold and one shepherd, as S. Bonav. notes there, and he pursues it more fully *in Hexaemer.*

Ex his colligit S. Doct. 3. dist. 25. quaest. 1. *ut unam esse fidem Catholicam Universalis Ecclesiae, et non diversam in diversis, ut admittunt haeretici,* Calvin. lib. 3. cap. 2. §. 31. Confessio Helvet. cap. 17. *Beza* lib. cont.

Brentium, *Smidellinus* contra Staphylum. *SANE Ecclesia, quae Catholica est, seu Universalis, debet in genere undique convenire sub uno Domino sponso, non adultera,* Oseae 2. Desponsabo te mihi in fide. *Hanc vocat spiritum, in quo vivimus,* Paulus 1. Cor. 4. *clarius* Ephes. 4. Solliciti servare unitatem spiritus in vinculo pacis. Unum corpus, et unus Spiritus, sicut vocati estis in una spe vocationis vestrae. Unus Dominus, una fides, unum Baptisma. *Hinc ad* Coloss. 2. *comparat eam radici unius arboris, et fundamento unius aedificii. Et* 1. Tim. 5. *uni domui. Et* 1. Cor. 2. *unitati corporis in uno spiritu nos assimilat, uno signatos Baptismo. Hanc urgent necessariam SS. Patres, Irenaeus* lib. 1. cap. 3. *Hilar.* contra Constantium, *Chrysost.* hom. 1. in 1. ad Cor. *Imo Christus* Ioan. 10. *petit ut fiat unum ovile, et unus pastor, ut notat ibi S. Bonav. et latius* in Hexaemer. *prosequitur.*

Question XXIII: Whether faith is the first of the virtues

1 The SS. Doctors ASSERT that Faith is the Charioteer of the virtues.

An FIDES sit prima Virtutum.

ASservnt SS. Doctores, Fidem esse virtutum Aurigam.

2 And indeed that it is a virtue I showed in *quaest. 21.*, and he proves it again here: As it is honorable to subject our appetite to the divine goodness, so it is honorable to subject the intellect to the first truth, and to be led captive into the obedience of God speaking; but to captivate the affection to God is a virtue: Therefore. That it is, moreover, as it were the Charioteer of the virtues, S. Doct. proves first. What is necessary directly for freely attaining the highest good has the ratio of the first virtue; such is the voluntary knowledge through faith: Therefore. The MAJOR is evident. The MINOR is proved: for faith directs hope and charity, as the rule showing that good to be desired, awaited, and loved. He builds the same argument in *dist. 23. dub. 6. litt.* Yet he sets it forth under the ratio of his revealed truth, as I said. It is confirmed by S. Doct.: Without knowledge of the highest good there cannot be direct intention; for that is done with right intention which is done for the honor of God, but without right intention no act of virtue goes forward. Since therefore the habit of faith is that by which the highest good is known by us; hence it is that Faith directs our intention, and by this it is the rule of every good operation, and of every meritorious virtue, and consequently it is the first of the virtues in order, as knowledge precedes the affection. It is proved by this argument also by D. Thom. *loc. cit.* and Valentia *puncto 7.*

Et quidem esse virtutem ostendi quaest. 21. *et iterum hic probat: Sicut honestum est, appetitum nostrum subiici divinae bonitati; ita honestum est, intellectum subiici primae veritati, et captivari in obsequium Dei dicentis; sed captivare affectum in Deum, est virtus: Ergo. Quod vero sit veluti virtutum Auriga, probat S. Doct. primo. Quod est necessarium directe ad summum bonum consequendum libere, habet rationem primae virtutis; talis est cognitio voluntaria per fidem: Ergo. Maior est evidens. Minor probatur: nam fides dirigit spem, et charitatem, tanquam regula ostendens bonum illud appetendum, expectandum, et amandum. Idem argumentum struit* dist. 23. dub. 6. litt. *Illud tamen exhibet sub ratione sua veri revelati, ut dixi. Confirmatur a S. Doct. Sine cognitione Summi boni non potest esse intentio directa; haec enim fit recta intentione, quod fit ad honorem Dei, sine vero recta intentione nullus actus virtutis incedit. Quoniam ergo habitus fidei est, quo summum bonum a nobis cognoscitur; hinc est, ut Fides dirigat nostram intentionem, et per hoc regula est omnis operationis bonae, et omnis virtutis meritoriae, et consequenter est prima virtutum ordine, sicut cognitio affectum praecedit. Haec ratione probatur etiam a D. Thom.* loc. cit. *et Valentia* puncto 7.

3 *The argument of D. Bonav. is CONFIRMED* from D. Ambrose *lib. de Cain, et Abel, cap. 9. where he says: Why do you wonder that he did not acknowledge piety (Cain), who did not acknowledge the Author; and therefore you*

are taught by this series of Scriptures that faith is the root of all the virtues; whence the Apostle also says: Because our foundation is Christ. Prima Corinth. 3.

> Confirmatvr *ratio D. Bonan. ex D. Ambrosio* lib. de Cain, et Abel, cap. 9. ubi ait: Quid miraris, si pietatem non agnovit (Cain) qui non agnovit Authorem; et ideo doceris hac serie Scripturarum, fidem esse radicem virtutum omnium; unde et Apostolus ait: Quia fundamentum nostrum Christus est. Prima Corinth. 3.

4 From August. *lib. de agone, cap. 13. Faith is the first thing that subjugates the soul to God; then the precepts of living.*

> *Ex August.* lib. de agone, cap. 13. Fides est prima, quae subiugat animam Deo; deinde praecepta vivendi.

5 From S. Prosper *lib. de vocat. gent. cap. 8. Faith is the mother of good will, and of good action.*

> *Ex S. Prospero* lib. de vocat. gent. cap. 8. Fides bonae voluntatis, et bonae actionis est genitrix.

6 But it can be doubted: whether Faith is ever infused earlier in time than the other virtues.

> *Potest vero dubitari: an unquam prius tempore, quam aliae virtutes, Fides infundatur.*

7 I ASSERT with D. Bonau. *dist. 23. dub. 6. et dist. 22. quaest. 5. et in 4. dist. 14. p. 1. art. 2. quaest. 3.*, Scotus *in 3. dist. 36. q. 4.*, Capens. *disp. 4. sect. 1. n. 12.*, that Faith is always infused together. So it seems declared in Concil. Tridentino *sect. 6. cap. 7. Whereby in the very sanctification, with the remission of sins, man receives these infused together, etc. faith, hope, and charity.* It is the common opinion of the ancients, at Lugo *disp. 16. sect. 2.*, against Suarez *3. p. t. 3. disp. 38. sect. 3. et hic disp. 7. sect. 5.*, Salam *t. 2. tom. 2. tract. 11. disp. 5. sect. 3.*, Valentia *quaest. 6. p. 2.*, Turrianus *disp. 41. dub. 9.*, Granad. *tract. 13. disp. 5. num. 9.*

> *Assero cum D. Bonau.* dist. 23. dub. 6. et dist. 22. quaest. 5. et in 4. dist. 14. p. 1. art. 2. quaest. 3. *Scoto* in 3. dist. 36. q. 4. *Capens.* disp. 4. sect. 1. n. 12. *semper Fidem simul infundi. Ita videtur declaratum in Concil. Tridentino* sect. 6. cap. 7. Unde in ipsa sanctificatione cum remissione peccatorum haec simul infusa accipit homo, etc. fidem, spem, et charitatem. *Est communis sententia antiquorum apud Lugum* disp. 16. sect. 2. *contra Suarez* 3. p. t. 3. disp. 38. sect. 3. et hic disp. 7. sect. 5. *Salam* t. 2. tom. 2. tract. 11. disp. 5. sect. 3. *Valentiam* quaest. 6. p. 2. *Turrianum* disp. 41. dub. 9. *Granad.* tract. 13. disp. 5. num. 9.

8 Vasquez responds in *3. p. disp. 158.* that the particle *Simul* signifies the same as *pariter*: or, if it signifies duration, it does not signify the instant of the infusion of habitual grace, but the whole duration of justification, as justification is taken for the series of dispositions from the first aid to the infusion of grace: But the Council says that faith is living, which works through charity. Then thus: Therefore in its infusion it is with charity; for *esse* is put for operation: But faith from its infusion is operative through charity: Therefore.

> *Respondet Vasquez* 3. p. disp. 158. *particulam,* Simul*, idem significare, ac* pariter*: vel si significat durationem, non significat instans infusionis gratiae habitualis, sed totam durationem iustificationis; ut iustificatio sumitur pro serie dispositionum a primo auxilio usque ad infusionem gratiae: Sed Concilium ait, esse fidem vivam, quae per charitatem operatur. Tunc sic: Ergo in sua infusione est cum charitate; nam* esse *supponitur operationi: Sed fides a sui infusione operativa est per charitatem: Ergo.*

Question XXIV: Whether faith is more certain than any science, or than any intellectual habit

[1] The first opinion is Durandus's, who denies it entirely *in 3. dist. 23. question 4.* Others are with him.

> An FIDES sit certior quacumque scientia; vel habitu quocumque intellectivo.
>
> *PRima opinio est Durandi, omnino id negantis* in 3. dist. 23. quaest. 4. *Cum eo sunt alii.*

[2] The second opinion asserts it absolutely. So Scotus *3. dist. 23. and 24.*, whom the Scotists commonly follow, and some moderns at Mastrius *disp. 6. num. 144.*, and likewise Bassaeus *verb. Fides, 1. num. 2.*

> *Secvnda sententia absolute asserit. Ita Scotus* 3. dist. 23. et 24. *quem sequuntur communiter Scotistae, et aliqui moderni apud Mastrium* disp. 6. num. 144. *nec non Bassaeus* verb. Fides, 1. num. 2.

[3] The third opinion distinguishes: Faith in itself is more certain than any intellectual habit; but on our part, by reason of its inevidence, because of which we can deny the articles of faith, whereas we cannot deny demonstrations and first principles, other habits are more known to us. So D. Thomas *here*, Albertus *in 3. dist. 23. art. 17.*, Richard *art. 7. question 1.*, Valent. *question 4. p. 8.*, Suarez *disp. 6. sect. 5.*, Molina *p. 1. question 1. art. 5.*, Maetac. *disp. 12. sect. 1.*, Pasqualig. *disp. 35. sect. 2.*, De Lugo *disp. 6. sect. 3.*, where he uses the very same terms as the Seraphic Doctor.

> *Tertia sententia distinguit, Fidem secundum se esse certiorem quovis habitu intellectivo: at nobis ratione inevidentiae, ob quam possumus negare articulos fidei, cum alioqui non possimus negare demonstrationes, et prima principia, notiores esse habitus alios. Ita D. Thom.* hic*, Albertus* in 3. dist. 23. art. 17. *Richard.* art. 7. quaest. 1. *Valent.* quaest 4. p. 8. *Suarez* disp. 6. sect. 5. *Molina* p. 1. quaest. 1. art. 5. *Maetac.* disp. 12. sect. 1. *Pasqualig.* disp. 35. sect. 2. *De Lngo* disp. 6. sect. 3. *ubi eisdem terminis Seraphici usus est.*

[4] S. Bonaventure proceeds in nearly the same manner, as Valencia notes.

> *Eodem fere modo incedit S. Bonaventura, ut notat Valentia.*

[5] He supposes, however, that he is not comparing faith with the beatific vision, since that is more certain in every respect. As regards the sciences, in one way. This is understood either of those things about which there is also faith: and of these, speaking simply, Faith is more certain than science. Hence if some philosopher has known scientifically that God is one creator, etc., he nevertheless never recognizes it so certainly through science as the faithful man knows it through faith. Or science is understood of other knowables. In this way, faith is in a certain respect more certain, in a certain respect not. If we speak of the certainty of affective adherence, then the certainty in faith itself is greater than that in the habit of science, because true faith brings it about that we adhere more firmly to the truth believed than any science adheres to some thing known: for we see that true believers can be inclined to deny the faith they believe neither by arguments nor by torments: But surely you will find no Mathematician who would prudently offer his throat for the demonstrations of Euclid. But if it is understood of speculative cognition, then by reason of evidence a demonstration adheres more firmly in us.

> *Svpponit autem, se non comparare fidem cum visione beata, quia haec undequaque est certior. Quoad scientias in una. Hoc vel intelligitur de his, de quibus est etiam fides: Et de his, simpliciter loquendo, certior est Fides, quam scientia. Unde si aliquis philosophus cognovit scientifice, Deum esse unum creatorem, etc. nunquam tamen ita certo agnoscit per scientiam, ficuti per fidem cognoscit fidelis. Vel intelligitur scientia de aliis cognoscibilibus. Sic, quodammodo certior est fides, quodammodo non. Si loquamur de certitudine adhaesionis affectu; sic maior est certitudo in ipsa fide, quam sit in*

habitu scientiae, quia vera fides efficit, ut firmius adhaereamus veritati creditae, quam aliqua scientia alicui rei scitae: Videmus enim, veros fideles neque per argumenta, neque per tormenta inclinari posse ad fidem creditam negandam: At profecto nullum Mathematicum invenies, qui prudenter iugulum pro demonstrationibus Euclidis praebeat. Si vero intelligatur de cognitione speculativa; sic ratione evidentiae nobis firmius adhaeret demonstratio.

6 I assert first, that faith simply, and in itself, is more certain, and of firmer adherence, than science is.

Assero primo, fidem simpliciter, et secundum se, esse certiorem, et firmioris adhaesionis, quam sit scientia.

7 It is proved by D. Bonaventure *in the Diaeta, tit. 5. cap. 3. from 1 John 5. This is the victory which overcometh the world, our faith.*

Probatvr a D Bonavent. in Diaeta, tit. 5. cap. 3. ex prima Ioan. 5. Haec est victoria, quae vincit mundum, fides nostra.

8 He shows it profusely in the sermons of S. Doctor *On the Hexaëmeron 8. 9. and 10.*

Profuse id ostendit S. Doct sermonibus Hexaëmeronis 8. 9. et 10.

9 First from the definition of faith *Hebr. 11. where it is called Substance, or conviction.*

Primo ex definitione fidei Hebr. 11. ubi dicitur Substantia, vel convictio.

10 Then from the obligation which the articles of faith impose on us, he argues it with the Apostle, *Hebr. 2. Therefore we ought to observe the more abundantly the things we have heard, lest perhaps we let them slip. For if the word, spoken by Angels, was made firm, etc.* He proves the same with the Apostle *Hebr. 1. from the dignity of Christ revealing, who is the Wisdom of the Father, and since we have the most firm testimony from the prophets, divining future things,* he brings every certainty to bear. Therefore 2 Peter 1. *We have the more firm prophetic word, to which you do well to attend, as to a lamp shining in a dark place.*

Deinde ex obligatione, quam nobis adiungunt articuli fidei, id arguit cum Apostolo, Hebr. 2. Propterea abundantius oportet observare nos ea, quae audivimus, ne forte pereffluamus Si enim, qui per Angelos dictus est sermo, factus est firmus, etc. *Idipsum probat cum Apostolo* Hebr. 1. ex dignitate Christi revelantis, qui est Sapientia Patris, cumque firmissimum habeamus testimonium a prophetis, divinantibus futura, *omnem certitudinem affert. Ideo secunda Petri 1.* Habemus firmiorem propheticum sermonem, cui benefacitis attendentes, tanquam lucernae, lucenti in caliginoso loco.

11 See the Seraphic Doctor *in the sermons cited*, proving it wondrously.

Vide Seraphicum allegatis sermonibus, *id mirifice probantem.*

12 *It is PROVED* indeed by S. Bonaventure in those passages especially. That habit is in itself more certain than all others which rests upon a more infallible cause or reason: Such is faith: Therefore. The major is proved; for the perfection of the cause redounds to the effect. The minor is proved, because faith rests upon divine revelation; but other cognitions upon natural reason. He repeats the same argument here. The whole argument, however, and especially the firmness of divine revelation, he confirms with very many testimonies of Scripture *in the sermons cited*.

PROBATUR *vero a S. Bonav. illis praecipue locis. Ille habitus secundum se est certior omnibus aliis, qui innititur causa, sive ratione magis infallibili: Talis est fides: Ergo. Maior probatur; nam perfectio causae redundat in effectum. Minor probatur, quia fides nititur revelatione divina; aliae vero cognitiones ratione naturali. Eandem rationem refricat*

hic. Totum autem argumentum, maxime vero divinae revelationis firmitatem, plurimis scripturarum testimoniis confirmat sermonibus allegatis.

13 *It is PROVED* secondly here by another argument, which Valencia uses. The certainty of a habit, or of the assent of the intellect, as it is an accident distinct from evidence and other things, properly consists in this: that as long as the certain habit or assent is retained in the intellect, one cannot deliberately fear that what is persuaded to him by such a habit or assent may not be true; But he who is truly faithful can doubt the truths of faith far less than any other evident truths, and would more easily deny any truths whatsoever than the truths of faith: Therefore etc. Albertus used the same argument.

PROBATUR *secundo hic alio argumento, quo utitur Valentia. Certitudo habitus, vel assensus intellectus, ut est accidens distinctum ab evidentia, et aliis, in hoc proprie consistit, ut quamdiu certus habitus, vel assensus in intellectu retinetur, nequeat aliquis deliberate vereri, ne non sit verum, quod per talem habitum, sive assensum sibi persuadet; Sed qui vere fidelis est, multo minus dubitare potest de veritatibus fidei, quam de ullis aliis veritatibus evidentibus, et facilius quasque veritates negaret, quam veritates fidei: Ergo etc. eodem argumento usus est Albertus.*

14 *It is CONFIRMED* from the Fathers: S. Augustine 7. *confessions cap. 10. I would more easily doubt that I live, than that those things are true which I have heard.*

CONFIRMATUR *ex Patribus: S. August. 7.* confess cap. 10. Facilius dubitarem vivere me, quam esse vera, quae audivi.

15 The same Saints affirm: Dionysius *cap. 7. on the divine names. Basil. epist. 43. and on Psal. 115. Chrysost. homil. 12. on the epistle to the Hebrews. Ambrose on Psal. 40.* Finally, most fittingly for the argument of the Seraphic Doctor, Jerome, *epist. 61. cap. 3. Do you wish to know how great is the ardor of those who believe well? Hear the Apostle: And if we, or an Angel from heaven, should preach otherwise to you; let him be anathema. And in cap. 1. to the Galatians the Apostle shows the firmness of his faith, saying: I know that neither death, etc.* Aptly S. Bonaventure *serm. 2. on several martyrs* runs through the firmness of faith from 1. *cap. ad Hebr.*, considering the miracles wrought by the power of faith, the torments overcome, etc. Which he likewise sets forth *in the sermons on the Hexaemeron cited*, which one ought to transcribe word for word; for they are more precious than gold of Peru: read them through with him.

IDEM afferunt Sancti, Dionysius cap. 7. de divinis nominibus. Basil. epist. 43. et in Psal. 115. Chrysost. homil. 12. in epist. ad Hebr. Ambr. in Psalm. 40. *Tandem aptissime ad argumentum Seraphici, Hieronymus,* epist. 61. cap. 3. Vis scire quantus sit ardor bene credentium? Audi Apostolum: Et si nos, aut Angelus de caelo aliter evangelizaverit vobis; anathema sit. Et in cap. 1. ad Galat. Apostolus firmitatem fidei suae ostendit dicens: Scio, quia neque mors, etc. *Apte S. Bonavent.* serm. 2. de pluribus martyribus *firmitatem fidei ex 11.* cap. ad Hebr. *discurrit, considerans mirabilia, fidei virtute exantlata, tormenta superata, etc. Quae pariter excurrit* sermonibus Hexaemeronis allegatis, *quos oporteret ad verbum transcribere, sunt enim Peruano pretiosiores auro: eos Perlegite apud ipsum.*

16 MASTRIUS answers that even the act of faith is subjectively more certain, because the act ought to be informed according to the whole perfection of its certainty. But he is mistaken, first, because otherwise all would believe in the highest degree. Secondly, I say it does not inform according to evidence, which makes the assent firmer; for the certainty of an act or habit is not taken from the certainty of the object in itself, but from the light also by which it is applied to us.

MASTRIUS respondet, etiam subiective fidei actum esse certiorem, quia actus debet informari secundum totam perfectionem suae certitudinis. Sed fallitur primo, quia alioqui omnes summe crederent. Secundo dico, non informare secundum evidentiam, quae reddit firmiorem assensum; neque enim certitudo actus, vel habitus sumitur e certitudine obiecti secundum se, sed ex lumine etiam, quo nobis applicatur.

17 I assert secondly; On our part indeed, by one and the same reason other habits are more certain than faith, insofar as by reason of its inevidence we can deny the articles of faith.

ASSERO secundo; Quoad nos quidem, una quadam ratione sunt habitus alii fide certiores, quatenus ratione inevidentiae possumus fidei articulos negate.

18 In this sense Hugh of St. Victor *lib. 1. de Sacram. p. 10. cap. 1. says: Faith is the certainty of the soul concerning absent things, constituted above opinion and below science, as S. Bonaventure relates.*

Hoc sensu Hugo Victorinus lib. 1. de Sacram. p. 10. cap. 1. ait: Fidem esse certitudinem animi de rebus absentibus, supra opinionem, et infra scientiam constitutam, ut refert S. Bonav.

19 It is proved by D. Bonaventure's other arguments. That is known more certainly of which one cannot doubt, because it is known by clear vision, than what is in an enigma; and that is known more certainly which can be evidently proved, than what cannot be so proved: Such is the object of science, which is evidently demonstrated, in contrast to faith: therefore. For indeed we experience first principles as such, so that they appear more certain, especially universals, such as: *Whatever is, is. Every whole is greater than its part*, as the Arretine notes.

PROBATUR a D. Bonav. argumentis aliis. Certius cognoscitur id, de quo non potest dubitari, eo quod cognoscitur aperta visione, quam quod in aenigmate; et certius noscitur, quod potest evidenter probari, quam quod ita nequit probari: Tale est obiectum scientiae, quod evidenter demonstratur, e regione fidei: ergo. Profecto enim principia prima talia experimur, ut certiora appareant, maxime universalia, ut: Quodlibet est, vel non est. Omne totum est maius sua parte*, ut notat Arretinus.*

20 But what S. Doctor said, that those sciences which pertain to faith are more certain, is proved; for the motive of reason and of authority is present, which assist one another in strengthening the truth, as Amicus observes.

QUOD vero dicebat S. Doct. ea scita, quae spectant ad fidem, esse certiora, probatur; nam adest motivum rationis, et authoritatis, quae se adiuvant ad roborandam veritatem, ut advertit Amicus.

21 YOU WILL SAY, this question seems useless, because, just as one truth is not greater than another, since it consists in an indivisible, so neither is one certainty more perfect than another.

DICES, videri hanc quaestionem inutilem, quia, sicut non est una veritas maior alia, cum consistat in indivisibili, ita nec una certitudo est alia perfectior.

22 It is ANSWERED with Lugo *disp. 6. sect. 2.* that the reason of truth and of certainty is different; for truth is considered in itself as the conformity of the object, and it stands in an indivisible; But certainty is relative by reason of the knowledge, which can be greater or less; according as it is more strongly represented to our intellective powers. In another way Arriaga answers *disp. 3. sect. 4. num. 77.*

RESPONDETUR cum Lugo disp. 6. sect. 2. *diversam esse rationem veritatis, et certitudinis; nam veritas in se consideratur, ut est conformitas obiecti, et stat in indivisibili; At certitudo est ratione notitiae relativa, quae potest esse*

maior, vel minor; prout potentiae nostrae intellectivae fortius repraesentatur. Alio modo respondet Arriaga disp. 3. sect. 4. num. 77.

Question XXV: Whether one can know with certainty that he has faith

1 HAnc treats of this 1. 2. *tract. 5. disp. 2. question 8.*, where I reviewed the opinions.

An quis certo scire possit, se FIDEM habere.

HAnc pertractani 1. 2. tract. 5. disp. 2. quaest. 8. *ubi opiniones recensui.*

2 I assert with D. Bonaventure that someone can know with theological and moral certainty that he has the habit of faith.

Assero cum D. Bonau. posse aliquem scire certitudine Theologica, et morali, se habere fidei habitum.

3 It is PROVED from D. Bonaventure *dub. 1.* Whoever knows his acts by experience knows also the habit from which they come. A man can know his supernatural acts of faith: Therefore. The major is evident: for habits are known with certainty through acts, as Scotus teaches, cited *p. 1. tract. 9. disp. 2. question 3.* The minor is evident; for acts are known through objects, from Scotus *loc. cit.* Mastrius admits it *in 3. dist. 6. question 14. num. 368.* with Scotus 3. *dist. 23. question unica,* where they admit the major also. They confirm it with D. Bonaventure from the force of experience. For just as by experience I know that I believe a man narrating something; so (they say) we evidently experience that we believe the mysteries of faith, which have been revealed by God. Mastrius confirms it; for we clearly experience that we are not moved to that assent by the evidence of the object, since it is obscure to us, nor from anywhere else than from authority. And in this sense he says D. Augustine said with Scotus *lib. 13. de Trin. cap. 1. Nothing is more certain to man than his faith.* Yet these things conflict with what he adds from Scotus *num. 369.* that it cannot be evidently known whether we have this knowledge in act, from the divine revelation of the act alone.

PROBATUR a D. Bonau. dub. 1. *Qui actus experimento novit; novit et habitum ex quo veniunt. Homo potest nosse suos actus fidei supernaturales: Ergo. Maior patet: nam habitus per actus certo noscuntur, ut docet Scotus, relatus* p. 1. tract. 9. disp. 2. quaest. 3. *Minor patet; nam actus per obiecta noscuntur, e Scoto* loc. cit. *Eam fatetur Mastr.* in 3. dist. 6. quaest. 14. num. 368. *cum Scoto 3.* dist. 23. quaest. un. *ubi et maiorem confitentur. Id confirmant cum D. Bonau. ex vi experimenti. Sicut enim experimento novi, nos credere homini aliquid narranti; ita experimur evidenter (aiunt) nos credere mysteria fidei, quae a Deo sunt revelata. Confirmat Mastr. nam clare experimur, nos ad illum assensum non moveri ex obiecti evidentia, cum sit nobis obscurum, neque aliunde, quam authoritate. Et hoc sensu ait cum Scoto dixisse D. August.* lib. 13. de Trin. cap. 1. Nihil est homini certius sua fide. *Haec tamen pugnant cum his, quae e Scoto addit* num. 369. *non posse evidenter cognosci; an hanc notitiam habeamus actu, e sola divina actus revelatione.*

4 It is PROVED secondly, that it is known with theological certainty. Whoever has a pious affect for believing the things that are of faith, knows that he assents to them from above. The faithful man experiences in himself this pious affect: Therefore. The major is certain, because that affect is the supernatural principle of the assent, as I showed *1. 2. Tract. 5. disp. 1. question 6.* The minor is granted by Mastrius *num. 373. conseq. recta.* It is the argument of S. Bonaventure *loc. cit.* Observe the fallacy of Mastrius and Scotus, who infer that evidence cannot be had of the direct act and habit of faith by a reflected act; because the direct act is incuidens from its object, as I shall say presently.

PROBATUR secundo, id sciri Theologice certo. Qui habet pium affectum credendi ea, quae sunt fidei; eis assentiri se novit superne. Fidelis experitur in se hunc pium affectum: Ergo. Maior est certa, quia affectus ille est principium supernum assensus, ut ostendi 1. 2. Tract. 5. disp. 1. quaest. 6. *Minor conceditur a Mastr.* num. 373. conseq. recta. *Est argumentum S. Bonau.* loc. cit. *Observa fallaciam Mastrii, et Scoti, qui inferunt, non posse haberi evidentiam actu reflexo actus directi, et habitus fidei; quia actus directus ex obiecto est incuidens, ut mox dicam.*

5 It is PROVED thirdly from D. Bonaventure *in his answer;* for the faithful Christian knows that he believes in his mind the articles of the true faith; otherwise he could doubt whether he is a Christian.

PROBATUR tertio a D. Bonau. in responsione; *nam fidelis Christianus novit, se in mente credere articulos verae fidei; alioqui posset dubitare: an sit christianus.*

6 Mastrius answers that one can know with certainty that he has faith objectively, that is, that he believes true things; but not that he formally elicits an act of faith.

Respondet Mastrius, posse aliquem certo scire, se habere fidem obiective, idest vera credere; non autem formaliter se elicere actum fidei.

7 CONTRA, from D. Bonaventure *serm. 9. Hexaemeron.* For the firmness of faith, from our attending, and indeed, with the object known from which the act is elicited, the act too is known to be natural or supernatural, because acts are specified, or known, through objects. This S. Doctor shows from that 2. Peter 1.: *Having the more firm prophetic word: to which you do well to attend, as to a lamp shining in a dark place, until the day dawn, and the morning star arise in your hearts.* The Apostle wills the same 2. Cor. last chapter. *Try your own selves, whether you are in the faith: prove yourselves.*

CONTRA ex D Bonavent. serm. 9. Hexaemer. *Nam firmitas fidei a nobis attendentibus atque adeo, cognito obiecto, ex quo elicitur actus, cognoscitur etiam actus esse naturalis, vel supernaturalis, quia actus specificantur, vel cognoscuntur per obiecta. Hoc autem ostendit S. Doct. ex illo 2. Petri primo:* Habentes firmiorem propheticum sermonem: cui benefacitis attendentes, quasi lucernae lucenti in caliginoso loco, donec dies illucescat, et Lucifer oriatur in cordibus vestris. *Hoc idem vult Apostolus 2. Cor. ultimo.* Vosmetipsos tentate, si estis in fide: ipsi vos probate.

8 Mastrius answers with Becanus that the faithful can be certain of the truth of the object through the assent of faith: but that he cannot be certain of the certainty of the assent except through a reflected act, which is fallacious. Contra, because although the direct act is obscure, since it is about the object of faith; nevertheless the reflected act, which bears upon its own present act, through which the habit becomes known with certainty, is not doubtfully recognized, as Mastrius admits, but in some way even evident, much less merely certain, as Scotus indicates loc. cit., as the Arretine thought *disp. 23. question unica. art. 12.*

Respondet Mastrius *cum* Becano, *fidelem de veritate obiecti posse esse certum per assensum fidei: at de certitudine assensus non posse esse certum, nisi per actum reflexum, qui est fallax. Contra, quia etsi actus directus sit obscurus, quia est de obiecto fidei; attamen actus reflexus, qui fertur in actum suum praesentem, quo habitus certo innotescit; non est dubie agnitus, ut fatetur Mastr. sed aliquo modo etiam evidens, nedum certus, ut indicat Scot. loc. cit. ut sensit Aretin.* disp. 23. quaest. un. art. 12.

9 It is confirmed by Mastrius himself *num. 368.* from experience. For we know that we are not moved to the assent of faith by the evidence of the object, since it plainly stands to us that it is in itself inevident, and that we believe from authority alone, namely divine revelation, by which I sense that I

am moved to assent, as Mastrius says *num. 367.*, which the *following num.* denies, discordant with himself, as I said.

> *Confirmatur ab ipso* Mastrio num. 368. *experientia. Cognoscimus enim, ad assensum fidei nos non moveri ex obiecti evidentia, cum nobis aperte constet in se esse inevidens, et sola nos authoritate credere, utique divina revelatione, qua sentio me moveri ad assensum, ut ait Mastr.* num. 367. *quod* num. seq. *negat, a se dissonus, ut dixi.*

10 You will OBJECT, that it is not certain that the habit of faith is given.

> *Obiicies, non esse certum dari habitum fidei.*

11 It is ANSWERED, that it is certain with theological certainty, even if some deny it. Therefore one knows it with a certainty somehow evident in experience, as Mastrius admits *num. 375.*, saying this is commonly accepted among Scholastics.

> *Respondetur, certum esse certitudine Theologica, esto aliqui negent. Id igitur novit certitudine aliquo modo in experientia evidenti, ut fatetur Mastr.* num. 375. *dicens, communiter Scholasticis id esse acceptum.*

Question XXVI: In whom faith is found

1 I suppose, that it is in men as wayfarers; and that it has existed in Angels as wayfarers.

> *Suppono, eam in hominibus viatoribus esse; et in Angelis viatoribus extitisse.*

2 It is proved from D. Bonaventure *3. dist. 25. question 2. ad 2. from 11. ad Hebr. He that cometh to God must believe. Without faith it is impossible to please God.*

> *Probatur a D. Bonav.* 3. dist. 25. quaest. 2. ad 2. ex 11. ad Hebr. Accedentem ad Deum oportet credere. Sine fide impossibile est placere Deo.

3 I suppose secondly, that in the blessed faith is evacuated, as is said *1. Cor. 13.*; that it nevertheless remains in purgatory, because they are just, and *pilgrims away from the Lord.*

> *Suppono secundo, in beatis evacuatam fidem, ut dicitur* 1. Cor. 13. *manere tamen in purgatorio, quia iusti sunt, et* peregrinantur a Domino.

4 The question is about damned men and demons.

> *Quaestio est de damnatis hominibus, et daemonibus.*

5 I assert first, that in demons there is no infused habit of faith. This is so certain that Suarez *lib. 8. de Angelis, cap. 6.* says it is temerarious to concede to demons the habit of faith. Nearly the same Bannes says *question 5. art. 2.*, but asserting it free from every known view; so assert Hurtado *disp. 59. sect. 2.*, Granado *tract. 13. sect. 1.*, Lugo *disp. 17. sect. 1.*

> *Assero primo, in daemonibus non esse habitum infusum fidei. Hoc adeo certum est, ut Suarez* lib. 8. de Angelis, cap. 6. *dicat esse temerarium concedere daemonibus habitum fidei. Idem fere ait Bannes* quaest. 5. art. 2. *sed ab omni nota ita asserentes liberant Hurtado* disp. 59. sect. 2. *Granado* tract. 13. sect. 1. *Lugo* disp. 17. sect. 1.

6 The foundation of D. Bonaventure and D. Thomas is, because infused faith is a gift of God, ordered to good works, and to merit and eternal life; but demons, most obstinate, are unfit for merit and eternal life: *Therefore.* So also Valencia *question 5. p. 2.*

> *Fundamentum D. Bonav. et D. Thom. est, quia fides infusa, est donum Dei, ordinatum ad opera bona, et ad merita, ac vitam aeternam; sed daemones obstinatissimi inepti sunt ad meritum, et vitam aeternam:* Ergo. *Sic etiam Valentia* quaest. 5. p. 2.

7 I assert secondly, that in demons there is a faith of a kind.

> *Assero secundo, in daemonibus esse fidem aliqualem.*

8 It is proved first from S. Bonaventure from that *James 2. The devils believe, and tremble.* Secondly from the Gloss *on the first epistle to the Romans*, asserting it. Thirdly from *Mark 1.*, and other places, where demons cry out that Christ is the Son of God. Hence S. Doctor deduces that they know the Trinity; for they also acknowledged it on the way.

> *Probatur primo a S. Bonav. ex illo* Iacobi 2. Daemones credunt, et contremiscunt. *Secundo ex Glossa* in primum ad Rom. *id asserente. Tertio ex* Marci primo*, et aliis locis, ubi daemones clamant, Christum esse filium Dei. Hinc deducit S. Doct. eos cognoscere Trinitatem; nam eam etiam in via agnovere.*

9 It is also doubted of heretics: whether they retain the habit of faith.

> *Dubitatur etiam de haereticis: an retineant habitum fidei.*

10 It must be asserted, that they do not retain faith.

> *Asserendum, eos non retinere fidem.*

11 It is proved from 1. *Timothy 1.* where heretics are said to have made shipwreck concerning the faith: *Some have made shipwreck concerning the faith, of whom are Hymeneus and Alexander.*

> *Probatur ex prima* Timot. 1. *ubi haeretici dicuntur, naufragasse in fide:* Quidam circa fidem naufragarunt, ex quibus est Hymenaeus et Alexander.

12 It is proved also from the Council of Trent *sess. 6. cap. 15.* Therefore the opposite is erroneous, as Fulient. says *lib. 3. cap. 3.*; otherwise heretics would be faithful.

> *Probatur etiam ex Concilio Tridentino* sess. 6. cap. 15. *Ideo oppositum est erroneum, ut ait Fulient.* lib. 3. cap. 3. *alioqui haeretici essent fideles.*

13 The reason is, because there does not remain in them the formal reason of the habit of faith, so as to incline them to believe all things credible, as revealed by the First Truth; for when one article is denied, the First Truth is denied. It is the common opinion of the Theologians *3. dist. 23.*, and of D. Thomas *question 5. art. 3.*, at Lugo *disp. 17. sect. 4.* D. Bonaventure *art. 2. question 2.*

> *Ratio est, quia non manet in eis ratio formalis habitus fidei, ut inclinet ad credendum omnia credibilia, ut a prima veritate revelata; negato enim uno articulo, negatur prima Veritas. Est communis sententia Theologorum* 3. dist. 23. *et D. Thom.* quaest. 5. art. 3. *apud Lugum* disp. 17. sect. 4. *D. Bonav.* art. 2. quaest. 2.

14 You will ask: Whether the habit of faith is destroyed by heresy physically, or morally.

> *Quaeres: An habitus fidei destruatur ab haeresi physice, an moraliter.*

15 It is ANSWERED, that it is more probable that it is expelled demeritoriously, just as grace is expelled by sin, as I said *prima secunda, tract. 3. disp. 1. question 6.* So Scotus, Gabriel, D. Bonaventure and others, at Suarez *disp. 7. sect. 4. and tom. 3. in 3. partem, question 63. art. 5. and lib. 11. de gratia, cap. 7.* Maldonatus, Lorca, and others at Coninck *disp. 18. dub. 4. num. 35.*; others at Lugo *disp. 17. sect. 4.*

Respondetur, probabilius esse, eum expelli demeritorie, sicut et gratia pellitur a peccato, ut dixi prima secunda, tract. 3. disp. 1. quaest. 6. *Ita Scotus, Gabriel, D. Bonav. et alii, apud Suarez* disp. 7. sect. 4. et tom. 3. in 3. partem, quaest. 63. art. 5. et lib. 11. de gratia, cap. 7. *Maldorus, Lorca, et alii apud Coninch.* disp. 18. dub. 4. num. 35. *aliique apud Lugo* disp. 17. sect. 4.

Question XXVII: Whether faith is a substantial gift of God

1 Now we must treat of the efficient cause of Faith.

Iam de causa efficiente Fidei agendum.

2 Catholics are unanimous that for the assent of Faith, besides the external object proposed, an internal help of grace is required, by which man is helped to believe *as he ought*. It is defined against Pelagius in the Council of Orange 2. *can. 5.* and in the Tridentine *sess. 6. can. 3.* On which see S. Augustine *de praedest. Sanctorum, cap. 3. de bono perseverantiae, cap. 20. and 21. and lib. 1. retract. cap. 23.* The reason is, because to believe as is required for salvation is a disposition to sanctifying grace: therefore it is not made without grace moving within, as the Council of Trent infers; otherwise justification would take its beginning from us; and thus it would not be gratuitous but owed. So also D. Bonaventure *in the body of the text*.

Catholici unanimes ad assensum Fidei, praeter obiectum externum propositum, exigunt internum gratiae auxilium, quo homo iuvetur ad credendum, ut oportet. *Est definitum contra Pelagium in Concilio Arausic.* 2. can. 5. *et in Tridentino* sess. 6. can. 3. *De quo vide S. August.* de praedest. Sanctorum, cap. 3. de bono perseverantiae, cap. 20. et 21. et lib. 1. retract. cap. 23. *Ratio est, quia credere, ut oportet ad salutem, est dispositio ad gratiam sanctificantem: ergo non fit sine gratia intus movente, ut infert Concilium Tridentinum; alioqui iustificatio initium sumeret ex nobis; atque ita non esset gratuita, sed debita. Ita etiam D. Bonav.* in corpore.

3 S. Doctor observes secondly that faith is had from hearing, as to its material element, and this is acquired; for by the ordinary law the articles of faith are not imprinted in the intellect, but only the habit is infused which raises the intellect to an assent above nature. Therefore a baptized infant, even if he has the habit; if nevertheless he is not instructed, will easily fall into errors, in the same way as if he did not have the habit, as S. Doctor observes *at the very end.*

Observat secundo S. Doct. fidem ex auditu haberi, quoad illius materiale, et hoc est acquisitum; non enim lege ordinaria imprimuntur in intellectu articuli fidei, sed solus habitus infunditur qui elevet intellectum ad assensum super naturam. Ideo parvulus baptizatus, etiamsi habeat habitum; si tamen non instruatur, facile cadet in errores, eodem modo ac si habitum non haberet, ut advertit S. Doct. ad ultimum.

4 There were indeed some Scholastics who seemed to assert the acquired habit of faith, as sufficient for believing the articles of faith simply; nevertheless the supernatural habit as necessary for believing more firmly. So Durandus *dist. 28. question 1.* Gabriel *dist. 23. question 2.* and others. The Nominalists, for which opinion Amicus *disp. 15. sect. 1.* and others, adduce Scotus *3. dist. 23. question unica.* But Mastrius reports some passages of Scotus in which he asserts the supernatural habit to be necessary simply, on account of the supernaturalness of the act, as *quodl. 14. art. 1. and quodl. 17. §. contra the conclusion, and in 1. dist. 17. question 2.* and more clearly *in 1. dist. 1. question 4. ad 4. for the 4. article, and in 4. dist. 49. question 5. ad 2.*

Fuere vero nonnulli Scholastici, qui habitum acquisitum fidei videntur, tanquam sufficientem asserere ad simpliciter credendum articulis fidei; attamen necessarium habitum supernaturalem ad firmius credendum. Ita Durand. dist. 28.

quaest. 1. *Gabr.* dist. 23. quaest. 2. *et alii. Nominales, pro qua sententia Amicus* disp. 15. sect. 1. *et alii adducunt Scotum* 3. dist. 23. quaest. unica. *Sed Mastrius aliqua Scoti loca refert, in quibus asserit, necessarium esse habitum supernaturalem simpliciter, ob actus supernaturalitatem, ut* quodl. 14. art. 1. et quodl. 17. §. contra conclusionem, et in 1. dist. 17. quaest. 2. *et clarius* in 1. dist. 1. quaest. 4. ad 4. pro 4. articulo, et in 4. dist. 49. quaest. 5. ad 2.

5 The PRINCIPAL question is, how the act of faith is supernatural; for it can be supernatural in two ways. First according to substance, in that according to its entity it transcends every order of the beings of nature, not only by reason of the agent, since there is no agent in the course of nature able to produce that being; but also subjectively, insofar as that entity, say of faith, grace, or the Light of glory, is of a higher order: as I said p. 1. tract. 1. disp. 11. from num. 113. Secondly a being is said to be supernatural according to mode, and is called supernatural, because, although according to its entity it can be produced by a natural cause; yet the mode is above nature; thus vision, given to a blind man, is supernatural; just as health given in an instant, which would require a very long duration, is above nature.

QUAESTIO praecipua est, quomodo actus fidei supernaturalis sit; nam dupliciter potest esse supernaturalis. Primo secundum substantiam, eo quod secundum suam entitatem transcendat omnem ordinem entium naturae, non ratione agentis tantum, eo quod non detur agens in cursu naturae, potens illud ens producere; sed etiam subiective, quatenus illa entitas, puta fidei, gratiae, aut Luminis gloriae, est ordinis altioris: ut dixi p. 1. tract. 1. disp. 11. a num. 113. Secundo dicitur ens supernaturale secundum modum, diciturque supernaturale, quia, licet secundum suam entitatem produci queat a causa naturali; tamen modus est super naturam; sic visio, data caeco, est supernaturalis; sicut et sanitas data in instanti, quae durationem permultam exigeret, est supra naturam.

6 The FIRST opinion is, that the assent of infused faith is not supernatural as to substance, but only as to mode; and consequently the help of grace, which is required for the act of faith, is not required for the entity of the act, but only as to some mode added to such an entity. So *Scotus* 1. dist. 17. question 2. and quodl. 17. art. 3. and in 3. dist. 23. question unica; Although *Suarez* lib. 2. *de gratia*, cap. 4. tries to recall him to a better fruit. All the Scotists follow him, and the Nominalists at *Mastrius* disp. 6. question 6. So *Ocham* quodl. 13: question 7. *Gabriel* 3. dist. 23. question 2. *Durandus* 1. dist. 17. question 2. *Bassolis* 3. dist. 23. question un. *Vulpes* p. 2. tom. 2. disp. 52. art. 7. *Caietanus* p. 2. question 109. art. 4. and 2. 2. question 171. art. 2. ad 3. where he contends that this is the opinion of D. Thomas. *Capreolus* 1. dist. 17. question 1. art. 3. *Palud.* 3. dist. 23. question 3. §. 3. tertio dicendum.

PRIMA opinio est, assensum fidei infusae non esse supernaturalem quoad substantiam, sed solum quoad modum; et proinde auxilium gratiae, quod actum fidei requiritur, non requiri ad entitatem actus, sed solum quoad modum aliquem, tali entitati additum. Ita Scotus *1. dist. 17. quaest. 2. et quodl. 17. art. 3. et in 3. dist. 23. quaest. unica; Ipsum tametsi* Suarez *lib. 2.* de gratia*, cap. 4. ad meliorem frugem revocare conetur. Eum sequuntur omnes Scotistae, et Nominales apud* Mastrium *disp. 6. quaest. 6. Ita* Ocham *quodl. 13: quaest. 7.* Gabr. *3. dist. 23. quaest. 2.* Durand. *1. dist. 17. quaest. 2.* Bassolis *3. dist. 23. quaest. un.* Vulpes *p. 2. tom. 2. disp. 52. art. 7.* Caietanus *p. 2. quaest. 109. art. 4. et 2. 2. quaest. 171. art. 2. ad 3. ubi contendit, hanc esse D. Thomae sententiam.* Capreolus *1. dist. 17. quaest. 1. art. 3.* Palud. *3. dist. 23. quaestione 3. §. 3. tertio dicendum.*

7 The SECOND opinion asserts that it is substantially supernatural. So *D. Bonaventure* here, whom *D. Thomas* follows 1. 2. question 6. art. 2., and the Thomists, and all the Doctors of the Society of Jesus suppose it, *Suarez* loc. cit. cap. 4. and lib. *de auxil.* cap. 1. *Vasquez* prima 2. disp. 187. cap. 2. *Coninck de*

actibus supernaturalibus disp. 4. dub. 3. *Molina in concordia*, question 14. art. 13. disp. 7. and disputation 14. member 1. although *Lorca* disp. 9. *de gratia*, adduces him to the contrary, because in *in concordia*, question 14. art. 13. disp. 14. and 15. he says that to believe, to love, and to hope are natural acts as to substance; but Lorca does not notice that he wills only what other Scholastics, with *D. Thomas* question 171. art. 2., have signified in the same manner of speaking: that those acts, according to the generic reason, or as far as the part of the object is concerned, can be natural. The same think *Medina* p. 2. question 62. art. 2. *Bannes* 2. 2. question 6. art. 1. *Turrianus* 2. 2. disp. 46. dub. 3. *Lugo* disp. 9. sect. 2. *Amicus* disp. 10. *de fide*, sect. 2. and other Recentiores everywhere, as *Morandus* in his single tractate, question 12. *Peter a S. Joseph* lib. 3. *de fide*, etc. cap. 3. resol. 5.

SECUNDA sententia asserit, esse substantialiter supernaturalem. Ita D. Bonau. *hic, quem sequuntur* D. Thom. *1. 2. quaest. 6. art. 2. ac Thomistae, et eam supponunt omnes Doctores Societatis Iesu,* Suarez *loc. cit. cap. 4. et lib.* de auxil. *cap. 1.* Vasquez *prima 2. disp. 187. cap. 2.* Coninch. de actibus supernaturalibus *disp. 4. dub. 3.* Molina in concordia*, quaest. 14. art. 13. disp. 7. et disputatione 14. membro 1. tametsi* Lorca *disp. 9.* de gratia*, eum in contrarium afferat, eo quod* in concordia*, quaest. 14. art. 13. disp. 14. et 15. dicat, credere, diligere, et sperare esse naturales actus, quoad substantiam; sed non advertit Lorca, eum velle solum, quod alii Scholastici cum* D. Thom. *quaest. 171. art. 2. eodem modo loquendi significarunt, actus illos secundum rationem genericam, seu quantum est ex parte obiecti, posse esse naturales. Idem sentiunt* Medina *p. 2. quaest. 62. art. 2.* Bannes *2. 2. quaest. 6. art. 1.* Turrianus *2. 2. disp. 46. dub. 3.* Lugo *disp. 9. sect. 2.* Amicus *disp. 10.* de fide*, sect. 2. et alii Recentiores passim, ut* Morandus *tract. unico, quaest. 12.* Petrus a S. Ioseph *lib. 3.* de fide*, etc. cap. 3. resol. 5.*

8 I ASSERT first, that the assent of faith is substantially supernatural.

ASSERO primo, assensum fidei esse substantialiter supernaturalem.

9 It is PROVED first from *D. Bonaventure* on 6. *John. This is the work of God, that you believe*, where he was speaking of faith: And below: *No man can come to me, unless the Father, who sent me, draw him.* Then *S. Doctor* proves it in 1. dist. 21. question last ad 1. from *Matth.* 11. *No one knoweth the Son, but the Father: neither doth anyone know the Father, but the Son, and he to whom it shall please the Son to reveal him.* He urges this passage also in *de 7. Itineribus Aeternitatis*, dist. 5. *of the third Itinerary*, and *Itinerary 5.* dist. 4. where he brings together many passages of Scripture: *Matth.* 16. *Flesh and blood hath not revealed it to thee, but my Father. Psalm* 84. *I shall hear what the Lord God shall speak in me. Psalm* 118. *Reveal thou my eyes, and I shall consider the wondrous things of thy law. John* 16. *When the Paraclete shall come, he will teach you all things. 1 John* 2. *His unction will teach you of all things. 1 Cor.* 2. *But God hath revealed to us by his Spirit.* And in 1. dist. 46. dub. 8. litt. he proves it by that *1 Corinthians* 12. *No man can say the Lord Jesus, but by the Holy Ghost.*

PROBATUR primo a D. Bonau. *ad 6.* Ioan. Hoc est opus Dei, ut credatis*, ubi de fide loquebatur: Et infra:* Nemo potest venire ad me, nisi Pater, qui misit me, traxerit eum. *Deinde id probat* S. Doct. *in 1. dist. 21. quaest. ult. ad 1. ex* Matth. *11.* Nemo novit Filium, nisi Pater: neque Patrem quis novit, nisi filius, et cui voluerit filius revelare. *Hunc locum urget etiam* de 7. Itineribus AEternitatis*, dist. 5.* Itineris tertii*, et* Itinere 5. *dist. 4. ubi plura loca Scripturae conglobata affert,* Matth. *16.* Caro, et sanguis non revelavit tibi, sed Pater meus. Psal. *84.* Audiam quid loquatur in me Dominus Deus. Psal. *118.* Revela oculos meos, et considerabo mirabilia de lege tua. Ioan. *16.* Cum venerit Paraclitus, ille docebit vos omnia. Prima Ioan. 2. Unctio docebit vos omnia. Prima Cor. 2. Nobis autem revelavit Deus per spiritum suum. *Et in 1. dist. 46. dub. 8. litt. id probat illo* prima Corinth. *12.* Nemo potest dicere Dominus Iesus, nisi in Spiritu Sancto.

10 He proves the same here from *1 Cor.* 12. *To another is given faith in the same Spirit:* but he is speaking of graces freely given: Therefore also of the act of formless faith. Then from the Gloss on that *1 Cor.* 13. *And if I should have all faith, so that I could remove mountains*, where he notes that it must be a gift of God, since it works miracles above nature.

> *Idem probat hic ex* prima Cor. *12*. Alii datur fides in eodem Spiritu: *loquitur autem de gratiis gratis datis: Ergo et de actu fidei informis. Deinde ex Glossa ad id* prima Cor. *13*. Et si habuero omnem fidem, ita ut montes transferam*, ubi adnotat, debere esse donum Dei, cum mirabilia supra naturam operetur.*

11 He also brings forward that *Rom.* 8. *You have not received the spirit of bondage again in fear.* Now fear arises from formless faith, as the Council of Trent teaches.

> *AFFERT etiam id* Rom. *8*. Non accepistis spiritum servitutis iterum in timore. Timor autem oritur ex fide *informi, ut docet Concilium Tridentinum.*

12 FINALLY the Councils define that faith is supernatural and a gift of God. So the Second Council of Orange cap. 6. 8. 16. 25. and 27. Milevis cap. 4. Trident. sess. 6. can. 3. and cap. 5. 6. and 12. Celestine epist. 1. *to the Bishops of Gaul.* Innocent I. epist. 25. and 26. which are 92. and 93. *among the epistles of D. Augustine.* The same is taught everywhere by *S. Augustine de praedest. Sanctorum; de bono perseverantiae. S. Prosper con. Collatorem*, from cap. 36. and dub. 8. *ad capit. Gallorum*, and *S. Fulgentius de Incar. cap. 8.*

> *TANDEM definiunt Concilia, fidem esse supernaturalem et donum Dei. Sic Arausicanum secundum cap. 6. 8. 16. 25. et 27. Milevit. cap. 4. Trident. sess. 6. can. 3. et cap. 5. 6. et 12. Caelestinus epist. 1.* ad Episcopos Galliae. *Innocentius I. epist. 25. et 26. quae sunt 92. et 93.* inter epistolas D. August. *Idem docent passim* S. August. de praedest. Sanctorum; de bono perseverantiae. S. Prosper con. Collatorem*, a cap. 36. et dub. 8.* ad capit. Gallorum*, et* S. Fulgentius de Incar. cap. 8.

13 MASTRIUS ANSWERS that the Scriptures, the Councils, and the Fathers indeed require a special help of God for the act of faith, not on account of its substantial supernaturalness, but on account of its mode. Therefore he says the Tridentine Council declares the help of God necessary that the act of faith be elicited *as it ought*, namely for justification. Therefore the help of God is necessary that we assent to the articles *as we ought*, that is, on account of the testimony of God. And therefore the Council of Trent sess. 6. cap. 6., describing that faith which disposes to justification, says that it is that by which we are freely moved toward God, believing that the things which have been divinely revealed and promised are true. Therefore they require the infused habit for the infallibility of the assent, not for the substance.

> *RESPONDET* Mastrius*, Scripturas, Concilia, et Patres exigere quidem auxilium Dei speciale ad actum fidei, non propter supernaturalitatem substantialem eius, sed propter modum eius. Ideo ait Tridentinum, auxilium Dei necessarium esse, ut eliciatur actus fidei* sicut oportet*, nempe ad iustificationem. Itaque auxilium Dei necessarium est, ut assentiamur articulis,* sicut oportet*, idest propter testimonium Dei. Et ideo Concil. Tridentinum sess. 6. cap. 6. eam fidem describens, quae ad iustificationem disponit, ait, eam esse, qua libere movemur in Deum, credentes, vera esse, quae divinitus revelata, et promissa sunt. Igitur habitum infusum exigunt ad infallibilitatem assensus, non ad substantiam.*

14 But the formality of the Divine revelation is the essence of faith, not an accidental mode, nor is the infallibility of the assent the formality of the supernatural act; for the heretic also firmly assents to the articles in which he agrees with us; and yet that is not supernatural faith. Nor let Mastrius say

that those articles are believed by the heretic with human faith; for he believes them as revealed in the divine Scriptures, to which he gives credence.

> *At formalitas revelationis Divinae est essentia fidei, non modus accidentalis, neque infallibilitas assensus est formalitas actus supernaturalis; nam et haereticus firmiter assentitur articulis, in quibus nobiscum convenit; et tamen illa non est fides supernaturalis. Neque dicat* Mastrius*, eos articulos credi ab haeretico fide humana; nam credit ea, ut revelata Scripturis divinis, quibus credit.*

15 It is PROVED from *D. Bonaventure* secondly, by a reason deduced from this. By no natural or acquired habit is the intellect raised above itself, so as to assent to the First Truth for its own sake, and above all things: But by the habit of faith the intellect is raised in the manner said: Therefore.

> *PROBATUR a* D. Bonau. *secundo, ratione hinc deducta. Secundum nullum habitum naturalem, vel acquisitum, elevatur intellectus supra se, ut assentiat primae veritati propter se, et super omnia: Sed habitu fidei elevatur intellectus modo dicto: Ergo.*

16 It is PROVED thirdly from *D. Bonaventure.* That which produces substantially supernatural effects is of the same order, because there is no effect above the cause; but faith is the cause of miracles, not only according to the subject or mode, but also according to substance: Therefore. The minor is proved *Matth.* 7. and at the end *Act.* 19. and elsewhere.

> *PROBATUR tertio a* D. Bonau. *Id, quod producit effectus substantialiter supernaturales, est eiusdem ordinis, quia non est effectus super causam; sed fides est causa miraculorum, non modo secundum subiectum vel modum, sed etiam secundum substantiam: Ergo. Minor probatur* Matth. *7. et ult.* Act. *19. et alibi.*

17 It is PROVED fourthly in the body of the text. That which takes away from faith the reason of virtue takes away the substantial reason; but to believe from a human motive takes away the reason of virtue from faith: Therefore. The major is evident. The minor is proved; for to believe a man speaking is not praiseworthy in itself, but indeed often blameworthy.

> *PROBATUR quarto in corpore. Id, quod tollit a fide rationem virtutis, tollit rationem substantialem; sed credere ex motivo humano tollit rationem virtutis a fide: Ergo. Maior est evidens. Minor probatur; nam credere homini dicenti, non est laudabile per se, imo saepe vituperabile.*

18 It is PROVED fifthly from *S. Doctor* in the body of the text, because if, as to mode only, of greater certainty, help were given for the act of faith; it would follow that nature could, of itself, without elevation above nature, attain that greater intensity, if an intense cogitation were given in the order of nature: But this is false: Therefore. The minor is proved from *1 Timothy* 1. *I have obtained the mercy of God, that I may be faithful*, where, as *S. Augustine* rightly weighs, he did not say *that I may be more faithful, but that I may be faithful.* See Cardinal de Lugo *num. 33.* Suarez *tom. 4. in 3. p. disp. 3. sect. 6. and Vasq. 1. 2. disp. 187. cap. 2.*

> *PROBATUR quinto a* S. Doct. *in corpore, quia si quo ad modum tantum maioris certitudinis daretur auxilium ad actum fidei; sequeretur, naturam posse seipsa, absque elevatione supra naturam, attingere illam maiorem intentionem, si daretur cogitatio intensa in ordine naturae: Sed hoc est falsum: Ergo. Minor probatur ex* prima Timoth. *1.* Misericordiam Dei consecutus sum, ut essem fidelis*, ubi ut bene ponderat* S. August. *non dixit,* ut essem fidelior, sed, ut essem fidelis. *Vide Cardinalem de Lugo* num. 33. *Suarez* tom. 4. in 3. p. disp. 3. sect. 6. et Vasq. 1. 2. disp. 187. cap. 2.

19 From what has been said I conclude that the faithful have a permanent habitual gift for believing; otherwise they would not permanently have the help, so that whenever they will, they may elicit the act of faith. That this habit is given is so certain that it cannot be denied without temerity and error, as Lugo observes *disp. 9. sect. 3.*, Salas *tom. 2. in primam 2. tract. 10. disp. 3. sect. 4* and others at him, who indeed say that it is of faith. It was defined in the Council of Trent *sess. 6. cap. 7. and in the Council of Mainz, celebrated in the year 1549.; and Peter John, in the time of Innocent III.* was for this reason condemned and exhumed. See Lugo.

> *Ex dictis colligo, fideles habere donum permanens habituale ad credendum, alioqui non haberent permanenter auxilium, ut semper, quando volunt, actum fidei eliciant. Hunc habitum dari, adeo certum est, ut sine temeritate, et errore negari non possit, ut advertunt Lugo* disp. 9. sect. 3. *Salas* tom. 2. in primam 2. tract. 10. disp. 3. sect. 4 *et alii apud eum, qui immo dicunt, esse de fide. Id definitum est in Concilio Trident.* sess. 6. cap. 7. et in Concilio Moguntino, celebrato, anno 1549. et Petrus Ioannes, tempore Innocentii III. *fuit ob id damnatus, et exhumatus. Vide Lugum.*

20 *You will OBJECT first* with Mastrius, that the Councils speak of the acts of the way and of the acts of the fatherland with such diversity; for toward the latter they require supernatural help; but for the acts of the way they do not require absolutely the help of grace, but that they be made *as they ought:* Therefore they signify that these are not absolutely supernatural, but by reason of mode, so that there are given other acts of these virtues which are not *as they ought*, namely proportionate to justification, but natural: Thus Aversa urges *p. 2. question 55. sect. 4.*

> Obiicies primo *cum Mastrio, Concilia tali diversitate loquuntur de actibus viae, et de actibus patriae; nam ad hos, exigunt auxilium supernaturale; ad actus autem viae non exigunt absolute auxilium gratiae, sed ut fiant,* sicut oportet: *Ergo significant, eos non esse supernaturales absolute, sed ratione modi, ita ut dentur alii actus istarum virtutum, qui non sint,* sicut oportet, *nempe ad iustificationem proportionati, sed naturales: Sic urget Aversa* p. 2. quaest. 55. sect. 4.

21 *It is ANSWERED*, that that clause is added to define what pertains only to faith; because the Fathers of the Council knew that the opinions of the Nominalists and others existed, saying that natural acts of these virtues are given; and of others denying that the habits of Faith, Hope, and Charity are infused for supernatural acts, because the Council of Vienna had accepted the assertive part only as the more probable. Therefore the Council of Trent, willing to eradicate every contrary opinion, defines that the virtues are infused for these acts, although it does not call them habits, as Vega observes *lib. 7. in Trident. cap. 24.*, who was himself present at it. The same says Soto, an eyewitness *lib. 2. de natura, et gratia, cap. 19.* Therefore the Council does not suppose that there are given other natural acts of these virtues and others *as they ought*, but whatever is opinionatively circulated, it decrees that these acts are supernatural, and that for eliciting them habits are infused for eliciting their substance simply.

> Respondetur, *particulam illam apponi ad definiendum id, quod solum ad fidem spectat, quia sciebant Patres Concilii, extare opiniones Nominalium, et aliorum, dicentium, dari actus harum virtutum naturales: et aliorum negantium, infundi habitus Fidei, Spei, et Charitatis ad actus supernaturales, eo quod Viennense Concilium partem assertivam, solum ut probabiliorem, acceptasset. Igitur Concilium Trident. omnem contrariam opinionem volens eradicare, definit, infundi virtutes ad hos actus, licet non nominet eos, habitus, ut observat Vega* lib. 7. in Trident. cap. 24. *cui ipse interfuit. Idem dicit Soto, testis oculatus* lib. 2. de natura, et gratia, cap. 19. *Itaque non supponit Concilium, dari*

alios actus virtutum istarum naturales, et alios sicut oportet*, sed quidquid opiniative circumferatur, statuit, hos actus esse supernaturales, et ad eos eliciendos infundi habitus ad simpliciter substantiam eorum eliciendam.*

22 But suppose it grants that there are given some natural acts similar to them, imitating those which are perfect *as they ought;* it is not inferred that true acts of faith, resting on human authority, are given, as Coninck notes from D. Bonaventure *in the body of the text*.

At esto supponat, dari aliquos actus similes naturales, imitantes eos, qui sunt perfecti, sicut oportet; *non infertur, dari actus fidei veros, humana nixos authoritate, ut notat Coninchius ex D. Bonau.* in corpore.

23 *Mastrius INSISTS*. If the mind of the Council was that we can elicit acts indeed similar, but not of the same substantial reason; there was no reason for adding *as it ought*, but it would have said absolutely that the acts of faith cannot be elicited; just as the Council of Vienna speaks absolutely, that a special help is necessary for seeing God.

Instat Mastrius. *Si mens Concilii erat, nos posse elicere actus quidem similes, non autem eiusdem substantialis rationis; non erat cur adiiceret* sicut oportet*, sed absolute dixisset, non posse elici actus fidei; sicut C. Viennense absolute loquitur, necessarium esse speciale auxilium ad Deum videndum.*

24 *I shall say*, that the Council of Trent adds that clause to exclude all acts whatsoever that were circulated as sufficient, even as to mode supernatural, introduced by Scotus and his followers, and on that account to define the necessity of the infused habits; and although it does not define as to this, it nevertheless defines as to excluding other opinions, asserting that natural acts of the virtues of Faith, Hope, etc. are given; and that these suffice — which nevertheless are not acts of true virtue of faith, as S. Bonaventure teaches *in the body of the text*. The Council of Vienna, however, speaks absolutely, because the Beguines and Beghards, against whom it acts, ascribed to natural intellectual virtue the efficacious power of seeing God; nor was anything else circulated. And if you say that then the writings of Scotus existed, saying that God can by absolute power raise someone with natural powers to seeing God, or at least that the light of glory is not necessary. I say, that first thing is not asserted by Scotus, nor is he rightly involved among the Beghards; rather it is related in his life that he died of the pains that assailed him, bathed in sweat, after the disputation against the Beghards; nor did the Council wish to condemn the opinion of Scotus, who judges that yet an actual help is required, substantially necessary, as is evident *I. dist. 6. question 2. art. 1.* but on this *p. 1. tract. 1. disp. 11. from num. 145*.

Dicam*, Concilium Trident. apponere illam particulam ad excludendos omnes actus quoscumque, qui circumferebantur sufficientes, etiam quoad modum supernaturales, a Scoto, et asseclis invectos, et ob id definire necessitatem infusorum habituum; et licet hoc non definiat, quoad hoc; tamen definit quoad alias opiniones excludendas, asserentes actus naturales virtutum Fidei, Spei, etc. dari; et hos sufficere, qui tamen non sunt verae virtutis fidei actus, ut docet S. Bonau.* in Corpore. *Concilium autem Viennae absolute loquitur, quia Beguinae, et Beguardi, contra quos agit, adscribebant virtuti naturali necessariae intellectivae virtutem efficacem ad Deum videndum; nec aliud circumferebatur. Et si dicas, tunc extitisse scripta Scoti, dicentis, posse Deum absoluta potentia elevare aliquem naturalibus viribus ad Deum videndum, vel saltem non esse necessarium lumen gloriae. Dico, illud primum non asseri a Scoto, neque ipsum recte involvi inter Beguardos; imo refertur in eius vita, quod sit mortuus vi dolorum, qui eum invaserunt, sudore madentem, post disputationem contra Beguardos; neque Concilium voluit damnare opinionem Scoti, qui existimat requiri tamen auxilium actuale substantialiter necessarium, ut constat* I. dist. 6. quaest. 2. art. 1. *sed de hoc* p. 1. tract. 1. disp. 11. a num. 145.

25 *You will OBJECT secondly* with Scotus *1. dist. 17. question 2. and quodl. 17. art. 2.* If the act of faith were substantially of a higher order, such that man cannot attain such acts with his own powers, as to physical entity; man could know that he is in grace from the promptitude and facility with which he would experience in himself the crediting and loving of God, and everyone would know by experience when he exercises supernatural acts.

> Obiicies secundo *cum Scoto* 1. dist. 17. quaest. 2. et quodl. 17. art. 2. *Si actus fidei esset substantialiter altioris ordinis, ut nequeat homo propriis viribus tales actus attingere, quoad physicam entitatem; posset homo cognoscere, se esse in gratia ex promptitudine, et facilitate, qua experiretur in seipso ad credendum, et diligendum Deum, et unusquisque experimento sciret, quandonam exercet actus supernaturales.*

26 *It is ANSWERED first* from D. Bonaventure *dist. 25.* that knowing faith implies nothing; but it does not follow that one knows that he is in grace, because many unknown things are required for this, as, that that act of charity be above all, while I can have, from vincible ignorance, aversion from God, and conversion to some created object. Further, Cardinal Lugo proceeds *disp. 5. sect. 7.*, and exceeding, receding *disp. 5. sect. 7. num. 115.* Then Scotus's inference does not follow (let them say secondly) because from infused faith alone one cannot elicit an act of believing, from Scotus *quodl. 14 art. 1. H. and Mastr. 191.* Therefore he does not argue well here, that I, eliciting a supernatural act of faith, already clearly recognize it, because a natural act is mixed with it, which does not allow him to distinguish it from the supernatural act. Add, that the habit does not at once give that facility, for we experience that such acts are arduous. Hence neither do we perceive the habit immediately by touch; and the facility, if any comes, you ascribe to the acquired habit.

> Respondetur primo *ex D. Bonau.* dist. 25. *nihil implicare, sciri fidem; at non sequitur, sciri, se esse in gratia, quia ad hoc requiruntur multa ignota, ut, quod actus ille charitatis sit super omnia, dum possum habere ex ignorantia vincibili aversionem a Deo, et conversionem ad aliquod creatum obiectum. Amplius procedit Lugo Cardin.* disp. 5. sect. 7. *atque excedit recedens* disp. 5. sect. 7. num. 115. *Deinde non sequitur Scoti illatio (dicant secundo) quia ex fide sola infusa non potest quis elicere actum credendi ex Scoto* quodl. 14 art. 1. H. et Mastr. 191. *Igitur non bene hic arguit, me elicientem actum fidei supernum, illum iam clare agnoscere, quia ei admixtus est naturalis, qui non sinit illum distinguere ab actu superno. Adde, habitum non illico dare illam facilitatem, nam experimur arduos esse tales actus. Unde nec habitum palpo statim percipimus; et facilitatem, si quae adveniat, habitui acquisito adscribas.*

27 *You will OBJECT thirdly.* That which can be actualized by another is not of a different order from it: the natural act is perfectible by the supernatural: *Therefore.*

> Obiicies tertio. *Quod est actuabile ab alio, non est diversi ordinis ab eo: actus naturalis est perfectibilis a superno:* Ergo.

28 *It is ANSWERED* easily, that the natural act has its ultimate specific gradual being, nor is it potential as to the supernatural act except by moral potency, and that they are twins specifically distinct. So also natural and supernatural potency differ in genus.

> Respondetur *facile, actum naturalem habere suum esse ultimum graduale specificum, nec esse potentialem ad actum supernaturalem, nisi morali potentia, esseque geminos specie distinctos. Sic et potentia naturalis, et supernaturalis differunt genere.*

Question XXVIII: Whether the difference between faith and other acts, natural as opposed to supernatural moral acts, always arises from the object

[1] This difficulty is common also to the other virtues: whether natural and supernatural acts always differ from their objects, formal objects certainly; for the material object can be attained by several virtues.

> ***Utrum differentia FIDEI, et aliorum actuum naturalium a supernaturalibus moralibus proveniat semper ex obiecto.***
>
> *Haec difficultas est communis etiam aliis virtutibus: an differant semper actus naturales, et supernaturales earum ex obiectis, formalibus sane; nam materiale obiectum potest a pluribus attingi virtutibus.*

[2] The first opinion is negative; for although very many differ thus, still other natural acts differ from supernatural ones only on the part of the principle, inasmuch as one requires to be made by a solely natural principle, while the other requires to arise from a supernatural principle. So Scotus *3. dist. 25. quaest. 2. and dist. 27. quaest. 1.* whom the Scotists follow, as Mastrius *disp. 6. quaest. 7. and* Molina *in concordia, disput. 7. and disp. 13. and 14. and disp. 52.* Coninck *de supernaturalitate actuum, disp. 5. dub. 1. 2. and 3.* Granado *in p. 1. in prooem. disp. 5. sect. 4 num 13. and quaest. 12. tract. 5. disp. 8. num. 6. and 1. 2. tract. 1. disp. 4. sect. 3.* Salas *in primam 2. tom. 2. tract. 11. disput. 6.* THE SECOND opinion is that these acts differ from the formal object. So St. Bonaventure in 3. dist. 23. art. 2. quaest. 3. Cajetan, Conrad, and Medina as at Salas loc. cit. Vasquez tom. 1. in primam secundae, disp. 86. cap. 6. and tom. 2. disp. 195. cap. 3. Suarez lib. 2. de gratia, cap. 11. and tom. 4. in 3. p. disp. 3. sect. 6. num. 10. and the following section. The same Turrianus opusc. 2. de gratia, disp. 8. and opusc. 13. dub. 3. Curiel in the present quaest. 109. art. 1. dub. 3. §. 4. Tanner. Bannes, Amicus disp. 10. sect. 4. and others as at Mastrius disp. 6. quaest. 7. in 3. Cardinal de Lugo disp. 9. sect. 1. The Mediator comes forward saying that, possibly, an act of natural virtue and an infused one are not distinguished on the part of the formal object; in fact, however, natural acts are given around the same object as supernatural ones.

> *Prima opinio est negativa; esto enim quamplures ita differant; adhuc tamen alii actus naturales a supernaturalibus differunt solum ex parte principii, quatenus unus petit fieri a solo principio naturali; alter vero exigit oriri a principio supernaturali. Ita Scotus* 3. dist. 25. quaest. 2. et dist. 27. quaest. 1. *quem sequuntur Scotistae apud Mastrium* disp. 6. quaest. 7. et *Molina* in concordia, disput. 7. et disp. 13. et 14. et disp. 52. *Coninch.* de supernaturalitate actuum, disp. 5. dub. 1. 2. et 3. *Granado* in p. 1. in prooem. disp. 5. sect. 4 num 13. et quaest. 12. tract. 5. disp. 8. num. 6. et 1. 2. tract. 1. disp. 4. sect. 3. *Salas* in primam 2. tom. 2. tract. 11. disput. 6. *SECUNDA sententia est, eos actus differre ex obiecto formali. Ita D. Bonav. in 3. dist. 23. art. 2. quaest. 3. Caietanus, Conradus, et Medina apud Salam loc. cit. Vasquez tom. 1. in primam secundae, disp. 86. cap. 6. et tom. 2. disp. 195. cap. 3. Suarez lib. 2. de gratia, cap. 11. et tom. 4. in 3. p. disp. 3. sect. 6. num. 10. et sect. seq. Idem Turrianus opusc. 2. de gratia, disp. 8. et opusc. 13. dub. 3. Curiel in praesenti quaest. 109. art. 1. dub. 3. §. 4. Tanner. Bannes, Amicus disp. 10. sect. 4. et alii apud Mastrium disp. 6. quaest. 7. in 3. Cardinalis de Lugo disp. 9. sect. 1. Mediator accedit dicens, de possibili non repugnare actus virtutis naturalis, et infusae non distingui ex parte obiecti formalis; de facto tamen dari actus naturales circa idem obiectum cum supernaturalibus.*

[3] I ASSERT with the second opinion that supernatural acts differ from natural acts by the formal object.

> *ASSERO cum secunda sententia, actus supernaturales differre ab actibus naturalibus ex obiecto formali.*

4 It is PROVED first here by St. Bonaventure from the Scriptures, Councils, and Fathers alleged in the preceding question, which distinguish supernatural acts as substantially requiring the help of Divine grace in order to attain their object. Hence the Second Council of Orange, can. 5. and 25. condemns those who say that the faith by which we believe in God is natural, as he confirms by the testimony of the Apostle *Philip. 1. To you it is given for Christ, not only to believe in him, etc.* And the Council of Trent sess. 6. cap. 6. teaches that man is disposed to justification while he is freely moved to believe in God that those things which he has said are true. And this is that *as is fitting*, can. 3. From these the Holy Doctor draws the fourth fundamental argument, on which he relies in the body: *By no natural or acquired habit is the intellect raised above itself, so as to assent to the first truth for its own sake, and above all things: Therefore the habit of Inform Faith has acts from the object not attainable by natural or acquired virtue, by reason of the object.* On this argument Suarez relies, lib. 2. de gratia, cap. 11. It is confirmed, moreover, because the supernatural virtues would be superfluous, if their object could be attained by nature. And if the act is supernatural, it must be occupied about an object of a higher order, not attainable by natural virtue; and thus exceed the mode of acting of the natural potency.

> *PROBATUR primo hic a D. Bonav. e Scripturis, Conciliis, et Patribus, allegatis quaestione praecedenti, distinguentibus actus supernaturales substantialiter exigentes auxilium Divinae gratiae, ut obiectum suum attingant. Hinc Concilium Araus. 2. can. 5. et 25. damnat eos, qui dicunt, fidem, qua in Deum credimus, esse naturalem, ut confirmat testimonio Apostoli* Philip. 1. Vobis datum est pro Christo, non solum ut in eum credatis, etc. *Et Concilium Trident. sess. 6. cap. 6. docet, hominem ad iustificationem disponi, dum libere movetur in Deum credens, vera esse, quae ab ipso dicta sunt. Et hoc est illud* sicut oportet, *can. 3. Ex his eruit S. Doct. argumentum quartum fundamentale, quo nititur in corpore:* Secundum nullum habitum naturalem, vel acquisitum, elevatur intellectus supra se, ut assentiat primae veritati propter se, et super omnia: Ergo habitus fidei informis habet actus ex obiecto, non attingibiles a virtute naturali, vel acquisita, ratione obiecti. *Hoc argumento nititur Suarez lib. 2. de gratia, cap. 11. Confirmatur, alioqui virtutes supernaturales essent superfluae, si earum obiectum posset a natura attingi. Et si actus est supernaturalis, debet versari circa obiectum altioris ordinis, non attingibile a virtute naturali; et ita excedere modum agendi potentiae naturalis.*

5 Mastrius ANSWERS num. 223. that although the supernatural object, say God as beatifying supernaturally, cannot first be attained without revelation, nevertheless what is revealed can be naturally desired, or the Mystery believed with someone narrating it; and then the supernatural object does not exercise the reason of its supernaturalness; and thus with respect to such an act it is not a supernatural object in the act exercised; but only in the act signified. Therefore the supernaturalness of the act is not attended to on the part of the object; but on the part of the subject.

> *RESPONDET Mastrius num. 223. licet obiectum supernaturale, puta Deus, ut beans supernaturaliter, nequeat primo attingi sine revelatione, tamen revelatum, posse naturaliter desiderari, vel Mysterium credi aliquo narrante; et tunc obiectum supernaturale non exercere rationem suae supernaturalitatis; et ita respectu talis actus, non est supernaturale obiectum in actu exercito; sed solum in actu signato. Itaque supernaturalitas actus non attenditur ex parte obiecti; sed ex parte subiecti.*

6 Yet this stinks badly, and savors of Pelagianism, that after revelation has been made man could believe by his own powers; for he always needs, by virtue of supernatural help, otherwise at the first elicited act, the help of God would be superfluous for subsequent ones, by reason of the excellence of the object, which always sufficiently exceeds natural powers.

Hoc tamen male olet, et sapit Pelagianismum, quod facta revelatione possit homo credere suis viribus; nam semper virtute auxilii supernaturalis eget, alioqui elicito primo actu, superfluum est Dei auxilium ad subsequentes, ratione excellentiae obiecti, quod satis vires naturales semper excedit.

7 Suarez URGES: If anyone could attain by a natural act the truth of God as revealing the Mystery of the Incarnation, that act will be as certain as the supernatural one: Therefore it will have every condition in order to salvation, and will be *as is fitting*. It is confirmed; for since Trent defines that the gift of the Holy Spirit is necessary that anyone may be able to believe, hope, love and repent, *as is fitting*; he speaks also of the believer, who otherwise also had similar acts, while he was otherwise converted; otherwise someone could be converted a tenth time by natural powers.

URGET Suarez. Si quis posset actu naturali attingere veracitatem Dei, ut est revelans Mysterium Incarnationis, ille actus erit tam certus, quam supernaturalis: Ergo habebit omnem conditionem in ordine ad salutem, et erit sicut oportet. *Confirmatur; nam cum Tridentinum definit, necessarium esse donum Spiritus Sancti, ut quispiam credere, sperare, diligere et poenitere valeat,* sicut oportet*; loquitur etiam de fideli, qui alias etiam habuit similes actus, dum alias conversus est; alioqui posset aliquis decima vice converti viribus naturalibus.*

8 Arriaga ANSWERS sect. 2. that the Philosopher can assent by a natural act to this article: *God is one*, with as much certainty as is assented to from revelation, on the part of the object; wherefore he says, help is required not on account of certainty; but on account of proportion with grace, which is supernatural.

RESPONDET Arriaga sect. 2. posse Philosophum assentiri actu naturali huic articulo: Deus unus est*, tanta certitudine, quanta assentitur ex revelatione, ex parte obiecti; quare ait, auxilium requiri non propter certitudinem; sed propter proportionem cum gratia, quae est supernaturalis.*

9 But Mastrius, conceding that it is required on account of greater certainty as well, denies that the assent of the philosopher would be equally certain as that of the believer.

Mastrius vero concedens, requiri propter maiorem etiam certitudinem, negat, fore aeque certum assensum philosophi, ac fidelis.

10 Suarez INSISTS that each relies on the truth of God, which is one.

INSTAT Suarez, utrumque niti Dei veracitate, quae una est.

11 Mastrius ANSWERS that the philosopher relies on the truth of God, known by human faith, which is fallible, and therefore that act is not so certain.

RESPONDET Mastrius, philosophum niti veracitate Dei, cognita fide humana, quae est fallibilis, et ideo actus ille non est ita certus.

12 YET the Holy Doctor ARGUES better, and urges, from the disproportion of the object, on account of which the help of God is still necessary; otherwise the help would be superfluous, if nature could attain it; for the Truth of God is regarded by a supernatural act for its own sake, as the Holy Doctor says, but the truth is regarded by the philosopher on account of natural reasons, which are of a lower order.

MELIUS tamen arguit, et urget S. Doct. ex improportione obiecti, ob quam necessarium adhuc est Dei auxilium; alioqui superfluum esset auxilium, si natura eo possit attingere; Veracitas enim Dei actu supernaturali respicitur propter se, ut ait S. Doct. at veracitas a philosopho respicitur ob rationes naturales, quae sunt inferioris ordinis.

13 It is PROVED second by St. Bonaventure in 3. dist. 13. quaest. 3. ad 1. and dist. 26. quaest. 2. ad 1. *Virtues and habits are specified by acts; and acts by formal objects: Therefore virtues of diverse species must have objects of diverse species; but infused and acquired faith are of diverse species: therefore they must have objects of diverse species.* It is confirmed from St. Bonaventure loc. cit. in 3. whom Scotus follows 3. dist. 23. §. ad quaestionem; and quodl. 14. ac. 17. where he distinguishes infused faith from acquired on the part of the motive and the formal object; because infused faith relies on the immediate testimony of God, beneath which falsehood cannot subsist. But acquired faith relies on created testimony, beneath which falsehood can subsist.

> *PROBATUR secundo a D. Bonav. in 3. dist. 13. quaest. 3. ad 1. et dist. 26. quaest. 2. ad 1.* Virtutes, et habitus specificantur ab actibus; et actus ab obiectis formalibus: Ergo virtutes diversae speciei debent habere obiecta diversae speciei; sed fides infusa, et acquisita sunt diversae speciei: ergo debent habere obiecta diversae speciei. *Confirmatur ex D. Bonavent. loc. cit. in 3. quem sequitur Scotus 3. dist. 23. §. ad quaestionem; et quodl. 14. ac. 17. ubi fidem infusam ab acquisita distinguit ex parte motivi, et obiecti formalis; eo quod fides infusa nititur immediate testimonio Dei, cui nequit subesse falsum. Fides vero acquisita, testimonio creato, cui potest subesse falsum.*

14 Mastrius ANSWERS num. 228. from what was said num. 208. that virtues indeed of the same order have a diverse object, but not so virtues of diverse orders, because they are often subordinate; for to the supernatural habit is subordinated the habit of the natural order, as to its proper rule.

> *RESPONDET Mastrius num. 228. ex dictis num. 208. quod virtutes quidem eiusdem ordinis habent diversum obiectum, non sic virtutes diversi ordinis, quia saepe sunt subordinatae; habitui enim supernaturali subordinatur habitus ordinis naturalis, tanquam propriae regulae.*

15 CONTRA; because subordination, or subalternation always adds something, accidental indeed to the subalternating, but essential to the subalternated. Thus Perspective adds to the Geometric object, which is figure, being visual; and Music to Arithmetic, of numbers, being of sounds; whence the subalternating is always distinct as to object. Next it is false that the natural habit is subalternated to the supernatural, first, because the latter contains more than the natural. Then, because for this reason supernatural things require the help of God, because they exceed the whole order of nature; otherwise if such an object can be attained by natural virtue, grace is certainly superfluous, which is Pelagian, as Suarez also infers. I suppose, moreover, that they are supernatural substantially, but grant it as to mode; still that mode cannot be attained, and is essential to that habit: and it adds a new formal reason, because by this it transcends the power of nature. That it constitutes the formal reason is proved; because the honesty of that virtue, as far as we are concerned, with divine revelation removed, holds itself as the object; for it moves to that virtue under this reason, as Lugo advertises num. 19.

> *CONTRA; quia subordinatio, seu subalternatio semper addit aliquid, accidentale quidem subalternanti; sed essentiale subalternato. Sic Perspectiva addit obiecto Geometrico, quod est figura, esse visuale; et Musica Arithmeticae numeris, esse sonorum; unde subalternans semper obiecto distincta est. Deinde falsum est, naturalem habitum subalternari supernaturali, primo, quia iste plus continet, quam naturalis. Deinde, quia ideo supernaturalibus necessarium est Dei auxilium, quia totum ordinem naturae excedunt; alioqui si tale obiectum potest attingi a virtute naturali, profecto superfluit gratia, quod est Pelagianum, ut infert etiam Suarez. Suppono autem, esse supernaturales substantialiter, at esto quoad modum; adhuc ille modus nequit attingi, et est essentialis illi habitui: atque rationem novam addit formalem, quia per hanc transcendit naturae vim. Quod vero constituat rationem formalem, probatur; quia honestas illius virtutis,*

ut nobis, ablata divina revelatione, se tenet ut obiectum; movet enim sub hac ratione ad virtutem illam, ut advertit Lugo num. 19.

16 But Mastrius ANSWERS 232. and Lugo num. 25. that the necessity of grace is not destroyed by that opinion; because this necessity is not proved from the motive or the object, but from the proportion which these acts have with supernatural beatitude, to which faith is ordered, and from the excellent mode of attaining such an object.

RESPONDET vero Mastrius 232. et Lugo num. 25. non destrui illa opinione necessitatem gratiae; quia haec necessitas non probatur ex motivo, vel obiecto, sed ex proportione, quam hi actus habent cum beatitudine supernaturali, ad quam fides ordinatur, et ex modo excellenti attingendi tale obiectum.

17 BUT on the contrary it was shown above that this supernaturalness is substantial to the acts, and accordingly arises from the objects from which the acts are specified, according to the doctrine of Aristotle.

AT contra ostendi supra, hanc supernaturalitatem esse substantialem actibus, atque adeo provenire ex obiectis unde specificantur actus, iuxta Aristotelis doctrinam.

18 *You will object first.* Natural and supernatural love of God regard the same object, namely the divine goodness. And if you say that natural love regards God as the author of nature, but supernatural love as the author of supernatural gifts: Scotus REPLIES *3. dist. 27. quaest. unica, art. 2.* grant some diversity comes from this in the love of concupiscence; nevertheless none will come in the love of friendship, by which God is loved for his own sake, and by which he is good in himself.

Obiicies primo. *Amor Dei naturalis, et supernaturalis respiciunt idem obiectum, nempe divinam bonitatem. Et si dicas, amorem naturalem respicere Deum, ut est auctor naturae, amotem vero supernaturalem, ut est auctor donorum supernaturalium: Replicat Scotus* 3. dist. 27. quaest. unica, art. 2. *esto aliqua diversitas inde eveniat in amore concupiscentiae; nulla tamen eveniet in amore amicitiae, quo amatur Deus propter se, et qua est bonus in se.*

19 *But in truth I answer*, that the love of friendship also regards God as a good by absolute goodness, which is supernaturally communicable, and indeed this known and objected through revelation; but that he is loved by natural love of friendship as a good by goodness communicable through nature, naturally objected. From which the opposition of Mastrius *num. 215.* and of Coninck *disp. 5. dubio 3.* also collapses.

Enim vero respondeo*, etiam amorem amicitiae respicere Deum, ut bonum bonitate absoluta, quae supernaturaliter est communicabilis, et hac quidem cognita, et obiecta per revelationem; at vero amore amicitiae naturali amari, ut bonum bonitate communicabili per naturam, naturaliter obiecta. Ex quo ruit etiam oppositio Mastrii* num. 215. *et Coninchii* disp. 5. dubio 3.

20 *You will object secondly.* If acquired virtue cannot tend to the same object to which infused tends, we would easily discern when we elicit an act of Faith, and of supernatural Charity; and accordingly we would know ourselves constituted in the grace of God.

Obiicies secundo. *Si virtus acquisita non possit tendere in idem obiectum, in quod tendit infusa, facile discerneremus, quando elicimus actum Fidei, et Charitatis supernaturalem; atque adeo sciremus, nos in Dei gratia constitutos.*

21 *It is answered from what was said in the preceding quaest.*, that it is not certain to me that the supernatural object is loved above all things, because by invincible ignorance there can be some

obstacle of sin.

> Respondetur ex dictis quaest. praecedenti, *non constare mihi, obiectum supernaturale amari super omnia, quia potest esse ex ignorantia vincibili aliquod obstaculum peccati.*

22 *You will object thirdly.* When someone narrates to me that the Son of God was incarnate, or another similar article, I naturally hear those voices, and can naturally conceive that whole supernatural object; and then the will can be borne to such an object with love, loving Christ, emptied for me, so that this may be the motive reason. So Mastrius, and Auversa.

> Obiicies tertio. *Quando aliquis mihi narrat, Filium Dei incarnatum, vel alium articulum similem, naturaliter audio illas voces, et naturaliter possum concipere totum illud obiectum supernaturale; et tunc potest voluntas in tale obiectum amore ferri, diligendo Christum, pro me exinanitum, ut haec sit ratio motiva. Sic Mastrius, et Auersa.*

23 *It is answered from St. Bonaventure.* that hearing that is indeed the material [element] of faith, but formally it is not perceived by assent, or not thought by assent, as faith requires, unless the Divine light be present, or the habit of faith, without which he will not assent to any article, nor believe, nor apprehend it as possible; since it is against the course of nature, and consequently neither will he love.

> Respondetur ex D. Bonav. *auditum illum esse quidem materiale fidei, sed formaliter non percipi assensu, seu non cogitari assensione, ut fides exigit, nisi adsit lumen Divinum, vel habitus fidei, sine quibus non assentietur articulo alicui, neque credet, neque apprehender, eum possibilem; cum sit contra naturae cursum, et consequenter neque diliget.*

24 *You will insist.* By acquired faith anyone can believe God to be Triune, even after becoming a heretic he loses faith, then he believes that by human faith, even if he believes by the motive of the first truth revealing in the same way as before he believed clothed with faith; otherwise he would acknowledge that he has lost faith.

> Instabis. *Fide acquisita potest quispiam credere Deum Trinum, etiam postquam factus haereticus amittit fidem, tunc id credit fide humana, etiamsi credat motivo veritatis primae, revelantis eodem modo, quo ante credebat fide amictus; alioqui agnosceret, se amisisse fidem.*

25 *They commonly answer from St. Bonaventure.* that the heretic believes the Mystery of the Trinity in a diverse manner before the fall, and after he has lost faith, denying e. g. the Church, and still believing the Trinity: for before he believed immediately, as revealed by divine faith; now however by human faith; And indeed that revelation enters the formal object I showed *quaest. 2.* Therefore he no longer believes revelation, or the divine truth revealing, while he denies the Church, through which it is revealed; and moreover he has a perverse affection about the motives of faith, and about the formal object, which Arriaga *disp. 14. num. 18.* and Mastrius, *n. 219.* undeservedly deny. Nor does he sufficiently advert to the difference of assents, because in these internal acts natural and supernatural motives are found, as Suarez advertises *lib. 2. de gratia, cap. 11.* nor is it so easy as Arriaga and Mastrius feign to themselves.

> Respondent communiter ex D. Bonau. *diverso modo credere haereticum Mysterium Trinitatis ante lapsum, et postquam amisit fidem, negando v. g. Ecclesiam, et adhuc credendo Trinitatem: nam ante credebat immediate, ut fide divina revelatum; nunc autem fide humana; Et sane revelationem ingredi obiectum formale, ostendi* quaest. 2. *Igitur non amplius credit revelationi, seu divinae veritati revelanti, dum negat Ecclesiam, per quam revelatur; et praeterea habet affectum pravum circa motiva fidei, et circa obiectum formale, quod immerito negat Arriaga* disp. 14. num. 18.

et Mastrius, n. 219. *Neque satis advertit differentiam assensuum, quia in his actibus internis reperiuntur motiva naturalia, et supernaturalia, ut advertit Suarez* lib. 2. de gratia, cap. 11. *nec adeo facile est, ut sibi fingunt Arriaga, et Mastrius.*

26 *You will object fourthly.* Grant that the distinction of objects would infer the distinction of acts; nevertheless the specific unity of the object does not always conclude the unity of act and potency, because potencies diverse in species, by acts diverse in species, can be occupied about the same object, not only material; but even formal. *It is proved.* For the same object is the object of every intellect of the blessed, and also of every will of the blessed, and yet volition is not of the same species as intellection. Nor did Aristotle say that acts have unity from the unity of the object, but distinction. And although acts are specified on account of objects, they are not nevertheless specified as from an adequate principle; for they are specified also in order to the principles; indeed more from those on which they more depend.

Obiicies quarto. *Esto distinctio obiectorum inferret distinctionem actuum; non tamen unitas obiecti specifica semper concludit unitatem actus, et potentiae, quia diversae specie potentiae, diversis specie actibus possunt circa idem obiectum, nedum materiale; sed etiam formale versari.* Probatur. *Idem enim obiectum est obiectum omnis intellectus beati, et etiam omnis voluntatis beatae, nec tamen volitio est eiusdem speciei cum intellectione. Neque Aristoteles dixit, quod actus habeant unitatem ab unitate obiecti, sed distinctionem. Et licet actus specificentur ob obiectis, non tamen tanquam a principio adaequato; specificantur enim etiam in ordine ad principia; imo magis ab his, a quibus magis pendent.*

27 *It is answered according to the oft-repeated principle of Scotus,* that the same principle is constitutive and distinctive, giving to being [to be] one and in itself undivided, and distinct from any other; and accordingly if acts specify, or the specified show objects, they give them both. But what he says about intellect and will is most false; for they are borne to the material object by entirely diverse formal reasons. The Intellect, taking into itself the object, as true, for knowledge; the Will, going forth outside with love to the good, just as among all [authors] these potencies are also diverse. I equally deny what he said about the principle; for the potencies, which are principles, are made so much the more diverse inasmuch as they are so instituted for such operations, and accordingly natural potencies in order to various acts have been made various. Whence it comes about that the whole reason of diversity is excellently taken from the acts.

Respondetur iuxta principium decantatum Scoti*, idem esse principium constitutivum, et distinctivum, dans enti esse unum, et in se indivisum, et distinctum a quocumque alio; atque adeo si actus specificant, vel specificata ostendunt obiecta, dant eis utrumque. Quod vero dicit de intellectu, et voluntate, falsissimum est; nam diversis omnino rationibus formalibus feruntur in obiectum materiale. Intellectus, accipiendo in se obiectum, ut verum ad notitiam; Voluntas, extra amore egrediendo ad bonum, sicuti apud omnes diversae etiam sunt hae potentiae. Nego pariter id, quod dicebat de principio; nam potentiae, quae sunt principia, in tantum diversae sunt factae, in quantum taliter institutae sunt ad tales operationes, ac proinde potentiae naturales in ordine ad actus varios, factae sunt variae. Quo fit, ut optime tota ratio diversitatis ex actibus accipiatur.*

28 *You will object fifthly.* Let certain virtues be compared as to their acts. Natural mercy is borne to the needy, that it may relieve him; so also infused [mercy] is borne to the needy by the same motive of piety. So natural and infused Justice are borne to the restitution of a stolen thing, on account of the turpitude of theft.

Obiicies quinto. *Comparentur virtutes aliquae, quoad earum actus. Misericordia naturalis fertur in egenum, ut ei subveniat; sic etiam infusa fertur motivo eodem pietatis in egenum. Sic Iustitia naturalis, et infusa feruntur ad restitutionem furtivae rei, ob turpitudinem furti.*

29 *It is answered with Vasquez*, that they have a diverse formal object; for natural Justice and Mercy regard the neighbor as a political fellow-citizen; but infused [Justice and Mercy regard the neighbor] as joined to him in Christ, as a member of one body of the Church, and thus the virtues are distinguished; for as Aristotle says *3. Polit. cap. 3. Virtues are distinguished according to the diverse polities to which they order the subject*.

Respondetur cum Vasquez, *diversum habere obiectum formale; nam Iustitia, et Misericordia naturalis respicit proximum, ut concivem politicum; infusa vero, ut in Christo sibi, tanquam membrum unius corporis Ecclesiae, coniunctum, et sic distinguuntur virtutes; nam ut ait Aristoteles* 3. Polit. cap. 3. Virtutes distinguuntur secundum diversas politias, ad quas ordinant subiectum.

30 *But what Lugo explains num. 9.* is against experience, and against the reason of merit; for thus one acting from a natural motive merits nothing, and Preachers ought to advert to this, lest so many works perish.

Quod vero explicat Lugo num. 9. *esse contra experimentum, et contra meriti rationem; nam sic agens ex motivo naturali nihil meretur, atque deberent Praedicatores hoc adverterte, ne tot opera pereant.*

31 *The Holy Doctor resolves it in the Diaeta, at the end of title 1.* that one must admonish him who makes alms, with what end he expends it, that he may obtain the merit of alms; for not every end is sufficient; but a supernatural end proportioned to the reward. Therefore at the end of the world the kingdom of heaven will be given with these words: *For I was hungry, and you gave me to eat, etc.* not because it is necessary to intend giving to Christ; but to give to the needy on account of the divine command.

Resolvit S. Doct. in Dieta, in fine tituli 1. *admonendum, qui facit eleemosynam, quo fine eroget, ut meritum eleemosynae obtineat; non enim omnis finis est satis; sed finis supernaturalis proportionatus praemio. Ideo in fine mundi dabitur regnum caelorum, his verbis:* Esurivi enim, et dedistis mihi manducare, etc. *non quia necesse sit intendere dare Christo; sed dare inopi ob divinum praeceptum.*

Question XXIX: On the effects of faith

1 **§ St. Thomas, quaest. 7. in two articles.**

De FIDEI effectibus.

§ D. Thom. quaest. 7. per duos articulos.

2 St. Thomas enumerates twin effects of faith, namely Fear and the Purification of the heart. He gathers each from Scripture: Fear indeed from *2. of James: The demons believe, and tremble:* Purification, from *15. Acts: Faith purifying hearts.*

Geminos fidei effectus recenset D. Thomas, scilicet Timorem, et Purificationem cordis. Utrumque colligit e Scriptura: Timorem quidem ex 2. Iacobi: Daemones credunt, et contremiscunt: *Purificationem, ex* 15. Act. Fide purificans corda.

3 But St. Bonaventure more elegantly, *serm. 1. de pluribus Martyribus*, considering that chapter 11. *ad Hebr.* where the Apostle places the definition of faith, and establishes it as the foundation of the whole spiritual edifice, shows that almost all good things are derived from faith.

> *ENIM vero elegantius S. Bonav.* serm. 1. de pluribus Martyribus*, considerans caput illud 11.* ad Hebr. *ubi Apostolus definitionem fidei ponit, eamque fundamentum totius spiritualis aedificii statuit, Omnia fere bona e fide derivari ostendit.*

4 *He PROVES* it, however, because Every cause, the more first it is, so much the more universal for producing all effects, as is had *in the book de causis*. But he confirms this with examples; for the supreme Pontiff inflows more into the Church than the Archbishop; and the latter more than the Bishop; and he more than the Archdeacon. Similarly the heavens, the higher they are, the more universal causes of effects. Finally the root inflows more than the Trunk; and the latter more than the branches for producing fruits. Since therefore faith is the foundation and root of the virtues, it must have very many effects.

> PROBAT *autem, quia Omnis causa quanto est prima, tanto universalis ad omnes effectus producendos, ut habetur* in lib. de causis. *Hoc autem exemplis confirmat; nam in Ecclesiam plus influit summus Pontifex, quam Archiepiscopus; et hic magis, quam Episcopus; et hic magis, quam Archidiaconus. Similiter caeli, quo superiores sunt, eo universaliores effectuum causae. Tandem radix influit magis, quam Truncus; et hic magis, quam rami ad fructus producendos. Cum itaque fides sit fundamentum, et radix virtutum; oportet, ut plurimos effectus habeat.*

5 FIRST therefore he asserts with the Apostle *ad Ephes.* and *Hebr. 11. The saints by faith conquered kingdoms*, etc. that faith is a Shield for resisting the adversary, and conquering him. This encomium of faith St. Cyril of Jerusalem ascribes *catech. 5.*

> *PRIMO igitur fidem esse Scutum ad resistendum adversario, atque vincendum, asserit cum Apostolo* ad Ephes. *et* Hebr. 11. Sancti per fidem vicerunt regna*, etc. Hoc elogium fidei adscribit D. Cyrillus Hierosol.* catech. 5.

6 THEN he says that good works arise from faith: Whence it is said *Hebr. 11. They wrought justice*, that is, good works, which he enumerates at length in the Saints with an amphitheater erected. Thirdly faith is said to be the beginning of salvation: *They obtained the promises.*

> *DEINDE ait, opera bona e fide exurgere: Unde dicitur* Hebr. 11. Operati sunt iustitiam *idest bona opera, quae late in Sanctis erecto Amphitheatro enumerat. Tertio dicitur fides esse initium salutis:* Adepti sunt repromissiones.

7 Fourthly, he asserts faith to be illuminative of the intellect, and purgative of the affect, and fortificative of effects, and thus to rule all the potencies, which are sufficiently divided into the Cognitive, Volitive, and Operative.

> *Quarto, fidem esse illuminativam intellectus asserit, et purgativam affectus, et effectus fortificativam, et ita omnes potentias regere, quae satis dividuntur in Cognitivam, Volitivam, et Operativam.*

8 It is THEREFORE illuminative, like a ray of the Sun. But as the ray more illuminates the subject that is disposed, e. g. the air than water; water than earth, and a golden tablet more than a silver one, and silver more than wood; so also faith; whence Peter 2. *cap. 1.* having related the glorious transfiguration of the Son of God in the figure of the Sun, says: *We have the more firm prophetic word: whereunto you do well to attend, as to a lamp shining in a dark place, until the day dawn, and the day star arise in your hearts.* The Holy Doctor continues, that the sun illuminates and warms more quiet bodies, because man becomes wise and understanding while the soul rests, as Aristotle says 7. *Phys. t. 20.*

Therefore the Sun warms quiet water, not flowing. Thus therefore he illuminates and warms quiet minds with the ray of faith. From which he infers that heretics, because they are unstable and unquiet, are never illuminated or warmed. See the Seraphic Doctor wonderfully eloquent in his discourse.

> *EST igitur illuminativa, veluti Solis radius. Sicut autem radius magis illuminat, quod subiectum est dispositum, v. g. aërem, quam aquam; aquam, quam terram, et tabulam auream, magis quam argenteam, et argenteam, plus quam ligneam; ita etiam fides; unde Petrus* 2. cap. 1. *relata gloriosa filii Dei transfiguratione in figuram Solis, ait:* Habemus firmiorem propheticum sermonem: cui benefacitis attendentes, quasi lucernae lucenti in caliginoso loco, donec dies illucescat, et Lucifer oriatur in cordibus vestris. *Pergit S. Doct. solem illuminare magis, et calefacere corpora quieta, quia homo fit sapiens, et intelligens, dum anima quiescit, ut ait Aristoteles 7.* Phys. t. 20. *Ideo Sol calefacit aquam quietam, non defluentem. Sic igitur mentes quietas radio fidei illuminat, et calefacit. Ex quo infert, haereticos, quia instabiles sunt, et inquieti, nunquam illuminari, vel calefieri. Vide Seraphicum mirabili discursu eloquentem.*

9 Wherefore he says that that blind man *Lucae 18.* received light from Faith: *Look, your faith has made you safe.* For this is the first Light to salvation. Therefore *Hebr. 11.* it is said: *It is the argument of things not appearing.*

> *Propterea ait, caecum illum* Lucae 18. *a Fide lucem accepisse:* Respice, fides tua, te salvum fecit. *Haec enim est primum Lumen ad salutem. Ideo* Hebr. 11. *dicitur:* Est argumentum non apparentium.

10 SECONDLY he proves Faith to be purgative. And he proves it with St. Thomas first from that *Act. 15.* Then, because the soul, since it is the most noble image of God, drinks in impurities while it is mixed with earth through faults, and unlike God, appears monstrous. But Faith, like the Sun, purges the earthly dregs, raises the humors to heaven, resolves them into showers, and sends forth the flowing ones into rains, to adorn the earth with flowers and enrich it with fruits, and vivifies it lying half-dead with horrible rigidity in winter. Therefore it is said *Rom. 1.* to give life: *The just lives by faith;* for Faith is, let it be said, the Dawn, fleeing the shadows of nights. Whence also Baptism, which is the Sacrament of light, as is said in the same epistle ad Hebr. and regeneration, is called the Sacrament of faith. See the Holy Doctor.

> *SECUNDO Fidem probat esse purgativam. Id vero probat cum D. Thom. primo ex illo* Act. 15. *Deinde, quia anima, cum sit nobilissima imago Dei, impuritates ebibit, dum terrae miscetur per culpas, et a Deo dissimilis, monstrosa apparet. Fides autem, veluti Sol expurgat terreas faeces, humores elevat ad caelum, in imbres resolvit, et defluentes in pluvias emittit ad ornandam floribus, et fructibus ditandam terram, eamque hyeme semimortuam, horribili rigore iacentem, vivificat. Ideo dicitur* Rom. 1. *dare vitam:* Iustus ex fide vivit; *est enim Fides, dici Aurora, fugans tenebras noctium. Unde et Baptismus, qui est Sacramentum luminis, ut dicitur eadem epistola ad Hebr. et regeneratio, dicitur Sacramentum fidei. Vide S. Doctorem.*

11 THIRDLY he shows faith to be operative; for the more a virtue is first, and root, and foundation, so much the more does it inflow into operation. So (he says) the virtue of the heart, which is the root or foundation of all the members, inflows most, and makes the part more robust into which it inflows from nearer, and thus renders the right part stronger, whence the right arm is stronger for fighting. From which Aristotle says *lib. 2. de hist. animalium cap. 2.* that the Lion first moves the right foot to walking; And the woman who is pregnant with a male, when suddenly called, first moves the right foot rather than the left. Now faith is the foundation or substance *Hebr. 11.* because as substance is the foundation and basis of all accidents; so also Faith, of the virtues. Hence in the chapter brought

forward the highest and glorious works of the Saints are enumerated: *The saints by faith, etc.* See the Seraphic Doctor, whose words I am reluctant to transfer, discoursing at length loc. cit.

> *TERTIO fidem operativam ostendit; nam virtus quanto prior est, et radix; ac fundamentum, tanto plus influit operationis. Sic (ait) virtus cordis, quae est omnium membrorum radix, sive fundamentum, maxime influit, et robustiorem facit partem, in quam e viciniori influit, sic partem dexteram reddit fortiorem, unde brachium dextrum fortius est ad pugnandum. Ex quo ait Aristoteles* lib. 2. de hist. animalium cap. 2. *Leonem primum movere pedem dextrum ad ambulandum; Et mulier, quae praegnans est masculo, subito vocata, prius mover pedem dextrum, quam sinistrum. Iam vero fides est fundamentum, seu substantia* Hebr. 11. *quia sicut substantia est omnium fundamentum, et basis accidentium; ita et Fides, virtutum. Hinc allato cap. recensentur altissima, et gloriosa opera Sanctorum:* Sancti per fidem, etc. *Vide Seraphicum, cuius piget verba transferre loc. cit. prolixe disserentem.*

12 He PROCEEDS indeed to show that Faith is the principle of Fear; Servile fear indeed has Inform Faith as its principle; for through faith we fear the eternal punishments believed; but the beginning of Filial fear is Formed Faith, which proposes to us the benefits of God, his goodness, promises, etc.

> *PERGIT vero ostendere, Fidem esse Timoris principium; Servilis quidem est principium fides informis; nam per fidem timemus poenas creditas aeternas; Filialis vero timoris initium est fides formata, quae nobis proponit Dei beneficia, bonitatem, promissiones, etc.*

13 St. Augustine enumerates the fruits of Faith *serm. 10. de verbis Apostoli*. Ambrose *serm. 8. in Psalm. 118.* and other Fathers as at St. Bonaventure in Pharetra *lib. 2. cap. 23. and in Diaeta, tit. 5. cap. 3. and tit. 8. cap. 5. and p. 1. Brevil. cap. 2. and the following: and lib. 5. Compendii Theologicae veritatis, from cap. 19. to 21.* In these places he says marvelous things, which it would be difficult to report worthily, unless transcribed word for word. Nor does he set forth less splendid things *in the sermons of the Hexaemeron 2. 6. 8.* Similarly also in other little works, which if I were to report, I would fill very many leaves; but I deliberately send you back to the Fountain, whence you may drink the veins of Paradise. I return to that sermon, in which the Holy Doctor seemed to concede Inform Faith to the demons; but he understands it, according to what was said by us with him *quaest. 26.*

> *FIDEI fructus enumerat S. August.* serm. 10. de verbis Apostoli. *Ambrosius* serm. 8. in Psalm. 118. *et alii Patres apud D. Bonav. in Pharetra* lib. 2. cap. 23. et in Diaeta, tit. 5. cap. 3. et tit. 8. cap. 5. et p. 1. Brevil. cap. 2. et sequentibus: et lib. 5. Compendii Theologicae veritatis, a cap. 19. ad 21. *His locis mira dicit, quae arduum esset pro dignitate referre, nisi transcripta ad verbum. Nec minus praeclara in* sermonibus Hexaemeronis 2. 6. 8. *edisserit. Similiter et in aliis opusculis, quae si referrem, plurima replerem folia, sed consulto ad Fontem remitto, unde Paradisi venas haurietis. Revertor ad sermonem illum, in quo visus est S. Doctor, Fidem informem daemonibus concedere; sed intelligit, iuxta dicta a nobis cum illo* quaest. 26.

Question XXX: On the gift of understanding

1 Faith is followed by understanding, which penetrates those things which, covered with shadows, are proposed to be believed, and, with the help of reason, makes the things believed in a certain way seen; hence the Holy Doctor *quaest. 3. ad 1.* says that Understanding is related to Faith as Wisdom to charity; for the latter deals about eternal things according to eternal reasons in order to the vision of truth; the former is occupied about the same things, according to the same reasons too, but in order to the taste of love; science differs from those because it is occupied about creatures through created reasons, as I shall say below.

> ***De DONO INTELLECTUS.***

FIDEM consequitur intellectus, qui penetrat ea, quae tenebris offusa, credenda proponuntur, et rationis adminiculo, credita faciat quodammodo visa; hinc S. Doctor quaest. 3. ad 1. *dicit, Intellectum se habere ad fidem, sicut Sapientia ad charitatem; illa enim negotiatur circa aeterna secundum rationes etiam aeternas in ordine ad veritatis visionem; Ista vero circa eadem, iuxta easdem quoque rationes, versatur, sed in ordine ad dilectionis gustum; ab illis differt scientia, quod versetur circa creaturas per creatas rationes, ut infra dicam.*

2 But since it is clear that Understanding is implied together with faith, since faith only simply assents, and captivates the mind into its service: but Understanding proceeds further, and is as it were a knowledge by vision, as the Seraphic Doctor says *in Diaeta, tit. 6. cap. 3. de Dono Intellectus*, therefore I shall treat of this by doubts.

CUM autem implicare pateat, Intellectum simul esse cum fide, cum fides tantum simpliciter assentiatur, et captivet mentem in suum obsequium: Intellectus vero ulterius procedat, et sit quasi cognitio per visum, ut ait Seraphicus in Diaeta, tit. 6. cap. 3. de Dono Intellectus*, ideo de hoc per dubitationes agam.*

Doubt I: Whether understanding is a gift of the Holy Ghost

1 I ASSERT. It is proved from St. Bonaventure in the places alleged, especially de Dono intellectus, cap. 2. and St. Thomas art. 1. Understanding imports a certain intimate cognition; for to understand is said as it were to read within, and this is clear to one considering the difference between the cognition of the Intellect and of the senses; for sensitive cognition is occupied about sensible things outside; but intellectual cognition, as nobler and subtler, penetrates even to the interior quiddities of things, because the object of the intellect is whatever is, from Aristotle 3. de anima, text. 37. Whence human cognition begins from sense, nor is it perfected unless it arrives at the Intellect, which truly knows what a thing is. For it is said in the book de spiritu, et anima, cap. 11. that: *Whatever the senses perceive outwardly, the imagination represents inwardly, reason investigates, the intellect judges, intelligence comprehends, and leads to contemplation, which memory preserves.* But it must be adverted that intellect is sometimes taken as it is the natural power of the soul, and thus the author of the Book de Spiritu, et anima speaks of it, while he says, *that the intellect is the power of the soul by which it perceives invisible things*, with which Aristotle de anima concurs. And this intellect is for the most part blinded: Whence Psal. 81. *They did not know, nor understand.* Sometimes the Intellect is taken as the intellectual virtue, or the habit of the first natural principles, which subsist beneath the light of the intellect, as is clear from Aristotle 6. Eth. cap. 6. But neither of these is the Gift of the Holy Spirit.

An INTELLECTUS sit donum Spiritus Sancti.

ASSERO. Probatur a D. Bonav. allatis locis, praecipue de Dono intellectus, cap. 2. et D. Thom. art. 1. Intellectus importat quandam intimam cognitionem; dicitur enim intelligere quasi intus legere, et hoc patet consideranti differentiam inter cognitionem Intellectus, et sensus; nam cognitio sensitiva occupatur circa sensibilia extra; cognitio autem intellectiva, tanquam nobilior, atque subtilior, penetrat usque ad quidditates rerum interiores, quia obiectum intellectus est quid quid est, ex Aristotele 3. de anima, text. 37. Unde cognitio humana incipit a sensu, neque perficitur, nisi perveniatud ad Intellectum, qui vere cognoscit, quid est res. Dicitur enim in lib. de spiritu, et anima, cap. 11. quod: Quidquid sensus respicit exterius, imaginatio repraesentat interius, ratio investigat, intellectus diiudicat, intelligentia comprehendit, et ad contemplationem adducit, quae memoria conservat. *Sed advertendum est, quod intellectus interdum accipitur, ut est Vis animae naturalis, et ita de eo loquitur author Libri de Spiritu, et anima, dum ait,* quod intellectus est vis animae, qua invisibilia percipit*, cui concordat Aristoteles de anima. Et hic intellectus, ut plurimum caecutiens est: Unde Psal. 81.* Nescierunt, neque intellexerunt. *Sumitur interdum*

Intellectus, ut dicit virtutem intellectualem, seu habitum primorum principiorum naturalium, quae subsunt lumini intellectus, ut patet ex Aristotele 6. Eth. cap. 6. Sed neuter istorum est Donum Spiritus Sancti, licet sit a Deo, atque adeo a Spiritu etiam Sancto.

2 Since however man is ordered to beatitude as to a supernatural end, as appears from his image; therefore one must posit an intellect, or some light, as the supernatural habit of supernatural principles, which are the articles of faith, and in consequence the operation of certain [virtues] which are ordered to the end, because: *Faith works through love*, as the Apostle says Galat. 5. and this supernatural light is called the gift of Understanding, which names a certain excellence of cognition, penetrating supernatural things, which cannot be had by natural light.

Quoniam vero ordinatur homo ad beatitudinem, tanquam finem supernaturalem, ut apparet ex eius imagine; ideo oportet ponere intellectum, sive lumen aliquod, ut est habitus supernaturalis principiorum supernaturalium, quae sunt articuli fidei, et ex consequenti quarundam operationem, quae ordinantur ad finem, quia: Fides per dilectionem operatur*, ut ait Apostolus Galat. 5. et hoc lumen supernaturale vocatur donum Intellectus, quod nominat quandam excellentiam cognitionis, penetrantis supernaturalia, quae non potest haberi lumine naturali.*

3 But it is DESCRIBED in the book de spiritu, et anima, loc. cit. *Intelligence is that power of the soul which is immediately subjoined to God: for it discerns the highest truth itself.*

DESCRIBITUR autem lib. de spiritu, et anima, loc. cit. Intelligentia ea vis animae est, quae immediate supponitur Deo: cernit siquidem ipsum summum verum.

4 AGAIN it is defined there cap. 37. *The Intellect is that power of the soul by which, as far as is possible to man, the Divine things are known, for penetrating the heavenly secrets, which cannot be penetrated except through his spirit, who also searches the deep things of God.* Whence the Apostle says 1. Cor. 2. *But to us God has revealed by his Spirit, who searches all things, even the deep things of God.* This is St. Bonaventure literally, and almost St. Thomas.

RURSUS definitur ibi cap. 37. Intellectus, ea vis animae est, qua de Divinis, quantum homini possibile est, cognoscitur, ad caelestia arcana penetranda, quae penetrari nequeunt, nisi per spiritum eius, qui etiam profunda Dei scrutatur. *Unde ait Apostolus 1. Cor. 2.* Nobis autem revelavit Deus per spiritum suum, qui omnia scrutatur, etiam profunda Dei. *Haec D. Bonav. ad litteram, et fere D. Thomas.*

5 The Holy Doctor proves the same thing by the testimonies of the Scriptures, and of the Fathers. Prima Ioan. 2. *The anointing of the Spirit teaches us.* Ioan. 16. *When the Paraclete shall come, he will teach you all truth.* He proves the same in Diaeta loc. cit. from 2. Timot. 2. *The Lord will give you understanding in all things.* He proves the same in 3. dist. 34. p. 1. art. 2. quaest. 2. *The spirit of the Lord shall rest upon him, the Spirit of wisdom, and of understanding.*

Id ipsum probat S. Doct. Scripturarum, et Patrum testimoniis. Prima Ioan. 2. Unctio Spiritus docet nos. *Ioan. 16.* Cum venerit Paraclitus, docebit vos omnem veritatem. *Idipsum probat in Diaeta loc. cit. ex 2. Timot. 2.* Dabit tibi Dominus in omnibus intellectum. *Idem probat in 3. dist. 34. p. 1. art. 2. quaest. 2.* Requiescit super eum spiritus Domini, Spiritus sapientiae, et intellectus.

6 St. Bonaventure elegantly discourses on the most noble and delightful cognition which the Gift of understanding communicates, under the metaphor of a banquet, de septem donis, cap. 7. Where he first asserts that by the gift of Understanding celestial dishes are set forth, and he reports St. Gregory lib. 1. Moral. cap. 32. saying: *Understanding prepares a banquet in its day: because in that it penetrates what is*

heard, refreshing the heart, it illuminates its shadows: Therefore in the penetration of the things heard, the truth having been found, the mind is refreshed. The reason is, because it does not suffice the mind to taste the coverings of truths, but the kernel. Since therefore the gift of Understanding, according to Gregory, penetrates all the coverings of divine truth, both in the Scriptures and in doctrine, it reaches even to the intimate truth to be tasted, by a certain intellectual experience, which belongs to the most perfect, as Bernard says in Cantica; therefore the gift of Understanding refreshes the mind most sweetly. Speaking of this taste of experience, Bernard in the book de amore Dei cap. 10. says: *The taste of the experience of the Scriptures, and of the Sacraments of God, which is in Christ, gives us sense, that we may understand the Scriptures.* Whence the Lord after the resurrection opened the sense of the disciples, *that they might understand the Scriptures*, at the end of Luke. See the Seraphic Doctor delighting divinely in this bread *having all savor of sweetness*, Sap. 16. *For he feeds them with the bread of life, and understanding.* Eccles. 15.

> *DE nobilissima, et delitiosa cognitione, quam communicat Donum intellectus, eleganter disserit sub metaphora convivii S. Bonav. de septem donis, cap. 7. Ubi primo asserit, pet donum Intellectus caelestes epulas apponi, et refert D. Gregorium lib. 1. Moral. cap. 32. dicentem:* Intellectus in die suo convivium parat: quia in eo quod audita penetrat reficiendo cor, tenebras eius illustrat: *Ergo in penetratione auditorum, inventa veritate, mens reficitur. Ratio est, quia menti non sufficit gustare velamina veritatum, sed nucleum. Cum igitur donum Intellectus, secundum Gregorium, penetret omnia velamina veritatis divinae, tam in Scripturis, quam in doctrina, usque ad intimam veritatem degustandam, quadam intellectuali experientia pertingat, quod perfectissimorum est, ut ait Bernardus in Cantica; ideo donum Intellectus dulcissime mentem reficit. De hoc gustu experientiae Bernardus loquens in lib. de amore Dei cap. 10. ait:* Gustus experientiae Scripturarum, et Sacramentorum Dei, qui est in Christo, facit nobis sensum, ut intelligamus Scripturas. *Unde Dominus post resurrectionem aperuit discipulis sensum,* ut intelligerent Scripturas*, Lucae ultimo. Vide Seraphicum divinitus delitiantem pane hoc* habente omnem saporem suavitatis*, Sap. 16.* Cibat enim pane vitae, et intellectus. *Eccles. 15.*

Doubt II: Whether the gift of understanding can coexist with faith

1 I ASSERT. It is proved from St. Thomas here, and St. Bonaventure de 7. donis, cap. 7. by that of Luke at the end: *He opened their sense, that they might understand the Scriptures.* I shall prove the same in the following doubt.

> Utrum DONUM INTELLECTUS possit esse simul cum FIDE.
>
> *ASSERO. Probatur a D. Thoma hic, et D. Bonav. de 7. donis, cap. 7. illo Lucae ultimo:* Aperuit illis sensum, ut intelligerent Scripturas. *Idem probabo, dubio sequenti.*

2 It is PROVED from St. Bonaventure loc. cit. by the discourse of the Lincolnian upon the beginning of the Mystical Theology, which he uses as St. Thomas does, because the gift of Understanding raises [the mind] to the senses of the Scriptures, and the understanding of the Mysteries, in a manner proportioned to the way; yet where God does not seem to be [seen] without Symbols, even in the anagogic senses, not to mention the literal, allegorical, and moral; for he still enters with Moses into the cloud, as is said Exodus 24.

> *PROBATUR a S. Bonav. loc. cit. discursu Linconiensis super principium Mysticae Theologiae, quo uti ur D. Thom. quia donum Intellectus erigit ad sensus Scripturarum, et intelligentiam Mysteriorum, modo proportionato viae; ubi tamen non videtur Deus sine Symbolis, etiam in sensibus anagogicis, ne dum litteralibus allegoricis, et moralibus; intrat enim adhuc cum Moyse caliginem, ut dicitur Exodi 24.*

3 THEN he proves it, because this gift raises the mind as much as is necessary for merit; Therefore it is said Luke 10. *Moreover one thing is necessary;* and accordingly, as much as it does not detract from faith in the way, it raises the mind, as necessary for the ordinary mode of merit.

> *DEINDE id probat, quia elevat hoc donum mentem, quantum necessarium ad meritum; Ideo dicitur Lucae 10.* Porro unum est necessarium; *atque adeo, quantum non detrahit fidei in via, necessatiae ad modum meriti ordinarium, mentem erigit.*

4 Which doctrine of St. Thomas solves the objections of those striving [to prove] that the gift of understanding, as clearly showing the object of faith, is repugnant to be shown.

> *QUAE doctrina S. Thom. solvit obiecta conantis, donum intellectus, tanquam clare ostendens obiectum fidei, repugnans ostendere.*

Doubt III: Whether the gift of understanding consists in the contemplation of the Creator and of the creature

1 QUAERIT the holy Doctor what the proper act of the gift of Understanding is, and what its object. He supposes, moreover, that knowledge of God can be had in three ways. First, by a simple and immediate assent, and this belongs to faith. Second, by the assistance of reason, namely by perceiving the instinct of the Holy Spirit, whereby one is led to the assent of faith. ¶ Third, by a simple intuition, and this belongs to that beatitude which consists in the cleanness of heart, whose prerogative it is to see God.

> An DONUM INTELLECTUS consistat in contemplatione Creatoris, et Creaturae.
>
> *QUAERIT S Doct. qui sit actus proprius doni Intellectus, et quod obiectum. Supponit autem, cognitionem de Deo posse tripliciter haberi. Primo per simplicem, et immediatum assensum, et hoc est fidei. Secundo per rationis adminiculum, nempe percipiendo Spiritus Sancti instinctum, quo ad assensum fidei. ¶ Tertio per simplicem intuitum, et hoc est illius beatitudinis, quae stat in munditia cordis, cuius est Deum videre.*

2 Since, therefore, the reasons, or motives, by which one is helped toward understanding the things believed, are taken not only from the conditions of the Creator, but also from the conditions of spiritual creatures, which among creatures hold a closer assimilation to the Creator; hence it is that the gift of Understanding, whose act is to be raised up to the contemplation of the Supreme Truth by a light that not only makes one assent, but also to understand the things believed through fitting reasons, is directed not only to the contemplation of the creative essence, but also of spiritual creatures.

> *Quoniam ergo rationes, seu motiva, quibus iuvantur ad credita intelligenda, accipiuntur non solum a conditionibus Creatoris, sed etiam a conditionibus Creaturae spiritualis, quae inter creaturas viciniorem habet assimilationem ad Creatorem; hinc est, ut donum Intellectus, cuius actus est in contemplationem Summi veri elevari per lumen, quod non solum facit assentire, sed etiam per congruas rationes credita intelligere, non solum attenditur in contemplatione creatricis essentiae, sed etiam spiritualis creaturae.*

3 From these considerations he deduces what the act and the object of the gift of Understanding are. Its object, indeed, is the eternal True, insofar as it is intelligible, not only according to its proper conditions, but also according to the properties of creatures that are like God, as the Master says. But its act is to contemplate the very Truth believed, so that it may be believed more devoutly and loved more ardently.

Ex his deducit, quis sit actus, et obiectum doni Intellectus. Obiectum enim eius est Verum aeternum, in quantum intelligibile, non solum secundum proprias conditiones, sed etiam secundum proprietates creaturarum Deo similium, ut dicit Magister. Actus vero eius est contemplari ipsum Verum creditum, ut devotius credatur, et ardentius diligatur.

4 Whence it follows that its act is speculative, because it looks to the assent of faith, but also practical, because it looks to the articles as ordered to Charity; for *faith works through love*, as the Apostle says, *Gal. 5*. Therefore the gift of Understanding extends itself to certain things to be done, not indeed so as to be principally occupied with them; but insofar as in our actions we are ruled by the eternal reasons, in the beholding and consulting of which, according to Aug. 12 *de Trin. cap. 7.*, the soul adheres to the superior reason, which is perfected by the gift of understanding, as St. Thomas also teaches. The holy Doctor confirms this with St. Thomas, from that Psalm 110: *Intellectus bonus omnibus facientibus eum* — a good understanding to all that do it.

Ex quo fit, ut actus eius sit speculativus, quia respicit assensum fidei, sed practicus etiam, quia respicit articulos, ut ordinatos ad Charitatem; nam fides per dilectionem operatur*, ut ait Apostolus* Galat. 5. *Itaque donum Intellectus ad quaedam operabilia se extendit, non quidem, ut circa ea principaliter versetur; sed in quantum in agendis regulamur rationibus aeternis, quibus conspiciendis, et consulendis, secundum August. 12.* de Trin. cap. 7. *adhaeret superior ratio, quae dono intellectus perficitur, ut docet etiam D. Thomas. Id confirmat S. Doct. cum D. Thom. illo Psalm. 110.* Intellectus bonus omnibus facientibus eum.

5 He ASSERTS, therefore, that the object of this Gift is the CREATOR, even as He shines forth in spiritual creatures, which are the Images of God.

ASSERIT igitur, obiectum huius Doni esse CREATOREM, etiam ut relucentem in creaturis spiritualibus, quae sunt Imagines Dei.

6 It is PROVED from the holy Doctor, first, from the Master *in littera*, saying that Understanding concerns not only eternal things, but also things invisible and spiritual, arisen in time.

PROBATUR a S. Doct. primo ex Magistro in littera *dicente Intelligentiam non tantum de aeternis esse, sed etiam de rebus invisibilibus, et Spiritualibus, in tempore exortis.*

7 SECOND, from St. Dionysius, *cap. 1. de coelesti hierarchia, circa medium*, where he has: *It is impossible that, so long as we are on the way, the divine ray shine forth upon us unveiled; but the creature that is spiritual is that veil showing God in an image:* Therefore, if the understanding is directed to the Creator, it must also be directed to the knowledge of the creature.

SECUNDO ex D. Dionysio cap. 1. de coelesti hierarchia, circa medium*, ubi habet:* Impossibile est quamdiu in via sumus, relucere nobis divinum radium, nisi circumvelatum; hoc autem velamen ostendens Deum in imagine, est creatura spiritualis: *Ergo si intellectus est ad Creatorem, debet etiam esse ad creaturae cognitionem.*

8 THIRD. There is no perfect love of God unless God is loved in Himself and in His image: Therefore likewise there is no perfect gift of Understanding unless God is known through it both as to His conditions and as to the conditions of the creatures that are like Him.

TERTIO. Non est perfectus amor in Deum, nisi ametur Deus in se, et in sua imagine: Ergo similiter non est perfectum donum Intellectus, nisi Deus per illud cognoscatur, et quoad conditiones suas, et quoad conditiones creaturarum, quae sunt ei similes.

9 FOURTH, Understanding and Faith belong to the same mind, according to St. Gregory 1. *Moral. cap. 18.*, who says that: *God gives understanding when He enlightens the mind concerning the things heard;* but Faith

regards not only the divine essence in itself, but also in its comparison with the creature: Therefore the gift of Understanding is ordered to the contemplation of both. See the holy Doctor in *Dicta loc. cit.*, where he opens the Books in which the CREATOR is read in creatures, which Gulielmus imitates in his discourses, written in Italian.

> *QUARTO de eisdem est Intellectus, et Fides, ex D. Gregorio 1.* Moral. cap. 18. *dicente, quod:* Deus intellectum dat, dum de auditis mentem illustrat; *sed Fides non tantum respicit divinam essentiam in se, sed etiam in comparatione ad creaturam: Ergo donum Intellectus ad duo illa contemplanda ordinatur. Vide S. Doct. in* Dicta loc. cit. *ubi Libros aperit, in quibus CREATOR in creaturis legitur, quem imitatur Glielmus in suis discursibus, Italice conscriptis.*

10 You will OBJECT first. The gift of Wisdom is concerned with eternal things: but the gift of Science is concerned with created things, according to St. Aug. 12. *de Trinitate, cap. 14.* Therefore either the gift of Understanding is superfluous, or its act is not concerned with those two.

> *OBIICIES primo. Donum Sapientiae circa aeterna versatur: Donum vero Scientiae circa creata, ex D. August. 12.* de Trinitate, cap. 14. *Ergo aut donum Intellectus superfluit; aut actus eius non est circa illa duo.*

11 The holy Doctor ANSWERS that the gifts of Wisdom and of Understanding are concerned with eternal things in different ways: for the gift of Wisdom regards eternal things according to the eternal reasons, insofar as those eternal reasons are the way to the taste and experimental knowledge of divine sweetness; but the gift of Understanding deals with eternal things according to the eternal reasons, which are the way to the knowledge of the truth, whereby it is thus rendered by the Holy Spirit mobile toward perceiving the truths of faith. Hence St. Bernard appropriates the gift of Understanding to faith: but the gift of Wisdom he appropriates to Charity, whose prerogative it is to dispose one to the tasting of God.

> *RESPONDEt S. Doct. diverso modo versari Sapientiae, et Intellectus dona circa aeterna: nam Sapientiae donum respicit aeterna secundum aeternas rationes; secundum quod illae aeternae rationes sunt via ad gustum, et experimentalem cognitionem divinae suavitatis; Donum vero Intellectus negotiatur circa aeterna, secundum rationes aeternas, quae sunt via ad cognitionem veritatis, quo sic a Spiritu Sancto redditur mobilis ad veritates fidei percipiendas. Hinc D. Bernardus donum Intellectus, fidei appropriat: donum vero Sapientiae, appropriat Charitati, cuius est disponere ad gustandum Deum.*

12 SIMILARLY the gift of Science is concerned with created things in a different way; for it regards being according to created reasons, whence it deals also with bodily creatures, which have the character of a vestige: but the gift of Understanding deals only with creatures according to the eternal reasons. And therefore it is concerned only with spiritual creatures, in which the eternal reasons shine forth as in an image.

> *SIMILITER donum Scientiae diverso modo versatur circa creata; nam respicit ens secundum rationes creatas, unde negotiatur etiam circa creaturas corporeas, quae habent rationem vestigii: Donum vero Intellectus negotiatur solum circa creaturas secundum rationes aeternas. Et ideo est tantum circa creaturas spirituales, in quibus rationes aeternae relucent, ut in imagine.*

13 You will OBJECT secondly. Wisdom and Science differ, because the latter is concerned with temporal things, but the former with eternal things. Therefore the gift of Understanding cannot be concerned with both these opposite characters, which are the objects of diverse good habits.

OBIICIES secundo. Sapientia, et Scientia differunt, quia haec versatur circa temporalia; illa vero circa aeterna. Igitur non potest donum Intellectus versari circa ambas has rationes oppositas, quae sunt obiecta diversorum bonorum habituum.

14 The holy Doctor ANSWERS by denying the consequence; because Wisdom and Science, as I have said, are concerned with those objects as opposites; but the gift of Understanding regards created things as ordered to the eternal reasons, and the one is on account of the other, and thus they are one object. Hence the holy Doctor deduces that the gift of Understanding is below wisdom and above science, and thus in the middle.

Respondet S. Doct. negando consequentiam; quia Sapientia, et Scientia, ut dixi versantur circa ea obiecta, ut opposita; at donum Intellectus respicit creata, ut ordinata ad rationes aeternas, et unum est propter aliud; atque adeo unum obiectum. Hinc deducit S. Doct. donum Intellectus esse infra sapientiam, et supra scientiam; et ita in medio.

15 You will OBJECT thirdly. Either the gift of Understanding consists in knowing only, or in knowing and being affected. If the first: Therefore it is not meritorious, because a cognitive act is not meritorious. If the second: Therefore it does not differ from Wisdom.

OBIICIES tertio. Aut donum Intellectus consistit in cognoscendo tantum, aut in cognoscendo, et afficiendo. Si primum: Ergo non est meritorium, quia actus cognitivus non est meritorius. Si secundum: Ergo non differt a Sapientia.

16 The holy Doctor ANSWERS that Wisdom and the gift of Understanding are related in different ways; for the former consists in the experience of divine sweetness, the latter in a knowledge extended to practice, as a way to the taste; just as the knowledge of faith is ordered to the delight, or love, of Charity, which indeed paves the way to infused wisdom, since it is founded upon the assent of faith, and moreover orders it to the taste of wisdom. Nevertheless, in the gift of Understanding too there is a certain delight in the truth, which is a kind of beatitude. To this he recalls in *Dicta ad Psal. 33. Gustate, et videte quoniam suavis est Dominus* — Taste, and see that the Lord is sweet. To taste belongs to wisdom; to see, to understanding; and he cites St. Gregory, *homil. 19. in Ezech.* The sum of this difference is that the gift of Understanding is properly penetrative; but the gift of Wisdom is properly savoring.

RESPONDEt S. Doct. diverso modo se habere Sapientiam, et donum Intellectus; nam illa consistit in experientia divinae suavitatis; hoc vero in cognitione extensa ad praxim, ut via ad gustum; sicut cognitio fidei ad delectationem, seu dilectionem Charitatis, quae quidem viam sternit ad sapientiam gratuitam, quoniam super assensum fidei fundatur, et insuper ordinat ad sapientiae gustum. Nihilominus in dono etiam Intellectus est quaedam delectatio de veritate, quae est beatitudo quaedam. Huc revocat in Dicta ad Psal. 33. Gustate, et videte quoniam suavis est Dominus. *Gustare, ad sapientiam pertinet: Videre, ad intellectum, et allegat D. Gregorium* homil. 19. in Ezech. *Summa huius differentiae est, quod donum Intellectus est proprie penetrativum; sed donum Sapientiae est proprie saporativum.*

17 You will OBJECT fourthly. If the gift of Understanding regards creatures, so that from them it may rise to the knowledge of God, it must regard not only spiritual but also bodily creatures; for in these also the Divine Goodness shines forth.

OBIICIES quarto. Si donum Intellectus respicit creaturas, ut ex eis consurgat in Dei cognitionem, debet respicere non modo spirituales, sed etiam corporeas; nam etiam in his relucet Divina Bonitas.

18 The holy Doctor ANSWERS that in bodily creatures the goodness of God shines forth only obscurely, as in a vestige, but in spiritual things more clearly, as in an image; and because the gift of

understanding concerns a contemplation clearer than is the knowledge of faith, hence it is that it regards only those creatures in which God shines forth more clearly; but these are those which have the character of an image.

> *RESPONDEt S. Doct. in creaturis corporeis relucere Dei bonitatem solum obscure, ut in vestigio, in spiritualibus vero clarius, ut in imagine; et quia ad donum intellectus spectat contemplatio clarior, quam sit cognitio fidei; hinc est, ut respiciat eas tantum creaturas, in quibus clarius elucet Deus; hae autem sunt, quae habent rationem imaginis.*

19 You will OBJECT fifthly. Gifts that are combined with one another are concerned with the same thing: such is the gift of Understanding, which is combined with the gift of Wisdom: Therefore. But the gift of Wisdom is concerned only with eternal things, therefore also the gift of Understanding.

> *OBIICIES quinto. Dona, quae invicem combinantur, circa idem versantur: Tale est donum Intellectus, quod dono Sapientiae combinatur: Ergo: Sed donum Sapientiae est solum circa aeterna, ergo et donum Intellectus.*

20 The holy Doctor ANSWERS that, because the gift of Wisdom consists in taste, but the gift of Understanding in the light of reason, and affection ascends higher than reason, and union than knowledge, as St. Dionysius says, hence it is that the gift of Wisdom has not so much need of the assistance of creatures as the gift of Understanding has. Therefore the latter is concerned also with creatures, as assistances for ascending to God. And so, when it is said that gifts which are combined with one another have the same object, this is true of the principal object, not of the assisting one.

> *RESPONDEt S. Doct. quod quia donum Sapientiae consistit in gustu; donum vero Intellectus in lumine rationis, et altius ascendit affectio, quam ratio, et unio, quam cognitio, ut ait S. Dionysius; hinc est, ut donum Sapientiae non sic indigeat adminiculo creaturae, sicut donum Intellectus. Ideo hoc versatur etiam circa creaturas, ut adminicula ad ascendendum in Deum. Itaque cum dicitur, dona, quae invicem combinantur, habere idem obiectum; id verum est de obiecto principali, non de adminiculante.*

21 *You will object* sixthly. The gift of Understanding is concerned with creatures insofar as they lead to the knowledge of the Creator: Therefore it contemplates God through a mirror: Therefore it does not differ from Faith.

> Obiicies *sexto. Donum Intellectus versatur circa creaturas, ut ducunt ad Creatoris notitiam: Ergo contemplatur Deum per speculum: Ergo non differt a Fide.*

22 *The holy Doctor answers* that faith and the gift of Understanding contemplate God in a mirror in different ways; for there are various degrees of the cognition of one who contemplates. Faith, therefore, renders one able to assent to the articles of faith immediately, though preceded by the knowledge, through creatures, of that which is signified by such a name. Thus it moves one to assent to the article of the Trinity, though preceded by the knowledge of the number three. But the gift of Understanding further illuminates one to know the motive on account of which the Trinity ought to be posited in the Divinity; namely, because it sees in the rational creature the going forth of the Word from the mind by the way of generation, and of Love from both, by the way of connection. And so the reason is evident why there ought to be diverse habits.

> Respondet *S. Doct. diverso modo fidem, et donum Intellectus contemplari Deum in speculo; sunt enim varii gradus cognitionis speculantis. Fides igitur habilitat ad assentiendum articulis fidei, immediate, praecedente tamen per creaturas cognitione illius, quod per tale, nomen dicitur. Sic movet ad assentiendum articulo Trinitatis, praevia tamen cognitione numeri ternarii. At vero donum Intellectus ulterius illuminat ad cognoscendum motivum, propter quod debeat*

Trinitas poni in Divinis; nempe, quia videt in creatura rationali egressum Verbi e mente per viam generationis, et Amoris, ab utroque per viam connexionis. Et ideo constat ratio, ob quam debeant esse habitus diversi.

23 From these considerations you have what the object of the gift of Understanding is, and what its act, and what the difference of this gift from the other habits.

Ex his habes; quodnam sit obiectum doni Intellectus; et quis actus illius; et quae sit huius doni ab aliis habitibus differentia.

Doubt IV: Whether the gift of understanding is found in all who have grace, and whether in these alone

1 I ASSERT first that Understanding is in all who have sanctifying grace.

Utrum DONUM INTELLECTUS insit omnibus habentibus gratiam, et an his solis.

Assero primo, Intellectum esse in omnibus, habentibus gratiam sanctificantem.

2 *It is proved* from St. Bonav. in Diaeta from that Psalm 110: *Intellectus bonus omnibus facientibus eum* — a good understanding to all that do it.

Probatur *a D. Bonav. in Diaeta ex illo Psal. 110.* Intellectus bonus omnibus facientibus eum.

3 *It is proved* from the holy Doctor *de septem donis, cap. 1.* from the progress of our conversion, as assigned by the Council of Trent *sess. 6. et 14.*, from which he also deduces the order of the Gifts of the Holy Spirit; for, as St. Anselm says, lib. de simil. *cap. 130.*: *First the Holy Spirit makes the mind fear through the gift of Fear; and compassionate with itself through the gift of Piety; and He manifests the things that are to be done through the gift of Science, and carries them out firmly through the gift of Fortitude; these three gifts belong to the appetitive power, and in this they differ from the gift of Understanding, which belongs first to the intellective power*, according to *St. Thomas, art. 6., and concerning those He makes us consult through the gift of Counsel, whereby there is an application of means to individual works, as St. Thomas says. Then the Holy Spirit kindles the mind to understand why this and that should be done, so that the affection of charity may follow: for this follows the perfect discovery of the truth; and this is from the understanding.* Therefore even natural understanding itself is called, *3. de anima, text. 18.*, a Light penetrating to the innermost essences; nor indeed can the will be rightly ordered to the good unless some knowledge of the truth pre-exists, because the object of the will is the good understood, as is said in *3. de anima, text. 34. et 49.* From these things it follows that the gift of Understanding is given together with grace, as the ultimate disposition to wisdom, or the Divine Savor. Therefore St. August., *lib. 2. de doctrina christiana, cap. 7.*, speaking of the seven gifts, says of the gift of Understanding: *After the fifth step, namely the gift of Counsel, through which the soul is raised up from the appetite for the filth of lower things, it ascends to the sixth step, that is, to the gift of understanding, where it cleanses that very eye by which God can be seen by those who die to this world; who see insofar as they die to the world.*

Probatur *a S. Doct.* de septem donis, cap. 1. *ex progressu nostrae conversionis, assignato a Concilio Trident.* sess. 6. et 14. *ex quo deducit etiam ordinem Donorum Spiritus Sancti; nam, ut ait D. Anselmus lib. de simil.* cap. 130. Primo Spiritus Sanctus mentem facit pauentem per donum Timoris; sibique compatientem per donum Pietatis; et ea, quae sunt facienda, manifestat per donum Scientiae, et illa fortiter exequitur per donum Fortitudinis, quae tria dona ad appetitivam pertinent vim; et in hoc differunt a dono Intellectus, quod primo ad intellectivam pertinet, secundum *D. Thomam* art. 6. et de ipsis facit consulere per donum Consilii, quo fit applicatio mediorum ad singularia opera, ut ait D. Thomas. Post Spiritus Sanctus accendit mentem ad intelligendum, cur haec, et illa fieri debeant, ut affectio charitatis sequatur: haec

enim sequitur perfectam veritatis inventionem; haec vero est ab intellectu. *Ideo Intellectus ipse naturalis dicitur* 3. de anima, text. 18. *Lumen penetrans ad intimas essentias; neque vero potest voluntas recte ordinari ad bonum, nisi praeexistente aliqua cognitione veritatis, quia obiectum voluntatis est bonum intellectum, ut dicitur* 3. de anima, text. 34. et 49. *Ex quibus fit, donum Intellectus dari cum gratia, ut ultimam dispositionem ad sapientiam, seu Divinum Saporem. Ideo D. August.* lib. 2. de doctrina christiana, cap. 7. *loquens de septem donis, ait de dono Intellectus:* Post quintum gradum, scilicet donum Consilii, per quod anima levatur ab appetitu sordium inferiorum, ascendit in sextum gradum, idest in donum intellectus, ubi ipsum oculum purgat, quo videri potest Deus ab his, qui huic saeculo moriuntur; qui in tantum vident, in quantum moriuntur saeculo.

4 *The holy Doctor observes*, however, *cap. 4.*, that a threefold truth is irradiated by the gift of Understanding: the truth of cognition, by showing us the faith of Christ to be most true: the truth of operation, by showing the most perfect operation; and the truth of love, by showing us charity. But the Holy Spirit works this revelation through the gift of Understanding, while He raises up, purifies, and inflames the mind from earthly things. For an earthly and animal affection impedes the understanding from understanding spiritual things, because: *The animal man perceiveth not those things that are of the Spirit of God*, as is said in *1 Corinth.* 2. From these things it follows that the gift of Understanding is in the just, who have a right will through charity, which presupposes a right understanding; and that it is given in the ultimate preparation for charity, but not to sinners in the composite sense; for of these (the holy Fathers say), Psalm 81: *They have not known nor understood, they walk on in darkness.*

Observat *autem S. Doct.* cap. 4. *triplicem veritatem irradiari dono Intellectus: Veritatem cognitionis, ostendendo nobis fidem Christi verissimam: Veritatem operationis, ostendendo operationem perfectissimam; et veritatem dilectionis, ostendendo nobis charitatem. Hanc autem revelationem operatur Spiritus Sanctus per donum Intellectus, dum mentem a terrenis elevat, purgat, et inflammat. Affectus enim terrenus, et animalis impedit intellectum, ne spiritualia intelligat, quia:* Animalis homo non percipit ea, quae Dei sunt, *ut dicitur* prima Corinth. 2. *Ex his sequitur, donum Intellectus esse in iustis, qui rectam habent voluntatem, per charitatem, quae supponit rectam intelligentiam; dari vero in ultima praeparatione ad charitatem, non autem peccatoribus in sensu composito; de his enim (aiunt SS. DD.) Psalm. 81.* Nescierunt, neque intellexerunt, in tenebris ambulant.

5 And although the actual gift of Understanding is convertible with Faith, which is also in sinners; nevertheless, as it is a habitual gift, it is only in him who has a right cognition and a direction of the will toward the end, as St. Bonav. says, *ad 3.*

Quamvis autem actuale donum Intellectus convertatur cum Fide, quae est etiam in peccatoribus; tamen ut est donum habituale, est solum in eo, qui habet rectam cognitionem, et directionem voluntatis ad finem, ut ait S. Bonav. ad 3.

6 But that it is given in the ultimate disposition to grace is proved by that John 6: *Every one that hath heard of the Father, and hath learned, cometh to me.* But we learn this through the Understanding, as St. Gregory teaches, *primo Moral. cap. 32.* Therefore whoever has understanding comes to Christ through grace that makes one pleasing. Hence this passage is not rightly cited here by St. Thom. *art. 5.* to prove that this gift of God is not present except in those already established in grace; for these do not come to Christ, but have come.

Quod vero detur in ultima dispositione ad gratiam, probatur illo Ioan. 6. Omnis qui audivit a Patre, et didicit, venit ad me. *Haec autem ediscimus per Intellectum, ut docet D. Gregorius* primo Moral. cap. 32. *Ergo quicumque habet intellectum, venit ad Christum per gratiam gratum facientem. Unde non recte affertur hic locus a D. Thom.* art. 5.

ad probandum, non esse hoc donum Dei, nisi in iam constitutis in gratia; hi enim non veniunt ad Christum, sed venerunt.

Doubt V: What is the necessity and utility of the gift of understanding

1 The holy Doctor begins, *cap. 3.*, to enumerate the necessity and utilities of this gift.

Qua sit necessitas, et utilitas DONI INTELLECTUS.

Incipit S. Doct. cap. 3. *necessitatem, et utilitates huius doni recensere.*

2 The first necessity indeed is for the faith to make manifest the hidden truths, veiled by so many Scriptures and Sacraments, since the human understanding without supernal light cannot reach out to apprehend them. He proves this from Richard, *lib. 3. de contempl. cap. 6.* Hence St. August., *lib. de spiritu, et anima, cap. 36.*: *By this light man can acknowledge that he was created to the image of God, and therefore capable of God, and therefore that God is trine and one, as the Son from the Father; and the Holy Spirit from both; and in a like manner from the understanding the Will; and from both the memory, and the word from the understanding; and from both love. See the Seraphic Doctor.*

Prima quidem necessitas est, fidei manifestate veritates reconditas, tot Scripturis, atque Sacramentis obvelatas, cum intellectus humanus absque lumine superno nequeat ad eas apprehendendas pertingere. Hoc probat ex Richardo lib. 3. de contempl. cap. 6. *Hinc D. August.* lib. de spiritu, et anima, cap. 36. Potest homo hoc lumine agnoscere, se ad imaginem Dei conditum, et ideo capacem Dei, atque ideo Deum trinum, et unum, ut filius a Patre; et ab utroque Spiritus Sanctus, et simili modo ab intellectu Voluntas; et ab utroque memoria, et verbum ab intellectu; et ab utroque amor. Vide Seraphicum.

3 He proceeds, *cap. quarto*, to describe by what manner the truths of the divine Scriptures shine forth upon us through the gift of understanding; as is said, 1 John 2: *The anointing of the Holy Spirit teacheth.*

Pergit cap. quarto *describere, quo pacto veritates Scripturarum divinarum nobis dono intellectus illucescant; ut dicitur prima Ioan. 2.* Unctio Spiritus Sancti docet.

4 In the fifth chapter he shows by what manner the veils of the Sacraments are revealed through the gift of understanding.

Capite quinto ostendit, quo pacto velamina Sacramentorum, dono intellectus revelentur.

5 In the sixth chapter he shows by what manner the spiritual day appears through this gift, as I shall say below.

Capite sexto ostendit; quo pacto dies spiritualis per hoc donum appareat, ut dicam infra.

6 In the seventh chapter he demonstrates that the spiritual banquet is prepared by this gift. See the holy Doctor; for it does not please me to transcribe whole chapters verbatim hither.

Capite septimo, convivium spirituale, hoc dono praeparari, demonstrat. Vide S. Doctorem; non enim libet capita integra verbatim huc transcribere.

Doubt VI: Whether the sixth beatitude, Blessed are the clean of heart, corresponds to the gift of understanding

1 St. Bonav. *de 7. donis, cap. 3.* and St. Th. here, together with St. August. *lib. 1. de serm. Domini in monte, cap. 9.*, assert that it does.

Utrum ***DONO INTELLECTUS*** respondeat sexta beatitudo, scilicet Beati mundo corde, etc.

Asserunt D. Bonav. de 7. donis, cap. 3. *et D. Th. hic cum D. August.* lib. 1. de serm. Domini in monte, cap. 9.

2 *It is proved* from the Seraphic Doctor, *cap. 4. de dono Intellectus.* As the light of the sun is related to the seeing of sensible things, and to the purifying of the air, so is Understanding related to the vision of spiritual things; but the cleanness of the air arises from the solar light, so that the Sun itself is clearly seen, and in the absence of this light the air is darkened, and as it were sullied: Therefore. To this the holy Doctor adduces that Psalm 81: *They have not known nor understood, they walk on in darkness*, where the cause of the soul's being darkened is referred back to a defect of Understanding. Then the holy Doctor assigns three degrees of the cleanness of heart, which are as it were the morning, the midday, and the evening of Understanding.

Probatur *a Seraphico* cap. 4. de dono Intellectus. *Sicut se habet lux solaris ad videnda sensibilia, et ad purgandum aërem, ita se habet Intellectus ad visionem spiritualium; sed munditia aëris oritur a luce solari, ita ut clare videatur ipse Sol, et absente hac luce, aër obscuretur, et veluti deturpetur: Ergo. Ad hoc adducit S. Doct. illud Psalmi 81.* Nescierunt neque intellexerunt, in tenebris ambulant, *ubi causa, unde anima obtenebretur, refunditur in defectum Intellectus. Deinde assignat S. Doctor. tres gradus munditiae cordis quae sunt veluti mane, meridies, et vespera Intellectus.*

3 The first degree is when, through the Gift of Understanding, being recalled to our interior self, with the light of compunction we wipe away all the stains and darknesses of sins, and there shines upon us a certain twilight of divine light, whence may arise the morning cleanness of heart, which corresponds to the morning of understanding.

Primus gradus est, quando per Donum Intellectus ad nostra interiora revocati lumine compunctionis omnes peccatorum maculas, et tenebras abstergimus, et sublucet nobis quoddam divinae lucis crepusculum, unde oriatur matutina cordis munditia, quae respondet ad mane intellectus.

4 The second degree is a certain excess of light and fervor of heart, penetrating all the veils that overshadow the rays of truth, illuminating, strengthening(?) and inflaming the mind with clarity and at the same time with charity: And hence is born the midday of Understanding, and the midday cleanness of heart.

Secundus gradus est nimietas quaedam lucis, et cordis fervor, penetrans omnia velamina, obumbrantia veritatis radios, illuminans pariter et inflammans mentem claritate, et simul charitate: Et hinc nascitur meridies Intellectus, et meridiana cordis munditia.

5 The third degree is when this fervent clarity declines toward evening, the Lord nevertheless remaining as the fount of all clarity and fervor; Hence at once the sleep of contemplation is begun, and the nocturnal delights are celebrated, with the lamps of divine splendor lit on every side; see the Seraphic Doctor himself, saying marvelous things about these, beyond human understanding, through several chapters.

Tertius gradus est, quando fervida haec claritas advesperascit, manente tamen Domino, omnis claritatis, et fervoris fonte; Hinc mox inchoatur somnus contemplationis, et nocturnae deliciae celebrantur, accensis undique divini fulgoris lampadibus; vide ipsum Seraphicum, de his mira, et super humanum intellectum per plura capita dicentem.

Doubt VII: Whether faith, among the fruits of the Holy Ghost, corresponds to the gift of understanding

[1] The holy Doctors assert that to the gift of Understanding there corresponds, among the fruits of the Holy Spirit, faith, and they prove it; Since, indeed, the Theological and Divine truths, which are revealed to us by faith for salvation, are veiled beneath the veil of many figures, the obscurity of prophecies, and the diversity of expositions, it was necessary that another supernatural light be superadded, causing the certitude of the former, penetrating with a certain experimental clarity to the inner veils, and in a certain way making one see what faith made one believe; whence it is said, John 10(13): *Unless you believe, you shall not Understand;* for these the Seraphic Doctor cites St. Bernard, *serm. 33. in cantica*, where he discoursed most excellently on the correspondence of faith and understanding as follows: *Truth is set before me, but in a Sacrament. The Angel is fed on the fatness of the wheat, and I must meanwhile be content with the naked grain beneath a certain rind of the Sacrament, with the husk of the flesh, with the chaff of the letter, with the veil of faith. And these are such things as, when tasted, bring death, if they do not receive from the first-fruits of the Spirit however little a seasoning, which comes about through the gift of Understanding; and he adds: In all these things faith is rich to me, understanding poor: but is savor not given to the understanding and to the faith, since the one is in merit, the other in reward.*[1] *See the Seraphic Doctor, cap. quinto de dono Intellect.*

[1] Editor's note: the print reads 'numquid verò per sapor intellectui, fideique, cum sit in meritum ista, in praemium illa' — a garbled Bernard citation (serm. 33 in Cantica) whose syntax cannot be restored with confidence; rendered as a rhetorical question ('is savor not given to the understanding and to the faith?'), taking 'sapor' (the taste of the gift of Understanding) as subject.

An ***DONO INTELLECTUS*** respondeat, inter fructus Spiritus Sancti, Fides.

Dono Intellectus inter fructus Spiritus Sancti respondere fidem asserunt SS. Doctores, et probant; Cum enim veritates Theologicae, et Divinae, quae nobis fide revelantur ad salutem, sint velatae sub plurium figurarum velamine, prophetiarum obscuritate, et expositionum diversitate, necesse fuit superaddi aliud lumen supernaturale, prioris causans certitudinem, et experimentali quadam claritate penetrans ad interiora velamina, faciensque quodammodo videre, quod fides fecit credere, unde dicitur Ioan. 10. Nisi credideritis, non Intelligetis; *pro his affert Seraphicus Doctor D. Bernardum* serm. 33. in cantica, *ubi praeclare de fidei, et intellectus correspondentia sic disserit:* Mihi apponitur veritas, sed in Sacramento. Angelus ex adipe frumenti saginatur, et nudo grano me oportet interim quodam Sacramenti cortice esse contentum, carnis furfure, palea litterae, fidei velamine. Et haec talia sunt, quae gustata afferunt mortem, si non de primitiis Spiritus, quantulumque accipiant condimentum, quod fit per donum Intellectus, et subdit: In his omnibus fides est mihi locuples, intellectus pauper: numquid vero per sapor intellectui, fideique, cum sit in meritum ista, in praemium illa. Vide Seraphicum cap. quinto de dono Intellect.

Question XXXI: On the gift of knowledge

[1] To faith also pertains the gift of science; since, indeed, faith in itself is obscure, indicating what is to be done, but not in all things how to act, this gratuitous Gift is given by the Holy Spirit, through which faith is begotten, nourished, defended, and strengthened, whose proper act is to render man easily mobile by the Holy Spirit toward judging well and discriminating according to the rules of the eternal law in those things to be done whose manner of acting is not determined, as far as we are concerned, because they do not always come about uniformly. So the holy Doctor, *cap. 3. de dono scientiae.* Hence there is made known divinely to man the right judgment in his actions, and it extends itself to the things to be believed and done which are proposed to us in Holy Scripture: Of this gift St.

Greg. speaks thus, *lib. 10. Moral. apud D. Bonav. de dono scientiae, cap. 2.*, indicating that it is especially cultivated by the reading of Holy Scripture: *From earthly desires it invites the heart to the embracing of things above; it aids the mind of the reader with humble words, and raises it with sublime sentences. It stirs the soul especially toward charity, manifesting the many lovelinesses of the Creator, and proposing the many ways in which He may be loved.* The rest I shall indicate through certain doubts.

> *Ad fidem spectat etiam donum scientiae; cum enim fides in se sit obscura, indicans quid, sed non in omnibus quomodo agendum, datur hoc Donum gratuitum a Spiritu Sancto, per quod fides gignitur, nutritur, defenditur, et roboratur, cuius proprius actus est reddere hominem facile mobilem a Spiritu Sancto ad bene discernendum, et diiudicandum secundum legis aeternae regulas in his agibilibus, quorum non est determinatus agendi modus, quoad nos, eo quod non semper uniformiter fiant. Ita S. Doct.* cap. 3. de dono scientiae. *Hinc homini divinitus innotescit rectum iudicium in agendis, seque extendit ad credibilia, et factibilia, quae nobis in Scriptura Sacra proponuntur: De hoc dono ita loquitur D. Greg.* lib. 10. Moral. apud D. Bonav. de dono scientiae, cap. 2. *indicans, ipsum lectione Sacrae Scripturae maxime conciliari:* A terrenis desideriis ad superna amplectenda cor invitat, legentis animum humilibus verbis adiuvat, sublimibus vero sententiis levat. Animam praecipue provocat ad charitatem, manifestando plures Creatoris amabilitates, et proponendo plures, quibus ametur, modos. *Reliqua per aliquas dubitationes indicabo.*

Doubt I: Whether knowledge is a gift of the Holy Ghost

1 The holy Doctor asserts that Science is a Gift of the Holy Spirit. He shows this from what was said above, and it is evident from that Wisdom 10: *The Lord led the just, etc. he gave him the science of holy things.* Hence also he infers that science is an infused habit, in which man has judgment concerning his actions, so that he may in no way stray from it, but whatever he judges is to be done, he may order to be done promptly and expeditiously. For as Understanding does two things concerning truths, perceiving them, and directing the will, while it obeys them, so our mind, irradiated by the gift of Science, first, receives the supernal truths; second, it discerns without error how they are to be observed in practice.

> An ***SCIENTIA*** sit donum Spiritus Sancti.
>
> *Asserit S. Doctor, Scientiam esse Donum Spiritus Sancti. Hoc ostendit ex dictis supra, et patet ex illo Sapient. 10.* Iustum deduxit Dominus, etc. dedit illi scientiam Sanctorum. *Hinc etiam infert, scientiam esse habitum infusum, in quo homo habeat illud circa agenda iudicium, ut in nullo deviet, sed prompte, et expedite, quicquid agendum iudicet, agi iubeat. Nam sicut Intellectus duo circa veritates cognoscit, eas percipiendo, et voluntatem, dum eis obsequitur, dirigendo. Ita mens nostra, dono Scientiae irradiata, primo supernas veritates Capit; secundo, quomodo in praxi observentur, absque errore discernit.*

2 Since, moreover, man is blind with respect to supernatural things by his own light, he cannot proceed safely among so many precepts unless a certain light shine upon him from above, joining what is to be done to what is to be believed, whence through this gift the actions of man are resolved to the articles of faith as to their principles, which only the Holy Spirit can accomplish in man.

> *Cvm enim homo ad res supernaturales proprio lumine caecutiat, non possit inter tot praecepta tuto procedere, nisi desuper ipsi illuceat quaedam lux, componens cum credendis agenda, unde per hoc donum hominis actiones resolvuntur ad fidei articulos, tanquam ad sua principia, quod solus Spiritus Sanctus in homine praestare potest.*

3 And in order that this science be distinguished from the other, which is acquired by one's proper powers, the holy Doctor relates the description and distinction of both; first, indeed, from St. Bernard

upon the Canticles: *There is a certain secular science, secular, which inebriates not with Charity, but with curiosity; it fills, but does not nourish; it puffs up, and does not build up; it swells, and does not strengthen. Second, from St. August. lib. 14. de Trinit. cap. 1.: There is a Science which is not of vain things, nor of curious ones, but is begotten concerning those things upon which the most salubrious faith leads to true beatitude, is nourished, etc.*, and this the Seraphic Doctor concludes to be the gift of the Holy Spirit.

> *Ut autem discernatur haec scientia ab alia, quae propriis viribus acquiritur, refert S. Doctor descriptionem, et discretionem utriusque, et primo quidem e D. Bernardo super Cantica:* Scientia quaedam est saecularis, saecularis, quae inebriat non Charitate, sed curiositate, implet sed non nutrit; inflat, et non aedificat, ingurgitat, et non confortat. Secundo e D. August. lib. 14. de Trinit. cap. 1. Est Scientia, quae non est rerum vanarum, nec curiosarum, sed de his, quibus fides saluberrima, quae ad veram beatitudinem ducit, gignitur, nutritur, etc. *et hanc concludit Seraphicus esse donum Spiritus Sancti.*

Doubt II: Whether knowledge is concerned with divine things

1 It must be said that science concerns only created things in their order to God. Since, indeed, the soul experiences difficulty, and in a certain manner grows torpid, with respect to supernatural acts; according to the kinds of difficulty, habits are infused into it, whereby it may be made mobile for the service of the Holy Spirit: whence, since especially the will is held back from acting on account of a defect of cognition in the intellect, two habits are given to remove this defect, the first of which is concerned with created things, and concerning them passes judgment through their causes, and is called the Gift of science: the other is concerned with divine things through the most exalted principles, and it is Wisdom.

> *Dicendum, scientiam esse de rebus tantum creatis in ordine ad Deum. Cum enim anima patiatur difficultatem, et quodammodo torpescat ad actus supernaturales; iuxta difficultatum genera, ipsi infunduntur habitus, quibus fiat mobilis in obsequium Spiritus sancti: unde cum praecipue voluntas ab agendo retardetur ob defectum cognitionis in intellectu; dantur ad removendum hunc defectum duo habitus, quorum primus versatur circa creata, et de ipsis per suas causas iudicium fert, vocaturque Donum scientiae: alter versatur circa divina per altissima principia, et est Sapientia.*

2 But the created things with which Science is concerned are, first, the other sciences, acquired by study and teaching, concerning which by the gift of infused science we judge rightly and with sound sense; and this, considered in this present state, the holy Doctor calls *the morning hour;* because it is still mixed with darkness.

> *Creata autem, circa quae versatur Scientia, sunt primo aliae scientiae, studio, et doctrina acquisitae, circa quas dono infusae scientiae iuste sentimus, et recte iudicamus; et hanc, hoc statu consideratam, vocat Sanctus Doctor* horam matutinam; *quia adhuc tenebris admiscetur.*

3 Second, the Gift of science is concerned with the things to be believed and done, contained in the sacred letters. For from these it draws forth a most ardent light, whereby it inflames and illuminates the mind, as with the midday sun; of this he says, *Isaias 18: As the light of midday, it is clear.*

> *Secundo versatur Donum scientiae circa credibilia, et agibilia, sacris litteris contenta. Ex his enim eruit lucem ardentissimam, qua inflammat, et illuminat mentem, veluti Sole meridiano; de hac dicit* Isaias 18. Sicut lux meridiana, clara est.

4 Third, this science is occupied with the other moral matters, establishing and quieting the mind in truth, lessening the labor by the intuition of eternal quiet, and bringing it to its terminus: This is the

end, and the evening twilight, of this gift; on account of these things it is said, *Psalm 103.*, says the Seraphic Doctor here at the end of chapter 1: *Man goeth forth in the morning to his work, until the evening.*

> *Tertio occupatur haec scientia circa caetera moralia, mentem in veritate stabiliens, et quietans, laborem intuitu quietis aeternae minuens, et terminans: Hic est finis, et vespertinum huius doni crepusculum; propter haec dicitur* Psal. 103. *inquit Seraphicus hic ad finem capitis 1.* Exibit homo mane ad operationem suam usque ad vesperam.

Doubt III: Whether the gift of knowledge is speculative

1 Since Science is borne especially toward doing and believing, so that it may pass judgment on these according to truth, St. Thom. and St. Bonav. *cap. 3. de dono scientiae* assert here that it is primarily speculative: it is nevertheless secondarily practical, because it is also ordered to operation, insofar as it prescribes that charity be begotten and defended in this or that way. Both holy Doctors prove that this gift is at once speculative and practical from St. Greg. 1. *Moral. cap. 6.*, who says: *Science in its day makes a banquet, because it makes a fast from the ignorance in the womb of the mind.* But the fast of ignorance is not broken except by both science, speculative and practical; for he who has contracted an ignorance of supernatural things by acting perversely must needs expel it not only by knowing rightly, but also by acting well.

> *Cum Scientia praecipue feratur in agenda, et credenda, ut de ipsis secundum veritatem iudicium ferat, eam esse primario speculativam afferunt hic D. Thom. et D. Bonav. cap. 3.* de dono scientiae: *est tamen secundario practica, quia etiam ad operationem ordinatur, quatenus charitatem his, aut illis modis gignendam, tuendamque praescribit. Probat uterque Sanctus Doctor, hoc donum speculativum simul esse, et practicum, e D. Greg. 1.* Moral. cap. 6. *dicente:* Scientia in die sua convivium facit, quia in ventre mentis ignorantiae ieiunium facit. *Sed ignorantiae ieiunium non solvitur, nisi per utramque scientiam speculativam, et practicam; qui enim rerum supernaturalium ignorantiam perverse agendo contraxit, necesse est, ut non solum recte sciendo, sed et bene agendo eam expellat.*

2 Then, speculation, or practice, of Science is drawn from the condition of the object; but the object of this science, although primarily speculable, is nevertheless in certain respects operable; for it supplies the medium and manner by which the practice of divine love is had; indeed, for this present state it would be in vain unless it illuminated toward the exercise of charity, as the Seraphic Doctor has from Hugh, lib. *de vanitate mundi*, where he says: *In vain does the abundance of divine cognition grow in us, unless the flame of divine love increase in us.*

> *Deinde speculatio, vel praxis Scientiae desumitur a conditione obiecti; sed obiectum huius scientiae, quamvis primario speculabile, est tamen in aliquibus operabile; haec enim praestat medium, et modum, quibus praxis divinae dilectionis habeatur, imo pro hoc statu frustra esset, nisi ad charitatis exercitium illuminaret, ut habet Seraphicus ex Hugone lib.* de vanitate mundi, *ubi dicit:* Frustra in nobis divinae cognitionis abundantia crescit, nisi in nobis divinae dilectionis flamma augescat.

3 Then, the Gift of science follows the nature of faith; for it also passes judgment on this; but faith, although primarily it does nothing concerning its object, nevertheless, once perfected, works abundantly through charity. *Galat. 5.*

> *Deinde Donum scientiae sequitur naturam fidei; de hac enim etiam iudicat; sed fides, licet primario nihil operetur circa suum obiectum, abunde tamen, iam perfecta, operatur per charitatem.* Galat. 5.

4 Finally, to these considerations add that spiritual banquet of science, where the Seraphic Doctor feeds the whole throng at the threefold table of History, Allegory, and Anagoge with most savory and

sweetest dishes, through the whole of chapter 3; see them there, for those dishes translated hither would perhaps lose their native savor.

> *His denique adiice convivium illud spirituale scientiae, ubi ad triplicem mensam Historiae, Allegoriae, et Anagogiae sapidissimis, et dulcissimis ferculis cibat Seraphicus totam turbam, per totum caput 3. ipsorum ibi vide, istinc enim fercula illa huc translata nativum saporem forsan amitterent.*

Doubt IV: Whether the third beatitude, Blessed are they that mourn, corresponds to the gift of knowledge

1 Since temporal things are possessed with excessive joy because the vileness of these things is not known, and heavenly things still, beneath the bitter rind of the letter, are found tasteless; hence the mind cannot acknowledge its blindness, and much less can the will turn it away by a salutary mourning:

> *Cum temporalia ideo cum laetitia nimia possideantur, quia harum vilitas ignoratur, et adhuc caelestia sub amaro litterae cortice insipida probentur; hinc nequit mens suam agnoscere caecitatem, multoque minus salutari luctu valet voluntas eam avertere:*

2 Therefore the holy Doctors, St. Thomas here, St. Bonaventura, *cap. 3. de septem Donis*, assert that the third beatitude corresponds to the Gift of science.

> *Asserunt igitur SS. Doctores, S. Thomas hic, S. Bonaventura,* cap. 3. de septem Donis, *tertiam beatitudinem respondere Dono scientiae.*

3 It is proved first from St. August. *supra de sermone Domini in monte, cap. 9.* Then, because the gift of science teaches one to pass right judgment on the creatures on account of which man is turned away from God and slides into miseries, and therefore to that right judgment of science there corresponds the mourning, whereby one is turned away from the evil of lust, and from the languor of concupiscence, and is converted to the evil of one's own blindness, to be bitterly bewailed, as that word of the Psalmist says: *I shall reflect upon all my years in the bitterness of my soul.* From this Gift of science also arises the reward of this beatitude, namely that supernal consolation, whereby man, having clearly seen the vanity of the creature,[1] and tasting the goodness of God, is filled to the marrow. But this consolation is promised not to those who revel, but to those who mourn; nor can they mourn who do not pass through the gift of science to the contemplation of pure truth, as the Seraphic Doctor concludes here.

[1] Editor's note: the print/OCR reads 'qua homo perspecta dens creaturae vanitatem' (djvu layer: 'qua homo pcrfpcta denscteatutz vanitatem'); 'dens' is a defective letterform or stray mark and is not Latin; rendered as 'having clearly seen the vanity of the creature' without it.

> *Probatur primo ex D. August.* supra de sermone Domini in monte, cap. 9. *Deinde, quia donum scientiae docet rectum ferre iudicium creaturarum, ob quas homo avertitur a Deo, et in miserias labitur, et ideo illi iudicio recto scientiae respondet luctus, quo avertitur a malo libidinis, et a languore concupiscentiae, et convertitur ad propriae caecitatis malum amare deflendum, ut dicat illud Psalmistae:* Recogitabo omnes annos meos in amaritudine animae meae. *Ex hoc etiam Dono scientiae oritur huius beatitudinis praemium, nimirum consolatio illa superna, qua homo perspecta creaturae vanitatem, et Dei gustans bonitatem, medullitus repletur. Verum haec consolatio non luxuriantibus, sed lugentibus promittitur, nec lugere queunt, qui per donum scientiae ad contemplationem purae veritatis non transeunt, ut concludit hic Seraphicus Doctor.*

Disputation II: On Unbelief

1 Among the unfaithful there are some who never received the faith, and these are the pagans: Others are those who rejected the faith once received, and these are heretics: Others, finally, who long worshiped the faith of the Savior under figures, but did not acknowledge it when it was manifested, and these are the Jews: Here we are to treat of unfaithfulness in general for the absence of faith, and when something is to be touched upon concerning the unbaptized unfaithful: in the following disputation, however, we shall discourse on heresy.

> *Infidelium alii sunt, qui nunquam fidem receperunt, et hi sunt pagani: Alii sunt, qui fidem receptam respuerunt, et hi sunt haeretici: Alii denique, qui Salvatoris fidem diu sub figuris coluerunt, sed eam exhibitam non agnoverunt, et isti sunt Iudaei: Hic de infidelitate in genere pro fidei carentia agendum, et cum aliquid de infidelibus, non baptizatis, libandum: In sequenti vero disputatione de haeresi disseremus.*

Question I: What unbelief is, and what kind of sin it is

1 It is TO BE NOTED, from St. Bonaventura on those words *Lucas 19. Non relinquent in te lapidem super lapidem: eo quod non cognoveris tempus visitationis tuae* — There shall not be left in thee a stone upon a stone: because thou hast not known the time of thy visitation — that Infidelity is the ruin of the spiritual edifice; just as faith, on the contrary, is the foundation of that edifice. But this is Infidelity, not that which is opposed to Fidelity, which is a moral virtue inclining toward faith, or a promise to be kept, of which *Eccles. 5. Displicet Deo infidelis promissio* — An unfaithful promise displeaseth God — as the holy Doctor warns on that passage; but it is the infidelity that is opposed to the Theological virtue, as I said, *disp. 1. quaest. 1.*, with St. Bonau. That Infidelity is a sin, I showed in *disput. 1. quaest. 14.* and the following, where the obligation to believe the articles of faith, and other matters, were treated of; and therefore it can be sinned against by grave omission, in not learning the things of faith that have been sufficiently proposed.

> ***Quid, et quale peccatum sit INFIDELITAS.***
>
> *NOTANDUM ex D. Bonaventura ad ea verba* Lucae 19. Non relinquent in te lapidem super lapidem: eo quod non cognoveris tempus visitationis tuae*, Infidelitatem esse ruinam aedificii spiritualis; sicut fides e contra est fundamentum eius aedificii. Haec autem est Infidelitas, non quae opponitur Fidelitati, quae est virtus moralis inclinans ad fidem, seu promissum servandum, de qua* Eccles. 5. Displicet Deo infidelis promissio*, ut monet S. Doct. ad eum locum; sed est infidelitas, quae opponitur virtuti Theologicae, ut dixi* disp. 1. quaest. 1. *cum D. Bonau. Infidelitatem esse peccatum, ostendi* disput. 1. quaest. 14. *et sequentibus, ubi actum est de obligatione credendi articulos fidei, et alia; atque adeo peccari posse omissione gravi, non discendo res fidei, sufficienter propositas.*

2 But Infidelity can be sinned against in TWO WAYS: either positively, by attacking and refusing the truth of faith once acknowledged, and this is called infidelity of contrariety; Or privatively, by lacking the due knowledge. Some add another negative lack, which is through invincible ignorance, but this the majority do not admit, with St. Bonavent. *3. dist. 21. art. 1. quaest. 3.*, of which I treated in *Prima secundae, tract. de peccato, disp. 1. quaest 1.*

> *DUPLICITER vero potest Infidelitate delinqui, vel positive, veritatem fidei agnitam impugnando, et recusando, et haec dicitur infidelitas contrarie: Vel privatime, carendo notitia debita. Aliqui addunt aliam carentiam negativam, quae sit*

per ignorantiam invincibilem, sed hanc non admittunt plurimi cum D. Bonavent. 3. dist. 21. art. 1. quaest. 3. *de quibus egi* Prima secundae, tract. de peccato, disp. 1. quaest 1.

3 Infidelity is DIVIDED, moreover, into Heresy, Judaism, and Paganism, by St. Thom. *quaest. 10. art. 5.* and St. Bonau. p. 1. Gentil. *sect. 26.* There the holy Doctor proves that infidelity is the greatest sin among sins, viz. *Ioan. 16. Arguet mundum de peccato, etc. quia non crediderunt in me* — He will argue the world of sin, etc. because they believed not in me. He calls this *Sin* antonomastically. And *Ioan. 3. Qui non credit, iam iudicatus est: quia non credidit in nomine Unigeniti filii Dei* — He that doth not believe is already judged: because he hath not believed in the name of the Only-begotten Son of God. And of Mark, at the end: *Qui vero non crediderit, condemnabitur* — But he that believeth not shall be condemned — as if the supreme punishment were prepared for the unfaithful. I said, with St. Bonau., that infidelity is the greatest sin among sins, because no one on the way hates God expressly, but only interpretatively, as St. Bonau. teaches on those words *Ioan. 15. Et oderunt me, et Patrem meum* — And they hated me, and my Father. Interpretatively indeed they hate, insofar as they are turned away from Him through sins, or would not be punished; but formal hatred is the proper possession of the damned.

DIVIDITUR autem Infidelitas in Haeresim, Iudaismum, et Paganismum a D. Thom. quaest. 10. art. 5. *et D. Bonau. p. 1. Centil.* sect. 26. *Ibi probat S. Doct. infidelitatem esse peccatum, maximum inter peccata viz* Ioan. 16. Arguet mundum de peccato, etc. quia non crediderunt in me. *Vocat hoc* Peccatum *antonomastice. et* Ioan. 3. Qui non credit, iam iudicatus est: quia non credidit in nomine Unigeniti fily Dei. *Et Marci ultimo:* Qui vero non crediderit, condemnabitur, *quasi poena summa infidelibus praeparata sit. Dixi, inter peccata viz infidelitatem esse peccatum maximum, cum D. Bonau. quia nullus in via odit Deum expresse, sed solum interpretative, ut docet D. Bonau. ad ea verba* Ioan. 15. Et oderunt me, et Patrem meum. *Interpretative quidem oderunt, quatenus ab eo avertuntur per peccata, vel nollent puniri; odium vero formale, est damnatorum proprium.*

4 St. THOMAS compares infidelity with the hatred of God, and says that this is worse, because it is opposed to Charity, which is greater, *1 Corinth. 13.* But that Infidelity is greater, he says, than Despair, as I shall say in *disp. 6. quaest. un.*, although the latter is more perilous. See also Tannerus *T. 1. quaest. 8. dub. 1.*

D. THOMAS comparat infidelitatem cum odio Dei, et ait, hoc esse peius, quia opponitur Charitati, quae maior est prima Corinth. 13. *Infidelitatem vero maiorem, ait, Desperatione, ut dicam* disp. 6. quaest. un. *tametsi haec sit periculosior. Vide etiam Tannerum* T. 1. quaest. 8. dub. 1.

5 Furthermore, the holy Doctor places infidelity in the intellect, *in 3. dist. 5. quaest. 5. ad 4.*; for it is opposed to faith, which is in the intellect and the will, or in free choice, as I said, *disp. 1. quaest. 18.* Of this treat Suarez *disp. 16. sect. 3.*, Hurtado *disp. 67.*, Lugo *disp. 18. sect. 1.* They ask especially: whether the sin of infidelity is always consummated in the intellect; whether sometimes in the Will alone.

PORRO infidelitatem in intellectu ponit S. Doct. in 3. dist. 5. quaest. 5. ad 4. *opponitur enim fidei, quae est in intellectu, et voluntate, seu in libero arbitrio, ut dixi* disp. 1. quaest. 18. *De quo agunt Suarez* disp. 16. sect. 3. *Hurtado* disp. 67. *Lugo* disp. 18. sect. 1. *Quaerunt praecipue: an peccatum infidelitatis semper consummetur in intellectu; an in sola aliquando Voluntate.*

6 Suarez *loc. cit.*, Coninch. *disp. 18. dub. 3.*, Tannerus *2. 2. disp. 1. quaest. 8. dubio secundo*, Fuliens. *lib. 3. cap 6.* DENY it.

NEGANT Suarez loc. cit. *Coninch.* disp. 18. dub. 3. *Tannerus* 2. 2. disp. 1. quaest. 8. dubio secundo, *Fuliens.* lib. 3. cap 6.

7 Valentia *disp. 1. quaest. 10. p. 1.*, Hurtado *disp. 68. sect. 2.* ASSERT it, which opinion, understood Metaphysically, pleases Lugo, *num. 9*, although, speaking commonly, he adheres to the former. Fuliens., however, says that the objective malice is in the intellect, which fails from faith; but the formal [malice] in the will, from which the perverse act of the intellect freely goes forth.

ASSERUNT Valentia disp. 1. quaest. 10. p. 1. *Hurtado* disp. 68. sect. 2. *quae sententia Metaphysice intellecta placet Lugo* num. 9 *licet communiter loquendo, priori adhaereat. Fuliens. vero malitiam obiectivam in intellectu ait, qui deficit a fide; formalem vero in voluntate, a qua libere exit actus intellectus pravus.*

Question II: Whether all the works of unbelievers are sins

1 The sectaries of this time clamor that all the works of infidels are sins. So Luther, *art. 36.* among those condemned by Leo X; Melanchthon *in Apol. confess. Augustana*; Bucerus *lib. de concordia communi*; Calvin *lib. 2. Instit. cap. 3.*; Kemnitius *in examine sess. 6. can. 7.*

An opera omnia Infidelium sint peccata.

SECTARII huius temporis omnia opera infidelium, peccata esse clamant. Sic Lutherus art. 36. *ex damnatis a Leone X. Melanchthon* in Apol. confess. Augustana, *Bucerus* lib. de concordia communi. *Calvinus* lib. 2. Instit. cap. 3. *Kemnitius* in examine sess. 6. can. 7.

2 But the opinion of Gregory of Rimini was, *2. sent. dist. 41. quaest. un. art. 2.*, that every action of that infidel is evil who is wholly ignorant of God; but not the actions of heretics, who at least acknowledge God. Capreolus, however, in *2. dist. 41. quaest. un. art. 3.*, thinks that at least every commanded action, done by an infidel at the time it is commanded, is evil, because it ought to be referred to the true God, which infidels do not do, since they do not know the true God: and in this he favors Gregory.

FVIT vero sententia Gregorii Arim. 2. sent. dist. 41. quaest. un. art. 2. *omnem actionem istius infidelis esse malam, qui omnino Deum ignoret; non autem haereticorum, qui Deum saltem agnoscunt. Capreolus vero in* 2. dist. 41. quaest. un. art. 3. *putat, saltem omnem actionem praeceptam, factam ab infideli, quo tempore praecipitur, esse malam, quia deberet referri in Deum verum, quod non faciunt infideles, qui Deum verum ignorant: et in hoc Gregorio favet.*

3 Yet it is most true that some works of infidels are good.

VERISSIMUM tamen est, aliqua opera infidelium esse bona.

4 It is proved first from St. Bonaventure, *3. dist. 38. dub. 2. ex 7 primo Exodi*, where the midwives of Egypt are praised, because against the king's command they kept alive the Hebrew infants, to which they were bound by both Divine and natural law. Now those midwives were infidels. And of them it is said: *Quia timuerunt Deum, aedificavit eis domos* — Because they feared God, he built them houses. There St. Jerome says: *AEdificavit eis domos spirituales: Ergo aliquam spiritualem rem adeptae sunt* — He built them spiritual houses: therefore they attained some spiritual thing.

PROBATUR primo a S. Bonau. 3. dist. 38. dub. 2. ex 7 primo Exodi, *ubi Obstetricaes AEgyptiae laudantur, quia contra Regis mandatum servabant vivos infantulos Hebraeorum, ad quod lege Divina, et naturali tenebantur. Illae autem Obstetricaes infideles erant. De his vero dicitur:* Quia timuerunt Deum, aedificavit eis domos. *Ubi D. Hieronymus:* AEdificavit eis domos spirituales: Ergo aliquam spiritualem rem adeptae sunt.

5 It is proved second from the Saintly Doctor, from what is said in *prima secundae, tract. 5. qui de Gratia, disp. 1. quaest. 10.*, where it is shown that by the powers of nature one can perform a good moral work.

> *PROBATUR secundo a S. Doct. ex dictis* prima secundae, tract. 5. qui de Gratia, disp. 1. quaest. 10. *ubi ostendi, posse aliquem viribus naturae, agere bonum opus morale.*

6 It is proved third from the Saintly Doctor here, because neither faith nor sanctifying grace is required for a good moral work, as the Council of Trent defines, *sess. 6. cap. 7.*, where under anathema they condemn those who say that every action of man before justification is sin.

> *PROBATUR tertio a S. Doct. hic, quia ad opus bonum morale non requiritur fides, neque gratia sanctificans, ut definit C. Trident.* sess. 6. cap. 7. *ubi sub anathemate damnantur dicentes, omnem actionem hominis ante iustificationem esse peccatum.*

7 The same is proved from the Fathers: Ambrose *lib. 1. de Abraham, cap. 2.*; Jerome *in fine lib. 2. com. in epistolam ad Galat.*; Augustine *lib. de spiritu, et litt. cap. 27. et 28.*; Chrysostom *homil. 67. ad popul.* See Tanner *disp. 1. q. 8. dub. 4.*

> *Idem probatur ex PP. Ambrof.* lib. 1. de Abraham, cap. 2. *Hieron.* in fine lib. 2. com. in epistolam ad Galat. *August.* lib. de spiritu, et litt. cap. 27. et 28. *Chrysost.* homil. 67. ad popul. *Vide Tannerum* disp. 1. q. 8. dub. 4.

8 They object certain passages of Scripture, *Matth. 7. Non potest arbor mala bonos fructus facere* — A bad tree cannot bring forth good fruit.

> *OBIICIUNT aliqua loca Scripturae,* Matth. 7. Non potest arbor mala bonos fructus facere.

9 The Saintly Doctor answers here, from St. Augustine *lib. 1. cont. Iulianum, cap. 3. et in Enchir. cap. 15.*, that the bad tree is said to be the will, insofar as it wills something badly, or insofar as the will of that infidel is not perfectly good. So also Tanner and others.

> *RESPONDET S. Doct. hic ex D. August.* lib. 1. cont. Iulianum, cap. 3. et in Enchir. cap. 15. *dici arborem malam voluntatem, quatenus male aliquid vult, vel ut voluntas est illius infidelis, non perfecte bona est. Ita etiam Tannerus, et alii.*

10 Second they object that word of *Ioan. 15. Sine me nihil potestis facere* — Without me you can do nothing.

> *SECUNDO obiiciunt illud* Ioan. 15. Sine me nihil potestis facere.

11 The Saintly Doctor answers on that passage, and *in 2. dist. 28. art. 2. quaest. 3.*, that He speaks of meritorious works, and of those which are a disposition to salvation de congruo. Then it suffices that the help of God be present, so that one may act on account of God known as the author of nature, even if faith is absent.

> *RESPONDET S. Doct. ad eum locum, et* in 2. dist. 28. art. 2. quaest. 3. *loqui de operibus meritoriis, et de his, quae sunt dispositio ad salutem de congruo. Deinde sufficit, si auxilium Dei adsit, ut operetur ob Deum cognitum authorem naturae, etiamsi absit fides.*

12 They object third, *Rom. 14. Omne, quod non est ex fide, peccatum est* — All that is not of faith is sin.

> *OBIICIUNT tertio* Rom. 14. Omne, quod non est ex fide, peccatum est.

13 The Saintly Doctor answers, *in 3. dist. 23. dub. 2. et in 4. dist. 39. q. 3.*, that he there speaks of conscience in the manner of a work, so that a deed done against conscience is evil. Thus it is expounded by St. Chrysostom, *homil. 26. in epistolam ad Romanos*, and by others. So also Tanner *loco citato*.

> *RESPONDET S. Doct.* in 3. dist. 23. dub. 2. et in 4. dist. 39. q. 3. *ibi loqui de conscientia, ut opus, contra conscientiam factum, malum sit. Sic exponitur a D. Chrysost.* homil. 26. in epistolam ad Romanos, *et aliis. Ita etiam Tannerus* loco citato.

14 They object fourth that word of Titus 1: *Coinquinatis, et infidelibus nihil est mundum* — To the defiled and unbelieving nothing is clean.

> *OBIICIUNT quarto id Titi primo:* Coinquinatis, et infidelibus nihil est mundum.

15 *It is answered* from St. Bonaventure here, and St. Chrysostom *homil. 3. ibi*, that all things are unclean to infidels when they superstitiously perform their actions; for an infidel can judge one thing unclean, for instance a little wine, as well as a sow. See the rest in Valencia *quaest. 10. p. 2.*; Tanner *loco citato*.

> Respondetvr *ex D. Bonav. hic, et D. Chrysost.* homil. 3. ibi; omnia esse immunda infidelibus, superstitiose suas actiones peragentibus; tam enim potest infidelis unum existimare immundum, puta vinulum, quam Suem. *Vide reliqua in Valentia* quaest. 10. p. 2. *Tannero* loco citato.

Question III: Whether unbelievers can be compelled to hear the faith

1 We now speak of Infidels who are without, not baptized.

> *LOQUIMUR nunc de Infidelibus, qui extra sunt, non baptizati.*

2 The Saintly Doctor proves this power admirably, first *on 14. Lucae, where the King commands: Go out into the highways and hedges: and compel them to come in, that my house may be filled.* There those ministers are the preachers, who are commanded by Christ to seek the gentiles outside the city, in the highways and hedges, according to the exposition of St. Gregory in the *Gloss. in cap. 14. Lucae, et homil. 36. in Evang.*; *but by the ways*, however, of the city they seek the Jews, who were known to keep the law under urban conversation. And He commands them to compel these by terrors of eternal punishments, not by the torments of war, as the Saintly Doctor notes, but by most efficacious reasons, as St. Thomas also notes, *quaest. 22. de ver. art. 9. et alii.*

> *POTESTATEM hanc egregie probat S. Doct. primo* ad 14. Lucae, ubi Rex praecipit: Exi in vias, et sepes: et compelle intrare, ut impleatur domus mea. *Ubi ministri illi praedicatores sunt, qui praecipiuntur a Christo, ut extra civitatem in vias, et sepes quaerant gentiles, iuxta expositionem D. Gregorii in* Gloss. in cap. 14. Lucae, et homil. 36. in Evang. per vias autem *urbis quaerunt Iudaeos, qui tenere legem sub urbana conversatione noverant. Hos vero compellere terroribus aeternorum suppliciorum iubet, non bellicis tormentis, ut advertit S. Doct. sed rationibus efficacissimis, ut notant etiam D. Thom.* quaest. 22. de ver. art. 9. et alii.

3 The Saintly Doctor shows the same *at the end of Lucae, on those words of Christ: Sic oportebat Christum pati, et resurgere a mortuis: et praedicari in nomine eius poenitentiam, et remissionem peccatorum in omnes gentes* — Thus it behoved Christ to suffer, and to rise again from the dead: and that penance and remission of sins should be preached in his name unto all nations. And He shows this right from Genesis 22: *Benedicentur in semine tuo omnes gentes* — In thy seed shall all nations be blessed. Genesis 49: *Ipse erit expectatio gentium* — He shall be the expectation of nations. Psalm 2: *Postula a me, et dabo tibi gentes* —

Ask of me, and I will give thee the nations. *Ego autem sum Rex ab eo constitutus, praedicans praeceptum eius* — But I am a king set up by him, preaching his command. Isaiah 49: *Dedi te in lucem gentium* — I have given thee for a light of the nations.

> *IDIPSUM ostendit S. Doct.* ad ultimum Lucae ad ea verba Christi: Sic oportebat Christum pati, et resurgere a mortuis: et praedicari in nomine eius poenitentiam, et remissionem peccatorum in omnes gentes. *Hoc autem ius ostendit ex Genes. 22.* Benedicentur in semine tuo omnes gentes. *Genes. 49.* Ipse erit expectatio gentium. *Psal. 2.* Postula a me, et dabo tibi gentes. Ego autem sum Rex ab eo constitutus, praedicans praeceptum eius. *Isa. 49.* Dedi te in lucem gentium.

4 The Saintly Doctor confirms this, *in 3. dist. 14. dub. 4.*, on that word of Matthew at the end: *Data est mihi omnis potestas in caelo, et in terra. Euntes ergo docete omnes gentes* — All power is given to me in heaven and on earth. Going therefore, teach all nations. Having premised this, he shows it from this place in *4. dist. 3. p. 2. quaest. 1. ad quintum.*

> *CONFIRMAT S. Doct.* in 3. dist. 14. dub. 4. illo Matth. ultimo: Data est mihi omnis potestas in caelo, et in terra. Euntes ergo docete omnes gentes. *Praemissis id ostendit ex hoc loco in* 4. dist. 3. p. 2. quaest. 1. ad quintum.

5 And the Apostle, 2 Corinthians 5: *Posuit in nobis verbum reconciliationis: Pro Christo ergo legatione fungimur* — He hath placed in us the word of reconciliation: for Christ therefore we are ambassadors.

> *ET Apostolus secunda Corinth. 5.* Posuit in nobis verbum reconciliationis: Pro Christo ergo legatione fungimur.

6 Since, therefore, with his divine power He has sent preachers as Legates to announce the Gospel, they have the right of coercing those who would wish to hinder this preaching; for such power belongs to a King for coercing those who would wish to hinder his own Legates, as is clear *ex l. 2. ff. de his, quibus mandata est iurisdictio, C. Praeterea de officio delegati.* Thus the Doctors commonly hold, as in Tanner *2. 2. disp. 1. quaest. 9. dub. 1. num. 10. et sequent.*

> *CUM igitur divina sua potestate miserit praedicatores Legatos ad annunciandum Evangelium, habent ius illi coërcendi eos, qui praedicationem hanc vellent impedire: Talis enim potestas inest Regi ad eos coërcendos, qui suos vellent impedire Legatos, ut constat* ex l. 2. ff. de his, quibus mandata est iurisdictio, C. Praeterea de officio delegati: *Ita sentiunt communiter Doctores apud Tannerum* 2. 2. disp. 1. quaest. 9. dub. 1. num. 10. et sequent.

7 There are, however, several questions about these.

> *De his vero sunt nonnullae quaestiones.*

8 The first is: To whom belongs the authority of sending preachers to the Infidels.

> *PRIMA est: Ad quos pertinet authoritas mittendi praedicatores ad Infideles.*

9 The Saintly Doctor answers, *in opusculo. Quare fratres minores praedicent*, that it belongs to the Pope and to the other Pastors, from *Lucae 10.* Hence Innocent, on that word of Rom. 10, *Quomodo praedicabunt, nisi mittantur* — How shall they preach unless they be sent, cited in *cap. cum ex iniuncto de haereticis*, says that no one ought to usurp the office of preaching for himself indiscriminately. This the Saintly Doctor proves from those words of Christ: *Rogate ergo dominum messis, ut mittat operarios in messem suam* — Pray therefore the lord of the harvest, that he send labourers into his harvest. Matthew 9.

RESPONDET S. Doct. in opusculo. Quare fratres minores praedicent; *competere Papae, et aliis Pastoribus ex* Lucae 10. *Unde Innocentius in illud Rom. 10.* Quomodo praedicabunt, nisi mittantur *relatus in* cap. cum ex iniuncto de haereticis, *ait, quod non debet sibi quisquam indifferenter praedicationis officium usurpare. Quod probat S. Doct. illis verbis Christi:* Rogate ergo dominum messis, ut mittat operarios in messem suam. *Matth. 9.*

10 But it belongs to Princes to defend the Missionaries, not directly by reason of their own jurisdiction, but as they are ministers of the Pontiff. Thus Alexander VI divided the Provinces of the Indies between the Kings of Castile and Portugal, so that they might defend the preachers and those sent into them.

PERTINET vero ad Principes defendere Missionarios, non directe ratione suae iurisdictionis, sed ut sunt ministri Pontificis. Sic Alexander VI. divisit Regibus Castellae, et Lusitaniae Provincias Indiarum, ut praedicatores, et missos in his defenderent.

11 That they may be accompanied by armed armies, so that they may go in safety, is taught by Maior *2. dist. 44. quaest. 2. et* newly by Joannes Solorzano in Diana, *6. p. tract. 4. resol. 15.*

Posse vero eos comitari exercitibus armatis, ut securi eant, docent Maior 2. dist. 44. quaest. 2. et *noviter Ioannes Solorzano apud Dianam,* 6. p. tract. 4. resol. 15.

12 The opposite, however, is held by Lugo *disp. 19. sect. 2. §. 1.*, together with Suarez *disp. 18. de fide.*; Hurtado *disp. 75.*; Castro Palao *Tom. 1. tract. 4. disp. 2. p. 5.*

OPPOSITUM tamen sentiunt Lugo disp. 19. sect. 2. §. 1. *cum Suarez* disp. 18. de fide. *Hurtad.* disp. 75. *Castro Palao* Tom. 1. tract. 4. disp. 2. p. 5.

13 They prove it from that *Matth. 10.*, where Christ sends the Apostles: *Sicut agnos inter Lupos, sine baculo, etc.* — As sheep among wolves, without staff, etc. But now our question is: Whether, if the preaching of the Gospel is offered peacefully and the Infidels refuse to hear it, they can be compelled by force of arms to hear it.

PROBANT illo Matth. 10. *ubi Christus mittit Apostolos:* Sicut agnos inter Lupos, sine baculo, etc. *Iam vero est nostra quaestio: An, si praedicatio Evangelii pacifice offeratur, et Infideles renuant audire, cogi armorum vi possint ad eam audiendam.*

14 The first opinion is the affirmative one of Maior *loc. cit.*

PRIMA opinio est assertiva Maioris loc. cit.

15 The second is negative. So Valencia *quaest. 10. p. 6. et*, as Salmeron indicates, *T. 12. tract. 38.*; Coninck *disp. 18. dub. 14. num. 24.*; Cajetan, Bannes, Aragon *2. 2. quaest. 10. art. 8. et* others commonly, as in Tanner *disp. 1. quaest. 9. dub. 1.* It seems also to be St. Bonaventure's, *ad 9. Lucae*, on those words: *Nescitis cuius spiritus estis* — You know not of what spirit you are.

SECUNDA est negativa. Ita Valentia quaest. 10. p. 6. et *indicat Salmeron* T. 12. tract. 38. *Coninch.* disp. 18. dub. 14. num. 24. *Caietanus, Bannes, Aragon.* 2. 2. quaest. 10. art. 8. et *alii communiter apud Tannerum* disp. 1. quaest. 9. dub. 1. *Videtur D. Bonav.* ad 9. Lucae in ea verba: Nescitis cuius spiritus estis.

16 The third, middle opinion asserts that unbaptized infidels are subjects of Christian Princes only. So Suarez *disp. 18. sect. 2.*; Hurtado *disp. 75. sect. 3.*, who prove it from the Bull of Gregory XIII, compelling the Jews to hear our faith every week, only from a sermon. The same holds Scotus, *4. dist. 4. quaest. ult.*; Castro *lib. 2. de haeret. punit. cap. 14.*

TERTIA sententia media asserit, quoad non baptizatos infideles, eos esse subditos Principibus Christianis tantum. Ita Suarez disp. 18. sect. 2. *Hurtado* disp. 75. sect. 3. *qui id probant ex Bulla Gregorii XIII. cogentis Iudaeos ad audiendam singulis hebdomadibus fidem nostram e concione solum. Idem vult Scotus* 4. dist. 4. quaest. ult. *Castro* lib. 2. de haeret. punit. cap. 14.

17 I assert this opinion with St. Bonaventure. It is proved from him. For Christ rebuked the disciples wishing to punish the Samaritans who refused to receive Christ, *Lucae 9*; and they are rebuked because it did not belong to the Apostles to coerce with punishments, since it had been said to them: *Sicut misit me Pater, et ego mitto vos* — As the Father hath sent me, I also send you. He Himself, when sent, was to announce to the gentle, anointed with the unction of love, as is said *Isaie 61. et .42.*: *Dedi spiritum meum super eum: Calamum quassatum non conteret, et linum fumigans non extinguet* — I have given my spirit upon him: the bruised reed he shall not break, and the smoking flax he shall not extinguish. Hence He answered the disciples there: *Nescitis cuius spiritus estis. Filius hominis non venit animas perdere, sed salvare* — You know not of what spirit you are. The Son of man came not to destroy souls, but to save. For this advent was not of justice, but of mercy, Ioan. 3: *Non misit Deus Filium suum, ut iudicet mundum, sed ut salvetur mundus per ipsum* — God sent not his Son to judge the world, but that the world be saved by him; whence from this He took the name JESU, *Matth. 1.*, not Alexander's, not Caesar's. And therefore whoever has the Spirit of God ought not to seek vengeance, but to show patience, as Ambrose says in the Gloss there: *Perfecta virtus non habet studium ultionis. Nec ulla est iracundia charitatis, sed plenitudo* — Perfect virtue has no zeal for revenge. Nor is there any anger in charity, but fullness. Therefore it is said, *Rom. 12. Non vosmetipsos defendentes charissimi, etc.* — Not defending yourselves, most beloved, etc. These things, St. Bonaventure, *locis citatis.*

ASSERO cum hac D. Bonav. sententia. Probatur ab illo. Christus enim corripuit discipulos volentes punire Samaritas, recusantes recipere Christum Lucae 9. *corripiuntur vero, quia ad Apostolos non pertinebat poenis coërcere, cum illis dictum esset:* Sicut misit me Pater, et ego mitto vos. *Ipse autem missos est mansuetis annunciare, unctus unctione amoris, ut dicitur* Isaie 61. et .42. Dedi spiritum meum super eum: Calamum quassatum non conteret, et linum fumigans non extinguet. *Unde ibi respondit discipulis:* Nescitis cuius spiritus estis. Filius hominis non venit animas perdere, sed salvare. *Quoniam hic adventus non erat iustitiae, sed misericordiae, Ioan. 3.* Non misit Deus Filium suum, ut iudicet mundum, sed ut salvetur mundus per ipsum; *unde hinc nomen IESU accepit* Matth. 1. *non Alexandri, non Caesaris. Et ideo qui Spiritum Dei habet, non debet expetere vindictam, sed exhibere patientiam, ut ait Ambrosius in Glossa ibi:* Perfecta virtus non habet studium ultionis. Nec ulla est iracundia charitatis, sed plenitudo. *Ideo dicitur* Rom. 12. Non vosmetipsos defendentes charissimi, etc. *Haec S. Bonav.* locis citatis.

18 From which I see that he inclines to the opinions denying that any coercion whatsoever can be inflicted upon Infidels.

Ex quibus video, ipsum inclinare ad sententias, negantes coactionem quamcumque Infidelibus posse inferri.

19 Nor does the power of preaching given by Christ entail the power of compelling to the sermon; otherwise a Preacher sent by a Bishop could compel hearers to the sermon.

NEQUE ex potestate praedicandi data a Christo, sequitur potestas cogendi ad concionem; alioqui Concionator missus ab Episcopo, posset cogere auditores ad concionem.

20 The common opinion, therefore, is that outside infidels cannot be compelled to hear the faith; for no power for this given by Christ is found, as Lugo notes, *loco citato, num. 65.*

Communis igitur sententia est, non posse cogi infideles extraneos ad fidem audiendam; nulla enim ad hoc potestas data a Christo invenitur, ut notat Lugo loco citato, num. 65.

Question IV: Whether unbelievers can be compelled to embrace our faith, when it has been sufficiently set forth

1 The first opinion is that infidels can be compelled to embrace the faith when sufficiently propounded. So Maior, 2. dist. 4., and indeed Genesius Sepúlveda, as in the Cardinal de Lugo disp. 19. sect. 2. §. 2.

An cogi queant Infideles ad FIDEM nostram, sufficienter propositam, amplectendam.

Prima opinio est, posse infideles cogi ad amplectendam fidem, sufficienter propositam. Ita Maior 2. dist. 4. et quidem Genesius sepulueda apud Cardinalem de Lugo disp. 19. sect. 2. §. 2.

2 The second opinion asserts this of infidels who are subjects in temporal things of a Prince coercing them to the faith; yet they assert this speaking of Divine law; for by Human law this coercion is prohibited. This Scotus teaches, 4. dist. 4. quaest. 7. at the end, and some of his School; Lorca asserts it probable, 3. disp. 36.

Secunda sententia id asserit de infidelibus, qui sunt subditi in temporalibus Principi, eos ad fidem cogenti; id tamen asserunt, loquendo de iure Divino; nam iure Humano haec coactio prohibetur. Hanc docet Scotus 4. dist. 4. quaest. 7. in fine, et aliqui ex eius Schola; eam probabilem asserit Lorca 3. disp. 36.

3 Others limit it to indirect coercion; but they deny it of direct. So Gabriel, dicta dist. 4. quaest. 2.; Angelus, as in Suarez disp. 18. sect. 3.

Alii id limitant ad coactionem indirectam; negant vero de directa. Ita Gabriel dicta dist. 4. quaest. 2. Angelus apud Suarez disp. 18. sect. 3.

4 The common and true opinion altogether denies that infidels, whether they are subjects or not subjects, can be compelled to embrace the faith. So St. Thomas, quaest. 10. art. 8. and 12., where Cajetan and the other Thomists, Paludanus, Durandus, Antonius, Richardus, Sotus, Abul., Sylvester, Castro, Victoria and others, whom Suarez cites and follows above; Bannes, Aragon, Turrianus, Valencia, Azorias and others, whom Hurtado cites, disp. 75. sect. 2.; Coninck, disp. 18. dub. 14. num. 125.; Castro Palao, Tom. 1. tract. 4. disp. 2. p. 6.; Lugo, disp 19. sect. 2. §. 2.; Tannerus, disp. 1. quaest. 9. dub. 1., who reviews others. Add Bass., verb. *Fides*, 2. num. 8. And it is the opinion of St. Bonaventure, in 4. dist. 4. p. 1. art. 2. quaest. 1. arg. 4. opp., which he admits also in other places, adduced quaest. 3.

Communis, et vera sententia negat omnino, posse infideles, sive subditi sint, sive non subditi, cogi ad amplectendam fidem. Ita D. Thom. quaest. 10. art. 8. et 12. ubi Caietanus, et alii Thomistae, Paludanus, Durandus, Antonius, Richardus, Sotus, Abul. Sylvester, Castro, Victoria, et alii, quos affert, et sequitur Suarez supra, Bannes, Aragon, Turrianus, Valentia, Azorias, et alii, quos afferunt Hurtad. disp. 75. sect. 2. Coninch. disp. 18. dub. 14. num. 125. Castro Palao Tom. 1. tract. 4. disp. 2. p. 6. Lugo disp 19. sect. 2. §. 2. Tannerus disp. 1. quaest. 9. dub. 1. qui alios recensent. Adde Bass. verb. Fides, *2. num. 8. Est autem sententia D Bonau. in 4. dist. 4. p. 1. art. 2. quaest. 1. arg. 4. opp. quod admittit etiam aliis locis, adductis quaest. 3.*

5 I assert with this opinion that infidels, whether subjects or not subjects, cannot be compelled to embrace the faith.

Assero cum hac sententia, non posse infideles, sive subditos, sive non subditos, cogi ad fidem amplectendam.

[6] St. Gregory the Great commands this, lib. 11. epist. 15., cited in *cap. Qui sincera, dist. 45.*, and the Fourth Council of Toledo, *cap. 56. relatum eadem dist. cit. de Iudaeis.* And Innocent III decrees the same in *cap. Maiores, de Baptismo*, where the Pontiff gives the reason: because it is against the Christian religion, which is the reason of St. Bonaventure: because the Evangelical Law is free; and it does not judge those that are outward, as the Apostle teaches, *prima Corinth. 5.*, as St. Bonaventure notes, in 4. *dist. 39. art. 2. quaest. 1.*; and therefore the Saintly Doctor observes, ad 10. *Lucae*, the Mission of Christ: *Ecce ego mitto vos, sicut Agnos inter Lupos* — Behold I send you as sheep among wolves, where he says that the arms with which He wills the world to be brought to the faith are meekness, and not arms after the ancient manner; and he notes that Paul himself was thus converted, of whom it had been said, *Genesi. 49. Beniamin Lupus rapax* — Benjamin a ravening wolf, who, having been thrown from his horse by Christ the Monarch, yet convicted by arguments and lights, came of his own accord to the faith. Hence the adversaries bring forward this example in vain, as Lugo notes, *num. 85.* In this sense he expounds also that word of *Lucae 14. Compelle eos intrare* — Compel them to come in; that is, not by arms, but by heavenly motives; not by temporal punishments, but at most by the terror of eternal punishments, as St. Bonaventure expounds on this place: *Arma enim militiae Christianae non sunt carnalia* — For the arms of Christian warfare are not carnal, as is said *2. Cor. 10.* St. Ambrose notes this, *lib. 7. in Lucam.* And he observes that the Apostles are forbidden to take up rods, which are signs of power, as the Saintly Doctor describes *ad Psal. 22.*; and in the commentary, *cap. 22. Lucae*, St. Bonaventure observes with St. Ambrose *lib. 10. in Lucam*, that it is commanded that for the time of the Passion alone the Apostles take up two swords for mere defense, and the Gloss adds: *Donec sopita persecutorum insania, tempus euangelizandi redeat* — Until the madness of the persecutors having been lulled, the time of evangelizing return. But if this coercive force did not remain in the Church, it does not appear how it could remain in Princes in regard to infidels: for to judge of the things of faith belongs to the Church.

Id praecipit S. Gregorius Magn. lib. 11. epist. 15. relatus in cap. Qui sincera, dist. 45. *et Concilium Tolet. 4.* cap. 56. relatum eadem dist. cit. de Iudaeis. *Et id ipsum decernit Innocentius III. in* cap. Maiores, de Baptismo*, ubi Pontifex reddit rationem; quia est contra Christianam religionem, quae est ratio D. Bonau. quia Lex Euangelica libera est; nec de his, quae foris sunt iudicat, ut docet Apostolus* prima Corinth. 5. *ut notat S. Bonau. in 4.* dist. 39. art. 2. quaest. 1. *et ideo observat S. Doct. ad 10.* Lucae *Missionem Christi:* Ecce ego mitto vos, sicut Agnos inter Lupos*, ubi arma, quibus vult, mundum reduci ad fidem, esse mansuetudinem, ait; non autem arma, more antiquo, et sic conuertisse ipsummet Paulum, aduertit; de quo dictum erat,* Genesi. 49. Beniamin Lupus rapax*, qui conversus fuit, ex Equo sane a Christo Monarcha deturbatus; sed convictus argumentis, et luminibus, sponte ad fidem venit. Unde frustra exemplum hoc adducunt adversarii, ut advertit Lugo* num. 85. *Hoc sensu explicat, et illud* Lucae 14. Compelle eos intrare*, idest non armis, sed motivis caelestibus; non poenis temporalibus, sed terrore, ad summum, poenarum aeternarum, ut exponit D. Bonau. ad hunc locum:* Arma enim militiae Christianae non sunt carnalia*, ut dicitur* 2. Cor. 10. *Id aduertit S. Ambrosius* lib. 7. in Lucam. *Et observat, prohiberi Apostolos tollere virgas, quae sunt signa potestatis, ut describit S. Doct.* ad Psal. 22. *et in commentario,* cap. 22. Lucae *S. Bonau. observat cum D. Ambrosio* lib. 10. in Lucam*, praecipi, ut pro tempore solo passionis sumant Apostoli duos gladios ad meram defensionem, et addit Glossa:* Donec sopita persecutorum insania, tempus euangelizandi redeat. *Quod si in Ecclesia non mansit haec vis coactiva, non appareat quomodo manere possit in Principibus, in ordine ad infideles: nam de rebus fidei iudicare ad Ecclesiam spectat.*

7 But the Saintly Doctor proves this admirably *ad 9. Lucae*, on that remarkable event, when Christ was going to Samaria, and because the Samaritans were unwilling to receive Him for preaching, James and John wished to punish them with fire from heaven; but Christ rebuked them. *Nescitis cuius spiritus estis. Filius hominis non venit animas hominum perdere, sed salvare* — You know not of what spirit you are. The Son of man came not to destroy the souls of men, but to save; which place I weighed in the preceding question with St. Bonaventure. If some had weighed this, they would not have raged with such slaughter and savagery against the wretched infidels in distant lands, under the pretext of winning them to the Christian religion; on this see the Archbishop of Valencia in the history of America,[1]

[1] Editor's note: the print reads 'vide Archiepiscopum Valentiz in historia Americz'; terminal 'z' is the OCR's garbling of the 'æ' ligature; rendered as 'Valentiæ in historiâ Americæ'.

> *Egregie autem id probat S. Doct.* ad 9. Lucae *facto illo insigni, quando Christus ibat Samariam, et quia Samaritae noluerunt recipere illum ad praedicandum; Iacobus, et Ioannes volebant igne eos punire e caelo; at Christus eos reprehendit.* Nescitis cuius spiritus estis. Filius hominis non venit animas hominum perdere, sed salvare*, quem locum, quaestione superiori perpendi cum D. Bonau. Hoc si nonnulli pensassent, non tanta strage et immanitate saeviissent in miseros infideles, apud exoticas terras, sub praetextu Christianam religionem ipsis conciliandi; de hoc vide Archiepiscopum Valentiz in historia Americz.*

8 *It is proved* by the Saintly Doctor *ad 9. Lucae* with reasons, because the nations ought to be moved to the faith voluntarily, in the spirit of rectitude; otherwise contentions and scandals arise, so that the nations say: *Haeccine hic Christus eorum praecepit, qui se Salvatorem mundi praedicandum mandavit?* — Did this Christ of theirs command, who bade himself be preached as the Savior of the world? Tanner also uses these, *num. 4.*

> Probatvr *a S. Doct.* ad 9. Lucae *rationibus, quia gentes ad fidem debent moueri voluntarie, spiritu rectitudinis; alioqui contentiones, et scandala oriuntur, ut dicant gentes:* Haeccine hic Christus eorum praecepit, qui se Salvatorem mundi praedicandum mandavit? *His utitur etiam Tannerus* num. 4.

9 *You will object*, that Sisebutus King of Spain once compelled the Jews to Baptism, and he is praised by the Fourth Council of Toledo, *cap. 56.*; but King Ferdinand expelled the Jews from the kingdom.

> Obiicies*, Sisebutum Regem Hisp. olim Iudaeos ad Baptismum coëgisse, qui laudatur a Concilio Toletano 4.* cap. 56. *Rex vero Ferdinandus Iudaeos e regno expulit.*

10 *It is answered*, that the zeal of Sisebutus is praised, not the deed. Ferdinand indeed expelled the Jews by right, not wishing them to dwell in his kingdoms, lest they harm his subjects. So would that the bloodsuckers be driven out on every side.

> Respondetvr*, laudari Sisebuti Zelum; non factum. Ferdinandus vero iure expulit Iudaeos, nolens habitare in suis regnis, ne suis subditis nocerent. Sic utinam sanguisugae undique pellantur.*

11 *You will object* second, that St. Gregory *Magn. lib. 3. epist. 26.*, cited in *cap. Iam vero, 23. quaest. 6.*, seems to wish infidels to be compelled by exactions.

> Obiicies *secundo, S. Gregorius* Magn. lib. 3. epist. 26. *relatus,* cap. Iam vero, 23. quaest. 6. *videtur velle, cogendos infideles exactionibus.*

12 *It is answered*, that they are compelled indirectly and by right, by not remitting to them the tributes due, unless they be converted.

Respondetvr, *cogi indirecte, et iure, non remittendo eis tributa debita, nisi convertantur.*

13 *You will object* third, the Laws enacted against Pagans and their rites, *ut Lex prima, Lex Ne quis. Lex Nemo ea. Lex Nemo venerandi, C. de Paganis*, which laws are praised by the Councils and Fathers, as in Suarez *sect. 4.*

Obiicies *tertio Leges latas contra Paganos, et eorum ritus,* ut Lex prima, Lex Ne quis. Lex Nemo ea. Lex Nemo venerandi, C. de Paganis*, quae leges laudantur a Conciliis, et PP. apud Suarez* sect. 4.

14 *It is answered*, that those laws prohibit the sacrilegious cults of Demons and other things against the natural law, to which Princes have right by nature.

Respondetvr, *eas leges prohibere cultus Daemoniorum sacrilegos, et alia, quae sunt contra legem naturae, ad quod Principes naturale habent ius.*

15 *You will object* fourth. Those baptized unwillingly are compelled to obey the Church, as is clear from the Fourth Council of Toledo, *cap. 56.*, cited in *cap. de Iudaeis, dist 45.*

Obiicies *quarto. Baptizati inuiti coguntur ad obediendum Ecclesiae, ut constat e Concilio Tolet. 4.* cap. 56. *relato* cap. de Iudaeis, dist 45.

16 Lugo answers, *num. 91.*, from St. Bonaventure, in *4. dist. 3. p. 1. art. 2. quaest. 1.*, that not all who are baptized unwillingly are so esteemed; but those who, driven by fear, so that they may avoid inconveniences, approach baptism; and these are said to be unwilling only in a certain respect.

Respondet *Lugo* num. 91. *e D. Bonau. in* 4. dist. 3. p. 1. art. 2. quaest. 1. *non omnes inuitos aestimari baptizatos; sed eos, qui metu adacti, ut vitent incommoda, baptismum adeunt; et hi dicuntur tantum secundum quid inuiti.*

Question V: Whether unbaptized unbelievers can be compelled to abandon errors or rites contrary to natural reason

1 The first opinion is affirmative. So Maior, and Sepúlveda, as in Suarez *disput. 18. sect. 4.* They are cited by Coninck *disput. 18. num. 184.*; St. Antoninus *3. p. tit. 22. cap. 1. §. 6. et 8.*, but there he speaks according to the mind of Augustinus Anconitanus. Sylvester is also adduced, under the word *Papa, quaestione 7.*, who speaks in the same way. Panormitanus is also cited, *cap. Quod super his, de* voto; and after Panormitanus, Hostiensis, and Innocent on cap. *Quod super his, extra de voto.*

An Infideles non baptizati, cogi queant ad relinquendos errores, vel ritus, rationi naturali contrarios.

Prima opinio est assertiua. Sic Maior, et Sepulueda apud Suarez disput. 18. sect. 4. *Citantur a Coninchio* disput. 18. num. 184. *D. Antonin.* 3. p. tit. 22. cap. 1. §. 6. et 8. *sed ibi loquitur ad mentem Augustini Anconitani. Adducitur etiam Syluest. verbo* Papa, quaestione 7. *qui eodem modo loquitur. Citantur etiam Panormitanus* cap. Quod super his, de *voto, et a Panormitano, Hostiensis, et Innocentius in cap.* Quod super his, extra de voto.

2 The common opinion of Theologians grants this of subject infidels only. So *Caietan. Victoria, Soto, Valentia, Aragon,* and others, whom *Suarez disp. 18. sect. 4.* cites and follows; Turtianus disp. 52. dub. 2.; Coninck disp. 18. dub. 12. num. 187.; Hurtad. disp. 75. §. 23.; Lugo disp. 19. sect. 2.; Bassaeus v. Fides 2. 8., who cite others. Others hold the same with *Tanneto disp. 1. quaest. 9. dub. 2.*, who also say it is lawful if they are burdensome and a scandal to Christians. The *Saintly Doctor, de Eccl. Hierarch. p. 2. cap. 3.* proves it from the deed of *Iudae Machabaei lib. 1. cap. 3.*

SENTENTIA communis Theologorum id concedit de infidelibus tantum subditis. Ita Caietan. Victoria, Soto, Valentia, Aragon, *et alii, quos refert, et sequitur* Suarez disp. 18. sect. 4. Turtianus disp. 52. dub. 2. Coninch. disp. 18. dub. 12. num. 187. Hurtad. disp. 75. §. 23. Lugo disp. 19. sect. 2. Bassaeus v. Fides 2. 8. *qui alios afferunt. Idem sentiunt alii cum* Tanneto disp. 1. quaest. 9. dub. 2. *qui etiam dicunt, licere, si infensi, et scandalo sint Christianis. Id probat* S. Doct. de Eccl. Hierarch. p. 2. cap. 3. *ex facto* Iudae Machabaei lib. 1. cap. 3.

3 It is proved by *Suarez* from the example of God, who, when He wished to destroy or punish the nations dwelling in the land of promise, nevertheless willed them not to be warred down by the Israelites for the crime of Idolatry, but for the denial of peaceful passage through their lands; and it is gathered from 20. *Numer.*, and St. August. signifies this, cited in *cap. 3. d. 23. quaest. 2.*

PROBATUR a Suarez *exemplo Dei, qui cum vellet destruere, vel punire gentes habitantes in terra promissionis, noluit tamen eas debellari ab Israëlitis propter crimen Idolatriae; sed propter negatum transitum pacificum per terras suas, et colligitur ex 20.* Numer. *et hoc significat* S. August. *relatus* cap. 3. d. 23. quaest. 2.

4 But *Coninck num. 193.* says this deed was done by a special concession of God, the supreme Lord.

At Coninchius num. 193. *hoc factum ait speciali concessione Dei supremi Domini.*

5 *Lugo num. 97.* adds that the mere denial of passage did not bring those evils upon the Chanaanites, nor sufficiently justify all the wars of the Jews. Hence when they crossed the Jordan, they killed them, yet not on account of the denied passage. Moreover even little ones were killed, who were ignorant of that barbarity. You will find the better course with *St. Bonaventure, ad 12. Sap.*, for the universal cause of the just war of the Israelites: because certainly those Pagans, corrupted, were unwilling to cease from works against the law of nature; and thus he speaks: *O quam bonus, et suavis est Domine spiritus tuus in omnibus! Ideoque eos, qui exerrant, partibus corripis: et de quibus peccant, admones, et alloqueris: ut relicta malitia, credant in te Domine. Illos enim antiquos inhabitatores terrae sanctae tuae, quos exhorruisti, quoniam odibilia opera tibi faciebant per medicamina, et sacrificia iniusta; et filiorum suorum necatores sine misericordia, et comestores viscerum hominum, et devoratores sanguinis a medio Sacramento tuo, et auctores parentes animarum inauxiliatarum perdere voluisti per manus parentum nostrorum, ut dignam perciperent peregrinationem puerorum Dei, quae sibi omnium charior est terra* — O how good and sweet is thy spirit, O Lord, in all things! And therefore thou correctest those that err by little and little: and admonishest and speakest to them of the things wherein they sin: that leaving wickedness they may believe in thee, O Lord. For those ancient inhabitants of thy holy land, whom thou didst abhor, because they did odious works to thee by potions and unjust sacrifices; and murderers of their own children without mercy, and eaters of the bowels of men, and devourers of blood from the midst of thy Sacrament, and authors and parents of souls without help, thou didst will to destroy by the hands of our parents, that they might receive a pilgrimage worthy of the children of God, the land most dear to them of all.

Addit Lugo num. 97. *solum transitum denegatum non induxisse mala illa Chananaeis, neque satis iustificasse omnia bella Iudaeorum. Unde quando transgressi sunt Iordanem, eos occidebant, non tamen ob transitum denegatum. Praeterea occidebantur etiam parvuli, huius barbariae inscii. Melius cum* D. Bonau. ad 12. Sap. *inuenies causam universalem belli iusti Israëlitarum, quia nempe Pagani illi corrupti, nolebant delinquere opera contra ius naturae; sic autem loquitur:* O quam bonus, et suavis est Domine spiritus tuus in omnibus! Ideoque eos, qui exerrant, partibus corripis: et de quibus peccant, admones, et alloqueris: ut relicta malitia, credant in te Domine. Illos enim antiquos inhabitatores terrae sanctae tuae, quos exhorruisti, quoniam odibilia opera tibi faciebant per medicamina, et sacrificia iniusta; et filiorum suorum necatores sine misericordia, et comestores viscerum hominum, et devoratores sanguinis a medio Sacramento tuo, et auctores parentes

animarum inauxiliatarum perdere voluisti per manus parentum nostrorum, ut dignam perciperent peregrinationem puerorum Dei, quae sibi omnium charior est terra.

6 These are the causes, as the Saintly Doctor says there, for which He willed those peoples not to dwell with the faithful people, nor to make a covenant with them; nay rather to be expelled and killed, because incorrigible they accomplished enormous works against nature, to the ruin, scandal, and damnation of the faithful. But the little ones were killed in punishment of the scandals of the adults.

Hae sunt causae, ut ait S. D. ibi, ob quas populos illos noluit cum fideli populo habitare, neque foedus cum eis inire; imo expelli, et occidi, quia opera enormia contra naturam incorrigibiles patrabant in ruinam, scandalum, et damnationem fidelium. Occidebantur vero parvuli in poenam scandalorum patentum.

7 Pope NICOLAUS, answering the questions of the Bulgarians, speaking of Idolaters as such, says: *De his, qui idolis immolant, nihil aliud dicere possumus, nisi quod ratione potius, quam vi, convincendi sunt* — Of those who sacrifice to idols we can say nothing else, but that they are to be convinced rather by reason than by force.

NICOLAUS Papa ad interrogationes Bulgarorum, loquens de Idolatris, ut sic, ait: De his, qui idolis immolant, nihil aliud dicere possumus, nisi quod ratione potius, quam vi, convincendi sunt.

8 And Paul III, as in *Lugo n. 102. et Coninch. 160.*, declared that the Indians, as infidels, are the true lords of their goods, nor can they be despoiled of them;

Et Paulus III. apud Lugo n. 102. et Coninch. 160. *declaravit, Indos infideles, esse veros Dominos suorum bonorum, nec posse eis spoliari,*

9 But *Bannes quaest. 10. art. 10. dub. 2.*; Suarez, above, num. 8.; Coninck num. 188.; Lugo n. 116. note that the Prince must first enact a law, prohibiting; and afterwards punish the delinquents.

Advertunt vero Bannes quaest. 10. art. 10. dub. 2. Suarez supra num. 8. Coninch. num. 188. Lugo n. 116. *debere prius Principem legem ferre, prohibendo; et postea delinquentes punire.*

10 *Lugo* adds that they ought to be punished in the mildest way possible; nevertheless, the same says, the more atrocious crimes related above are to be punished most severely. It is a wonder, however, that in the Laws of Solon and Romulus no penalty for parricides is prescribed. Certainly I think with *Tullius, oratione pro Rossio Amerino*, and *Plutarch in vita Romuli*, that the cause was that they did not believe so great a crime would ever happen. But when the case should occur, the parricide ought to be chastised with the most atrocious death, as was Francis Ravaillac of Angoulême, who stabbed Henry IV, the Great, the legitimate King of the Gauls, as *Lugo Hispanus* observes. For this Monarch was great, not inferior to Alexander or Caesar, as his deeds show in Matthaeus and Davila. He had been made most sincerely Catholic, but he wished first to acquire the Kingdom by the sword, lest anyone should ever induce in his mind the hope of capturing the kingdom by the flood of the Sacraments of the reconciled Church; nor indeed had he relapsed by his own judgment, because as an adolescent, with the terror of death struck into him by Charles IX, he had received the Catholic faith. Truly, however, if he had abjured before a Judge, he was not excused, as *P. Cyprianus fol. 748. P. Bonagratia v. Absolutio* says, even though this doctrine was declared by the Most Eminent only in the year 1068.[1]

[1] Editor's note: the print reads 'declarata solum an. 1068'; the year is chronologically impossible here (the volume was printed in 1655 and the authors discussed are 16th–17th century), and the djvu OCR layer could not be aligned to verify the figures; the true reading (perhaps 1568 or 1668 of the Congregation's decree) cannot be established, so the print's '1068' is kept.

Addit Lugo*, suauiori, quo potest modo, punire debere: attamen atrociora crimina, supra relata, gravissime punienda, ait idem. Mirum autem, in Legibus Solonis, et Romuli nullam poenam parricidis praescribi. Profecto reor cum* Tullio, oratione pro Rossio Amerino*, et* Plutarcho in vita Romuli*, causam extitisse, quia tantum scelus non credebant unquam futurum. At casu adveniente, debet parricida atrocissima morte plecti, sicuti fuit Franciscus Ravaellac ab Angolemo, qui Henricum IV. Magnum Galliarum legitimum Regem confodit, ut observat* Lugo Hispanus. *Fuit enim magnus hic Monarcha, Alexandro, et Caesare non inferior, ut facta eius apud Matthaeum, et Davilam ostendunt. Fuit Catholicus sincerissime factus, sed voluit prius Regnum ense adquirere, ne unquam aliquis in animum induceret, eum regni captandi eluuie Sacramentis Ecclesiae reconciliarum, neque vero fuerat suo iudicio relapsus, quia adolescens, mortis terrore a Carolo nono incusso, fidem Catholicam susceperat. Enim vero, si coram Iudice abiurarat, non excusabatur, ut ait* P. Cyprianus fol. 748. P. Bonagratia v. Absolutio*, etsi haec doctrina sit ab Eminentiss. declarata solum an. 1068.*

Question VI: Whether the rites of unbelievers are to be permitted

[1] The certain rule is that these rites are not to be permitted by Christians to subject infidels without a most grave cause.

An permittendi sint ritus Infidelium.

REGULA certa est, hos ritus non esse absque gravissima causa a Christianis permittendos infidelibus subditis.

[2] The most grave causes, however, are twofold: to avoid greater evils, or lest a greater good be impeded. So the Theologians commonly with *St. Thom. 2. 2. quaest. 10. art. 11. et St. Bonau. locis allegandis.* So Tanner. disp. 1. quaest. 9. dub. 2.; Card. Lugo disp. 19. sect. 2. §. 4.; Bassaeus v. Fides, 2. num. 9.

CAUSAE autem gravissimae geminae sunt; ad vitanda maiora mala, vel ne impediatur maius bonum. Sic Theologi communiter cum D. Thom. 2. 2. quaest. 10. art. 11. et D. Bonau. locis allegandis. Sic Tanner. disp. 1. quaest. 9. dub. 2. Card. Lugo disp. 19. sect. 2. §. 4. Bassaeus v. Fides, 2. num. 9.

[3] I assert first, that for the causes adduced, subject infidels can be tolerated by Christian Princes.

ASSERO primo, ob causas allatas posse sustineri a Principibus Christianis infideles subditos.

[4] It is proved from the Saintly Doctor, *opusc. de sex alis Seraphim, cap. 7.*, from that word of Matth. 13., where the Father of the family, expostulated with about eradicating the Zizanias, answered: Non: ne forte eradicetis et triticum. Sinite utraque crescere, etc. — No: lest perhaps you root up the wheat also. Suffer both to grow, etc. For this is the general rule, observed at that time by Pontiffs and Kings, lest seditions and confusions boil up in the Church. For thus God also tolerates certain evils for these causes, as *Tanner.* notes after *St. Bonau. in 1. dist. 47. quaest. 3.*, where he infers our conclusion, certainly for this reason, because our goods ought to have their exemplars in God.

PROBATUR a S. Doct. opusc. de sex alis Seraphim, cap. 7. ex illo Matth. 13. ubi Paterfamilias expostulatus de eradicandis Zizaniis, respondit: Non: ne forte eradicetis et triticum. Sinite utraque crescere, etc. *Haec enim est regula generalis, et a Pontificibus, et Regibus eo tempore servata, ne in Ecclesia seditiones, et confusiones*

ebullirent. Sic enim et Deus mala quaedam tolerat ob has causas, ut notat Tanner. *post* D. Bonau. in 1. dist. 47. quaest. 3. *ubi nostram infert conclusionem, ea sane ratione, quia bona nostra debent habere exemplaria in Deo.*

[5] I assert second, that for this cause also the Jews are tolerated, both because as it were shadows they confirm the truth of our faith, and they exhibit the sacred Books to us for convincing the Pagans. So it is had in *can. Qui sincera, dist. 45. et St. August. l 8. de ciuit. cap. 46.* The legitimate Books of the old testament are indeed to be received from them, but the truly Talmudic, Cabalistic, and similar ones, vomiting forth insults against Christ, are to be given to the flames, as was long ago decreed by Gregory IX, Innocent IV, Julius III, Paul IV, and recently by Clement VIII.

ASSERO secundo, hac de causa sustineri etiam Iudaeos, tum quia velut umbrae veritatem confirmant nostrae fidei, et Libros sacros nobis exhibent ad Paganos convincendos. Ita habetur can. Qui sincera, dist. 45. et D. August. l 8. de ciuit. cap. 46. *Libri sane legitimi veteris testamenti ab eis sunt accipiendi, et vero Thalmudici, Cabalastici, et similes, contumelias in Christum euomentes, flammis tradendi, ut iam olim statutum a Gregorio IX. Innocentio IV. Iulio III. Paulo IV. et nuper a Clemente VIII.*

[6] I assert third, that outside these cases subject infidels are not to be tolerated. So it is defined in the Fourth Council of Carthage, *can. 15. Elibertino; cap. 44. et Clem. un. de Iudaeis, et Saracenis, et leg. Nemo, C. de Paganis.*

ASSERO tertio, extra hos casus non sunt infideles subditi tolerandi. Sic definitur in Concil. Carthag. 4. can. 15. Elibertino; cap. 44. et Clem. un. de Iudaeis, et Saracenis, et leg. Nemo, C. de Paganis.

[7] It is proved from *Suarez disp. 18 sect. 4.*; *Tannero disp. 1. quaest. 9. dub. 2.*; Lugo disp. 19 sect. 2. §. 4.; by the argument of *St. Bonau ad Psal. 118. cap. 2. vers. 11.*, expounding that word of Matthaei 20: *Principes gentium dominantur eorum* — The princes of the nations lord it over them; because they are bound to remove their subjects from the perdition of souls, from scandals, and to promote them to good. For this reason Constantine burned the Temples of the Pagans and forbade the sacrifices; and he is praised by the Saints, *Ambr. epist. 30. August. epist. 48. 50. et 104.*, and *Nicephorus lib. 8. cap. 33. et de Iouiniano lib. 10. cap. 39. et Theodosio lib. 12. c. 25.* relates it; thus Josias, Ezechias, Iosaphat are praised, who took away the high places, *3. et 4. Reg.*, and others are blamed who did not take them away, as *St. August. epist. 50.* notes.

PROBATUR a Suarez disp. 18 sect. 4. Tannero disp. 1. quaest. 9. dub. 2. Lugo disp. 19 sect. 2. §. 4. *argumento* D. Bonau ad Psal. 118. cap. 2. vers. 11. *explicantis id* Matthaei 20. Principes gentium dominantur eorum, quia tenentur suos subditos removere ab animarum perditione, a scandalis, et ad bonum promovere. *Ideo enim Constantinus Templa Paganorum combussit, vetuit sacrificia; et laudatur a Sanctis,* Ambr. epist. 30. August. epist. 48. 50. et 104. *et refert* Nicephorus lib. 8. cap. 33. et de Iouiniano lib. 10. cap. 39. et Theodosio lib. 12. c. 25. *sic laudantur Iosias, Ezechias, Iosaphat, qui excelsa abstulere* 3. et 4. Reg. *et culpantur alii, qui ea non abstulere, ut notat* S. August. epist. 50.

[8] Here they ask: whether a Prince can grant a safe-conduct to infidels without a faculty of the Pontiff.

Hic quaerunt : an possit Princeps absque Pontificis facultate salvum conductum infidelibus concedere.

[9] Hurtadus answers, *disp. 79. sect. 5.*, that it can be granted to unbaptized infidels; not to heretics, who are subjects of the Church.

Respondet *Hurtadus* disp. 79. sect. 5. *posse infidelibus non baptizatis concedi; non haereticis, qui Ecclesiae sunt subditi.*

10 Therefore, notwithstanding any safe-conduct of the Kings, the Church can punish heretics, as the Council of Constance defines, *sess. 19.*; yet if she herself has given the safe-conduct, she is bound to keep it: as the Master Joannes Marq., the Augustinian, teaches, *lib. 2. de gubernatore Christiano. cap. 24.*, who on *pagina 301.* says that faith is to be kept with them, especially when confirmed by oath.

> *Igitur, non obstante quovis Regum salvo conducto, potest Ecclesia haereticos punire, ut definit Concilium Constantiae* sess. 19. *si tamen ipsa dederit salvum conductum, tenetur servare: ut docet Magister Ioan. Marq. Augustinianus* lib. 2. de gubernatore Christiano. cap. 24. *qui* pagina 301. *ait, iis servandam fidem, praesertim iuramento firmatam.*

Question VII: Whether it is lawful to make agreements with unbelievers about the toleration of their rites

1 This is a most weighty question, and necessary in our times.

> ***An liceat cum infidelibus pacisci de eorum ritibus tolerandis.***
>
> *Gravissima haec quaestio est, et his temporibus necessaria.*

2 I assert first: it is not lawful for a Christian Prince to make compacts on this matter without most grave causes. The Catholics agree with D. Bonav. *in the places to be cited*. So D. Thom. *quaest. 10. art. 11.* Molanus *lib 1. de fide haereticis servanda, cap. 20.* Lenaeus *de unica religione servanda.* Becanus *lib. de fide haereticis servanda, cap. 10.* Iacobus Simanc. *lib. Cathol. Instit. cap. 46.* Conradus Brunus *de haeret. lib. 3. cap. 15.* Petrus Ribadeniera *lib. 1. de Inst. Principis, cap. 17.* and others cited by Tannerus *disp. 1. quaest. 9. dub. 3. num. 66.*

> *Assero primo; non licet absque gravissimis causis Principi Christiano de hoc pacisci. Conveniunt Catholici cum D. Bonav.* locis citandis. *Sic D. Thom.* quaest. 10. art. 11. *Molanus* lib 1. de fide haereticis servanda, cap. 20. *Lenaeus* de unica religione servanda. *Becanus* lib. de fide haereticis servanda, cap. 10. *Iacobus Simanc.* lib. Cathol. Instit. cap. 46. *Conradus Brunus* de haeret. lib. 3. cap. 15. *Petrus Ribadeniera* lib. 1. de Inst. Principis, cap. 17. *et alii apud Tannerum* disp. 1. quaest. 9. dub. 3. num. 66.

3 *It is proved first* by D. Bonav. *on 12. Wisdom, in these words: Those ancient inhabitants of thy holy land, whom thou didst abhor, because they did hateful works to thee by charms, and unjust sacrifices, etc. thou didst will to destroy from the midst of thy Sacrament by the hands of our forefathers.*

> Probatur primo *a D. Bonav.* ad 12. Sapientiae, illis verbis: Illos antiquos habitatores terrae sanctae tuae, quos exhorruisti, quoniam odibilia opera tibi faciebant per medicamina, et sacrificia iniusta, etc. perdere voluisti a medio Sacramento tuo per manus parentum nostrorum.

4 *It is proved secondly* by S. Doct. there from *Deuter. 7. You shall not make a covenant with them, nor show mercy to them; nor shall you join with them in marriage. You shall not give your daughter to his son, nor take his daughter for your son: for she will lead your son astray, lest he follow me, so that he may serve strange gods rather: and the wrath of the Lord will be kindled, and he will quickly destroy you.* The same is commanded *Exodus 34.* Hence Solomon is reproved for transgressing, 3. *Reg. 11.* and Josaphat, otherwise pious, 2. *Paral. 19. and 20.* for that he had imprudently made a covenant with the infidel Kings of Israël.

> Probatur secundo *a S. Doct. ibi ex* Deuter. 7. Non initis cum eis foedus, nec misereberis earum; nec sociabis cum eis connubia. Filiam tuam non dabis filio eius, nec filiam illius accipies filio tuo: quia seducet filium tuum, ne sequatur me, ut magis serviat diis alienis: irasceturque furor Domini, et delebit

te cito. *Idem praecipitur* Exodi 34. *Hinc reprehenditur Salomon transgrediens 3.* Reg. 11. *et Iosaphat, alioqui pius* 2. Paral. 19. et 20. *eo quod incaute foedus iniisset cum Regibus Israël infidelibus.*

5 *It is proved thirdly* by S. Doct. *opusc. de sex alis Seraphim, cap. 7. from cap. 5. ad Galat. A little leaven corrupts the whole mass, etc. But he that troubles you shall bear judgment, etc. would that they were cut off who trouble you.* And 1 *Corinth. 5. Put away the evil from among yourselves.* And *Luke 13. Cut it down.* Similar things are found 2. *Timot. 2. Tit. 3. Ioan. epist. 2. Apocal. 2.*

Probatur tertio *a S. Doct.* opusc. de sex alis Seraphim, cap. 7. ex cap. 5. ad Galat. Modicum fermentum totam massam corrumpit, etc. Qui autem conturbat vos, portabit iudicium, etc. utinam abscindantur qui vos conturbant. *Et prima* Corinth. 5. Auferte malum ex vobismetipsis. *Et* Lucae 13. Succide illam. *Similia habentur* 2. Timot. 2. Tit. 3. Ioan. epist. 2. Apocal. 2.

6 *It is proved fourthly* by S. Doct. *serm. 6. Hexaemer. from* the practice of the Church, especially of the supreme Pontiffs, and of Councils, condemning and separating heretics. Likewise of Emperors, especially Constantine, Charlemagne, and Theodosius. For there exists a famous Constitution of Theodosius, Gratian, and Valentinian, and it is found *l. Cod. de summa Trinitate, where it is defined: We will that all peoples, whom the clemency of our empire rules, dwell in such a Religion as the divine Peter handed on to the Romans, which the Religion hitherto revealed to us by himself declares, which it is clear the Roman Pontiff follows.* Similar is the rescript of the Emperors Gratian, Valentinian, and Theodosius, who impose perpetual silence on all heretics *l. 2. C. de haeret.* similar things are found *l. 3. C. de haeret. and* in Eusebius on the life of Constantine *lib. 3. cap. 6. et 62.*

Probatur quarto *a S. Doct.* serm. 6. Hexaemer. ex *praxi Ecclesiae, maxime summorum Pontificum, et Conciliorum, damnantium, et separantium haereticos. Similiter Imperatorum, praesertim Constantini, Caroli Magni, et Theodosii. Extat enim insignis Theodosii, Gratiani, et Valentiniani Constitutio, et habetur* l. Cod. de summa Trinitate, ubi definitur: Cunctos populos, quos clementia nostrae regit imperium, in tali volumus Religione versari, quam Divum Petrum tradidisse Romanis, Religio usque adhuc ab ipso insinuata declarat, quam Pontificem Romanum sequi claret. *Simile est rescriptum Gratiani, Valentiniani, et Theodosii Imperatorum, qui omnibus haereticis perpetuum silentium indicunt* l. 2. C. de haeret. *similia habentur* l. 3. C. de haeret. et *apud Eusebium in vita Constantini* lib. 3. cap. 6. et 62.

7 It is also proved by the reasons brought forward *quaest. 6.* for these pacts bring grave harm and scandal, and are extorted by force and fraud, as is evident from the compacts with the sectaries of these times, which brought most grave wars and ruins, as Davila relates in the history of Gallia, and Tannerus *disp. 1. quaest. 9. dub. 3.* Bassaeus *verb. Infidelitas, 10.*

Probatur etiam rationibus allatis quaest. 6. *nam haec pacta grave damnum, et scandalum afferunt, et vi, ac dolo extorquentur, ut constat ex foederibus cum sectariis horum temporum, quae gravissima bella, et ruinas attulere, ut refert Davila in historia Galliae, et Tannerus* disp. 1. quaest. 9. dub. 3. *Bassaeus* verb. Infidelitas, 10.

8 I add, however, that for most grave causes it is lawful to make compacts and to tolerate. The reason is that of Tannerus *num. 99.* for it is lawful to pact concerning those things which it is lawful to tolerate.

Addo tamen, ob gravissimas causas licere pacisci, et tolerare. Ratio est Tanneri num. 99. *ea enim licet pacisci, quae licet tolerare.*

9 I assert secondly. If at any time such pacts are entered into by Kings for grave causes, they are not to be violated. So Molanus *lib. 1. cap. 25. et sequent.* Becanus *disp. de fide haereticis servanda, cap. 7.* Letmatius *de fide haereticis servanda, and* others cited by Tanner. *disp. 1. quaest. 9. dub. 4.* This is the opinion of S. Bonav. *in the places to be alleged.*

> *Assero secundo. Si quando talia pacta a Regibus ineantur ob graves causas, non esse violanda. Ita Molanus* lib. 1. cap. 25. et sequent. *Becanus* disp. de fide haereticis servanda, cap. 7. *Letmatius* de fide haereticis servanda, et *alii apud Tanner.* disp. 1. quaest. 9. dub. 4. *Haec est sententia S. Bonav.* locis allegandis.

10 *It is proved first* by S. Doct. *in 3. dist. 39. art. 2. quaest. 3. where from the fact*, that it is lawful to enter into treaties with infidels, S. Doct. gathers that oaths may be received from them according to their sects, as from Mahometans upon the Alcoran, as I shall show *tract. de Relig. disp. de iuramento, quaest. 2.*

> Probatur primo *a S. Doct.* in 3. dist. 39. art. 2. quaest. 3. ubi ex eo*, quod liceat foedera cum infidelibus inire, colligit S. Doct. posse ab eis recipi iuramenta, iuxta eorum sectas, ut a Mahumetanis super Alcoranum, ut ostendam* tract. de Relig. disp. de iuramento, quaest. 2.

11 But he proves that treaties are to be kept, and that they were at times legitimately entered into; first by the example of Iacob *Genesis 31.* where he made a treaty with Laban the Pagan.

> *Probat autem, servanda foedera, eaque esse legitime aliquando inita; primo exemplo Iacob* Genesis 31. *ubi foedera iniit cum Laban Pagano.*

12 Next he proves it by the example of Iudas, the holy Leader of the Machabees, who made treaties with the Romans 1. *Machab. cap. 8.* and is not reproved.

> *Deinde id probat exemplo Iudae, Sancti Ducis Machabaeorum, qui cum Romanis foedera iniit 1.* Machab. cap. 8. *neque reprehenditur.*

13 *It is proved next* by S. Doct. in the same *dist. art. 3. quaest. 3.* by the example of Iosuë, the most holy Leader, who kept the treaty, though imprudently made, with the Gabaonites, and in this he is praised by D. Ambr. *lib. de officiis.* Abulensis disputes *ad 9. Iosue, from quaest. 17. to 27.* Whether an oath bound to it: for he asserts that it was not obligatory, Lyranus striving for the opposite. With Tostatus is Tannerus also *disp. 1. quaest. 9. dub. 4. num. 119.*

> Probatur deinde *a S. Doct. eadem* dist. art. 3. quaest. 3. *exemplo Iosuë Sanctissimi Ducis, qui foedus, licet incaute initum, Gabaonitis servavit, et in hoc laudatur a D. Ambr.* lib. de officiis. *Disputat Abulensis* ad 9. Iosue, a quaest. 17. ad 27. *An iuramentum ad illud obligaret: Ille enim asserit, non fuisse obligatorium, nitente Lyrano ad oppositum. Cum Tostato est etiam Tannerus* disp. 1. quaest. 9. dub. 4. num. 119.

14 S. Bonau. indeed supposes that foundation by which Tostatus chiefly strives: that the Hebrews were obliged simply to kill the Gabaonites, who were Chananaeans; concerning whose killing without mercy the command of God was at hand. *Deuter. 20. Num. 33.* Nor is any revelation of God dispensing found. From which the whole argumentation of Lyranus collapses.

> *Svpponit quidem S. Bonau. illud fundamentum, quo maxime nititur Tostatus, obligatos fuisse simpliciter Hebraeos ad occidendum Gabaonitas, qui erant Chananaei; de quibus occidendis absque misericordia aderat Dei praeceptum.* Deuter. 20. Num. 33. *Neque invenitur aliqua revelatio Dei dispensans. Ex quo ruit tota argumentatio Lyrani.*

15 He brings forward one reason, which is that of D. Ambrosii *loc. cit.* who says, *Iosue judged that the peace which he had given was not to be recalled, because it had been confirmed by the religion of a Sacrament, lest,*

while he reprehended the perfidy of another, he should dissolve his own faith. Therefore by reason of scandal he seems to intimate that the oath is to be kept.

> *Unam rationem ille affert, quae est D. Ambrosii* loc. cit. *dicentis,* Iosue pacem, quam dederat, revocandam non censuit, quia firmata erat Sacramenti religione, ne, dum alienam perfidiam redargueret, suam fidem solveret. *Ratione igitur scandali videtur innuere, iuramentum servandum.*

16 Abulensis *quaest. 22.* answers however that no scandal was given, because the Gabaonites, as deceivers, had extorted this oath, feigning that they were not Chananaeans.

> Respondet *tamen Abulensis* quaest. 22. *non fuisse scandalum datum, quia Gabaonitae deceptores extorserant hoc iuramentum, fingentes, se non esse Chananaeos.*

17 The reason by which D. Bonau. asserts that the oath was rightly kept is, that the precept concerning the killing of the Chananaeans was laid down insofar as they were incorrigible: Therefore *Iosue 11.* it is said: *For the sentence of the Lord was, that their hearts should be hardened, and that they should fight against Israël, and fall, and not merit any clemency, and so perish, as the Lord had commanded Moses.* Therefore since the Gabaonites were not hardened, but gave themselves to the Hebrews, there was no precept to kill them.

> *Ratio, qua D. Bonau. asserit, recte servatum iuramentum, est, quia praeceptum de occidendis Chananaeis latum erat, quatenus erant incorrigibiles: Ideo* Iosue 11. *dicitur:* Domini enim sententia fuerat, ut indurarentur corda eorum, et pugnarent contra Israël, et caderent, et non mererentur ullam clementiam, ac sic perirent, sicut praeceperat Dominus Moysi. *Cum igitur Gabaonitae non essent indurati, sed se dederent Hebraeis, non erat praeceptum eos occidere.*

18 Tostatus *quaest. 21.* answers first, that the sentence of the Lord was against all the Chananaeans, nor was any exception declared, except afterwards *cap. 11. Iosue,* which was not then known to the Israelites.

> Respondet *Tostatus* quaest. 21. *primo, quia sententia Domini erat contra omnes Chananaeos, nec fuit declarata exceptio, nisi postea* cap. 11. Iosue*, quae tunc non constabat Israëlitis.*

19 I say that clear evidence is had that this precept was so declared to Iosuë, and to the princes, because two chapters later it is described, not as laid down then only, but as manifest for the just preservation of the Gabaonites. And therefore it is said: *As the Lord had commanded Moses, so Moses commanded Iosue, and he accomplished all things: there did not pass from all the mandata, not even one word, which the Lord had commanded Moses:* But then he immediately subjoins the exception in the law of killing the Chananaeans: Since therefore Moses at the beginning declared it to Iosuë, and he fulfilled it to the finest point; it follows, that the precept was laid down in this form, in which it is thus related: then it is from Iosue. That certain Chananaeans were afterwards killed, is nothing against me; for they were obstinate, rebellious, just like the rest before the killing. S. Doct. adds that they were punished civilly with perpetual servitude, in which the Princes judged they acted better than by killing them, since they voluntarily subjected themselves to servitude. S. Doct. nevertheless does not accept this reason, because if the oath was valid, they ought not to be punished with the other penalty of perpetual servitude, as Tostatus argues *quaest. 24.* who excuses their ignorance. And in this alone he adheres to S. Doctor, that it did not tend to an evil outcome, so to receive them unto salvation.

> *Ego dico, signum evidens haberi, ita declaratum praeceptum Iosuë, et principibus, quia post duo capita describitur, non tanquam latum tunc solum, sed tanquam manifestum iustae servationis Gabaonitarum. Et ideo dicitur:* Sicut praeceperat Dominus Moysi, sic praecepit Moyses Iosue, et ille universa complevit: non praeteriit de universis mandatis, ne unum quidem verbum, quod iusserat Dominus Moysi: *Mox vero subdit exceptionem in lege occidendi Chananaeos: Cum igitur Moyses initio declarasset Iosuë, et hic ad unguem impleverit; sequitur, latum praeceptum hac forma, qua sic fertur: tunc est a Iosue. Quod vero aliqui postea Chananaei sint interfecti, nihil contra me; erant enim pertinaces, rebelles, sicuti et caeteri ante occisionem. Addit S. Doct. fuisse civiliter punitos perpetua servitute, in quo Principes melius se agere arbitrati sunt, quam eos occidendo, cum servitute se sponte subderent. Hanc tamen rationem non accipit S. Doct. quia si validum erat iuramentum, non debebant puniri alia poena perpetuae servitutis, ut arguit Tostatus* quaest. 24. *qui eorum ignorantiam excusat. Et in hoc solum S. Doctori adhaeret, quod in malum exitum non vergebat, ita eos recipere ad salutem.*

20 Truly for our purpose it suffices that the holy man Iosue, of whom it is said that he kept the law of the Lord adamussim, entered into treaties with these men, whom he knew to be Pagans, even though from far off.

> *Enim vero ad rem nostram sufficit, sanctum virum Iosue, qui dicitur, adamussim legem Domini servasse, foedera iniisse cum istis, quos sciebat Paganos, esto e longinquis.*

21 The reason of D. Bonav. from D. Ambrosio *loc. cit.* which Tannerus uses *num. 104.* is, that it is of Divine and Natural Law to keep pacts; otherwise the whole bond of human society will be broken.

> *Ratio D. Bonav. ex D. Ambrosio* loc. cit. *qua utitur Tannerus* num. 104. *est, quia Iuris Divini, et Naturalis est, pacta servare; alioqui rumpetur omnis humanae societatis nexus.*

22 The heretics *object* to us, as holding that no pacts are to be kept.

> Obiiciunt *haeretici nobis, quasi tenentibus, nulla pacta servanda.*

23 First the Council of Constance, which did not keep faith with Ioanni Hus, and the Pragensi.

> *Primo Concilium Constantiae, quod fidem non servavit Ioanni Hus, et Pragensi.*

24 *It is answered*, that the Council only declared that the safe-conduct of Kings does not avail to the prejudice of the power of the Church over Heretics. But those two were justly condemned. And indeed Hieronymus a Praga had from the Council a safe-conduct, but with the addition, *salva semper iustitia.* Hus however from the Emperor. Add that heretics have often been perfidious, as the Hugonotti toward Carolus IX. as Davila relates.

> Respondetur, *Concilium solum declarasse, non iuvare salvum conductum Regum in praeiudicium potestatis Ecclesiae super Haereticos. Illi vero duo fuere iuste damnati. Et quidem Hieronymus a Praga habuit a Concilio salvum conductum, sed addito,* salva semper iustitia. *Hus vero ab Imperatore. Adde haereticos saepe extitisse perfidos, ut Hugonotti in Carolum IX. uti refert Davila.*

25 They *object* many Councils, Romanum IV. and Later. III.

> Obiiciunt *multa Concilia, Romanum IV. et Later. III.*

26 These however only absolve subjects from the oath of fidelity to Kings excommunicated, and deprived of their jurisdiction by the Pontiff.

> *Haec tamen solum absolvunt a iuramento fidelitatis subditos, Regibus excommunicatis, et privatis per Pontificem eorum iurisdictione.*

27 I assert thirdly, these pacts are to be kept, even if imprudently made. So D. Bonav. 3. *dist. 39. art. 3. quaest. 3.* whom the others commonly follow, cited by Tannerus *num. 112.*

> *Assero tertio, haec pacta servanda, etiamsi incaute inita. Ita D. Bonav. 3.* dist. 39. art. 3. quaest. 3. *quem sequuntur communiter alii apud Tannerum* num. 112.

28 *It is proved* by D. Bonav. with the argument of D. Ambrosii *loc. cit.* because it is a greater evil to break faith than to keep such pacts; for thereby the common good of human society is harmed.

> Probatur *a D. Bonav. argumento D. Ambrosii* loc. cit. *quia maius est malum, fidem frangere, quam talia pacta servare; inde enim laeditur bonum commune societatis humanae.*

Question VIII: Whether unbaptized unbelievers can retain power over the faithful, and whether they can be deprived of it

1 It is certain that such infidel Princes, or even private persons, are capable of dominion. And indeed to have dominion over goods is defined by Paulus III. in a certain Bull cited by Coninch. *disput. 1. dub. 10. num. 160.* Of dominion also over persons as over slaves, it is certain that it can be with them if they hold slaves by a just title, say a just war, etc.

> *Certum est, huiusmodi Principes infideles, seu etiam privatas personas, esse dominii capaces. Et quidem habere dominium bonorum, definitur a Paulo III. in quadam Bulla apud Coninch.* disput. 1. dub. 10. num. 160. *De Dominio etiam super personas tanquam servos, certum est, illud posse apud eos esse si iusto titulo, puta belli iusti, etc. retineant servos.*

2 From many Scriptures S. Doct. shows that jurisdiction can be in infidels over the faithful. First from 1. a Petri 2. *Subiecti estote omni humanae creaturae propter Deum: sive Regi, tanquam praecellenti.* Be subject to every human creature for God's sake: whether to the King, as preeminent.

> *E multis Scripturis ostendit S. Doct. iurisdictionem esse posse in infidelibus super fideles. Primo ex pri.: a Petri 2.* Subiecti estote omni humanae creaturae propter Deum: sive Regi, tanquam praecellenti.

3 Next by that of Rom. 13. *Omnis anima potestatibus sublimioribus subdita sit. Et infra: Non solum propter iram, sed etiam propter conscientiam.* Let every soul be subject to the higher powers. And below: Not only because of wrath, but also because of conscience. Finally from the other epistles of Paul S. Doctor gathers the same.

> *Deinde illo Rom. 13.* Omnis anima potestatibus sublimioribus subdita sit. Et infra: Non solum propter iram, sed etiam propter conscientiam. *Tandem ex aliis epistolis Pauli id colligit S. Doctor.*

4 Thirdly from that of Matth. 22. *Reddite ergo, quae sunt Caesaris, Caesari.* Render therefore to Caesar what is Caesar's. The Apostles inculcated this precept to refute the calumny, as if our faith denied obedience to Princes. Whence Paul ad Titum 3: *Admone illos, ut Principibus obediant.* Admonish them, that they obey Princes. The same precept the PP. enjoined: Clemens P. *lib. 4. constitut. cap. 12. et lib. 7. cap. 17.* Tertullianus *lib. ad scapulam, cap. 2.* Polycarpus cited by Euseb. *lib. 4. hist. cap. 14.* Basil. *in Moral. reg. 79.* Hieron. *epist. 4.* Chrysostomus *homil. 23. in epist. ad Rom.* Origenes *lib. 9. in eandem epist.* Oecumenius, Nazianzenus, Epiphan. and others, whom Suarez relates *de defensione fidei, lib. 3. cap. 1.*

> *Tertio ex illo Matth. 22.* Reddite ergo, quae sunt Caesaris, Caesari. *Hoc praeceptum inculcabant Apostoli ad eluendam calumniam, quasi nostra fides negaret Principibus obedientiam. Unde Paulus ad Titum 3:* Admone illos, ut Principibus obediant. *Idem praeceptum iniungebant PP. Clemens P.* lib. 4. constitut. cap. 12. et lib. 7. cap. 17.

Tertullianus lib. ad scapulam, cap. 2. *Polycarpus apud Euseb.* lib. 4. hist. cap. 14. *Basil.* in Moral. reg. 79. *Hieron.* epist. 4. *Chrysostomus* homil. 23. in epist. ad Rom. *Origenes* lib. 9. in eandem epist. *Oecumenius, Nazianzenus, Epiphan. et alii, quos refert Suarez* de defensione fidei, lib. 3. cap. 1.

5 *It is proved* fourthly by S. Doct. by the reason of the Apostle. *Omnis potestas est a Deo, atque ordinata; et qui ei resistit, Deo resistit, et damnationem incurrit:* All power is from God and ordained; and he who resists it resists God and incurs damnation: but by the law of nature many are given having power of jurisdiction, by a just title, whether by war, or custom, or prescription, or translation of dominion, whether into a true person, as is a King; or a fictitious one, such as a Republic. Nor indeed is it once acquired lost on account of the infidelity of the Prince, or through the faith of subjects; for an infidel can well rule the faithful people of God, even with just laws.

Probatur *quarto a S. Doct. ratione Apostoli.* Omnis potestas est a Deo, atque ordinata; et qui ei resistit, Deo resistit, et damnationem incurrit: *sed dantur iure naturae multi habentes potestatem iurisdictionis, titulo iusto, sive bello, sive consuetudine, sive praescriptione, vel translatione dominii sive in personam veram, ut est Rex; vel fictam, qualis est Respublica. Neque vero semel acquisita amittitur ob infidelitatem Principis, vel per fidem subditorum; potest enim infidelis bene regere populum fidelem Dei, etiam legibus iustis.*

6 *It is confirmed* by D. Bonav. because to serve is not an evil, but meritorious: Therefore by Baptism we are not absolved from that servitude.

Confirmatur *a D. Bonav. quia servire non est malum, sed meritorium: Ergo ab illa servitute non absolvimur per Baptismum.*

7 Of dominion therefore even real over faithful slaves it is proved by S. Doct. from that of Ephes. 6. *Servi obedite Dominis carnalibus cum timore, et tremore, in simplicitate cordis vestri, sicut Christo: non ad oculum servientes, quasi hominibus placentes, sed ut servi Christi, facientes voluntatem Dei ex animo, cum bona voluntate servientes, sicut Domino, et non hominibus:* Servants, obey your carnal masters with fear and trembling, in the simplicity of your heart, as to Christ: not serving to the eye, as pleasing men, but as servants of Christ, doing the will of God from the heart, serving with good will, as to the Lord, and not to men: The same he repeats ad *Coloss. 3.* ad *Titum 2.* But then all the princes were, nay, almost all even private masters, infidels. But Peter speaks of the slaves of infidel masters *epist. 1. cap. 2.* in those words: *Servi subditi estote in omni timore dominis, non tantum bonis, et modestis, sed etiam discolis,* Servants, be subject in all fear to your masters, not only to the good and gentle, but also to the froward: as S. Bonaventura observes, and Lugo *num. 133.* S. Bonav. renders the reason of this *fundamento 4.* with D. August. in *Psalm. 124.* because Christ did not make free men of slaves, but of bad slaves, good slaves, which S. August. also confirms *conc. 31. in Psal. 118.* and the author of the *qq. novi, et veteris testamenti, under the name of August: quaest. 15.* and in the Council of Gangra *can. 3.* it is related *cap. si quis servum 17. quaest. 14.* that anathema is inflicted on him who, under pretext of religion, urged a slave to flee. It was however celebrated in the time of Pope Sylvester, in which Gentile masters had many Christian slaves.

De dominio igitur etiam reali in servos fideles probatur a S. Doct. ex illo Ephes. 6. Servi obedite Dominis carnalibus cum timore, et tremore, in simplicitate cordis vestri, sicut Christo: non ad oculum servientes, quasi hominibus placentes, sed ut servi Christi, facientes voluntatem Dei ex animo, cum bona voluntate servientes, sicut Domino, et non hominibus: *Idem repetit ad* Coloss. 3. *ad* Titum 2. *Erant autem tunc principes omnes, imo et Domini privati fere omnes infideles. De servis autem dominorum infidelium loqui Petrum* epist. 1. cap. 2. *illis verbis:* Servi subditi estote in omni timore dominis, non tantum bonis, et modestis, sed etiam

discolis, *observat S. Bonaventura, et Lugo* num. 133. *Huius rationem reddit S. Bonav.* fundamento 4. *cum D. August. in* Psalm. 124. *quia Christus non fecit de servis liberos, sed de malis servis, bonos servos, quod etiam confirmat S. August.* conc. 31. in Psal. 118. *et author* qq. novi, et veteris testamenti, sub nomine August: quaest. 15. *et in Concilio Gangrensi* can. 3. *relato* cap. si quis servum 17. quaest. 14. *anathema infligitur ei, qui, praetextu religionis, servo fugam suaserit. Fuit autem celebratum tempore Sylvestri Papae, in quo Domini gentiles plures habebant servos christianos.*

8 The authors of the contrary opinion *object* first, from that of 1 Cor. 7. *Nolite fieri servi hominum, pretio empti estis.* Do not become the slaves of men; you were bought with a price.

Obiiciunt *primo opinionis adversae authores, id* prima Cor. 7. Nolite fieri servi hominum, pretio empti estis.

9 Some *answer* with Suarez, that Paul is not there speaking of civil, or penal servitude: for of this he had said a little before: *Servus vocatus es? non sit tibi curae.* Were you called a slave? let it not be a care to you. And he concludes: *Unusquisque in quo vocatus est fratres,* in this let each remain with God. He speaks therefore of vitious servitude, by which one, in order to serve another, offends God: *Nemo enim potest duobus dominis servire*. For no one can serve two masters.

Respondent *aliqui cum Suarez, Paulum ibi non loqui de servitute civili, vel poenali: de hac enim paulo ante dixerat:* Servus vocatus es? non sit tibi curae. *Et concludit:* Unusquisque in quo vocatus est fratres, *in hac permaneat apud Deum. Loquitur ergo de servitute vitiosa, qua unus, ut alteri obsequatur, Deum offendit:* Nemo enim potest duobus dominis servire.

10 Cornelius there, Lugo n. 136. and others affirm that the exposition of D. Bonau. in the body of the text is BETTER, that those words are to be understood of civil servitude also, namely, that those compelled indeed into servitude ought patiently to bear it; yet if they are not compelled, and can be free, they ought not to reduce themselves into the servitude of infidels, for thus they will be able more promptly, more readily, and more freely to attend to religion, and the preceding words intimate this, as S. Doct. relates *Servus vocatus es? non sit tibi curae: sed et si potes fieri liber, magis utere*, that is, if it is in your power not to be a slave, use it: but if you have been compelled, bear it patiently.

MELIOREM esse expositionem D. Bonau. in corpore afferunt Cornelius ibi, Lugo n. 136. et alii, intelligi verba illa de civili etiam servitute, nempe, coactos quidem in servitutem, debere illam patienter sustinere; si tamen non cogantur, et liberi esse possint, non debere, se redigere in infidelium servitutem, quia sic promptius, et expeditius, et liberius religioni vacare poterunt, et hoc innuunt verba praecedentia, ut refert S. Doct. Servus vocatus es? non sit tibi curae: sed et si potes fieri liber, magis utere*, idest, si in tua libertate est, non servum esse, utere ea: si vero coactus sis, patienter sustine.*

11 Yet it SEEMS that by fundamento 4. he does not reject the exposition of others on these words, namely, that even if one could go out from servitude, it is meritorious to remain in it; and therefore on this occasion it is to be used for the merit of humility. Indeed S. Doct. shows that they can sell themselves, 4. dist. 36. dub. 3. Simply however, that servants ought to obey their Princes, and Masters, the Apostle enjoins also 1 Timot. VI. *Quicumque sunt sub iugo servitutis, dominos suos omni honore dignos arbitrentur, ne nomen Domini, et doctrina blasphemetur. Si quis aliter docet, et non acquiescit sanis sermonibus Domini nostri Iesu Christi: superbus est, et nihil sciens.* Whoever are under the yoke of servitude, let them judge their masters worthy of all honor, lest the name of the Lord and his doctrine be blasphemed. If anyone teaches otherwise, and does not assent to the sound words of our Lord Jesus Christ: he is proud, and knowing nothing. And he proves this earnestly ad *Rom. 13.*

VIDETUR tamen fundamento 4. non respuere aliorum expositionem ad haec verba, nempe, etiam si posset quis e servitute egredi, meritorium esse in ea permanere; et ideo hac occasione utendum ad meritum humilitatis. Imo posse seipsos vendere ostendit S. Doct. 4. dist. 36. dub. 3. Simpliciter tamen debere subditos Principibus, et Dominis servos obedire, iniungit Apostolus prima etiam Timot. VI. Quicumque sunt sub iugo servitutis, dominos suos omni honore dignos arbitrentur, ne nomen Domini, et doctrina blasphemetur. Si quis aliter docet, et non acquiescit sanis sermonibus Domini nostri Iesu Christi: superbus est, et nihil sciens. *Et hoc probat enixe ad* Rom. 13.

12 They OBJECT secondly, that the Evangelical Law carries liberty with it: For therefore, when *Matth. 17.* the tribute was demanded from the Apostles, the Lord asked Peter: *Reges terrae a quibus accipiunt tributum, vel censum? a filiis suis, an ab alienis?* The Kings of the earth, from whom do they receive tribute, or custom? from their own sons, or from strangers? Christ concluded: *Ergo liberi sunt filii.* Therefore the sons are free. In which place, under the name of sons, he seems to have understood all the faithful, as Lyra and Hieronymus indicate.

OBIICIUNT secundo, Legem Evangelicam secum ferre libertatem: Ideo enim cum Matth. 17. *tributum ab Apostolis exigeretur, interrogavit Dominus Petrum:* Reges terrae a quibus accipiunt tributum, vel censum? a filiis suis, an ab alienis? *Christus conclusit:* Ergo liberi sunt filii. *Quo loco, filiorum nomine, omnes fideles intellexisse videtur, ut indicat Lyra, et Hieronymus.*

13 Suarez relates the VARIOUS expositions of that passage, lib. 1. cit. cap. 4. and lib. 4. cap. 5. and cap. 8.

VARIAS loci illius expositiones refert Suarez lib. 1. cit. cap. 4. et lib. 4. cap. 5. et cap. 8.

14 S. Doct. ANSWERS that Christ ascribes this immunity to himself, as being the son of God by nature. Therefore from this passage the Fathers prove the natural filiation of God, because by it he declares himself not to be subject to the paying of tribute. So Chrysost. and Hilar. cited by Suarez cap. 5. num. 5. But they say he could have extended this exemption to his family, the Apostles, and others, who left all things and followed him, and Hieronymus speaks in this sense: but he communicated it especially to Peter, and his successors, as those words signified: *Ut autem non scandalizemuseos, solve pro me, et te*, But that we may not scandalize them, pay for me and you; for with the scandal removed, Peter could have not paid, the immunity having been communicated to him by Christ, as Lugo notes n. 138. with D. Bonau. prima parte Centil. sect. 31. Tannerus subscribes disp. 1. quaest. 9. dub. 2. num. 44.

RESPONDET S. Doct. immunitatem hanc sibi Christum adscribere, ut pote filio Dei per naturam. Ideo ex hoc loco Patres probant filiationem Dei naturalem, quia inde se declarat, non esse subiectum ad tributa solvenda. Ita Chrysost. et Hilar. apud Suarez cap. 5. num. 5. Hanc vero exemptionem, dicunt eum potuisse extendere ad suam familiam Apostolorum, et aliorum, qui omnia reliquerunt, et secuti sunt eum, et hoc sensu loquitur Hieronymus: praecipue vero eam Petro, et successoribus communicavit, ut significarunt verba illa: Ut autem non scandalizemuseos, solve pro me, et te*, secluso enim scandalo, potuisset Petrus non solvere, communicata sibi a Christo immunitate, ut notat Lugo n. 138. cum D. Bonau. prima parte Centil. sect. 31. subscribit Tannerus disp. 1. quaest. 9. dub. 2. num. 44.*

15 They OBJECT thirdly from the first of Iacobi: *Qui autem perspexerit in lege perfecta libertatis*, But he that has looked into the perfect law of liberty, where the Gloss: *Lex libertatis est lex Evangelica.* The law of liberty is the Evangelical law.

OBIICIUNT tertio ex primo Iacobi: Qui autem perspexerit in lege perfecta libertatis, *ubi Glossa:* Lex libertatis est lex Evangelica.

16 S. Doct. ANSWERS that the Evangelical Law makes us free from the servitude of sin, and the servitude of the old law, as is said Rom. 8. *Non accepistis spiritum servitutis iterum in timore, sed accepistis Spiritum adoptionis filiorum, in quo clamamus: Abba, (Pater.)* You have not received again the spirit of servitude in fear, but you have received the Spirit of adoption of sons, in which we cry: Abba, (Father.)

RESPONDET S. Doct. Legem Evangelicam liberos nos reddere a servitute peccati, et servitute legis antiquae, ut dicitur Rom. 8. Non accepistis spiritum servitutis iterum in timore, sed accepistis Spiritum adoptionis filiorum, in quo clamamus: Abba, (Pater.)

17 They OBJECT fourthly. The law of charity, composing all into one, makes all things common; whence 1 Cor. 3. *Omnia vestra sunt, sive mors, sive vita.* All things are yours, whether death, or life. And ad Ephes. et Coloss. *Omnes sumus in Christo*, etc. We are all in Christ, etc.

OBIICIUNT quarto. Lex charitatis omnes in unum componens, omnia facit communia; unde prima Cor. 3. Omnia vestra sunt, sive mors, sive vita. *Et ad Ephes. et Coloss.* Omnes sumus in Christo, *etc.*

18 S. Doct. ANSWERS that charity makes us one by a certain communication of graces, and affections; but not of temporal dominion; otherwise it would be forbidden that even some Christians be unequal, say one a King: another a prisoner in the Ergastulum.

RESPONDET S. Doct. charitatem facere nos unum per quandam communicationem gratiarum, et affectuum; non autem temporalis dominii; alioquin vetitum esset, etiam aliquos Christianos esse inaequales, puta unum Regem: alterum Ergastulum.

19 They OBJECT fifthly. The bond of the Divine law is greater than that of the human; but the Evangelical law absolves from the obligation of the old divine law: Therefore.

OBIICIUNT quinto. Maius est vinculum legis Divinae, quam humanae; sed lex Evangelica absolvit ab obligatione legis veteris divinae: Ergo.

20 S. Doct. ANSWERS that it is not alike; for the new Law evacuates the old law, as truth the figure; but it is not thus with human Law, which aids the Divine to be observed: Whence the Apostle 1. Timot. 2. commands that prayer be made for Princes, that we may lead a quiet and tranquil life under them.

RESPONDET S. Doct. non esse simile; nam Lex nova evacuat legem veterem, tanquam veritas figuram; non sic autem est de Lege humana, quae adiuvat ad Divinam observandam: Unde Apostolus 1. Timot. 2. mandat, ut oretur pro Principibus, ut quietam, et tranquillam vitam sub eis agamus.

21 They OBJECT sixthly. Christ willed to redeem us by himself, that he might restore us to our pristine liberty, and that man might be subject to himself, as S. Anselmus says *Lib. Cur Deus homo, cap. 5.* since therefore we have been bought with the great price of the blood of Christ the Lord; we are his alone: Therefore it seems that a Christian, who has been reborn in Christ, is not bound to any servitude.

OBIICIUNT sexto. Christus per se nos redimere voluit, ut in pristinam restitueret libertatem, et sibi homo subiectus esset, ut ait S. Anselmus Lib. Cur Deus homo, cap. 5. *cum ergo empti simus pretio magno sanguinis Christi Domini;*

ipsius tantum sumus: Ergo videtur, quod Christianus, qui renatus est in Christo, adstrictus non sit alicui servituti.

22 S. Doct. ANSWERS that we do not attain the liberty bought for us by Christ, unless translated into glory. Whence here liberty is begun from guilt; but there it is consummated, liberty from misery, and from every human power; Whence it does not follow that, if we are bought by Christ, we are not the servants of any man: The dominion indeed of the devil, or of sin, is excluded, according to that Matth. 6. *Non potestis Deo servire, et Mammonae.* You cannot serve God and Mammon.

RESPONDET S. Doct. nos non assequi libertatem, emptam nobis a Christo, nisi translatos in gloriam. Unde hic inchoatur libertas a culpa; sed ibi consummatur libertas a miseria, et ab omni humana potentia; Unde non sequitur, quod, si sumus empti a Christo, non simus servi alicuius hominis: Excluditur quidem dominium diaboli, vel peccati, secundum id Matth. 6. Non potestis Deo servire, et Mammonae.

23 But there is still a controversy: whether the Church can deprive infidel Princes of the temporal dominion which they exercise over the faithful.

EST autem adhuc controversia: an possit Ecclesia Principes infideles privare dominio temporali, quod in fideles exercent.

24 INDIRECTLY indeed the Church has this power, by the right of defense, and the right of governance, because the Church can rule her faithful everywhere. So D. Thom. quaest. 10. art. 1. and Bannes, Aragon there, Valentia quaest. 10. p. 8. and Tanner. says it probable *disp. 1. quaest. 9. dub. 2. num. 53.*

INDIRECTE quidem habet Ecclesia hanc potestatem, iure defensionis, et iure gubernationis, quia Ecclesia potest suos fideles ubique regere. Ita D. Thom. quaest. 10. art. 1. et Bannes, Aragon ibi, Valentia quaest. 10. p. 8. et probabile ait Tanner. disp. 1. quaest. 9. dub. 2. num. 53.

25 COMMONLY however the Doctors hold that the Church does not have this indirect power over infidel Princes, precisely as they are infidels, unless it redound to the prejudice of the faith. So Bellarm. *Tom. 1. lib. 5. de Romano Pontifice, cap. 7.* Lorca, Caietanus, and others cited by Hurtadum *disp. 77. sect. 2.* Coninch. *disp. 18. dub. 10. num. 160.* Turrianus *disp. 52. dub. 1.* Castro Palao *T. 1. tract. 4. disp. 2. p. 8. num. 6.* who adduces others; and Tannerus judges it probable *in the place cited.*

COMMUNITER vero sentiunt Doctores, Ecclesiam non habere hanc potestatem indirectam in Principes infideles, praecise ut infideles sunt, nisi redundet in fidei praeiudicium. Ita Bellarm. Tom. 1. lib. 5. de Romano Pontifice, cap. 7. *Lorca, Caietanus, et alii apud Hurtadum* disp. 77. sect. 2. *Coninch.* disp. 18. dub. 10. num. 160. *Turrianus* disp. 52. dub. 1. *Castro Palao* T. 1. tract. 4. disp. 2. p. 8. num. 6. *qui alios afferunt; et Tannerus probabile censet* loco citato.

26 There is REQUIRED therefore, that the Church be compelled by a persecuting infidel Prince, or that a moral danger of persecution be imminent, as Suarez notes *sect. 5.* Lugo *sect. 1. num. 148.* See also D. Bonau. *serm. 16. in Hexaëmerone, indicating some things.*

REQUIRITUR ergo, ut cogatur Ecclesia a Principe infideli persequente, vel ut periculum morale persecutionis instet, ut notat Suarez sect. 5. *Lugo* sect. 1. num. 148. *Vide etiam D. Bonau.* serm. 16. in Hexaëmerone, aliqua indicantem.

Disputation III: On Heresy

1 As among the Turks (as is commonly noted) that man is the most bitter enemy of the Christian name who, born of Christian parents, is enrolled into a Mahometan family: so among infidels none more cruelly assaults the Church than he who, having been for some time nourished in it itself, and formed by the Sacrament of faith, pertinaciously adheres to his error, and is thrust the deeper into darkness the more the ray of truth shines around him, willingly blinding himself. This heresy works, building for itself, after the likeness of an Ape, a Synagogue, which it strives to dignify with a counterfeit title of religion; of its nature, state, and condition something must be said here as the subject matter requires.

> ***De Haeresi.***
>
> *Ut Inter Turcas (ut vulgo notatur) ille Christiani nominis infensissimus est hostis, qui Christianis natus parentibus, in Mahumetanam familiam adsciscitur: Ita inter infideles nullus atrocius in Ecclesiam grassatur, quam qui in ipsa aliquantisper nutritus, et fidei Sacramento formatus, pertinaciter suo errori adhaerescit, eoque crassiores in tenebras protruditur, quo circumlucente veritatis radio libens excaecatur. Haec operatur haeresis, ad Simiae instar Synagogam sibi struens, quam ementito religionis titulo honestare contendit; de eius natura, statu, et conditione hic pro subiecta materia agendum est.*

Question I: What heresy is

1 The NAME of Heresy has its origin from eligo, in Greek αἵρεσις, and it signifies an Opinion which one voluntarily and pertinaciously elects for himself, as they commonly teach with D. Bonav. here. Whence it is also called a Sect, because we follow it; and in that sense the various sects of the Philosophers were so called, because, withdrawing from the common body, they erected new Schools, as S. Bonaventura says here.

> ***Quid sit HAERESIS.***
>
> *NOMEN Haeresis ab eligo ortum habet, Graece αἵρεσις et significat Opinionem, quam quis sibi voluntarie et pertinaciter eligit, ut docent communiter cum D. Bonav. hic. Unde et Secta dicitur, quia eam sequimur, et eo sensu dicebantur variae Philosophorum sectae, quia a communitate recedentes, novas Scholas erigebant, ut ait S. Bonaventura hic.*

2 But the name of Sect was once in a good sense, as *Act*. 24. et 26. Now however the name of sect must be abstained from for indicating our religion, as Suarez says disp. 19. *sect*. 2. Lugo disp. 20. *sect*. 1. because it avails for expressing only alien religions, as Beda notes ad 24. *Act*. and we now call heretics Sectaries, and we derive sect not from following, but from persecuting, as S. Doct. notes here.

> *FUIT autem nomen Sectae in bono sensu, ut* Act. *24. et 26. Nunc vero a nomine sectae abstinendum, ad nostram religionem indicandam, ut ait Suarez disp. 19.* sect. *2. Lugo disp. 20.* sect. *1. quia ad alienas tantum religiones exprimendas valet, ut notat Beda ad 24.* Act. *et haereticos iam Sectarios dicimus, et sectam non a sequendo, sed persequendo, ut notat S. Doct. hic, deducimus.*

3 Heresy is DEFINED: *Est error, fidei Catholicae contrarius, cui pertinaci animo inhaereat is, qui est professus fidem in Baptismo.* It is an error contrary to the Catholic faith, to which he who has professed the faith

in Baptism adheres with pertinacious mind. Thus Turrecremata defines it, lib. 4. *Summae, p.* 2. *cap.* 1. from the common mind of the Doctors in 4. *dist.* 13. where D. Bonav. *dub.* 4. D. Thom. *quaest.* 11. *art.* 2. *ad* 3. and his Interpreters. And more safely D. Bonau. *in speculo animae, cap.* 1. and *p.* 1. *Centil. sect.* 26. But in the former place D. Bonau. defines a heretic in these words: *Haereticus est qui divinae legis ignorantia, vel contemptu, pertinax inventor proprii erroris, aut alieni sectator, Catholicae veritati mavult adversari, quam subiici.* A heretic is he who, through ignorance or contempt of the divine law, a pertinacious inventor of his own error or a follower of another's, would rather oppose the Catholic truth than submit to it. Concerning this definition many questions occur.

> *DEFINITUR haeresis:* Est error, fidei Catholicae contrarius, cui pertinaci animo inhaereat is, qui est professus fidem in Baptismo. *Sic definit Turrecremata lib. 4.* Summae, p. 2. cap. *1. ex communi mente Doctorum in 4.* dist. *13. ubi D. Bonav.* dub. *4. D. Thom.* quaest. *11.* art. 2. ad *3. et Interpretes eius. Et tutius D. Bonau.* in speculo animae, cap. *1. et* p. *1.* Centil. sect. *26. Priori autem loco D. Bonau. haereticum his verbis definit:* Haereticus est qui divinae legis ignorantia, vel contemptu, pertinax inventor proprii erroris, aut alieni sectator, Catholicae veritati mavult adversari, quam subiici. *Circa hanc definitionem multae occurrunt quaestiones.*

4 The FIRST is: Whether error from ignorance is heresy: whether doubt, or merely probable assertion about matters of faith is heresy. What pertinacity is required for heresy: Whether it is required for heresy that it be in a baptized person, and other similar questions, which we shall run through.

> *PRIMA est: An error ex ignorantia sit haeresis: an dubitatio, vel probabilis tantum assertio de rebus fidei sit haeresis. Quae pertinacia requiratur ad haeresim: An requiratur ad haeresim, ut sit personae baptizatae, et aliae similes, quas discurremus.*

5 Meanwhile I note that heresy is divided into Formal, and Objective. Formal is that actual sin by which someone is formally denominated a heretic: Objective indeed is the object which is falsely believed or asserted by the heretic, v. g. *that Christ is not God*, etc.

> *Interim adverto, dividi haeresim in Formalem, et Obiectivam. Formalis est peccatum illud actuale, a quo aliquis formaliter denominatur haereticus: Obiectiva vero est obiectum, quod falso creditur, vel asseritur ab haeretico, v. g.* Christum non esse Deum*, etc.*

Question II: Whether one who doubts about the articles of faith is a heretic

1 The FIRST opinion is negative. Cited by Cano *lib.* 12. *de locis cap.* 9. Tannerus *disp.* 1. *quaest.* 8. *dub.* 5. *num.* 83. Diana follows it *primo Tom.* 2. *p. tract.* 2. *miscell. resol.* 53. Many say the same with these, concerning one suspending the act of judgment. Sanch. consents *T.* 1. *lib.* 2. *cap.* 7. Portel *addit. ad dub. Reg. v. Haeresis,* Puteanus 2. 2. *quaest.* 21. *art.* 2. *disp.* 2. Ballaeus *num.* 3.

> ***An dubitans de articulis FIDEI sit haereticus.***
>
> *PRIMA opinio est negativa. Referuntur Cano* lib. *12.* de locis cap. *9. Tannerus* disp. *1.* quaest. *8.* dub. *5.* num. *83. Sequitur Diana* primo Tom. *2.* p. tract. *2.* miscell. resol. *53. Idem aiunt multi cum his de suspendente actum iudicii. Consentiunt Sanch.* T. *1.* lib. *2.* cap. *7. Portel* addit. ad dub. Reg. v. Haeresis*, Puteanus 2. 2.* quaest. *21.* art. *2.* disp. *2. Ballaeus* num. *3.*

2 BUT the common opinion proclaims as a heretic him who voluntarily and pertinaciously doubts concerning the faith, judging that thing to be doubtful, or that it can be otherwise, (which judgment Sanchez, Vasquez 1. 2. *disp.* 65. and Tannerus *loc. cit.* with Maldeno call wrongly reflexum; for an actus

reflexus has another act for its object, as Coninch. notes *disp.* 18. *dub.* 7. *num.* 86. and Card. Lugo *disp.* 17. *sect.* 5. *num.* 85. but these judgments have the thing itself for their object, saying that that matter of faith is uncertain. Villalob. consents *tom.* 2. *tract.* 1. *disp.* 10. Sylu. 2. 2. *quaest.* 1. Faber *de Sacr. ord. disp.* 3. *cap.* 4. *num.* 112. Homob. *de exam. Eccl. p.* 2. *tract.* 12. *cap.* 16. Molf. 1. 1. *tract.* 8. *cap.* 8. Lara 2. 2. *quaest.* 11. *art.* 3. *disp.* 42. and sixteen others cited by Sanch. Therefore D. Thom. and others proclaim this voluntary judgment pertinacious [to be] heresy, whom Suarez follows *disp.* 19. *sect.* 3. Hurtad. *disp.* 80. *sect.* 4. §. 21. Coninch. *dub. cit. num.* 102. Lorca *disp.* 42. Castro Palao *Tom.* 1. *tract.* 4. *disp.* 3. *p.* 2. *num.* 9. and others besides these, with whom Card. Lugo subscribes *disp.* 20. *sect.* 1. *num.* 17. Fulienfis *lib.* 3. *de fide, cap.* 7.

> *AT Haereticum clamat communis sententia eum, qui voluntarie, et pertinaciter dubitat circa fidem, iudicando, rem illam esse dubiam, vel posse aliter se habere, (quod iudicium male Sanchez, Vasquez 1. 2.* disp. *65. et Tannerus* loc. cit. *vocant reflexum, cum Maldeno; nam actus reflexus habet pro obiecto alium actum, ut advertit Coninch.* disp. *18.* dub. *7.* num. *86. et Card. Lugo* disp. *17.* sect. *5.* num. *85. haec autem iudicia habent pro obiecto rem ipsam, dicendo, rem illam fidei esse incertam. Consentiunt Villalob.* tom. 2. tract. *1.* disp. *10. Sylu. 2. 2.* quaest. *1. Faber* de Sacr. ord. disp. *3.* cap. *4.* num. *112. Homob.* de exam. Eccl. p. 2. tract. *12.* cap. *16. Molf. 1. 1.* tract. *8.* cap. *8. Lara 2. 2.* quaest. *11.* art. *3.* disp. *42. et alii sexdecim apud Sanch. Igitur voluntarium hoc iudicium pertinax conclamant haeresim D. Thom. et alii, quos sequuntur Suarez* disp. *19.* sect. *3. Hurtad.* disp. *80.* sect. *4. §. 21. Coninch.* dub. cit. num. *102. Lorca* disp. *42. Castro Palao* Tom. *1.* tract. *4.* disp. *3.* p. 2. num. *9. et alii apud hos, quibus subscribit Card. Lugo* disp. *20.* sect. *1.* num. *17. Fulienfis* lib. *3.* de fide, cap. *7.*

[3] I suppose from D. Bonau. *in* 3. *dist.* 17. *dub.* 3. that doubt is properly called the indifference of the judgment of reason, with respect to either part of the contradiction, so that it prefers neither to the other.

> *Suppono ex D. Bonau.* in *3.* dist. *17.* dub. *3. dubium proprie dici indifferentiam iudicii rationis, respectu utriusque partis contradictionis, ita ut neutrum praeeligat alteri.*

[4] I SUPPOSE secondly, from the same D. Bonau. *in* 4. *dist.* 13. *dub.* 4. that Heresy, so called from *eligere*, is that in which a false opinion is deliberately elected. From which he deduces that to opine is not heresy; just as neither is to doubt. And so he seems [to side] with the former opinion.

> *SYPPONO secundo ex eodem D. Bonau.* in *4.* dist. *13.* dub. *4. Haeresim, dictam ab* eligere*, eam esse, in qua deliberate eligitur sententia falsa. Ex quo deducit, opinari, non esse haeresim; sicuti etiam nec dubitare. Itaque videtur cum priori sententia.*

[5] S. Doct. also TEACHES *in opusc. de profectu religios. cap.* 3. that certain doubts about the faith are often assailed by the devil, which are rather to be despised; because, the more we are indignant with ourselves, and dispute with them, the more their rage is kindled. Gerson attends to this admonition *tract. de foeda tentatione, alph.* 62. *lit.* O. usque ad T. Sanchez *lib.* 2. *decal. cap.* 7. *num.* 13. and all the others also of the second opinion.

> *DOCET etiam S. Doct.* in opusc. de profectu religios. cap. *3. dubia saepe aliqua de fide invehi a daemone, quae potius contemnenda sunt; quia, quanto magis indignamur nobismetipsis, et disputamus cum eis, tanto magis eorum rabies accenditur. Attidet Gerson* huic monito tract. de foeda tentatione, alph. *62.* lit. *O. usque ad T. Sanchez* lib. *2.* decal. cap. *7.* num. *13. et omnes alii etiam secundae sententiae.*

[6] I ASSERT first, with D. Bonau., that one doubting concerning matters of faith is not properly a heretic.

ASSERO primo cum D. Bonau. dubitantem de rebus fidei, non esse proprie haereticum.

7 *It is PROVED* first by the authors of the prior opinion, by the argument of D. Bonau. *loc. cit. in* 4. taken from D. August. *lib. de utilitate credendi, cap.* 1. and it is cited *cap. Haereticus*, 24. *quaest.* 3. and by D. Hieronymo *cap.* 5. *ad Galat.* et *ad Tit.* 3. and it is cited *cap. Haeresis*, 24. *quaest.* 3. and D. Thom. also uses it 1. *Corinth.* 11. *lect.* 4. et 2. 2. *quaest.* 11. *art.* 2. *ad* 3. Of the nature of heresy is the pertinacious election of doctrine contrary to the faith: but one doubting precisely does not elect, etc. but is suspended: Therefore.

PROBATUR *primo ab authoribus prioris sententiae, argumento D. Bonau.* loc. cit. in *4. sumpto e D. August.* lib. de utilitate credendi, cap. *1. et refertur* cap. Haereticus, *24.* quaest. *3. et D. Hieronymo* cap. *5.* ad Galat. *et* ad Tit. *3. et refertur* cap. Haeresis, *24.* quaest. *3. eoque utitur etiam D. Thom. 1.* Corinth. *11.* lect. *4. et 2. 2.* quaest. *11.* art. 2. ad *3. De ratione haeresis est electio pertinax doctrinae contrariae fidei: sed dubitans praecise non eligit, etc. sed pendulus est: Ergo.*

8 *It is CONFIRMED*; for heresy is an error contrary to the faith; but error implies assent, or dissent. It is confirmed, because heresy is opposed to faith; but doubt is a mean.

CONFIRMATUR*; nam haeresis est error fidei contrarius; error autem assensum, vel dissensum importat. Confirmatur, quia haeresis est fidei opposita; dubium autem est medium.*

9 I ASSERT secondly, that one doubting is an infidel privatively, because he is deprived of the certainty of assent, necessary for retaining the habit of faith.

ASSERO secundo, dubitantem esse infidelem privative, quia privatur certitudine assensus, necessaria ad habitum fidei retinendum.

10 *It is PROVED*; for in this sense *cap.* 1. *de haereticis* it is said, that one doubting in the faith is an infidel, not contrarily, as if he had an assent contrary to the faith, but privatively, because he lacks the necessary assent. Thus doubt of the faith can be condemned, just as those are condemned who deny that the soul is the form of the body, or doubt about it, as is found *Clem.* 1. §. *Porro*; and those who doubt of the immortality of the soul are condemned by Leo X. in Conc. Later. In the same sense the Fathers spoke, whom Franciscus Suarez adduces *num.* 12. Lorca *num.* 5. From which the text *cap.* 1. *de haeret.* remains exposed [to objection], which is of Pope Stephen, to whom others answer, that one doubting in the faith is called an infidel with respect to the external forum.

PROBATUR*; hoc enim sensu* cap. *1.* de haereticis *dicitur, dubitantem in fide esse infidelem, non contrarie, quasi assensum fidei contrarium habeat, sed privative, quia caret assensu necessario. Sic potest damnari dubium fidei, sicut damnantur, qui negant animam esse formam corporis, vel de hoc dubitant, ut habetur* Clem. *1. §.* Porro*; et qui dubitant de animae immortalitate, damnantur a Leone X. in Conc. Later. eodem sensu locuti sunt Patres, quos aggerant Franciscus Suarez* num. *12. Lorca* num. *5. Ex quo manet expositus textus* cap. *1.* de haeret. *qui est Steph. Papae, cui alii respondent, dubium in fide dici infidelem quoad forum externum.*

11 A third opinion of OTHERS says, that it is true when he reflects upon his own doubtful thought, and in fact elicits an erroneous judgment concerning matters of faith, so that he may judge them only probable. But these men confound the questions.

ALII tertio dicunt, id verum esse, quando reflectit supra suam cogitationem dubiam, et de facto elicit iudicium erroneum circa res fidei, ut putet eas tantum probabiles. Sed hi quaestiones confundunt.

Question III: Whether one who gives merely opinionative assent to an article of faith is a heretic

1 The SERAPHIC Doctor, loc. cit. in 3, whom Suarez follows *disp. 19. sect. 4.*, and Cardinal Lugo *disp. 17. sect. 5. n. 96.*, distinguish two ways of taking a probable opinion. First, as one that rests only on probable reasons. Second, as one that has joined to it a fear of the opposite. And indeed they declare that one who opines with fear is a heretic — Suarez and Lugo, following D. Bonaventure here; but in the former sense, by no means.

> An, qui actu opinativo mero assentitur articulo FIDEI, sit haereticus.
>
> *SERAPHICUS loc. cit. in 3. quem imitantur Suarez* disp. 19. sect. 4. *Card. Lugo* disp. 17. sect. 5. n. 96. *distinguunt, dupliciter accipi opinionem probabilem. Primo ut constat rationibus tantum probabilibus. Secundo ut habet adiunctam formidinem oppositi. Et quidem opinantem cum formidine, haereticum clamant Suarez, et Lugo post D. Bonav. hic; in priori vero sensu nequaquam.*

2 OTHERS, however, call one who opines about matters of faith a heretic absolutely. So Castro, Aragonius, and Azorius, as cited by Suarez, Coninck. *disp. 18. dub. 7. num. 105.*, Castro Palao *Tomo 1. tract. 4. disp. 3. p. 2. num. 12.*

> *ALII vero, opinantem de rebus fidei, absolute haereticum vocant. Ita Castro, Aragonius, et Azorius apud Suarez, Coninch.* disp. 18. dub. 7. num. 105. *Castro Palao* Tomo 1. tract. 4. disp. 3. p. 2. num. 12.

3 I ASSERT first, with D. Bonaventure, that one who opines with fear about matters of faith loses faith.

> *ASSERO primo cum D. Bonav. opinantem cum formidine de rebus fidei, amittere fidem.*

4 IT IS PROVED first from D. Bonaventure *in corpore, et ad 3. et 4.*, by the reasoning which others employ: What denies the certitude of the object of faith removes it: Such is fearful opinion: Therefore.

> *PROBATUR primo a D. Bonav.* in corpore, et ad 3. et 4. *ratione, qua nituntur alii. Id, quod negat certitudinem obiecti fidei, eam tollit: Talis est opinatio formidolosa: Ergo.*

5 I ASSERT second, that one who opines about matters of faith from probable reasons, without excluding a more certain assent from elsewhere, is not a heretic.

> *ASSERO secundo, opinantem de rebus fidei rationibus probabilibus, non excluso certiori assensu aliunde, non esse haereticum.*

6 IT IS PROVED from D. Bonaventure, because Theology deals with matters of faith, and proceeds opinionatively with probable reasons, by which we are bound to be ready to render a reason to those who ask, as it is said in 1 *Peter 3.*

> *PROBATUR a D. Bonav. quia Theologia est de rebus fidei, et opinative incedit rationibus probabilibus, quibus tenemur esse parati rationem reddere poscentibus, ut dicitur 1.* Petri 3.

7 INDEED, if anyone were to say that the object, *that God is*, is probable, he would err, understanding that it ought not to be believed with certainty. And this alone do the arguments of Coninck show, as the Most Eminent Lugo observes.

ENIM vero; Si quis diceret, obiectum, Deum esse *probabile esse, erraret, intelligens, id non debere certo credi. Et hoc solum ostendunt rationes Coninchii, ut advertit Eminentissimus Lugo.*

8 I SEE that the dispute is more about the word than about the thing, and that it is sufficiently resolved by the distinction of the Seraphic Doctor.

VIDEO, disputationem esse magis de nomine, quam de re, et distinctione Seraphici satis resolvi concludit.

Question IV: Whether ignorance excuses from heresy, and what ignorance

1 THE DIFFICULTY is, because heresy means error with pertinacity, whether ignorance includes pertinacity, and what that may be.

An, et Quae Ignorantia excuset ab Haeresi.

DIFFICULTAS est, quia haeresis dicit errorem cum pertinacia, num ignorantia includat pertinaciam, et quae haec sit.

2 THE FIRST opinion is, that no gravely culpable ignorance excuses from heresy. So Sotus *4. dist. 22. quaest. 2. art. 3.* Lopez *2. part of the Instructorius, where he treats of excommunication, cap. 20.* Palacius *3. dist. 25. disp. 2. and* Lorca *disp. 41. de fide*, having abandoned the contrary opinion he had taught in the prima secundae, *disp. 33. membr. 2. ad 3.* The same seems to be the mind of D. Bonav. here, as Sanchez reports *num. 19. in the place to be cited.*

PRIMA opinio est, nullam ignorantiam graviter culpabilem excusare ab haeresi. Ita Sotus 4. dist. 22. quaest. 2. art. 3. *Lopez* 2. parte Instructoriii, ubi de excommunicatione, cap. 20. *Palacius* 3. dist. 25. disp. 2. et *Lorca* disp. 41. de fide *relicta opinione contraria, quam tradiderat prima secunda,* disp. 33. membr. 2. ad 3. *Idem videtur sentire D. Bonav. hic, ut refert Sanchez* num. 19. loco adducendo.

3 THE SECOND opinion asserts the same thing, when the ignorance is exceedingly gross and easily vincible. So Sayrus, and Valentia thinks it probable.

SECUNDA sententia idipsum asserit, quando ignorantia est crassa nimis, et facile vincibilis. Ita Sayrus, et probabile putat Valentia.

4 THE THIRD opinion admits it, when the ignorance is affected. So Cano, Navar, Corduba, and Torrensis, whom Suarez reports *disp. 19. sect. 3.* and Valentia *disp. 1. quaest. 15. p. 1. diffic. 4.*

TERTIA sententia id admittit, quando ignorantia est affectata. Ita Cano, Navar, Corduba, et Torrensis, quos refert Suarez disp. 19. sect. 3. *et Valentia* disp. 1. quaest. 15. p. 1. diffic. 4.

5 THE FOURTH opinion distinguishes regarding affected ignorance; for if it is affected out of a false opinion against the Church, as if the proposition of the Church were of small moment, or with a view to erring more freely in faith, it does not excuse from heresy: But if it is affected only out of negligence and weariness of learning, or from any other cause, it does not make one a heretic. So Thomas Sanchez *lib. 2. in decal. cap. 7. num. 33.* citing Vasquinus *prima secundae, disp. 126. cap. 2.* Zumel *prima 2. quaest. 76. art. 4. disp. 1. and* nearly Tannerus *disp. 1. quaest. 8. disp. 5.* who adheres to this partly with Soto and Valentia.

QUARTA sententia distinguit de ignorantia affectata; nam si affectetur ex falsa opinione contra Ecclesiam, quasi parvi momenti sit Ecclesiae propositio, vel ad finem liberius errandi in fide, non excusat ab haeresi: Si vero affectetur tantum ex negligentia, et taedio discendi, vel ex quavis alia causa, non constituit haereticum. Ita Thomas Sanchez lib. 2. in

decal. cap. 7. num. 33. *adducens Vasquinum* prima secundae, disp. 126. cap. 2. *Zumel* prima 2. quaest. 76. art. 4. disp. 1. et *fere Tannerus* disp. 1. quaest. 8. disp. 5. *qui ex parte etiam Soto, et Valentiae adhaeret.*

6 THE FIFTH opinion is, that any ignorance at all, both gross and affected, excuses from heresy. So Sylvester *v. haeresis*, Azorius *t. 1. lib. 8. cap. 9. quaestio. 8.* Bannes, Aragon. *quaest. 11. art. 2.* Conchinchius, and others, whom Castro Palao cites and follows, *tract. 4. disp. 3. p. 2. num. 5.* Suarez *in the said sect. 3. num. 9.* Hurtad. *disp. 81. §. 10.* where others assert the same; and Card. Lugo *disp. 16. de poenit. sect. 4. §. 6. and disp. 17. de fide, sect. 4. and disput. 20. sect. 6.* Diana *p. 1. tract. 5. Resol. 1.* Fagund. *lib. 1. cap. 4.* saying this is the view of D. Bonav. and D. Thom.

QUINTA sententia est, quamlibet ignorantiam, et crassam, et affectatam excusare ab haeresi. Ita Sylvester v. haeresis, *Azorius* t. 1. lib. 8. cap. 9. quaestio. 8. *Bannes, Aragon.* quaest. 11. art. 2. *Conchinchius, et alii, quos affert, et sequitur Castro Palao,* tract. 4. disp. 3. p. 2. num. 5. *Suarez* dicta sect. 3. num. 9. *Hurtad.* disp. 81. §. 10. *ubi alios asserunt; et Card. Lugo* disp. 16. de poenit. sect. 4. §. 6. et disp. 17. de fide, sect. 4. et disput. 20. sect. 6. *Diana* p. 1. tract. 5. Resol. 1. *Fagund.* lib. 1. cap. 4. *dicens esse D. Bonav. et D. Thom.*

7 I ASSERT therefore, first, that the first opinion is probable, which the holy Doctor indicates with a single word in the *cited dubium*.

ASSERO ergo, primam sententiam esse probabilem, quam uno verbulo indicat S. Doct. dub. cit.

8 IT IS PROVED first by the authors of the first opinion, with D. Bonav., from D. August. *epist. 162. which is found in decret. 24. quaest. 3. cited there*; the Apostle said, where he says: *Those who defend their own opinion, however false and perverse it may be, with no pertinacious obstinacy, but seek the truth with careful diligence, ready to be corrected when they shall have found it, are not to be reckoned among heretics.*

PROBATUR primo ab auctoribus primae sententiae cum D. Bonav. ex D. August. epist. 162. et habetur in decret. 24. quaest. 3. cit. *dixit Apostolus, ubi ait:* Qui sententiam suam, quantumvis falsam, atque perversam, nulla pertinaci animositate defendunt; quaerunt autem cauta sollicitudine veritatem, corrigi parati, ubi invenerint, non sunt inter haereticos computandi.

9 With these words of D. August. he excuses from the plague of heresy only those who diligently seek the truth; not those who neglect to find it, and much less those who deliberately flee lest they find it.

His verbis D. August. eos tantum ab haeresis lue excusat, qui sollicite veritatem quaerunt; non qui negligunt invenire, et multo minus eos, qui ex industria fugiunt, ne eam inveniant.

10 Card. Lugo RESPONDS *num. 176.* that Augustine excuses indeed those who seek the truth; but others he neither excuses nor declares heretics; what was certain he decided; what was less certain, about that he did not dispute.

RESPONDET Card. Lugo num. 176. *Augustinum excusare quidem eos, qui veritatem quaerunt; alios autem nec excusare, nec haereticos declarare; sed, quod certum erat statuisse; quod autem minus certum, de eo non disputasse.*

11 But Lugo TWISTS the authority, because S. August. *lib. contra Manichaeos, reported in cap. Qui in Ecclesia, 24. quaest. 3.* declares as heretics only those who, admonished that the Church teaches the contrary, still resist pertinaciously: *Who in the Church, he says, hold some diseased and perverse sentiment, if corrected so as to hold what is sound and right, resist contumaciously, and are unwilling to amend their pestilential and deadly dogmas, but persist in defending them, are heretics.* The same he teaches in *lib. 4. de Baptismo, contra Donatistas, cap. 16.* saying: *The one who through error believes the same as Photinus is first a heretic when,*

the doctrine having been made manifest to him, he prefers to resist the Catholic faith, and chooses to hold what he held. Fulensis urges this in *lib. 3. cap. 6.*

> *RETORQUET autem Lugo authoritatem, quia S. August.* lib. contra Manichaeos, relatus cap. Qui in Ecclesia, 24. quaest. 3. *eos solos declarat haereticos, qui admoniti, quod Ecclesia contrarium doceat, adhuc pertinaces resistunt:* Qui in Ecclesia ait, morbidum aliquid, pravumque quid sapiunt, si correpti, ut sanum, rectumque sapiant, resistant contumaciter, suaque pestifera, et mortifera dogmata emendare nolunt, sed defensare persistunt, haeretici sunt. *Quod idem docet* lib. 4. de Baptismo, contra Donatistas, cap. 16. *dicens:* Ex errore credentem idem cum Photino, tum primum esse haereticum, cum manifestata sibi doctrina, Catholicae fidei maluerit resistere, et illud, quod tenebat, elegerit. *Hoc urget Fulensis* lib. 3. cap. 6.

12 Yet these things avail Lugo nothing: For in the former passage I would have him find where S. August. has the particle *only*. He puts it well that pertinacious persons knowingly are heretics; but in the passage alleged by us he assigns all the conditions lest anyone be a heretic for any cause, and therefore there it is extended more broadly.

> *HAEC tamen nihil prosunt Lugo: Nam in priori loco vellem inveniat, ubinam particulam* solum *habeat S. August. Ponit sane, pertinaces scienter esse haereticos; at in loco, a nobis allegato, assignat omnes conditiones, ne aliquis aliqua de causa sit haereticus, ideo ibi amplior extenditur.*

13 In the other passage he evidently speaks of one who is invincibly ignorant, for he says: *Let us suppose two men, one of whom holds about Christ what Photinus held, and is baptized in his heresy outside the communion of the Catholic Church: but the other holds the same, yet is baptized in the Catholic Church, thinking it to be the Catholic faith. Him I do not yet call a heretic, unless, the doctrine having been made manifest to him, he should prefer to resist the Catholic faith.*

> *IN altero loco evidenter loquitur de eo, qui invincibiliter ignorat, ait enim:* Constituamus duos, unum eorum id sentire de Christo, quod Photinus opinatus est, et in eius haeresi baptizari extra Ecclesiae Catholicae communionem: alium vero hoc idem sentire, sed in Catholicae baptizari, existimantem ipsam esse Catholicam fidem. Istum nondum haereticum dico, nisi manifestata sibi doctrina, Catholicae fidei resistere maluerit.

14 MOREOVER Lugo concedes it to be certain that one who ignorantly, with inculpable ignorance, is ignorant of the articles is not a heretic, because he seeks the truth; and that it is an opinion, uncertain, which says that those ignorantly culpable are not heretics.

> *PRAETEREA fatetur Lugo, certum esse, eum, qui ignorantia inculpabili ignorat articulos, non esse haereticum, quia veritatem quaerit, et opinionem esse incertam, quae dicit, culpabiliter ignorantes, non esse haereticos.*

15 *It is proved* secondly by D. Bonavent. in 2. dist. 22. art. 2. quaest. 2. in corpore. In all other matters sin from ignorance and sin from knowledge share the same malice and belong to the same species (although one offending from knowledge may offend more gravely within the same species;) thus he who kills knowingly and he who kills from culpable ignorance is guilty of homicide, and so of the rest: Therefore also he who falls into heresy from such ignorance is a heretic. This argument is commonly used.

> Probatur *secundo a D. Bonavent. in 2. dist. 22. art. 2. quaest. 2. in corpore. In omnibus materiis aliis peccatum ex ignorantia, et ex scientia eandem malitiam participant, et ad eandem speciem spectant (esto ex scientia delinquens, gravius delinquat in eadem specie;) sic qui scienter, et qui ignorantia culpata occidit, est homicidii reus, et sic de aliis: Ergo et qui ex ignorantia tali haeresim admittit, est haereticus. Hoc argumento utuntur communiter.*

16 They heap up many responses of no weight, which are refuted by Hurtado disp. 82. §. 56. and Lugo in the place cited de Poenitentia, who also refutes the responses of Hurtado.

> *Multa responsa aggerunt nullius momenti, quae refelluntur ab Hurtado disp. 82. §. 56. et Lugo loco cit. de Poenitentia, qui etiam responsa Hurtadi refellit.*

17 Lugo *responds* that they do not differ indeed in species, yet have different effects, just as casual homicide and voluntary homicide; for this latter has joined to it a graver irregularity; thus neither do they damn the heretic from ignorance and the heretic from mere malice with the same punishments.

> Respondet *Lugo, non differre quidem specie, tamen habere diversos effectus, sicuti, et homicidium casuale, et homicidium voluntarium; nam hoc habet adiunctam irregularitatem graviorem, sic neque haereticum ex ignorantia, et ex malitia mera eisdem poenis damnant.*

18 Lugo *is mistaken*; for first he concedes that heresy is that of one who offends from ignorance; and consequently that before God he is guilty of this crime, and that is what I ask. But since the heretic is condemned by the Church with excommunication, it follows that this man is condemned, since he is a heretic. Hence, by saying that this man is not punished by the Church, even if it be conceded that he is a heretic, the principle is begged and a contradiction involved.

> Fallitur *Lugo; primo enim fatetur, haeresim esse eius, qui ex ignorantia delinquit; atque adeo huius criminis apud Deum esse reum, et hoc quaero. Cum autem haereticus damnetur ab Ecclesia excommunicatione; sequitur, hunc esse damnatum, cum sit haereticus. Unde dicendo hunc non esse punitum ab Ecclesia, etiamsi concedatur haereticus, petitur principium, et implicatur.*

19 *It is proved* thirdly by D. Bonavent. from foundation 3. on which the others principally rely, as Lugo says n. 182. To know what is to be believed and done belongs to faith, as its acts: Therefore the opposite, namely to be culpably ignorant, belongs to infidelity: But it does not belong precisely to Paganism or Judaism, since the confession of the Christian Religion is still retained: Therefore it belongs to heresy; for there are no other species of infidelity. Nor let them say that it belongs incompletely to heresy; for since it is a most grave sin, it ought to be in some species as a complete individual, as Lorca num. 16. and Lugo num. 182. concede; nor does he solve it by saying that it is a sin against faith; yet not heresy, Paganism, or Judaism, since it is also a proper infidelity, which is divided into three heads. For the contrary is true, because one must find the species under which this sin stands.[1]

1 N. Editor's note: the print/OCR reads 'oportet inveniat speciem'; rendered as 'one must find the species' because the syntax is anomalous (expected 'oportet inveniri speciem') but the sense is clear.

> Probatur *tertio a D. Bonavent. fundamento 3. quo principaliter nituntur caeteri, ut ait Lugo n. 182. Cognoscere credenda, et operanda, spectat ad fidem, tanquam actus eius: Ergo oppositum, nempe culpabiliter ignorare, spectat ad infidelitatem: Non pertinet autem praecise ad Paganismum, aut Iudaismum, cum adhuc retineatur confessio Religionis Christianae: Ergo pertinet ad haeresim; non enim sunt aliae infidelitatis species. Neque dicant, pertinere incomplete ad haeresim; nam cum sit peccatum gravissimum, debet esse in aliqua specie tanquam individuum completum, ut fatentur Lorca num. 16. et Lugo num. 182. qui neque solvit dicendo, esse peccatum contra fidem; non tamen haeresim, Paganismum, vel Iudaismum, cum etiam sit propria infidelitas, quae in tria capita dividitur. Contra enim est, quia oportet inveniat speciem, sub qua stet hoc peccatum.*

20 It is confirmed by D. Bonavent. because for the other species of infidelity, namely Judaism and Paganism, culpable ignorance suffices.

Confirmatur a D. Bonavent. quia ad alias species infidelitatis, nempe Iudaismum, et Paganismum, sufficit ignorantia culpabilis.

21 *It is proved* fourthly most effectually by D. Bonavent. in corpore, for since it is necessary for salvation not to be ignorant of the things of faith, certainly all are bound to know them, and few are they who deliberately refuse to know, by affecting ignorance; but for the most part they are ignorant; and if heretics are only those who know and affect ignorance, very few will be heretics; for, as I have seen by experience, disputing with heretics, they labor under great gross ignorance, as the Most Eminent Lugo concedes num. 194.

Probatur *quarto efficacissime a D. Bonavent. in corpore, nam cum necessarium sit ad salutem, non ignorare ea, quae sunt fidei, profecto omnes tenentur scire, et pauci sunt, qui consulto nolint scire, affectando ignorantiam, sed ut plurimum ignorantes et si haeretici sunt, tantum scientes, et affectantes ignorantiam, paucissimi erunt haeretici; nam, ut experimento vidi, cum haereticis disputans, magna ignorantia crassa laborant, ut fatetur Eminentissimus Lugo num. 194.*

22 Hence culpable ignorance rightly does not excuse in the external forum, as Castro Palao notes, Tract. 4. disp. 3. p. 2. and Menochius, Farinacius, Peña, Simancas, Albertinus, and others, cited by Diana 4. p. Tract. 7. resol. 36. Yet sometimes it helps to diminish the punishment; yet not entirely, as these assert. But all these things are true much more of affected ignorance.

Unde merito ignorantia culpabilis in foro externo non excusat, ut advertunt Castro Palao Tract. 4. disp. 3. p. 2. Menochius, Farinacius, Peña, Simancas, Albertinus, et alii apud Dianam 4. p. Tract. 7. resol. 36. Aliquando tamen ad diminuendam poenam iuvat; non tamen omnino, ut asserunt hi. Haec vero omnia multo magis de ignorantia affectata vera sunt.

23 *You will object*. One sinning from ignorance can have a universal will of eliciting acts of faith, and of believing all things that are sufficiently proposed: But heresy essentially is pertinacity.

Obiicies. *Peccans ex ignorantia, potest habere voluntatem universalem eliciendi actus fidei, et credendi omnia, quae sufficienter proponentur: At haeresis essentialis est pertinacia.*

24 D. Bonavent. responds in the places cited that such a man has lost faith. For truly in the *cited dubium* he admits this argument.

Respondet D. Bonavent. locis adductis, hunc amisisse fidem. Enim vero dub. cit. hanc rationem admittit.

25 *I assert* therefore, secondly, that the fifth opinion is probable. It is evident from the argument adduced.

Assero *ergo secundo quintam sententiam esse probabilem. Patet ex allata ratione.*

Question V: What pertinacity is required for heresy

1 Pertinacity, from D. Bonaventura prima parte 26 Centil. sect. 18: *is the Will fleeing any lessening of its excellence, irrevocably defending what it has said or done.* And from the same holy Doctor in speculo animae, cap. 1. it is: *Perseverance in an evil purpose against the will of superiors.*

Pertinacia, ex D. Bonaventura prima parte 26 Centil. sect. 18: est Voluntas fugiens minorationem probitatis, dicta vel facta sua irrevocabiliter defendens. *Et ex eodem S. Doctore in speculo animae, cap. 1. est:* Perseverantia in malo proposito contra voluntatem superiorum.

2 All concede it, and place pertinacity in the definition of heresy. So D. Bonavent. in the places alleged quaest. 4. See Suarez disp. 19. sect. 3. Coninch. disp. 18. dub. 7. num. 76. Farinacius de haeresi, quaest. 196. Diana 4. p. Tract. 7. resol. 36. Sanchez Tom. 1. Lib. 2. cap. 7.

> *Omnes concedunt, et in definitione haeresis ponunt pertinaciam. Ita D. Bonavent. locis allegatis quaest. 4. Vide Suarez disp. 19. sect. 3. Coninch. disp. 18. dub. 7. num. 76. Farinacium de haeresi, quaest. 196. Dianam 4. p. Tract. 7. resol. 36. Sanchez Tom. 1. Lib. 2. cap. 7.*

3 Therefore the truest opinion is, that pertinacity is required. But it is doubtful: whether this pertinacity can exist before one is admonished of his error, and he himself scorns the admonition.

> *Verissima ergo sententia est, requiri pertinaciam, Sed dubium est: an haec pertinacia dari queat, antequam de suo errore admoneatur, et ipse monitionem contemnat.*

4 The first opinion is assertive, requiring a delay of time, so that incorrigibility may appear in the faith. So Alciatus Leg. 2. Cod. de summa Trinitate, Menoch. volum. 2. consil. 149. num. 49. citing Lupus, and Turrecremata. They can be founded on the words of Paul Tit. 3. *Avoid a heretical man after a first and second admonition.* To me, however, these Jurists seem to speak in the external forum.

> *Prima opinio est assertiva, exigens temporis moram, ut incorrigibilitas appareat in fide. Ita Alciatus Leg. 2. Cod. de summa Trinitate, Menoch. volum. 2. consil. 149. num. 49. adducens Lupum, et Turrecrematum. Fundari possunt verbis Pauli Tit. 3.* Haereticum hominem, post primam, et secundam admonitionem, devita. *Mihi tamen videntur hi Iuristae loqui in foro externo.*

5 Therefore the truest opinion of the Theologians is, that this admonition and delay are not required for one to be a heretic, but that it suffices that he adhere to the error with full deliberation. So D. Bonavent. in the places cited in the preceding quaestio. See Suarez disp. 19. sect. 3. num. 23. Vasquez p. 1. disp. 126. Valentia disput. 1. quaest. 11 p. 1. and innumerable others, whom Sanchez reports in the said cap. 7. num. 7. Diana in the said resol. 36. who rightly adds, with the Most Eminent Lugo num. 158. that this admonition is not required even in the external forum, and this is more true now, after the decree of Alex. VII. has been published.

> *Verissima igitur sententia Theologorum est, eam monitionem, et moram non requiri, ut aliquis haereticus sit, sed sufficere, ut plena deliberatione errori adhaereat. Ita D. Bonavent. locis adductis quaest. praecedenti. Vide Suarez disp. 19. sect. 3. num. 23. Vasquez p. 1. disp. 126. Valentiam disput. 1. quaest. 11 p. 1. et alios innumeros, quos referunt Sanchez dicto cap. 7. num. 7. Diana dicta resol. 36. qui bene addit cum Eminentissimo Lugo num. 158. neque in foro externo eam admonitionem exigi, et hoc magis est verum nunc, post editum decretum Alex. VII.*

6 The reason is, because the admonition serves only that one may take note that he holds a view against the Church; but this he can learn from another source; and he is bound to strive to learn it.

> *Ratio est, quia monitio solum infervit, ut advertatur, se contra Ecclesiam sentire; hoc autem aliunde discere potest; et tenetur conari ediscere.*

7 The words of the Apostle presuppose that the man, before the admonition, is already a heretic, and after it to be avoided.

> *Verba Apostoli supponunt, eum hominem, ante monitionem iam haereticum, post eam vitandum.*

8 *I assert* secondly, in the internal forum it does not suffice to be corrected by his Bishop, or by the Inquisitor, because these are not an infallible rule of faith. So Sanchez asserts num. 25. with Cano,

Vasquez, and others. Valentia, Torres, Salas, and others, cited by Diana 6. The first opinion denies it. These indeed say it does not suffice even in the external forum, which however Suarez asserts num. 21. Lorca and others, cited by Diana, say it does suffice, and indeed on this account he allows it in those constituted in the holy Tribunal.

> Assero *secundo, in foro interno non sufficere, si corripiatur a suo Episcopo, aut ab Inquisitore, quia hi non sunt regula fidei infallibilis. Ita cum Cano, Vasquez, et aliis asserit Sanchez num. 25. Valentia, Torres, Salas, et alii apud Dianam 6. Prima opinio negat. Hi sane dicunt, neque in foro externo sufficere, quod tamen asserit Suarez num. 21. Lorca et alii apud Dianam, sufficere, et sane propter hoc, sinit in sancto Tribunali constituti.*

9 To me the opinion of the Most Eminent Lugo is proved, that there is no difference in either Forum, because if the assertion of the Bishop is not sufficient to make it credible, in no forum will it accomplish that.

> *Mihi probatur sententia Eminentissimi Lugo, non esse differentiam in alterutro Foro, quia si propositio Episcopi non est satis, ut faciat credibile, in nullo foro id praestabit.*

10 *I assert* thirdly, for pertinacity it suffices that a man wish indirectly to resist the authority of the Church. So Suarez in the said sect. 3. num. 22. Vasquez prima secundae, disp. 126. Sanchez in the said cap. 7. num. 4. See the Cardinal Dinalus Lugo *num. 163.* who explains indirect pertinacity thus: if he knows that this is against the sense of the Church; and yet holds it, from any end whatsoever, whether out of grief, or honor, or some other affection. This is the exposition of D. Bonavent. *p. p. Centil. sect. 26.* taken from D. Augustine *Lib. de utilitate credendi initio*, where he says: *A heretic is one who, for the sake of some temporal gain, and especially of glory and of his own supremacy, begets or follows false and new opinions about the faith.*

> Assero *tertio, ad pertinaciam sufficere, quod homo velit indirecte resistere auctoritati Ecclesiae. Ita Suarez dicta sect. 3. num. 22. Vasquez prima secundae, disp. 126. Sanchez dicto cap. 7. num. 4. Vide Cardinalem dinalem Lugum* num. 163. *qui ita explicat pertinaciam indirectam, si sciat, id esse contra sensum Ecclesiae; et tamen id teneat, ex quovis fine, sive ob luctum, sive honorem, sive alium affectum. Haec est expositio D. Bonavent.* p. p. Centil. sect. 26. *sumpta e D. Augustino* Lib. de utilitate credendi initio*, ubi ait:* Haereticus est, qui alicuius temporalis lucri, et maxime gloriae, principatusque sui gratia, falsas opiniones de fide ac novas gignit, aut sequitur.

11 *IT IS CONFIRMED* in other sins, for which it suffices that they be willed indirectly, even if the disobedience, irreligion, etc. be not willed directly.

> CONFIRMATUR *in aliis peccatis, quae sufficit, volita esse indirecte, etiamsi non sit volita directe inobedientia, irreligio, etc.*

12 Lugo *INFERS num. 166.* that he is not excused from pertinacity who is prepared to acquiesce to the Church, when nevertheless he is convinced by her with arguments, as Vasquez and Ledesma say, cited by Sanchez *num. 6.* Suarez *num. 13.* and others. For he is not prepared to obey the authority of the Church.

> INFERT *Lugo* num. 166. *non excusari a pertinacia, qui paratus est Ecclesiae acquiescere, quando tamen ab ea argumentis convincatur, ut cum Vasquez, et Ledesma aiunt Sanchez* num. 6. *Suarez* num. 13. *et alii. Is enim non est paratus obedire Ecclesiae authoritati.*

13 *NEXT* he notes that a protestation of faith excuses from pertinacity, as some signify, with Palao *dist. 3. p. 2. num. 7.* he himself adds that it is not sufficient in rigor.

DEINDE *admonet, protestationem fidei excusare a pertinacia, ut significant aliqui, cum Palao* dist. 3. p. 2. num. 7. *addit ipse non esse in rigore sufficientem.*

Question VI: Whether, for one to be deemed a heretic, it is necessary that he have been baptized and one of the faithful

1 I SUPPOSE with D. Bonavent. *prima parte Centil. sect. 26.* that one can be a heretic even if he is not an apostate from the faith altogether, or from the Church; which he proves from D. Hieronymus *in cap. 5. epist. ad Galat.* saying that a heretic is one who understands Scripture against the sense of the Church, even though he does not depart from it. He will therefore be a heretic if he perverts one passage of Scripture.

An, ut quis censeatur Haereticus, necesse sit, ut fuerit baptizatus, et fidelis.

SUPPONO cum D. Bonavent. prima parte Centil. sect. 26. *posse aliquem esse haereticum, etiamsi non sit apostata a fide omnino, vel ab Ecclesia; quod probat ex D. Hieronymo* in cap. 5. epist. ad Galat. *dicente, haereticum esse, qui Scripturam contra Ecclesiae sensum intelligit, quamvis ab ea non discedat. Erit igitur haereticus, si unum Scripturae locum invertat.*

2 That baptism is not required for the note of heresy, that one must first have been baptized, Castro asserts *Lib. 1. de iusta haeret. punit. cap. 8.* so also Tanner. *disp. 1. quaest. 8. dub. 3.* citing D. Thomam, whom Bannes also reports thus *2. 2. quaest. 10. art. 5.* but wrongly, as Caietanus, Aragon, and others note. Fuliensis subscribes *lib. 3. cap. 6.*

Non requiri ad notam haeresis, ut quis prius fuerit baptizatus, asserit Castro Lib. 1. de iusta haeret. punit. cap. 8. *sic et Tanner.* disp. 1. quaest. 8. dub. 3. *adducens D. Thomam, quem ita refert etiam Bannes* 2. 2. quaest. 10. art. 5. *sed perperam, ut notant Caietanus, Aragon, et alii. Subscribit Fuliensis* lib. 3. cap. 6.

3 ALL the others reject this opinion, whom Suarez cites and follows *disp. 19. sect. 5.* Sanchez *Lib. 2. in decal. cap. 7. num. 34.* Hurtadus *disp. 82. sect. 2. §. 11.* Castro Palao *tom. 1. tract. 4. disp. 3. p. 1. num. 20.* Card. Lugo *disp. 20. sect. 4.*

HANC sententiam omnes alii reiiciunt, quos afferunt, et sequuntur Suarez disp. 19. sect. 5. *Sanchez* Lib. 2. in decal. cap. 7. num. 34. *Hurtadus* disp. 82. sect. 2. §. 11. *Castro Palao* tom. 1. tract. 4. disp. 3. p. 1. num. 20. *Card. Lugo* disp. 20. sect. 4.

4 The *REASON* is intimated by D. Bonavent. *in 4. dist. 39. art. 2. quaest. 2. in corpore* taken from the Apostle *prima Cor. 5.* which the Council of Trent uses, *sess. 14. cap. 2. Since the Church exercises judgment on no one who has not first entered her by the gate of baptism. For what have I, says the Apostle, to do with judging those who are without.* Whence it comes about that neither can a Catechumen be esteemed a heretic, if he falls away from the belief of some article.

RATIO *innuitur a D. Bonavent.* in 4. dist. 39. art. 2. quaest. 2. in corpore *sumpta ex Apostolo* prima Cor. 5. *qua utitur Concilium Trident,* sess. 14. cap. 2. Cum Ecclesia in neminem iudicium exerceat, qui non prius in ipsam per baptismi ianuam fuerit ingressus. Quid enim mihi, inquit Apostolus, de iis, quae foris sunt, iudicare. *Quo fit, ut neque Cathecumenus queat censeri haereticus, si deficiat a credulitate articuli alicuius.*

5 The Most Eminent Lugo notes that one baptized with an invalid baptism, namely on account of a substantial defect, is not a heretic, if afterwards he denies some article. So also Sanchez *cap. 7. num.*

34. Castro Palao *in the place cited,* Suarez *sect. 5. num. 8.* Hurtado *disp. 82. §. 17.* for there the reason of the Council of Trent still holds.

> *Advertit Eminentissimus Lugo, baptizatum baptismo invalido, ob defectum scilicet substantialem, non esse haereticum, si postea neget articulum aliquem. Ita et Sanchez* cap. 7. num. 34. *Castro Palao* loco citato, *Suarez* sect. 5. num. 8. *Hurtado* disp. 82. §. 17. *nam ibi adhuc ratio Concilii Tridentini valet.*

6 *YOU WILL SAY* in the year 1619. Maurus, who offended against our religion, was punished, even though he was not found to be baptized, and he himself alleged this.

> DICES *anno 1619. Maurus, qui adversus nostram religionem deliquit, punitus est, etiamsi non inveniretur esse baptizatus, et ipse id allegaret.*

7 Card. Lugo *RESPONDS* that he was punished on account of excess against our Religion: for the Church may punish Pagans and Jews subject to Christian Princes, either when they deny articles which they hold in common with us, as to believe in one God the Creator; or when they sacrifice to demons, or when they try to seduce Christians, as is evident from the Bull of Gregory XI. beginning: *Admodum dolemur audivimus*, and the Bull of Gregory XIII. which begins: *Antiqua Iudaeorum improbitas*, which Peña reports, among the Apostolic letters at the end of the directorium, about which Diana treats *4. p. Tract. 7. de poenis debit. etc. resol. 2.* and Castro Palao *§. 6.* There those are decreed to be punished also for other causes, for instance if they vomit heretical blasphemies against Christ, saying that he was a sinner; that the Mother of God was not a Virgin (for that reason lately a Jew, whom I know of, was beaten with scourges at Cremona) If they aid heretics: if they carry about, retain, or divulge prohibited books: if they hold Christians up to derision, spitting upon the sacred Host, the Cross, Christ the Lord: if they have Christian nurses, or force them, when they communicate, to pour milk into privies in contempt of the sacred communion.

> RESPONDET *Card. Lugo, hunc punitum ob excessum in nostram Religionem: Ecclesiae enim licet punire Paganos, et Iudaeos subditos Principibus Christianis, sive quando negant articulos, quos habent nobiscum communes, ut credere in unum Deum Creatorem; sive cum Daemonibus sacrificant, sive cum seducere conantur Christianos, ut constat ex Bulla Gregorii XI. incipiente:* Admodum dolemur audivimus, *et Bulla Gregorii XIII. quae incipit:* Antiqua Iudaeorum improbitas, *quas refert Peña, inter litteras Apostolicas in fine directorii, de quibus agit Diana* 4. p. Tract. 7. de poenis debit. etc. resol. 2. *et Castro Palao §.* 6. *Ibi puniendi decernuntur illi etiam ob alias causas, puta si blasphemias haereticales evomant in Christum, dicendo, eum peccatorem; Deiparam non esse Virginem (ob id enim nuper Iudaeus, quem novi, flagris caesus est Cremonae) Si haereticos adiuvent: si libros prohibitos deferant, retineant, divulgent: si derisioni habeant Christianos, Sacram Hostiam, Crucem, Christum Dominum conspuentes: si Christianas nutrices habeant, vel cogant eas, quando communicant, effundere lac in cloacas in sacrae communis despectum.*

8 *IT IS USUALLY DOUBTED* also about one doubtfully baptized; see Diana *Tract. 8. resol. 113.* where he reports the opinion of Didaci Canterae *in qq. crim. cap. 1. de haeret. num. 5.* who says, if he was born and educated among Christians, he is presumed baptized.

> DUBITARI *solet etiam de dubie baptizato; vide Dianam* Tract. 8. resol. 113. *ubi refert sententiam Didaci Canterae* in qq. crim. cap. 1. de haeret. num. 5. *dicentis, si ille natus est, et educatus inter Christianos, praesumi baptizatum.*

9 The *SECOND* part of the quaestio requires, whether he who is to be punished as a heretic must previously have been a believer, or have believed.

> SECUNDA *pars quaestionis exigit, an, qui puniendus est ut haereticus, debuerit prius fuisse fidelis, seu credidisse.*

10 The *SENSE* of the Church is, that he is esteemed a heretic even if he has not believed before. See Suarez *disput. 16. sect. 4.* and *disp. 19. sect. 5.* and others, cited by the Cardinal Lugus *disp. 18. sectione tertia.*

> SENSUS *Ecclesiae est, eum censeri haereticum, etiamsi non crediderit ante. Vide Suarez* disput. 16. sect. 4. *et* disp. 19. sect. 5. *et alios apud Cardinalem Lugum* disp. 18. sectione tertia.

Question VII: Whether the Church can compel heretics to receive the Catholic faith

1 ON this Bellarmine disputes at greater length *Tom. 1. Lib. 3. de Laicis, cap. 21. et 22.* Valencia *disp. 1. q. 11. puncto 3.* Suarez *disp. 20. sect. 3.*

> Utrum Ecclesia cogere possit haereticos ad FIDEM Catholicam recipiendam.
>
> *DE hoc latius disputant Bellarminus* Tom. 1. Lib. 3. de Laicis, cap. 21. et 22. *Valentia* disp. 1. q. 11. puncto 3. *Suarez* disp. 20. sect. 3.

2 *HERETICS* — certain very ancient lovers of liberty, and of a bad peace, cried out that all should be left in their own religion, and cherished and kept in fraternal peace. So a certain Apelles, in Eusebius *lib. 5. hist. cap. 13.* Nicephorus *lib. 4. cap. 29.* provided, however (they say), that they confess Christ the Redeemer. Much the same did George Cassander teach in our own time, in Bellarm. *cap. 19.* But let these men hear the Apostle Paul: *What concord hath Christ with Belial?*

> HAERETICI *nonnulli perantiqui, libertatis, et malae pacis amatores conclamarunt, omnes in sua religione relinquendos, et fraterna pace adamandos, atque retinendos. Sic Apelles quidam apud Eusebium* lib. 5. hist. cap. 13. *Nicephorum* lib. 4. cap. 29. *dummodo tamen (aiunt) fateantur Christum Redemptorem. Idem fere docuit nostro tempore Georgius Cassander, apud Bellarm.* cap. 19. *sed audiant isti Paulum Apostolum:* Quae consensio Christi ad Belial?

3 *HERETICS*, sectarians, enemies of Catholics, and lovers of a most foul liberty, have said that such men are not to be punished in any way. So thought of old the Donatists, and recently John Hus, and Luther, in Bellarmine, *cap. 21.* and it is the universal complaint of heretics against us. It is truly marvelous that they, execrating the just punishments of the most holy Inquisition, found in England so many unusual kinds of torments for putting Catholics to death, that they far surpassed the tyrannies of the Barbarians.

> HAERETICI *sectarii Catholicorum hostes, et libertatis teterrimae amatores, dixere, non esse huiusmodi ullo modo puniendos. Id sensere olim Donatistae, et noviter Ioannes Hus, et Lutherus apud Bellarminum,* cap. 21. *et est universalis haereticorum quaerimonia contra nos. Mirum sane, eos, execrantes Inquisitionis sanctissimae iustas punitiones, tot in Anglia tormentorum inusitata genera invenisse ad Catholicos enecandos, ut Barbarorum tyranides longe praecelluerint.*

4 The unshaken truth of the holy Church asserts that heretics are justly punished, and can be compelled to profess the faith.

> *Constans Ecclesiae sanctae veritas asserit, haereticos iuste puniri, et ad fidem posse compelli profitendam.*

5 THIS was defined in the Council of Constance *sess. 15.* and by Leo X. *in the Bull against the articles of Luther*, and in *cap. ad abolendam, and cap. excommunicamus, and* other *de haeret. cap. super eo, of the same title, Lib. 6.* from Leo Pope *epist. 2. to the Bishops of Italy*, and other letters, cited by Suarez *num. 11.* and by

Lucius P. *epist. to the Bishops of France.* The Fourth Council of Toledo, cap. 57. and 59. from the Nicene, where it was requested of Constantine that he punish the Arian heretics.

ID definitum est in Concilio Constantiae sess. 15. *et a Leone X.* in Bulla contra articulos Lutheri, *et* cap. ad abolendam, et cap. excommunicamus, et *aliis* de haeret. cap. super eo, eodem titulo, Lib. 6. *ex Leone P.* epist. 2. ad Episcopos Italiae, *et aliis epistolis, relatis a Suarez* num. 11. *et a Lucio P.* epist. ad Episcopos Galliae. *Concilio Tolet. 4. cap. 57. et 59. ex Nycaeno, ubi postulatum est a Constantino, ut haereticos Arianos puniret.*

6 The same is evident from the Laws of the best Princes, who established the gravest penalties against heretics: *Leg. Manichaeos. Leg. Arrianis. Leg. quicunque Cod. de haeret.* which laws St. Augustine praises, Lib. 1. *contra epist. Parmen. c. 7. and epist. 166. ad Donatistas,* where he adds that only the Emperor Julian the Apostate left heretics unpunished. Wherefore in Lib. 2. *Retract. cap. 5. and epist. 48. and 50.* he retracts what he had said before, that heretics were not to be punished with bodily punishment; and in Lib. 1. *contra epist. Parmeniani, cap. 7. and tract. 11. in Ioan. and epist. 50. ad Bonifacium,* he asserts that the punishment of death is owed to them. D. Gregory also may seem [to hold this], Lib. 1. *epist. 72.* Bernard *serm. 66. in Cant. and Lib. 4. de consider. Leo epist. 91. et 923.*

Idem constat ex Legibus optimorum Principum, qui gravissimas poenas in haereticos statuerunt Leg. Manichaeos. Leg. Arrianis. Leg. quicunque Cod. de haeret. *quas laudat S. Augustinus Lib. 1.* contra epist. Parmen. c. 7. et epist. 166. ad Donatistas, *ubi addit, solum Imperatorem Iulianum Apostatam haereticos reliquisse impunitos. Quare Lib. 2.* Retract. cap. 5. et epist. 48. et 50. *retractat id, quod ante dixerat, non esse poena corporali puniendos haereticos, et Lib. 1.* contra epist. Parmeniani, cap. 7. et tract. 11. in Ioan. et epist. 50. ad Bonifacium, *asserit, poenam mortis eis deberi. Videri etiam potest D. Gregorius Lib. 1.* epist. 72. *Bernardus* serm. 66. in Cant. et Lib. 4. de consider. Leo epist. 91. et 923.

7 IT IS PROVED by D. Bonaventure on 2. *Ioan.* on these words: *Having made a whip of cords, he cast out those selling doves, sheep, and oxen.* Where he exercised the power of the forum, showing that sellers of doves, that is, of the gifts of the Holy Spirit, were to be punished for simony: the oxen, who undergo Ecclesiastical labors for merely temporal reward: and the sheep, who call away the sheep of Christ from his pastures, and sell the truths of the faith to the devil, perverting them and dragging them into heresies, as the Fathers expound.

PROBATUR a D. Bonavent. ad 2. Ioan. *ad ea verba:* Cum fecisset flagellum de funiculis, eiecit vendentes columbas, oves, et boves. *Ubi potestatem fori exercuit, ostendens, puniendos vendentes columbas, idest dona Spiritus sancti, simonia: Boves, qui labores Ecclesiasticos pro mercede temporali mere subeunt: et Oves, qui oves Christi ab eius pascuis avocant, et diabolo vendunt veritates fidei, pervertendo, et ad haereses trahendo, ut exponunt Patres.*

8 The holy Doctor observes, moreover, that he had twice reproved their acts, saying: *But you have made the house of my Father, a den of thieves.*

Observat autem S. Doctor actus iterum exprobrasse dicendo: Vos autem fecistis domum Patris mei, speluncam latronum.

9 IT IS PROVED secondly by the holy Doctor in 4. *dist. 18. p. 2. quaest. 1. from 1 Corinthians 5.* where he delivered the incestuous man to satan for the destruction of the flesh; and *1. ad Timot. 1.* He delivered Hymenaeus and Alexander to satan, to torture even of the body, as he observes on the last.

PROBATUR secundo a S. Doctore in 4. dist. 18. p. 2. quaest. 1. ex prima Corinth. 5. *ubi incestuosum tradidit sathanae in interitum carnis, et* 1. ad Timot. 1. *Tradidit Hymenaeum, et Alexandrum sathanae ad torturam etiam corporalem, ut observat ad ultimum.*

10 IT IS PROVED thirdly by D. Bonaventure on 22. *Lucas* and 19. *Ioannis*, where Peter drawing a sword struck the servant of the Pontiff, whose name was Malchus. There he shows the Pontifical power of Peter, in that he struck the servant of the Pontiff, Malchus, which means King, understanding the people of the Jews, which was made a servant by its unbelief, whose right ear he cut off, that it might no longer hear error. And if he was corrected, it was not because he was to use the sword; but because not for the occasion, as D. Bernard notes, Lib. 4. *de consideratione ad Eugenium*. That the sword, even the temporal and material one, was understood to be given to the Church, Sanderus proves learnedly *de clave David, lib. 2. cap. 11. from D. Augustine contra Faustum.*

> *PROBATUR tertio a D. Bonavent. ad 22.* Lucae *et 19.* Ioannis*, ubi Petrus educens gladium, percussit servum Pontificis, cui nomen Malchus, Ubi Pontificiam Petri potestatem ostendit, dum percussit servum Pontificis Malchum, quod sonat Regem, intelligens populum Iudaeorum, qui incredulitate factus est servus, cui amputavit auriculam dexteram, ut iam erronea non audiret. Quod si correctus fuit, non est quia uteretur gladio; sed quia non ad rem, ut notat D. Bernardus Lib. 4.* de consideratione ad Eugenium. *Gladium vero etiam temporalem, et materialem intelligi datum Ecclesiae, probat erudite Sanderus* de clave David, lib. 2. cap. 11. ex D. Augustino contra Faustum.

11 IT IS PROVED fourthly by D. Bonaventure in 4. *dist. 18. p. 2. quaest. 1.* for since the Church is a well-ordered Monarchy, it ought to have a power proportioned to amending the fallen and coercing rebels and the contumacious; for so it is done in every rightly ordered Republic; and no crime is more pernicious than heresy. As therefore the Physician, when a soothing remedy does not help, uses the knife and fire; so in our matter the Lord, the best founder and institutor of the Church, gave arms for governance, and remedies apt for preserving the body of the Church unharmed, that when soothing remedies do not avail, they may be cut with the sword of excommunication and burned with a punishment worthy of their most pestilent disease.

> *PROBATUR quarto a D. Bonavent. in 4.* dist. 18. p. 2. quaest. 1. *nam cum Ecclesia sit Monarchia bene ordinata, debuit habere potestatem proportionatam ad emendandos lapsos, et coercendos rebelles, et contumaces; sic enim in omni recta Republica fit; nullum autem scelus est perniciosius haeresi. Sicut igitur Medicus, non iuvante linitivo, utitur ferro, et igne; ita in re nostra Dominus optimus institutor, et fundator Ecclesiae dedit arma ad regimen, et remedia apta ad corpus Ecclesiae incolume servandum, ut lenientibus non proficientibus, scindantur gladio excommunicationis, urantur poena, digna eorum pestilentissimo morbo.*

12 THIS power is FOUNDED on *Matth. 16.* where it is said to Peter: *Whatsoever thou shalt bind upon earth, it shall be bound also in heaven, etc.* And *Matth. 18. If he will not hear the Church, let him be to thee as the heathen and publican*, as D. Bonaventure teaches, *eadem dist. p. 2. quaest. 5.*

> *FUNDATUR haec potestas* Matth. 16. *ubi dicitur Petro:* Quodcumque ligaveris super terram, erit ligatum et in caelis, etc. *Et* Matth. 18. Si Ecclesiam non audierit, sit tibi sicut ethnicus, et publicanus, ut *docet D. Bonavent.* eadem dist. p. 2. quaest. 5.

13 THAT THIS power was prefigured by Phinees, son of the Pontiff, *Numer. 25.* when he pierced the fornicating sacrilegious Idolaters, and that work was by God rewarded to him with the supreme priesthood, D. Bonaventure notes on the place secondly cited, *Lucas 22.* from the Interlinear Gloss. Nor can this power be denied without error, as Suarez admonishes *num. 21.* Cast. Lugo *num. 10. disp. 21. sect. 1.* and it is evident from the definition of Innocent IV. in the Council of Lyons, and cited in cap. *Ad Apostolicae, de sentent. et re iudicata, in 6.*

HANC potestatem fuisse praeostensam a Phinees, filio Pontificis Numer. 25. *cum fornicarios sacrilegos Idolatras confodit, et fuit a Deo illi sacerdotio summo opus illud remuneratum, notat D. Bonavent. ad locum secundo allegatum* Lucae 22. *ex Glossa Interlineari. Neque absque errore haec potestas potest negari, ut admonent Suarez* num. 21. *Cast. Lugo* num. 10. disp. 21. sect. 1. *et constat ex definitione Innocentii IV. in Concilio Lugdun. et relata in cap.* Ad Apostolicae, de sentent. et re iudicata, in 6.

14 With these means of D. Bonaventure all the more recent authors make use.

His D. Bonaventurae mediis utuntur omnes Recentiores.

15 YOU OBJECT first. In Scripture we are only commanded to avoid heretics, not to kill them: *Ad Titum 3. secunda Timoth. 2. prima Thessal. 3. and prima Ioan.* Hence Christ did not punish the disciples withdrawing from him, but said to the others: *Will you also go away? Ioan. 6.* as Cyprian also noted, *epist. 55. Matth. 18.* however commands only separation from the heretic: *Let him be to thee as the Ethnic.*

OBIICIES primo. In Scriptura solum praecipimur haereticos vitare, non autem occidere: Ad Titum 3. secunda Timoth. 2. prima, Thessal. 3. et prima Ioan. *Unde Christus recedentes a se discipulos non punivit, sed caeteris dixit:* Numquid et vos vultis abire? Ioan. 6. *ut notavit etiam Cyprianus* epist. 55. Matth. 18. *vero solam separationem ab haeretico iubet:* Sit tibi sicut Ethnicus.

16 The holy Doctor RESPONDS to that place of John, that Christ said this lest he seem to flatter the disciples, and he was unwilling to hold them by force and necessity in the following of him of such great perfection, of which the others had shown themselves unworthy and incapable. He did not dismiss them, therefore, to the world, or to errors; but he was unwilling to use coercive power.

RESPONDET S. Doctor ad illum locum Ioannis, id dixisse Christum, ne videretur blandiri discipulis, et noluisse eos vi, et necessitate detinere in sua tantae perfectionis sequela, cuius non dignos, et capaces se ostenderant alii. Non eos dimisit ergo ad mundum, aut ad errores; sed noluit uti potestate coactiva.

17 To that of Matth., the holy Doctor observes in 4. *dist. 18. p. 2. quaest. 1. fundamento primo*, that Christ immediately added: *Amen I say to you: Whatsoever you shall bind upon earth, shall be bound also in heaven*, giving them the power of punishing those whom he had said were to be cast out with anathema. Wherefore even the Apostles indeed applied separation, but also coercive punishments. The holy Doctor observes further, in *Hexaëmer. serm. 16.* that the Church could not always coerce rebels, because she lay under Pagan Princes; but in the time of Constantine she raised her head, and began to use her power against heretics, decreeing in the Council of Nicaea that the Arians be punished.

Ad illud Matth. observat S. Doctor in 4. dist. 18. p. 2. quaest. 1. fundamento primo*, Christum statim subiecisse:* Amen dico vobis: Quaecumque alligaveritis super terram, erunt ligata et in caelis*, dando eis potestatem puniendi eos, quos anathemate proiectos dixerat. Itaque etiam Apostoli separationem quidem adhibuere, sed poenas etiam coercitivas. Observat autem amplius S. Doctor in* Hexaëmer. serm. 16. *Ecclesiam non potuisse semper rebelles coercere, quia sub Principibus Paganis iacebat; sed tempore Constantini, caput erexit, et coepit uti potestate contra haereticos, decernens in Concilio Nicaeno, ut Arriani punirentur.*

18 YOU OBJECT secondly, *Lucas 11.* to James and John, wishing to call down fire from heaven against the Samaritans, Christ objected.

OBIICIES secundo Lucae 11. *Iacobo, et Ioanni, volentibus ignem e caelo rapere contra Samaritas, obstitit Christus.*

19 The holy Doctor RESPONDS that at that place those Disciples were led by a bitter, not a reasonable, zeal, against those who were still infidels and not yet instructed. Then he adds that

Christ wished to admonish them, that he willed in that first coming of his to show humility and patience toward blind infidels, as Jerome interprets, *ad Algasiam.*

> *RESPONDET S. Doctor illo loco, Discipulos illos, ductos esse zelo amaro, non rationabili, in illos, qui adhuc infideles nondum instructi erant. Deinde addit, voluisse Christum eos admonere, se velle in illo primo suo adventu humilitatem, et patientiam in infideles caecos prae se ferre, ut interpretatur Hieronymus* ad Algasiam.

20 YOU OBJECT thirdly, *Matth. 13.* the Lord reproved the servants wishing to pluck up the Zizania: but heretics are understood, as Cyprian expounds, *Lib. 3. epist. 3.* Chrysost. and Ambr. in Maldonatus.

> *OBIICIES tertio* Matth. 13. *servos reprehendit Dominus volentes Zizania evellere: Intelliguntur autem haeretici, ut exponunt Cyprianus* Lib. 3. epist. 3. *Chrysost. et Ambr. apud Maldonatum.*

21 IT IS ANSWERED from D. Bonaventure, *de sex alis Seraph. cap. 7. and sermone Dominica prima in Quadragesima,* that by the Zizania are understood all the impious whatever, and not heretics: whence also D. Augustine, who had understood heretics by it, afterwards retracted it, *Lib. 2. Retract. cap. 18.* where from Cyprian he understands all the wicked. The same think Gregory, Ambrose, Theophylactus, in Cornelius there; and as he does not command thieves, adulterers, etc. to be killed, so neither heretics; and yet he does not prohibit all these from being rooted up: he only prohibits that they be taken away rashly, lest with the wicked the good also. *Lest gathering the zizania, you root up also the wheat together with it,* as D. August. warns, *Lib. 3. cont. epist. Parmen. cap. 2.*

> *RESPONDETUR ex D. Bonavent.* de sex alis Seraph. cap. 7. et sermone Dominica prima in Quadragesima, *intelligi per Zizania impios quoscunque, et non haereticos: Unde et D. Augustinus, qui per ea haereticos intellexerat, postea retractavit* Lib. 2. Retract. cap. 18. *ubi ex Cypriano intelligit omnes malos. Idem sentiunt Gregorius, Ambrosius, Theophylactus apud Cornelium ibi; Et sicut non iubet, occidi fures, adulteros, etc. ita neque haereticos; neque tamen omnes hos prohibet exstirpari: solum prohibet ne auferantur incaute cum malis etiam boni.* Ne forte colligentes zizania, eradicetis simul et triticum, *ut monet D. August.* Lib. 3. cont. epist. Parmen. cap. 2.

22 From what has been said they infer that this power of the Church extends even to those who were baptized in infancy and fall away from the faith. Nay, the Fourth Council of Toledo, *can. 55.* includes even those baptized out of fear.

> *Ex dictis inferunt, potestatem hanc Ecclesiae extendi ad eos etiam, qui in infantia baptizati, a fide deficiunt. Imo Concilium Toletanum 4.* can. 55. *etiam metu baptizatos includit.*

23 THEY INFER secondly, that the sons of heretics can be led to baptism per se. See Suarez *3. part. Tom. 3.* disp. 25. sect. 3. I said per se, because per accidens say the opposite, if it be certain that those boys are to be brought up by their parents in heresy; for then it would redound to the injury of Baptism. See Suarez here disp. 25. sect. 5. and Card. Lugo disp. 21. sectione 1.

> *INFERUNT secundo, posse filios haereticorum per se ad baptismum deduci. Vide Suarez* 3. part. Tom. 3. *disp. 25. sect. 3. Dixi per se, quia per accidens oppositum dic, si certum sit, illos pueros educandos a parentibus in haeresi; tunc enim in iniuriam Baptismi redundaret. Vide Suarez hic disp. 25. sect. 5. et Card. Lugo disp. 21. sectione 1.*

Question VIII: On the other means the Church uses against heretics, by forbidding their books

1 Heretics CRY OUT wailing against this truly effective Antidote, whose complaints Bellarmine refutes, *Lib. 3. de Laicis, cap. 20.* Suarez *disp. 20. sect. 2.*

De alio medio, quo utitur Ecclesia contra haereticos prohibendo eorum Libros.

CONCLAMANT haeretici ululantes contra hoc Antidotum sane efficax, quorum querimonias refellunt Bellarminus Lib. 3. de Laicis, cap. 20. *Suarez* disp. 20. sect. 2.

2 Nor is this remedy new in the Church, for in *Actorum 19.* many brought vain and superstitious Books to be burned.

Non est autem novum in Ecclesia hoc remedium, nam Actorum 19. *multi attulerunt Libros vanos, et superstitiosos comburendos.*

3 St. CLEMENS, *Lib. 1. constitut. Apost. cap. 7.* reports that the Books of the Gentiles and of false prophets were prohibited to the faithful by the Apostles; and in the Council of Nicaea, by the testimony of Nicephorus, *Lib. 8. cap. 18.* it was decreed that the Books of Arius be burned, and Constantine added the penalty of death for those who concealed them.

S. CLEMENS Lib. 1. constitut. Apost. cap. 7. *refert Libros Gentilium, et falsorum prophetarum fuisse fidelibus ab Apostolis prohibitos, et in Concilio Nicaeno, teste Nicephoro,* Lib. 8. cap. 18. *statutum est, ut Arrii Libri cremarentur, et Constantinus addidit poenam capitis eos occultantibus.*

4 IN the Fourth Council of Carthage, *can. 16.* it is permitted to Bishops alone, in case of necessity, to read the Books of heretics; and Theodosius, in the *Lege damnato, Cod. de haereticis*, by the precept of the Council of Ephesus, ordered the Books of Nestorius to be burned. Leo I. *epist. 91.* and Gelasius, *in cap. Sancta Romana, dist. 15.* prohibited the Books of heretics; and Leo adds that those Bishops are to be judged heretics who would permit Books of this kind in the houses of the faithful. The same is evident from the Fifth Synod, *act. 1.* and by *L. quicunque, §. nulli, and §. omnes, Cod. de haeret.* all the Books of Eutyches are prohibited and adjudged to the fire, by the precept of the Council of Chalcedon, *act. 3.* See the Allegati Doctores reporting other things, with Basilio Pontio *in Appendice, post Lib. 12. de matrimonio, cap. 2.*

IN Concil. Carthag. 4. can. 16. *solis Episcopis permittitur in casu necessitatis haereticorum Libros legere, et Theodosius in* Lege damnato, Cod. de haereticis, *e praescripto Conc. Ephesini, iussit comburi Nestorii Libros. Leo I.* epist. 91. *et Gelasius* in cap. Sancta Romana, dist. 15. *Libros haereticorum prohibuere; et addit Leo, haereticos censendos illos Episcopos, qui huiusmodi Libros in domibus fidelium permitterent. Idem constat ex quinta Synodo,* act. 1. *et* L. quicunque, §. nulli, et §. omnes, Cod. de haeret. *prohibentur, et igni adiudicantur omnes Libri Eutychetis, ex praecepto Conc. Chalced.* act. 3. *Vide Allegatos Doctores alia referentes cum Basilio Pontio* in Appendice, post Lib. 12. de matrimonio, cap. 2.

5 The RATIO is from D. Bonaventure, *in Diaeta, tit. 6. cap. 3.* because sincere instruction is necessary to us for salvation and the knowledge of God; for we draw spiritual things through corporeal ones. Two senses are chiefly those by which the discipline to be learned is taken in, *Sight*, and *Hearing*. And indeed by sight we read the book of creatures, and therefore we rise up into the knowledge of God. *For the invisible things of God, being understood by those things that are made, are seen, Rom. 1.* We also read Books cut with letters; and truly the Books of Scripture are most apt for this: whence also Christ, *Lucae 24. He opened their sense, that they might understand the scriptures.* See therefore on the contrary how much books teaching heresies can harm; for they are more subversive and pestilential, since they contain sacrilegious doctrines. For these move most powerfully, since they are more diligently elaborated, and they endure. Hence the Gentiles cautiously prohibited Books adverse to their sects, as Valerius Maximus reports, *Lib. 1. cap. 1.* and Tullius, *Lib. 1. de natura Deorum.*

RATIO est ex D. Bonavent. in Diaeta, tit. 6. cap. 3. *quia necessaria est nobis ad salutem, et Dei cognitionem, instructio sincera; nam spiritualia per corporea haurimus. Duo autem sunt praecipue sensus disciplinae capiendae,* Visus, *et* Auditus, *Et quidem visu legimus Librum creaturarum, et ideo in cognitionem Dei assurgimus.* Invisibilia enim Dei, per ea quae facta sunt, intellecta, conspiciuntur, Rom. 1. *Legimus etiam Libros excusos; et sane Scripturae Libri aptissimi sunt: Unde et Christus* Lucae 24. Aperuit illis sensum, ut intelligerent scripturas. *Vide igitur e contrario, quam nocere possint libri, docentes haereses; sunt enim subversiores, pestilentes, cum doctrinas sacrilegas contineant. Hi enim vehementissime movent, cum sint diligentius elaborati, et permaneant. Hinc caute Gentiles prohibebant Libros, suis sectis adversos, ut referunt Valerius Maximo* Lib. 1. cap. 1. *et Tullius* Lib. 1. de natura Deorum.

6 Let the Heretics not grieve that the reading of the Books of the Gentiles is permitted to us, for the Books of Heretics are adorned for that very end with specious titles and doctrines, to seduce: but the Books of the Gentiles report errors already outworn and exploded, which are not so dangerous. Indeed certain Books of the Jews and Turks are prohibited, in which there are some things more dangerous.

NEQUE doleant Haeretici, permitti nobis Lectiones Librorum Gentilium, nam Libri Haereticorum sunt eum in finem speciosis titulis et doctrinis adornati ad seducendum: Libri vero Gentilium iam antiquatos, et explosos errores, qui non sunt tam periculosi, recensent. Prohibentur sane aliqui Libri Iudaeorum, et Turcarum, in quibus sunt aliqua periculosiora.

7 But the Books of Heretics are prohibited in the Bull of the Supper which contain heresy, or treat of religion.

PROHIBENTUR autem in Bulla Coenae Libri Haereticorum, haeresim continentes, vel de religione tractantes.

8 He includes, moreover, there also one epistle of a heretic, as Suarez brings forward, *disp. 20. sect. 2.* Hugolinus in him, Megala *3. p. lib. 3. cap. 1. num. 55.* Farinacius *de haeresi quaest. 180. num. 70.*

Includit vero ibidem etiam unam epistolam haeretici, afferunt Suarez disp. 20. sect. 2. *Hugolinus apud eum, Megala* 3. p. lib. 3. cap. 1. num. 55. *Farinacius* de haeresi quaest. 180. num. 70.

9 OTHERS, however, deny it with sufficient probability: Sanchez *42 cap. 10. num. 20.* Durandus, and Bonacina, whom Palao reports and follows, *primo Tract. 4. disp. 2. part. 10.* Layman, Pottel, and Sousa, whom Diana brings forward and seems to approve, *p. 1. Tract. de Bulla Cruciata, resol. 34.* and Card. Lugo *disp. 21. sect. 2. §. 1.* The ratio is, because odia are rather to be restricted. It is confirmed, because although it is not licit to print books without the author's name on sacred subjects, the prohibition of the Council of Trent *sess. 4.* remaining in force, usage itself has nevertheless declared that these small writings are not contained under that decree, as Azorius testifies, *Tract. 1. Lib. 8. cap. 8. cap. 17. quaestio 4.* Lugo *num. 33.*

ALII tamen satis probabiliter negant; Sanchez 42 cap. 10. num. 20. *Durandus, et Bonacina, quos refert, et sequitur Palao* primo Tract. 4. disp. 2. part. 10. *Layman, Pottel, et Sousa, quos affert, et videtur approbare Diana* p. 1. Tract. de Bulla Cruciata, resol. 34. *et Card. Lugo* disp. 21. sect. 2. §. 1. *Ratio est, quia odia sunt potius restringenda. Confirmatur, quia quamvis non liceat libros sine authoris nomine imprimere de rebus sacris, stante prohibitione Concilii Trident.* sess. 4. *has tamen parvas scripturas sub illo decreto non contineri usus ipse declaravit, ut testatur Azorius* Tract. 1. Lib. 8. cap. 8. cap. 17. quaestio 4. *Lugo* num. 33.

10 ALL persons, however, are included in this prohibition, according to the decree of Urban VIII. *de motu proprio, 2. Aprilis 1631.*

OMNES autem personae includuntur in hac prohibitione, iuxta decretum Urbani VIII. de motu proprio, 2. Aprilis 1631.

11 But those are excommunicated who read, or retain, print, or in any way whatsoever defend them, for any cause whatever, publicly or secretly, by any device or pretext. See Cardinal Lugo, and what was said *Tomo 4. disp. 17. de conscientia, quaest. 10. ad proposit. ultimam.*

Excommunicantur autem legentes, aut retinentes, imprimentes, seu quomodolibet defendentes ex quavis causa publice, vel occulte, quovis ingenio, vel colore. Vide Cardinalem Lugo, et ea, quae dicta sunt Tomo 4. disp. 17. de conscientia, quaest. 10. ad proposit. ultimam.

Question IX: Whether we are bound to avoid the conversation of heretics

1 Soto ASSERTS it, *4. dist. 25. quaest. 1. art. 1. et 3. and dist. 20. quaest. 1. art. 5.*

An teneamur haereticorum conversationem vitare.

ASSERIT Soto 4. dist. 25. quaest. 1. art. 1. et 3. et dist. 20. quaest. 1. art. 5.

2 The COMMON opinion, however, denies it, as long as the heretic has not been juridically declared and denounced, because the Council of Constance indulged communication with all excommunicates, except those denounced by name and public strikers of clerics. So the authors in Sanchez *Lib. 2. decal. cap. 9.* So Henriquez with others, *Lib. 13. cap. 5.* Suarez *3. p. Tract. 5. disp. 9. sect. 2.* Toletus *Lib. 1. summae, cap. 9.* Tannerus *disp. 1. quaest. 9. dub. 5.*

COMMUNIS tamen sententia id negat, quam diu haereticus non est iuridice declaratus, et denunciatus, quia Concilium Constant. indulsit, communicare cum omnibus excommunicatis, exceptis nominatim denunciatis, et publicis clericorum percussoribus. Ita authores apud Sanchez Lib. 2. decal. cap. 9. *Sic cum aliis Henriquez* Lib. 13. cap. 5. *Suarez* 3. p. Tract. 5. disp. 9. sect. 2. *Toletus* Lib. 1. summae, cap. 9. *Tannerus* disp. 1. quaest. 9. dub. 5.

3 Whence it is to be noted that the Seraphic Doctor, *in 4. dist. 18. p. 2. q. 1.* asserts the opinion of Soto, but before the Council of Constance: at that time, however, it was the common opinion.

Ex quo adnotandum est, Seraphicum in 4. dist. 18. p. 2. q. 1. *asserere sententiam Soti, sed ante Concilium Constantiense: Tunc autem erat communis sententia.*

4 The DIFFICULTY, however, is: whether it is sufficient for someone to be declared a heretic; or whether it is also required that he be declared excommunicate.

DIFFICULTAS vero est; num satis sit, aliquem declarari haereticum; an vero exigatur etiam, ut declaretur excommunicatus.

5 TO ME it seems sufficient that he be declared a heretic; for excommunication is infallibly linked to heresy. So both Soto, Medina, Henriquez, and others, whom Sanchez reports, *Lib. 2. cap. 9.* who however holds the opposite with others; and Suarez, *de censuris, disput. 9.* thinks it probable with Card. Lugo *disp. 22. sect. 1.*

MIHI satis videtur esse, declarari haereticum; nam haeresi est infallibilitet nexa excommunicatio. Ita uterque Sotus, Medina, Henriquez, et alii, quos refert Sanchez Lib. 2. cap. 9. *qui tamen oppositum tenet cum aliis; et Suarez* de censuris, disput. 9. *probabilem putat cum Card. Lugo* disp. 22. sect. 1.

6 WE MAY also communicate with them in sacred things, namely by assisting at Mass together with a heretic. So all the Doctors in Sanchez, *dicto cap. 9.* against Basilium Poncium, *in Appendice de matrimonio Catholici cum haeretico, cap. 9.*

> *POSSUMUS etiam eis in sacris communicare, nempe assistendo missae simul cum haeretico. Ita omnes Doctores apud Sanchez* dicto cap. 9. *contra Basilium Poncium* in Appendice de matrimonio Catholici cum haeretico, cap. 9.

7 WE MAY also receive the Sacraments from a heretic, in the manner of our Church, in necessity, unless scandal arise from another source. See Sanchez *num. 10.*

> *POSSUMUS etiam ab haeretico Sacramenta, more Ecclesiae nostrae, sumere in necessitate, nisi aliunde scandalum surgat. Vide Sanchez* num. 10.

8 Many other things on this matter Sanchez discusses, *Lib. 2. in Decal. c. 9.* Card. Lugo *disp. 14. sect. 5. §. 5. and d. 22. sect. 2.*

> *Multa alia de hac re discutiunt Sanchez* Lib. 2. in Decal. c. 9. *Card. Lugo* disp. 14. sect. 5. §. 5. et d. 22. sect. 2.

9 I shall touch upon SOME doubts which I find discussed in the Seraphic Doctor. The first is: Whether marriage with a heretic, or heretic woman, is valid.

> *ALIQUA dubia tangam, quae apud Seraphicum invenio discussa. Primum est: An matrimonium cum haeretico, vel haeretica, sit validum.*

10 On these, Thomas Sanchez Lib. VII. de matrim. disp. 72. Ferrarius, opusc. de matrim. Catholici cum haeretico. Basilius Poncius in his Appendice, post Lib. XII. de matrim. In common, however, the Doctors of Law and the Theologians assert with D. Bonaventure, 4. dist. 39. quaest. 1. whom Sanchez reports, num. 2. and Poncius, and it is gathered from cap. decernit de haereticis, in 6.

> *De his Thomas Sanchez Lib. VII. de matrim. disp. 72. Ferrarius opusc. de matrim. Catholici cum haeretico. Basilius Poncius in sua Appendice, post Lib. XII. de matrim. Communiter vero asserunt Iuris Doctores, et Theologi cum D. Bonavent. 4. dist. 39. quaest. 1. quos refert Sanchez num. 2. et Poncius, et colligitur ex cap. decernit de haereticis, in 6.*

11 But if the heretic promise to convert, and there be moral certitude, the marriage will be not only valid but even licit, as is had in the C. Chalcedonensi cap. 14. So Hurtado disp. 76. §. 229. Sà, under the word matrim. num. 8. Card. Lugo disp. 22. sect. 1. Although Sanchez denies it, disp. 72. num. 4. Poncius in Appendice, capite 8.

> *Quod si haereticus spondeat converti, et sit moralis certitudo, non modo validum, sed etiam licitum erit matrimonium, ut habetur in C. Chalcedonensi cap. 14. Ita Hurtado disp. 76. §. 229. Sà verbo matrim. num. 8. Card. Lugo disp. 22. sect. 1. Tametsi neget Sanchez disp. 72. num. 4. Poncius in Appendice, capite 8.*

12 The second is, whether a spouse may put away a spouse fallen into heresy; and indeed it was defined in the C. Trident. sess. 24. cap. 5. that marriage is not on that account dissolved.

> *Secundum est, an possit coniux dimittere coniugem lapsum in haeresim; et quidem non ob id solui matrimonium definitum est in C. Trident. sess. 24. cap. 5.*

13 That they may be separated, however, is certain; for besides fornication, the Tridentine defines other causes for which they may be separated, sess. 24. can. 8. The same is evident from cap. Quanto, de divortiis, and from cap. litteras at the end, and cap. transmissa, de restit. spoliat. and cap. 1. ut lite non contestata.

Quod vero possit separari, certum est; nam praeter fornicationem alias causas definit Tridentinum, ob quas possunt separari sess. 24. can. 8. Idem constat ex cap. Quanto, de divortiis, et ex cap. litteras in fine, et cap. transmissa, de restit. spoliat. et cap. 1. ut lite non contestata.

14 The sectarian heretics urge the place of Matth. 5. and 19. *But I say to you, that whosoever shall put away his wife, excepting the cause of fornication, maketh her to commit adultery: and he that shall marry her that is put away, committeth adultery.*

Haeretici sectarii urgent locum Matth. 5. et 19. Ego autem dico vobis, quia omnis qui dimiserit uxorem suam, excepta fornicationis causa, facit eam moechari: et qui dimissam duxerit, adulterat.

15 Cardinal Lugo RESPONDS, disp. 22. sect. 3. with Sanchez Lib. X. disp. 15. cap. 14. Bellarmine Lib. I. de matrim. cap. 14. that Christ speaks of perpetual separation, and by his own authority, without the consent of the wife put away.

Respondet Cardin. Lugo disp. 22. sect. 3. cum Sanchez Lib. X. disp. 15. cap. 14. Bellarminus Lib. I. de matrim. cap. 14. Christum loqui de separatione perpetua, et propria auctoritate, sine consensu coniugis dimissae.

16 This exposition, however, as to his own authority, D. Bonaventure refutes, in 4. dist. 35. quaest. 3. where he shows from usage that the judgment of the Church is necessary.

Hanc tamen expositionem, quoad propriam auctoritatem, refellit D. Bonavent. in 4. dist. 35. quaest. 3. ubi ex usu ostendit, necessarium esse iudicium Ecclesiae.

17 Therefore the holy Doctor RESPONDS, quaest. 1. ad 5. that fornication is there expressed as the cause of separating himself perpetually, because among the causes it is evident, since it is against the faith directly belonging to marriage; but the remaining causes he holds are to be litigated: And that he speaks of perpetual separation is proved; for there, cap. 5. he had premised the use of divorce, which was toward perpetual separation. The holy Doctor observes also that the divorce of the Church now used is different from that old repudium. See the holy Doctor, q. 1. On these things, however, I shall treat in the Tractate on marriage.

Respondet igitur S. Doctor quaest. 1. ad 5. exprimi ibi fornicationem, ut causam separandi se perpetuo, quia inter causas est evidens, cum sit contra fidem directam matrimonii; reliquas vero causas diffutiendas censet: Et quod loquatur de separatione perpetua, probatur; nam ibi cap. 5. praemisit usum repudii, quod erat ad separationem perpetuam. Observat etiam S. Doctor divortium Ecclesiae nunc usitatum, diversum esse a repudio illo veteri. Vide S. Doctorem q. 1. De his vero, Tractatu de matrimonio agam.

Question X: What excommunication is inflicted upon heretics

1 We must now treat of the punishments of heretics, and first of the spiritual ones.

Quae excommunicatio haereticis infligatur.

Iam de poenis haereticorum agendum, et primo de spiritualibus.

2 The first and most ancient spiritual punishment of heretics is excommunication, as is clear from the chapter *Achaina*, 24. q. 1, the chapter *Ad abolendum*, the chapter *Excommunicamus*, 1. and 2. *de haeret.*, the chapter *Quicunque, eodem titulo* in 6., the chapter *Noverit*.

Prima, et antiquissima haereticorum poena spiritualis, est excommunicatio, ut constat ex capite Achaina*, 24. quaest. 1. cap.* Ad abolendum*, cap.* Excommunicamus*, 1. et 2.* de haeret. cap. Quicunque, eodem titulo *in 6. cap.*

> Noverit.

3 Moreover, in the Bulla Coenae an excommunication is imposed, and renewed yearly, reserved to the Supreme Pontiff. Now this is the most ancient of all excommunications, as Azorius notes, Tomo I, lib. VIII, cap. 10, quaestio 1.

> *Porro in Bulla Coenae imponitur, et quotannis renovatur excommunicatio, summo Pontifici reservata. Est autem haec antiquissima omnium excommunicatio, ut notat Azorius Tomo I. lib. VIII. cap. 10. quaestio 1.*

4 It is incurred for external heresy, not for mental heresy, as the Doctors of Law teach commonly, whom Sanchez reports, Lib. II, cap. 8, num. 2. The Church does not judge of merely occult things, that is, of merely internal ones; but the external heretic, though occult, incurs it, as is taught commonly, as reported by Hurt., sect. 4, n. 36.

> *Incurritur autem ob haeresin exteriorem, non ob mentalem, ut docent communiter Iuris Doctores, quos refert Sanchez Lib. II. cap. 8. num. 2. Ecclesia etiam de mere occultis non iudicat, seu de mere internis; haereticus vero externus, sed occultus incurrit istam, ut docent communiter apud Hurt. sect. 4. n. 36.*

5 Yet Arez, disp. 21, sect. 2, reports that some held that in general censures are not incurred for an occult crime, which Croufers teaches concerning heresy in reg. S. Francisci, cap. 7, sect. 4, fol. 518, as reported by Diana, 6. parte, Tract. 6, miscel. resol. 51. But a great question concerns absolution from heresy, which question depends on knowing the quality of this censure.

> *Arez tamen disp. 21. sect. 2. refert aliquos tenuisse de censuris in genere non incurri ob crimen occultum, quod de haeresi docet Croufers in reg. S. Francisci, cap. 7. sect. 4. fol. 518. apud Dianam 6. parte, Tract. 6. miscel. resol. 51. Magna vero quaestio est de absolutione ab haeresi, quae quaestio pendet ex cognitione qualitatis huius censurae.*

6 I shall therefore set out the Anathema hurled by the Bulla Coenae against heretics, according to the modern exemplars of Urban VIII, and also according to the Bulls of Paul V and Gregory XV. *Moreover, from the aforesaid sentences, no one can be absolved by anyone other than the Roman Pontiff, unless he be in articulo mortis; nor even then, unless he gives caution of standing by the mandates of the Church and of making satisfaction, even under pretext of any faculties and indults whatsoever granted by us and the said See, and by the decrees of any Council, to any Ecclesiastical secular persons, and of any Orders, even Mendicant, even military Regulars, even those endowed with Episcopal or any other greater dignity, etc.* See disp. 17, quaest. 10, sect. 3, tom. 4, de actibus humanis.

> *Referam igitur Bullae Coenae Anathema iactum contra haereticos, iuxta exemplaria moderna Urbani VIII. iuxta Bullas etiam Pauli V. et Gregorii XV.* Caeterum a praedictis sententiis, nullus per alium, quam per Romanum Pontificem, nisi in mortis articulo constitutus; nec etiam tunc, nisi de stando Ecclesiae mandatis, et satisfaciendo cautione praestita, absolui possit, etiam praetextu quarumcumque facultatum, et indultorum, quibuscumque personis Ecclesiasticis secularibus, et quorumvis Ordinum, etiam Mendicantium, etiam militarium Regularibus, etiam Episcopali, vel alia maiori dignitate praeditis, etc. per nos, et dictam sedem, ac cuiusvis Concily decreta concessorum, etc. *Vide disp. 17. quaest. 10. sect. 3. tom. 4. de actibus humanis.*

7 A grave question however arises, because in the Council of Trent, sess. 24, cap. 6, Bishops are granted the faculty of absolving from occult heresy and other occult cases reserved to the Apostolic See.

Gravis autem oritur quaestio, quia in C. Tridentino sess. 24. cap. 6. conceditur Episcopis facultas absolvendi ab haeresi occulta, et aliis occultis casibus Apostolicae sedi reservatis.

8 Two celebrated opinions exist: The first is that the faculty granted to Bishops by the Tridentine Council still exists, and was not removed by the Bulla Coenae: Sanchez reports the Doctors, Lib. I, Decal., cap. 21, who admits that opinion to be probable. Others are reported by Diana, p. p., Tract. de Absol. ab haeresi, resol. 2, to whom he adds others in 4. p., tract. 4, miscel. resol. 239, and 5. p., tract. 13, miscel. resol. 43. Suarez called it probable, Tract. de censuris, disp. 21, sect. 3, though afterwards he attacks it. Hurtado defends it most strongly, disp. 84, sect. 2, §. 11, and Fagundez, lib. I, cap. 15, reporting twenty Doctors on the second precept of the Church, lib. VIII, cap. 8; Bass., V. Haeresis, num. 18, reporting many.

Geminae opiniones celebres extant: Prima est, facultatem a Trident. Concilio concessam Episcopis adhuc exstare, nec esse Bulla Coenae sublatam: Doctores refert Sanchez Lib. I. Decal. cap. 21. qui eam sententiam probabilem fatetur. Alios refert Diana p. p. Tract. de Absol. ab haeresi, resol. 2. quibus alios addit 4. p. tract. 4. miscel. resol. 239. et 5. p. tract. 13. miscel. resol. 43. Eam probabilem dixit Suarez Tract. de censuris, disp. 21. sect. 3. licet postea impugnet. Eam acerrime defendit Hurtado disp. 84. sect. 2. §. 11. et Fagundez lib. I. cap. 15. referens viginti Doctores de secundo praecept. Eccles. lib. VIII. cap. 8. Bass. V. Haeresis, num. 18. multos referens.

9 The second opinion asserts that the faculty was taken from the Bishops by the Bulla Coenae.

Secunda sententia asserit, ablatam esse Episcopis a Bulla Coenae facultatem.

10 Navarr. holds this, summa Latina nova, cap. 27, num. 275, adding that Pius V and Gregory XIII so declared; Peña, in directorio Inquisit., 3. p., quaest. 92, com. 141, saying it was so often declared in the supreme Roman General Inquisition; and Azorius says Clement VIII so declared; Suarez says the Congregation of the Most Eminent Cardinals so declared. Many others agree, as reported by Diana, and Castrum Palaeum, Tract. 4, disp. 4, p. 3, § 1.

Hanc tenent Navar. summa Latina nova, cap. 27. num. 275. addens ita declarasse Pium V. et Gregorium XIII. Peña in directorio Inquisit. 3. p. quaest. 92. com. 141. dicens, ita saepe declaratum esse in suprema Generali Inquisitione Romana, et Azorius ait, ita declarasse Clementem VIII. Suarez dicit ita declarasse Congregationem Eminentissimorum Cardinalium. Consentiunt alii plurimi apud Dianam, et Castrum Palaum Tract. 4. disp. 4. p. 3. § 1.

11 Cardinal Lugo, disp. 23, sect. 3, §. 1, thus reconciles the opinions: if a Bishop does not believe that the Pontiff wished to revoke the faculty, he may probably embrace the first opinion, which has so many, and therefore weighty, authors; but if he believes it, he must stand by the second opinion. He himself, however, testifies that he cannot agree with the first, because morally he is certain that the will of the Apostolic See is contrary. But Fagundez says Gregory XIII declared the opposite, and that this is not established by the S. Congr. Bass. adds that in the S. Congr. in the year 1639 it was permitted.

Cardinalis Lugo disp. 23. sect. 3. §. 1. sic concordat sententias. Si Episcopus non credat, voluisse Pontificem revocare facultatem, posse primam sententiam probabiliter amplecti, quae tot authores, adeoque graves habet; Si vero id credat, debere stare secundae sententiae. Ipse autem testatur, se non posse cum prima consentire, quia moraliter de voluntate Apostolicae Sedis contraria est certus. Enim vero Fagundez ait Gregor. XIII. oppositum declarasse, et de Sacr. Congr. non constare. Addit Bass. in S. Congr. anno 1639. fuisse permissam.

12 For my part it does not appear whence derogation was so immediately made from so great a Council; for what is said, *Etiam si concessum virtute alicuius Concilii Generalis*, does not sufficiently distinguish what was withdrawn from the Tridentine faculty; a later law speaking indistinctly and generally must be limited by the earlier one specially contrary to it, as Fagundez says, also praec. 2. eccl., lib. VIII, cap. 8.

> *Equidem non apparet, unde tanto Concilio statim derogatum sit; nam quod dicitur.* Etiam si concessum virtute alicuius Concily Generalis, non satis distinguitur facultati Tridentinae detractum; *Lex autem posterior indistincte loquens, et generaliter, limitanda est per anteriorem, specialiter contrariam, ut ait Fagundez etiam praec. 2. eccl. lib. VIII. cap. 8.*

13 He adds that nothing certain is established concerning the Oracles of Pius V, Gregory XIII, or Clement VIII, or of the former Congr., which would exclude even the Most Reverend who hold this faculty from the Council, which Lugo, n. 87. The distinction of Fagundez, that it was derogated in law but not in fact, is empty, because the law is uncertain.

> *Addit, nil certi constare de Oraculis Pii V. Gregor. XIII. vel Clem. VIII. aut olim Congr. quae excluderent etiam Reverendissimos qui hanc facultatem a Concilio habent, quae is Lugo n. 87. Inanis autem est distinctio Fagundez, iure derogatum; non de facto, quia incertum est ius.*

14 Included in this faculty are Prelates having quasi-episcopal power: thus Rodr., tomo 2, c. 10, and tom. p. 99, reg. quaest. 24, art. 16, and quaest. 61, art. 9; Henriq., lib. 4, de irreg., cap. 18; Sanchez, lib. 2, decis., cap. 11; Sayrus, lib. 11; Auil., de cens., p. 7, disp. 10; Flor. de mena, lib. 3, var. quaest. 23. For the Bulla Coenae does not take from them that faculty which they had before, as Fagundez says, num. 21.

> *CONTINENTUR hac facultate Praelati, habentes potestatem quasi episcopalem: sic Rodr. tomo 2. c. 10. et tom. p. 99. reg. quaest. 24. art. 16. et quaest. 61. art. 9. Henriq. lib. 4. de irreg. cap. 18. Sanchez lib. 2. decis. cap. 11. Sayrus lib. 11. Auil. de cens. p. 7. disp. 10. Flor. de mena lib. 3. var. quaest. 23. Bulla enim Coenae eam facultatem eis non aufert, quam ante habebant, ut ait Fagundez num. 21.*

15 These PRELATES, I say Ecclesiastical ones having a diocese, not regulars, as the authors cited note.

> *PRAELATOS hos, dico Ecclesiasticos, habentes dioecesim, non regulares, ut notant relati.*

16 That regular Prelates do not have this by law Suarez proclaims, lib. 4, de Poenit., disp. 30, sect. 2; Garc., de benef., p. 7, cap. 11; Armenda, addit. ad recopil. Nauar., tit. 18; lib. 7, de irreg.; Fagundez, num. 21. For before the Council they did not have that right, nor is it given them by the Council.

> *PRAELATOS vero regulares non habere hoc a iure conclamant Suarez lib. 4. de Poenit. disp. 30. sect. 2. Garc. de benef. p. 7. cap. 11. Armenda addit. ad recopil. Nauar. tit. 18. lib. 7. de irreg. Fagundez num. 21. Neque enim ante Concil. id iuris habebant, nec eis a Concil. datur.*

17 AS FOR privileges, our P. Bonagratia, published in the year 1667 at Cologne, reports: the privilege of Pius V given to the Preachers, that they may do what the Bishops also can, in this matter. And from Suarez, Tom. 4, de Relig., tract. 8, lib. 2, c. 20, and from Urban ab Ascens., tract. 2, cap. 3: regular Prelates can absolve their subjects from all censures from law or from man, even public ones, Clement IV and Sixtus IV excepted, namely the 4 cases of the Bulla Coenae: relapse into heresy, schism, falsification of Apostolic letters, carrying prohibited things to infidels. But the other cases,

even simony, are included. See Com. Priv. mend., tit. Absol., where this is granted to Ministers, VICs, and Custodes. Sigism. de elect., num. 2, disp. 66, extends this to the contentious forum, an author of the Rota, per Pluteum, decis. 90 — except the cases of the S. Officii.

> *QUOAD privilegia, refert P. Bonagratia noster, editus anno 1667. Coloniae; privilegium Pii V. datum Praedicatoribus, ut possint, quod et Episcopi, in hoc. Et e Suarez Tom. 4. de Relig. tract. 8. lib. 2. c. 20. et ex Urbano ab Ascens. tract. 2. cap. 3. Praelatos Regulares absolvere posse sibi subditos ab omnibus censuris a Iure, vel ab homine, etiam publicis, Clem. IV. et Sixti IV. Exceptis 4. Bullae Coenae. Relapsu scil. in haeresim, Schismate, Falsificatione litt. Apost. Delatione prohibitorum ad infideles. Caeteri vero casus etiam Simoniae includunt. Vide Com. Priu. mend. tit. Absol. ubi id conceditur Ministris, VIC. et Custodibus. Haec vero ad forum contentiosum extendit Sigism. de elect. num. 2. disp. 66. author Rotae, penes Pluteum decis. 90. excipe casus S. Officii.*

18 MOREOVER Gregory XIII grants the 4 cases adduced together with the others to the Society of Jesus, as Suarez reports, loc. cit. But the ample privilege granted by Pius V to the Cassinese Prelates is reported by Tamburin., de cas. reserv., t. 1, §. 1; which privilege is extended to those sharing with them; that they may absolve all their own, even persevering novices, from all cases, censures, punishments incurred through them before, as well as after entry, and even those of the Bulla Coenae to be incurred. Hence, he says, this is extended to the notorious in the forum of conscience.

> *PORRO et 4. casus allatos cum caeteris, concedit Greg. XIII. Societati Iesu, ut refert Suarez loc. cit. Amplum vero a Pio V. concessum Praelatis Cassin. refert Tamburin. de cas. reserv. t. 1. §. 1. quod privilegium extenditur ad participantes cum eis; ut possint absolvere omnes suos, etiam novitios perseverantes, ab omnibus casibus, censuris, poenis, per eos iam ante, quam post ingressum subitis, et incurrendis etiam Bullae Coenae. Hinc hoc extendi, ait, ad notorios in foro conscientiae.*

19 BUT IF it were probable that the privileges of the Mendicants were not derogated by the year of the publication of the Bulla Coenae, as Rodriq. teaches, tomo 1, qq. quaest. 10, art. 9; Suarez, de relig., tom. 4, tract. 10, lib. 9, cap. 20, num. 18; Diana, p. 1, tract. 5, resol. 6; Sousa, in Bulla coenae, cap. 23, disp. 100; Bonagratia, V. Absolutio; Eligius Bassaeus, V. haeresis, num. 18, and others as reported by these, then approved Mendicant religious, according to the form of law, could absolve seculars from the cases of the Bulla Coenae, and even from heresy, provided it be occult; and this latter part is proved by them first from the concession of Urban IV, as reported by Rodriq., tom. 1, qq. quaest. 61, art. 3, Compend. Privileg. mendic.

> *QUOD si probabile esset Privilegiis mendicantium per annum Bullae Coenae publicationem non esse derogatum, ut docent Rodriq. tomo 1. qq. quaest. 10. art. 9. Suarez de relig. tom. 4. tract. 10. lib. 9. cap. 20. num. 18. Diana p. 1. tract. 5. resol. 6. Sousa in Bulla coenae cap. 23. disp. 100. Bonagratia, V. Absolutio, Eligius Bassaeus, V. haeresis, num. 18. et alii apud hos, possent religiosi mendicantes approbati iuxta formam iuris absolvere saeculares a casibus Bullae Coenae, et etiam ab haeresi, modo sint occulti; et haec posterior pars probatur ab illis primo ex concessione Urbani IV. apud Rodriq. tom. 1. qq. quaest. 61. art. 3. Compend. Privil. mendic.*

20 V. Absolutio, as to seculars, num. 19, in which he grants to the Carmelite Brothers that, by the license of the Ecclesiastical Prelates — that is, as Sixtus IV declared, provided confessors presented according to the form of law — they may hear the confessions of all Christ's faithful, on account of the devotion of those recurring to them, unless they have committed such things for which the Apostolic See would deservedly need to be consulted. But for a mere relapse, after heresy abjured before a Judge, the Apostolic See must be consulted, because Sixtus IV, as is had in the Monum. ordinum, concession 348, declares that only relapsed ones are to be sent to the Apostolic See,

together with Schismatics, falsifiers of Apostolic letters, and those carrying forbidden things to infidels: Therefore, from occult heresy, that probability being posited, it would be lawful for the aforesaid to absolve.

> *V. Absolutio, quo ad saeculares num. 19. in qua concedit fratribus Carmelitis, ut de licentia Praelatorum Ecclesiae, idest, ut declaravit Sixtus IV. modo sint confessores secundum formam iuris praesentati, possint audire confessiones omnium Christi fidelium, causa devotionis ad eos recurrentium, nisi talia commisissent, propter quae esset sedes Apostolica merito consulenda. Sed pro solo relapso, post abiuratam coram Iudice haeresim, est consulenda sedes Apostolica, quia Sixtus IV. pro ut habetur in Monum. ordinum, concessione 348. declarat, solos relapsos ad sedem Apostolicam destinandos una cum Schismaticis, et falsificantibus litteras Apostolicas, et deferentibus vetita ad infideles: Ergo ab haeresi occulta, posita illa probabilitate, praefatis liceret absolvere.*

21 IT IS PROVED secondly from the concession of Sixtus IV made to the Order of Minors, as is had in the aforesaid Comp., num. 20 of the same title, in which he grants to those mentioned the faculty of hearing confessions, and of absolving from all cases of excommunication, suspension, interdict, and any irregularity whatsoever reserved to the Ordinary both by law and by man, as often as necessary, of dispensing, of commutting and relaxing any vows whatsoever, and of enjoining a salutary penance, just as the Diocesan can. But heresy, at least occult, or not yet brought to judgment, is reserved to the Ordinary both by the old law and by the new of Trent: Therefore. The minor is proved from the Tridentine, sess. 24, cap. 6, as Sanchez notes, lib. 4, moral., cap. 54, num. 27; Diana, part. 1, tract. 11, resol. 28, and p. 3, tract. 3, resol. 13. Further, he says, p. 4, tract. 4, resol. 239: it can rightly be said that the Bulla Coenae only prohibits the absolution of heresy and other crimes when they are public, and therefore does not derogate from the Tridentine faculty, which speaks of occult crimes.

> *PROBATUR secundo ex concessione Sixti IV. facta Ordini minimorum, ut habetur in Comp. praedicto, num. 20. eiusdem tituli, qua dictis concedit facultatem confessiones audiendi, et ab omnibus casibus excommunicationis, suspensionis, interdicti, ac super quacunque irregularitate, Ordinario tam a Iure quam ab homine reservatis, toties quoties opus fuerit absolvendi, dispensandi, ac vota quaecunque permutandi, et relaxandi, et poenitentiam salutarem iniungendi, sicut potest Dioecesanus. At haeresis saltem occulta, seu in iudicium nondum deducta, tam iure antiquo, quam novo Tridentini, reservatur Ordinario: Ergo. Minor probatur ex Trident. sess. 24. cap. 6. ut notant Sanchez lib. 4. moral. cap. 54. num. 27. Diana part. 1. tract. 11. resol. 28. et p. 3. tract. 3. resol. 13. Amplius dicit p. 4. tract. 4. resol. 239. Recte dici posse, Bullam Coenae solum prohibere absolutionem haeresis, et aliorum criminum, quando publica sunt, et ideo non derogare facultati Tridentini, in qua de occultis criminibus sermo est.*

22 Bassaeus ADDS at the place cited that the aforesaid opinion was seen and tolerated on 18 July 1629 in the Consistory of the S. Congregation of the Most Eminent Cardinals, and admitted even by many Doctors of S. Theology of the royal Academy of Douai.

> *ADDIT bassaeus loco citato, praedictam sententiam, anno 1629. 18. Iulii in Consistorio S. Congregationis Eminentiss. Cardinalium visam, et toleratam, etiam a multis regalis Academiae Duacensis S. Theol. Doctoribus admissam.*

23 But he says, V. Irregularitas, 11, num. 5, that that crime is occult which is not notorious by the sentence of a Judge, or by a confession of the crime made in judgment, or by fame among the people, in a College, or in the neighborhood; or if it has not yet been brought to the contentious forum; and Bassaeus says, from the sense of others, that this last seems to be the sense of the Council of Trent, loc. cit.

Occultum vero ait, V. Irregularitas, 11. num. 5. esse illud delictum, quod non est notorium Iudicis sententia, vel per confessionem criminis factam in iudicio; vel fama in populo, Collegio, aut Vicinia. Sive non adhuc deductum est ad forum contentiosum; atque hoc ultimum videtur Concilii Trident. loco cit. ait Bassaeus ex aliorum sensu.

24 BUT indeed a Decree has now been published by Alex. VII, in the year 1665, 24 Sept., in which among other propositions he condemns this one: *The opinion asserting that the Bulla Coenae only prohibits the absolution of heresy and other crimes when they are public, and that this does not derogate from the Tridentine faculty, which speaks of occult crimes, was seen and tolerated on 18 July 1629 in the Consistory of the S. Congr. of the Most Eminent Cardinals.*

ENIM vero nunc editum est Decretum ab Alex. VII. anno 1665. 24. sept. ubi inter alias propositiones damnat istam: Sententia asserens Bullam Coenae solum prohibere absolutionem haeresis, et aliorum criminum, quando publica sunt, et id non derogare facultati Tridentini, in quo de occultis criminibus sermo est, anno 1629. 18. Iulii in Consistorio S. Congr. Eminentiss. Cardinalium visa, et tolerata est.

25 YET P. Bonagratia says, V. Absolutio, as to seculars, num. 44, at the end, that the Pontiff makes no mention of revoking the privileges of the regulars, and that those privileges still remain in force; see what was said in session 11, quaest. 10, disp. 17, de conscientia, tom. 4, de actibus humanis.

AT tamen P. Bonagratia, V. Absolutio, quo ad saeculares num. 44. ad finem, Pontificem nullam facere mentionem revocandi privilegia regularium, ea, quae adhuc in vigore suo permanere, vide quae dicta sunt sessione 11. quaest. 10. disp. 17. de conscientia, tom. 4. de actibus humanis.

26 FOR MY PART, with the things reported from the mind of others, I judge that nothing is safe in these absolutions, and accordingly I do not embrace the first opinion. For since the value of absolution hangs on the will of the Pontiff, and that appears to me to refuse it, I exhort no one to use it in the meantime.

EGO his, ex aliorum mente relatis, arbitror nil tutum esse in his absolutionibus, atque adeo primam sententiam non amplector. Cum enim ex Pontificis voluntate pendeat absolutionis valor, et ea mihi appareat renuens, nullum exhortor, ut interim eis utatur.

Question XI: On the other spiritual punishments of heretics

1 Card. Lugo, disp. 23, sect. 4, Fagundez, and Suarez, at the places cited, enumerate THESE.

De aliis Poenis spiritualibus haereticorum.

HAS recenset Card. Lugo disp. 23. sect. 4. Fagundez, et Suarez locis cit.

2 THE FIRST is, that they be not buried in sacred ground: cap. *Quicunque, de haeret. in 6.* Yet Suar., de Cens., disp. 12, sect. 4, num. 13; Coninch., disp. 14, dub. 8, mem. 64; Hurtad., disp. 76, sect. 1, subsect. 1; Lugo, disp. 14, sect. 5, §. 5, num. 159, understand this text of those alone condemned by sentence. Whence he infers that now the Church is polluted only by the burial of those to be avoided.

PRIMA est, ne in loco sacro sepeliantur: cap. Quicunque, de haeret. in 6. *Hunc tamen textum de solis damnatis sententia intelligunt Suar. de Cens. disp. 12. sect. 4. num. 13. Coninch. disp. 14. dub. 8. mem. 64. Hurtad. disp. 76. sect. 1. subsect. 1. Lugo disp. 14. sect. 5. §. 5. num. 159. Unde infert, nunc pollui Ecclesiam, solum per sepulturam vitandorum.*

[3] The SECOND punishment is irregularity. See Sanch., lib. 1, cap. 15; Suar., disp. 21, sect. 5, and disp. 43, de Cens., sect. 1; Diana, 2. p., tract. 1, misc. R. 24, and others as reported by these.

> *SECUNDA poena est irregularitas. Vide Sanch. lib. 1. cap. 15. Suar. disp. 21. sect. 5. et disp. 43. de Cens. sect. 1. Dianam 2. p. tract. 1. misc. R. 24. et alios apud hos.*

[4] Yet others judge it probable that the occult heretic is not irregular. Diana reports them, p. 1, supr. R. 114, and 2. p. supra, resol. 24, and p. 4, tract. 1, de Irreg., resol. 46.

> *Alii tamen probabile existimant haereticum occultum non esse irregularem. Eos refert Diana p. 1. supr. R. 114. et 2. p. supra, resol. 24. et p. 4. tract. 1. de Irreg. resol. 46.*

[5] The *third* punishment is infamy: *cap. Excommunicamus, l. §. Credentes, and cap. Statuimus, eodem tit. de haeret. in 6, and cap. Infames, 6. quaest. 1, and Authent. Gazaros, C. de haeret. initio, and L. Cunctos populos, de Summa Trin.* See Suar., *disp. 21, sect 5.*

> Tertia *poena est infamia :* cap. Excommunicamus, l. §. Credentes, et cap. Statuimus, eodem tit. de haeret. in 6. et cap. Infames, 6. quaest. 1. et Authent. Gazaros, C. de haeret. initio et L. Cunctos populos, de Summa Trin. *Vide Suar.* disp. 21. sect 5.

[6] The *fourth* punishment is, that the heretic be deprived of benefices and offices acquired, and be rendered incapable of future ones. See Lugo, *disp. 23, sect. 4, §. 2.*

> Quarta *poena est, ut haereticus privetur beneficiis, et officiis acquisitis, et inhabilis reddatur ad futura. Vide Lugum* disp. 23. sect. 4. §. 2.

Question XII: On the temporal punishments of heretics

[1] The *first* punishment is the confiscation of goods *L. Manichaeos Authent. Gazaros, C. de haereticis L. Quisquis, and L. ult. C. ad legem Iul. Maiest. and L. ult. de bonorum praescript. in cap. vir. gentes de haereticis.*

> ***De poenis temporalibus Haereticorum.***
>
> Prima *poena est confiscatio bonorum* L. Manichaeos Authent. Gazaros, C. de haereticis L. Quisquis, et L. ult. C. ad legem Iul. Maiest. et L. ult. de bonorum praescript. in cap. vir. gentes de haereticis.

[2] The general *Rule*, however, is, that all the stable and movable goods, even the rights and actions of the heretic, pass to the fisc, and in general all and only those things which the heretic himself could have transferred to an extraneous heir, if he could freely make a will. The Doctors establish this rule, as reported by Sanchez, *Lib. 1, cap. 14*; Suarez, *disp. 22, sect. 5*; Card. Lugo, *disp. 24, sect. 1, §. unicos* — see them.

> Regula *autem generalis est, bona omnia stabilia, et mobilia, iura etiam, et actiones haeretici ad fiscum transire, et in universum omnia, et sola, quae ipse haereticus in haeredem extraneum transferre potuisset, si libere testari posset. Hanc regulam statuunt DD. apud Sanchez* Lib. 1. cap. 14. *Suarez* disp. 22. sect. 5. *Card. Lugo* disp. 24. sect. 1. §. unicos*, quos vide.*

[3] The *second* punishment is capital. This controversy against heretics is eruditely treated by Bellarmine, *Lib. 3, de Laicis, cap. 21 and 22*; Valentia, *disp. 1, quaest. 11, p. 3*. And it is established from the Extravag. *Unam Sanctam, de maioritate, et obedientia, and cap. ad Apostolicae, de sententia, et re iudicata, in 6.*

Secunda *poena est capitalis. Haec controversia contra haereticos erudite tractatur a Bellarmino* Lib. 3. de Laicis, cap. 21. et 22. *Valentia* disp. 1. quaest. 11. p. 3. *Et constat ex Extrauag.* Unam Sanctam, de maioritate, et obedientia, et cap. ad Apostolicae, de sententia, et re iudicata, in 6.

4 The *Reason* is, because an ordered Republic must punish the most atrocious crimes of its subjects. Lugo uses this reason, disp. 2, and it is that of D. Bonavent., *dist. 18, p. 2, quaest. 1.* Hence also the secular Princes imposed this punishment on heretics, *L. Quicunque and L. Arrian. Cod. de haeret.* See other laws in Farinac., *de haeresi quaest. 178, 193, and 196.*

Ratio *est, quia Respublica ordinata debet punire scelera maxime atrocia subditorum. Hac ratione utitur Lugo disp. 2. et est D. Bonavent.* dist. 18. p. 2. quaest. 1. *Ideo et Principes saeculares hanc poenam haereticis imposuere,* L. Quicunque et L. Arrian. Cod. de haeret. *Vide alia iura in Farinac.* de haeresi quaest. 178. 193. et 196.

5 *Above all,* the relapsed are to be handed over to the supreme punishment: *cap. Accusatus, and cap. super eo, de haeret. in 6, and L. commissi, and cap. ad abolendam, extra de haereticis.*

Maxime *vero relapsi ultimo supplicio tradendi sunt:* cap. Accusatus, et cap. super eo, de haeret. in 6. et L. commissi, et cap. ad abolendam, extra de haereticis.

6 *Otherwise* we assert that far greater punishments must also be inflicted on heretics, for instance perpetual imprisonment: *cap. excommunicamus, de haeret.* See Cardinal de Lugo, *disp. 24, sectione 3.*

Alias *etiam poenas multo magis infligendas haereticis asserimus, puta carcerem perpetuum:* cap. excommunicamus, de haeret. *Vide Cardinalem de Lugo* disp. 24. sectione 3.

7 In the Bulla coenae receivers, favorers, and defenders of heretics are also included. See Sanchez, *Libro secundo Decalogi, capite 10*; Cardinal de Lugo, *disputatione vigesima quinta.*

In Bulla coenae includuntur etiam receptores, fautores, et defensores haereticorum. Vide Sanchez Libro secundo Decalogi, capite 10. *Cardinalem de Lugo* disputatione vigesima quinta.

Disputation IV: On Hope

1 The Seraphic Doctor, in his *Diaeta, titulo 5, cap. 4, de spe*, on that text *Deuteron. 24: You shall not take in pledge the lower millstone, nor the upper*, among the other virtues warns that hope and fear are not to be withheld from the sinner: for spiritual Hope is the lower millstone, and sustains the soul from below, and raises it upward, lest through excessive dejection it rush into despair. But Fear is the upper millstone, pressing the soul downward, lest it vanish through elation: between these millstones (says the holy Doctor) the best milling of the soul takes place, that is, the contrition of sin. Of the first millstone, namely of hope, we must treat here; but of fear I shall treat in the following disputation.

> ***De Spe.***
>
> *INGENVE Seraphicus in* Diaeta, titulo 5. cap. 4. de spe*, ad illud* Deuteron. 24. Non accipias loco pignoris inferiorem, et superiorem molam*, inter caeteras virtutes monet, spem et timorem peccatori non subtrahendum: Spes etenim spiritualis mola est, et Inferius sustinet animam; sursumque elevat, ne per nimiam deiectionem in desperationem ruat. Timor vero est mola superior, animam deorsum premens, ne per elationem evanescat: inter has molas optima fit (inquit S. Doctor) animae molitura, seu peccati contritio. De prima mola, nimirum de spe agendem hic; de timore autem, sequenti disputatione agam.*

Question I: What hope is

1 I do not treat of Hope as it is a passion, which is defined in *lib. 2, Rhet. cap. 5* by Aristotle thus: *Hope is a surmise of the supreme good*, as the holy Doctor reports, 3. p. Coemil., *sect. 39, and in 3. dist 26, dub. 2*, but as it is a Theological virtue.

> ***Quid sit SPES.***
>
> *NON ago de Spe, ut est passio, quae definitur,* lib. 2. Rhet. cap. 5. *ab Aristotele* Spes est suspicio summi boni*, ut refert S. Doctor 3. p. Coemil.* sect. 39. et in 3. dist 26. dub. 2. *sed pro ut est virtus Theologica.*

2 *It is defined* first by the Master, *dist. 26*, as cited by the Seraphic Doctor, in that *dist., dub. 2*: *It is the virtue by which spiritual and eternal goods are hoped for, that is, awaited with confidence.*

> Definitur *primo a Magistro* dist. 26. *apud Seraphicum, ea* dist. dub. 2. Est virtus, qua spiritualia, et aeterna bona sperantur, idest, cum fiducia expectantur.

3 The holy Doctor *observes*, however, that Hope is here defined in order to the object, which is eternal and glorious good; but this is twofold: uncreated, which is God; and created, which is beatitude, to which grace, forgiveness, perseverance, and the other things leading to glory are also reduced. Therefore when *spiritual goods* are said, the generic object is touched; but when *eternal* is said, the specific object is touched.

> Observat *autem S. Doctor, hic definiri Spem in ordine ad obiectum, quod est bonum aeternum, et gloriosum, hoc autem est duplex: Increatum, quod est Deus; et creatum, quod est beatitudo, ad quam reducuntur etiam gratia, venia, perseverantia, et caetera ad gloriam perducentia. Dum igitur dicuntur,* bona spiritualia*, tangitur obiectum genericum; dum vero dicitur,* aeterna*, tangitur obiectum specificum.*

4 *It is defined* secondly by the Master from Haymo, as the holy Doctor reports at the places cited: *Hope is a certain expectation of future beatitude, coming from the grace of God and from preceding merits.* This

definition is broad in order to the object and to the principle, as the holy Doctor notes there.

> Definitur *secundo a Magistro ex Haymone, ut refert S. Doctor locis citatis:* Spes est certa expectatio futurae beatitudinis, veniens ex Dei gratia, et meritis praecedentibus. *Quae definitio lata est in ordine ad obiectum, et ad principium, ut advertit S. Doctor ibi.*

5 *It is defined* thirdly by D. Augustine, *Lib. de civitate Dei*, passim: *Hope is the virtue by which one presumes that he will arrive at that which he believes.* This definition is broad in order to the object and the habit.

> Definitur *tertio a D. Augustino* Lib. de civitate Dei *passim:* Spes est virtus, qua quis se ad illud, quod credit, perventurum praesumit. *Quae definitio lata est in ordine ad obiectum, et habitum.*

6 ¶ The holy Doctor distinguishes these definitions in ANOTHER way. The first is broad by genus and difference; and it is Formal. The second is Causal, broad by act and cause. The third is partly causal, partly formal, because it is given by the object of Hope and by the preamble virtue of faith.

> ¶ *ALIO modo has definitiones distinguit S. Doctor. Prima lata est per genus, et differentiam; et est Formalis. Secunda Causalis, lata per actum, et causam. Tertia partim est causalis, partim formalis, quia datur per obiectum Spei, et praeambulam virtutem fidei.*

7 Then in *dub. 3* the holy Doctor *considers* that both Hope and faith are of invisible things, as the Master says; but faith is of invisible things inasmuch as they are not seen, whereas Hope is of invisible things as they are not possessed.

> Considerat *deinde* dub. 3. *S. Doct. tam Spem, quam fidem esse de invisibilibus, ut ait Magist. sed fides est de invisibilibus, in quantum non sunt visa, at Spes est de invisibilibus, ut sunt non habita.*

8 He *observes* also in *dub. 4* that Hope, even as a passion and as a virtue, differs from joy and sorrow, because these are of a present object; but Hope is of the future, and by this Hope differs also from beatitude, while it agrees with love, which is also of the future.

> Observat *etiam* dub. 4. *Spem, etiam ut passionem, et ut virtutem, differre a gaudio, et dolore, quia sunt de obiecto praesenti; sed Spes est de futuro, et per hoc differt Spes etiam a beatitudine; convenire vero cum amore, qui est etiam de futuro.*

9 But it *differs* from Fear, because fear is with respect to evil, whereas Hope is with respect to good. Wherefore if hope is sometimes said with respect to evil, it is said improperly, as when Cicero, *Lib. 1, ad Atticum*, speaks of the hope of evils, and Virgil, *AEneid. 4*:

> Differre *autem a Timore, quia hic est respectu mali; Spes vero respectu boni. Quare si aliquando respectu mali dicitur spes, improprie dicitur, ut cum Cicero* Lib. 1. ad Atticum, *spem malorum dicit, et Virg.* AEneid. 4.

10 *Hunc ego si potui tantum sperare dolorem.*

> Hunc ego si potui tantum sperare dolorem.

11 The holy Doctor notes this with D. Augustine, *cap. 8, Enchiridii.*

> *Id observat S. Doctor cum D. Augustino,* cap. 8. Enchiridii.

12 Our Hope, however, *can* thus be defined: *It is the Theological Virtue by which the will is borne toward God as our beatitude, arduous to attain, which nevertheless can be obtained by the help of

God. It is called a *Virtue*, because it makes morally good the one having it; for this is the notable mark of virtue, from Aristotle, 2 Eth., cap. 6.

> Potest *autem sic definiri Spes nostra:* Est Theologica Virtus, qua voluntas fertur in Deum, ut est beati- *tudo nostra, ardua ad consequendum, quae obtineri tamen queat Dei auxilio. Dicitur* Virtus*, quia reddit bonum moraliter, eam habentem; haec enim est nota virtutis insignis, ex Aristotele 2. Eth. cap. 6.*

13 *It is called Theological;* for it is exercised about God, exceeding our natural capacity, as is said, 1 *Corinth.* 2: *The eye has not seen, etc.* That Hope is a gift of God is had in *Rom.* 15: *Now the God of hope fill you with all joy, etc. that you may abound in hope*, and in *1 Peter*, first: *Who has regenerated us unto a living hope.* Therefore the Council of Trent, *sess.* 6, *can.* 7, defines that it is infused; and *can.* 3 says it is a gift of grace.

> Dicitur Theologica; *versatur enim circa Deum, excedentem nostram naturalem capacitatem, ut dicitur prima* Corinth. *2.* Oculus non vidit, etc. *Spem autem esse Dei donum, habetur* Rom. *15.* Deus autem spei repleat vos omni gaudio, etc. ut abundetis in spe*, et* Prima Petri*, primo.* Qui regeneravit nos in spem vivam. *Ideo Concilium Trident.* sess. *6.* can. *7. definit, eam infundi; et* can. *3. ait, esse donum gratiae.*

14 The remaining parts of the definition will be explained in the questions, when we shall examine the Object of Hope and discuss its subject. I gather this definition from D. Bonavent., at the places adduced, and in the little work *Declaratio terminorum Theologiae*, and in the *Diaeta, tit.* 5, *cap.* 4, where he most beautifully likens Hope to precious things, and in *Lib.* 5, *Compend. Theologiae, cap.* 2.

> *Reliquae particulae definitionis explicabuntur in quaestionibus, dum Obiectum Spei examinabimus et subiectum eius discutiemus. Hanc definitionem colligo ex D. Bonavent. locis adductis, et in opusculo* Declaratio terminorum Theologiae*, et in* Diaeta*,* tit. *5.* cap. *4. ubi praeclare Speim pretiosis rebus assimilat, et* Lib. *5.* Compend. Theologiae, cap. *2.*

Question II: What the material object of hope is

1 All AGREE that the primary matter of this virtue is eternal Beatitude, as we saw in the definitions of hope adduced from S. Bonavent., and it is deduced from that text, *Rom.* 5: *We glory in the hope of the glory, etc.*, and 1 *ad Titum*: *according to the hope of eternal life, which God, who does not lie, has promised.*

> ***Quodnam sit obiectum materiale SPEI.***
>
> *CONVENIUNT omnes, primariam huius virtutis materiam esse Beatitudinem aeternam, ut vidimus in definitionibus spei, allatis a S. Bonavent. et deducitur ex illo* Rom. *5.* Gloriamur in spe gloriae, etc. *et 1.* ad Titum secundum spem vitae aeternae, quam promisit, qui non mentitur, Deus.

2 *The question is* therefore raised, whether formal beatitude, which is the vision of God, and love, and fruition; or rather objective beatitude, that is, God himself, be the object of this virtue.

> QUAERITUR *ergo, num beatitudo formalis, quae est visio Dei, et dilectio, ac fruitio; an vero obiectiva, idest ipse Deus, sit huius virtutis obiectum.*

3 The *FIRST opinion* is that Hope is concerned proximately with formal beatitude; with God, however, remotely, and accordingly that this virtue does not attain God immediately in himself. Thus Durandus, 3 *dist.* 26, *quaest.* 2; Palud., ibi, and other older authors, among whom S. Bonavent. is also renewed by many.

PRIMA opinio *est, Spem versari circa beatitudinem formalem proxime; circa Deum autem remote, atque adeo hanc virtutem non attingere Deum immediate in se. Ita Durandus 3.* dist. *26.* quaest. *2. Palud. ibi, et alii antiquiores, inter quos recentetur etiam S. Bonavent. a multis.*

4 The *SECOND opinion*, diametrically opposite, is that Hope is concerned proximately with God; the vision, however, being a mere expository condition.

SECUNDA sententia*, e diametro opposita, est, Spem proxime versari circa Deum; visionem vero esse meram conditionem exponentem.*

5 The *THIRD opinion*, the middle one, is that Hope is concerned with God and with Beatitude as referred to God. Thus D. Thom., *prima secundae, quaest.* 1, *art.* 3, *ad* 3; Becanus, *cap.* 17, *quaest.* 1; Poncius, *disp.* 31, *quaest.* 2; Coninchyus, *disp.* 19, *dub.* 3; Mastrius, *disp.* 6, *de virtutibus Theol. quaest.* 17, *num.* 442; Caspens., *disp.* 1, *sect.* 1, *num.* 3; Morandus, *Tract. unic. quaest.* 15; Tannerus, *disp.* 2, *quaest.* 1, *dub.* 1, *num.* 16; Valentia, *disp.* 2, *quaest.* 1, *puncto* 1, and other recent authors commonly; and this same is the will of those who say that God is the object just as beatitude is to be attained, so that we attain God immediately. Thus Scotus, 2 *dist.* 26 and 27; Gabriel, *dist.* 26; Almainus, *Tract.* 2, *cap.* 7; Suarez, *de spe, disp.* 1, *sect.* 3, *num.* 4; Fagundez, in primum praeceptum Decalogi, *Lib.* 1, *cap.* 31; Tannerus, *disputatione* 2, *quaestione prima, dub.* 1, *num.* 14; Fuliens., *lib.* 3, *cap.* 7.

TERTIA sententia*, media, est, Spem versari circa Deum, et circa Beatitudinem, ut ad Deum refertur. Ita D. Thom.* prima secundae, quaest. *1.* art. *3.* ad *3. Becanus* cap. *17.* quaest. *1. Poncius* disp. *31.* quaest. *2. Coninchyus* disp. *19.* dub. *3. Mastrius* disp. *6.* de virtutibus Theol. quaest. *17.* num. *442. Caspens.* disp. *1.* sect. *1.* num. *3. Morandus* Tract. unic. quaest. *15. Tannerus* disp. *2.* quaest. *1.* dub. *1.* num. *16. Valentia* disp. *2.* quaest. *1.* puncto *1. et alii recentes communiter; Et hoc idem volunt, qui dicunt esse Deum, ut beatitudine consequendum, ita ut Deum immediate attingamus. Ita Scotus 2.* dist. *26. et 27. Gabriel* dist. *26. Almainus* Tract. *2.* cap. *7. Suarez* de spe, disp. *1.* sect. *3.* num. *4. Fagundez in primum praeceptum Decalogi* Lib. *1.* cap. *31. Tannerus* disputatione *2.* quaestione prima, dub. *1.* num. *14. Fuliens.* lib. *3.* cap. *7.*

6 This surely is the opinion of D. Bonavent. *in corpore*, as is clear to one reading.

HAC sane est D. Bonavent. sententia in corpore*, ut constat legenti.*

7 I ASSERT first, with this opinion, that not the vision itself alone, but God also, is the material object of Hope.

ASSERO primo cum hac sententia, non solam visionem ipsam, sed etiam Deum, esse obiectum materiale Spei.

8 *It is PROVED* from the authors alleged, with D. Bonav., *ex* 15 *Genes.*, where God says to Abraham: *I am your protector, and your reward exceeding great.* Hence D. Augustine, 22 *de civitate, cap. ultimo*: *The reward of virtue will be he himself, who gave the virtue, and who promised himself to it.*

PROBATUR *ab authoribus allegatis cum D. Bonau.* ex *15.* Genes. *ubi Deus ait Abrahamo:* Ego protector tuus sum, et merces tua magna nimis. *Hinc D. Augustinus 22.* de civitate, cap. ultimo: Praemium virtutis erit ipse, qui virtutem dedit, eique seipsum promisit.

9 Isidore, *Lib.* 8, *Ethymolog. cap.* 2, however, *seems* to intimate this when he says: *Hope is said, as it were, the foot of advancing toward God.*

VIDETUR *autem id innuere Isidorus* Lib. *8.* Ethymolog. cap. *2. cum ait:* Spes dicitur, quasi pes progrediendi ad Deum.

10 And D. Gregory, *Lib.* 10, *moral. cap.* 12, when he says: *Hope in God rises the more solid, the graver the things you have borne for him* — as the holy Doctor reports in *Pharetra Lib.* 2, *cap.* 24.

> *ET D. Gregorius* Lib. *10.* moral. cap. *12. dum ait:* Spes in Deum surgit solidior, quanto pro eo graviora pertuleris, ut *refert S. Doctor in* Pharetra Lib. *2.* cap. *24.*

11 *It is PROVED* by the reason of D. Bonavent. given by Mastrius; for God, not only by reason of the vision, but also by reason of his intrinsic goodness, is our supreme good: Therefore, as such, love of concupiscence tends toward him; for he himself is given to us per se, and is joined to us, as is said *Ioan.* 14, *Rom.* 5, and this very thing is our greatest good.

> PROBATUR *ratione D. Bonavent. a Mastrio; nam Deus non tantum ratione visionis, sed etiam ratione suae bonitatis intrinsecae, est summum bonum nostrum: Ergo, ut sic, in illud tendit amore concupiscentiae; nam ipse per se nobis datur, et nobis coniungitur, ut dicitur* Ioan. *14.* Rom. *5. et hoc ipsum est maximum bonum nostrum.*

12 *It is confirmed* by foundation 4: for the object of Hope is the same as that of delight, which succeeds hope, the thing already obtained; but the object of delight is God himself; for the will delights in the object known and possessed, as I showed in *prima secundae, Tract.* 1, *disp.* 2, *quaest.* 7.

> Confirmatur fundamento *4. nam idem est obiectum Spei, quod est delectationis, quae spei succedit, re iam obtenta; sed obiectum delectationis est Deus ipse; nam voluntas delectatur de obiecto cognito, et possesso, ut ostendi* prima secundae, Tract. *1.* disp. *2.* quaest. *7.*

13 *It is confirmed secondly*, because otherwise it would not be a Theological Virtue, since it would not attain God, as Mastrius infers from D. Bonavent., 3 *dist.* 26, *art.* 1, *quaest.* 3, and here at argument two, with the response.

> Confirmatur secundo, *alioqui non esset Virtus Theologica, quia Deum non attingeret, ut infert Mastrius ex D. Bonavent. 3.* dist. *26.* art. *1.* quaest. *3. et hic argumento secundo, cum responso.*

14 I ASSERT secondly, that formal beatitude also enters into the reason of the object of this virtue.

> *ASSERO secundo, etiam beatitudinem formalem ingredi rationem obiecti huius virtutis.*

15 *It is PROVED first* from S. Doct. at the *places adduced* of the Fathers, *quaest.* 1; he also brings forward many in *Lib.* 2, *Pharetrae, cap.* 24: D. Gregory, *Lib.* 6, *moral. cap.* 14, and *Lib.* 10, *cap.* 12; August., *Lib 10, confess. cap.* 43, and *epist.* 120; Bernard, *Lib. de diligendo Deo, cap.* 14.

> PROBATUR primo a *S. Doct.* locis allatis *Patrum,* quaest. *1. multos etiam affert* Lib. *2.* Pharetrae, cap. *24. D. Gregorium* Lib. *6.* moral. cap. *14. et* Lib. *10.* cap. *12. August.* Lib 10. confess. cap. *43. et* epist. *120. Bernardum* Lib. de diligendo Deo, cap. *14.*

16 *It is PROVED secondly* from D. Bonavent., by the reason which Morandus, Mastrius, and others use: for Hope tends toward its object because it is the good of those hoping; but it is the good of those hoping that the habit in beatitude, or beatitude itself, is a good for us: Therefore.

> PROBATUR secundo *a D. Bonavent. ratione, qua utuntur Morandus, Mastrius, et alii: nam Spes tendit in suum obiectum, quia est bonum sperantibus; sed est bonum sperantibus, ut habitum in beatitudine, seu ipsa beatitudo nobis est bona: Ergo.*

17 *It is PROVED thirdly* from S. Doct. at *argument* 3, *with the response*. The object is the same which we hope for and which we desire; but desire is of supernatural beatitude: Therefore so is Hope.

PROBATUR tertio *a S. Doctore* argumento *3.* cum responso. *Idem est obiectum, quod speramus, et quod desideramus; sed desiderium est supernaturalis beatitudinis: Ergo et Spes.*

18 *You will OBJECT.* Love of concupiscence orders the thing loved to something else, as to an end; but to order God to another end is perverse: Therefore.

OBIICIES. *Amor concupiscentiae ordinat amatum ad aliud, ut finem; sed ordinate Deum ad alium finem, est perversum: Ergo.*

19 *It is ANSWERED* that what is loved with love of concupiscence need not be ordered to something else as to an end; but it suffices that it be willed for another; nor is it necessary that it be willed on account of that. Whence this love, by which we love God for ourselves, is good. Hence S. Augustine, *manuali, cap.* 10: *Kindle in me, O Lord, your will, and your concupiscence, which is holy and good*, and *Psalm.* 83: *My soul longs and faints for the courts of the Lord.*

RESPONDETUR, *non esse necesse, ut id, quod amatur amore concupiscentiae, ordinetur in aliud, ut in finem; sed sufficit, ut sit volitum alii; neque est necesse, ut sit volitum propter illud: Unde bonus est hic amor, quo Deum nobis amamus. Hinc S. Augustinus,* manuali, cap. *10.* Accende me Domine voluntate, et concupiscentia tua, quae sancta est, et bona*, et* Psalm. *83.* Concupiscit, et deficit anima mea in atria Domini.

20 The *REASON* is, because God is not compared as a lesser good, as something to be perfected; hence the reason of use, reproved by D. Augustine in *Lib.* 83, *qq., quaest.* 30 — *Perverse is the love that uses what should be enjoyed* — does not intervene; nor is our appetite ended in beatitude, but through the conjunction with the uncreated, whence finally the appetite terminates in God, as D. Bonav. acutely answers in *primo, dist.* 1, at the end of the cited *quaest.*, and with him Arriaga, *disp.* 27, *sect.* 2; Mastrius, *num.* 448, with his Scotus, 3 *dist.* 26, *quaest. unic.*; Caspens., *num.* 5; and soon again, in setting out the third opinion of *quaest.* 1, I shall recall it: for Hope tends toward God as seen. Hence in the hymn *Te Deum* it is said: *AEterna fac in gloria munerari*, that is, with God.

RATIO est, quia non comparatur Deus, ut minus bonum, tanquam perficiendum; unde non intervenit ratio usus, a D. Augustino Lib. *83.* qq. quaest. *30. reprobatus:* Perversus est amor uti fruendis*, at in beatitudine beata non finitur noster appetitus; sed per coniunctionem cum increata, unde tandem terminatur appetitus in Deum, ut acute respondet D. Bonau. in* primo, dist. *1.* in calce cit. quaest. *et cum eo Arriaga* disp. *27.* sect. *2. Mastrius* num. *448. cum suo Scoto 3.* dist. *26.* quaest. unic. *Caspens.* num. *5. et mox iterum in referenda tertia sententia* quaest. *1. refricabo: Spes enim tendit in Deum visum. Hinc hymno* Te Deum *dicitur:* AEterna fac in gloria munerari*, idest, Deo.*

Question III: What the formal object of hope is

1 THREE opinions in this question as well are adduced from the holy Doctors cited above.

Quodnam sit obiectum formale *SPEI.*

TRES opiniones etiam in hac quaest. referunt SS. Doctores supra cit.

2 THE FIRST is, that beatitude is the formal object of Hope, as it is arduous. Henry, Richard, Durandus, Paludanus, D. Bonaventure and other ancients are alleged. Amicus follows it, *disp. 19. sect. 1.*

PRIMA est, beatitudinem esse obiectum formale Spei, ut est ardua. Allegantur Henricus, Richardus, Durandus, Paludanus, D. Bonavent. et alii veteres. Eam sequitur Amicus disp. 19. sect. 1.

[3] The SECOND opinion is, that the formal object of Hope is the aid of God's omnipotence, just as the testimony of the first truth is the formal object of faith. So Vasquez *p. p. disp. 84. cap. 1. and disp. 139.*, whom Turrianus and Meracius follow, alleging D. Thom. *qq. disp. quaest. de spe, art. 1. and here, art. 1. and 5.*

> *SECUNDA sententia est, obiectum formale Spei esse auxilium omnipotentiae Dei, sicut testimonium primae veritatis est obiectum formale fidei. Ita Vasquez* p. p. disp. 84. cap. 1. et disp. 139. *quem sequuntur Turrianus, Meracius, allegantes D. Thom.* qq. disp. quaest. de spe, art. 1. et hic, art. 1. et 5.

[4] The THIRD opinion is, that the object of Hope is God, as the highest good, lovable by the love of concupiscence, as it were for the lover's advantage; or that the formal object of Hope is objective beatitude, insofar as it is our good. So Scotus *3. dist. 26. quaest. unic. q. ad quaest.*, Suarez *disp. 1. sect. 3.*, Coninchius, Arriaga as reported by Mastrius, Caspensis *disp. 1. sect. 2. Mastrius loco cit.*, Morandus *quaest. 15.*, Aragon *quaest. cit. art. 2.*, Falsensis *lib. 3. cap. 7.*, Tannerus *disp. 2. quaest. 1. dub. 1. num. 19.*, who at *n. 20.* carps at the holy Doctor, whom he reports mutilated, as I shall say.

> *TERTIA sententia est, obiectum Spei esse Deum, ut summum bonum, amabile amore concupiscentiae, quasi in commodum amantis; seu obiectum formale Spei, esse beatitudinem obiectivam, quatenus bonum nostrum. Ita Scotus* 3. dist. 26. quaest. unic. q. ad quaest. *Suarez* disp. 1. sect. 3. *Coninchius, Arriaga apud Mastrium, Caspensis* disp. 1. sect. 2. Mastrius loco cit. *Morandus* quaest. 15. Aragon quaest. cit. art. 2. Falsensis lib. 3. cap. 7. Tannerus disp. 2. quaest. 1. dub. 1. num. 19. qui n. 20. *carpit S. Doctorem, quem mutilum refert, ut dicam.*

[5] HERE I halt: for Vulpius *disp. 50. art. 4.* denies that this is Scotus's opinion, but holds that God, under the absolute aspect of the Deity, is the formal object of Hope; not, however, as he is a good for us. Vulpius was moved because Scotus, *in the body of the text*, proposes this Instance: if it be said that to desire a good for me varies the formal aspect of the object, because it changes the good of honesty into the useful good. He answers that it is false, because that condition, or circumstance, For whom, is not a condition of the object per se; indeed such a condition can be added upon the object, the formal aspect of the object standing.

> *HIC sisto: nam Vulpes* disp. 50. art. 4. *negat, hanc esse Scoti sententiam, sed Deum, sub absoluta ratione Deitatis, esse formale obiectum Spei; non autem, ut est bonum nobis. Motus est autem Vulpes, quia Scotus* in corpore, *proponit hanc Instantiam: si dicatur, quod desiderare bonum mihi, variat rationem formalem obiecti, quia commutat bonum honestum in bonum utile. Respondet, falsum esse, quia conditio illa, vel circumstantia Cui, non est conditio obiecti per se, imo talis conditio potest addi super obiectum, stante ratione formali obiecti.*

[6] For indeed Lichetus and Arretinus expound these words thus, that the act of Hope, which is to desire the infinite good, is terminated first, and immediately, to that good under its absolute formal aspect; not that the act is terminated to such a good as in itself, and for itself, but to it as a good for me; a good indeed superabundant, and ultimately perfecting me, but in that mode whereby an object can perfect a power; because it perfects not intrinsically, but only extrinsically. The reason of this is, that if the will willed that good only as convenient to itself, that volition would not be right; it would be an illicit mercenary love, which Lichetus declares, bringing forward a notable doctrine of Scotus *ex 1. dist. 6. quaest. 2. inf. L.*, where he says that to desire a perfect act, whereby the object may be more loved in itself, comes from the affection of justice; because from the fact that I love something in itself, thence I will something in itself; and thus the good Angels could desire beatitude, so that possessing it they might love the Highest good more perfectly, and that act of concupiscence for

beatitude would be meritorious, because it does not use by enjoying, but enjoys it, because the good it covets for itself it covets for this, that it may love that good in itself the more. Mastrius reports this at *n. 459.* from D. Bonaventure *in 1. dist. 1. quaest. ult.*, and refutes the opinion of Vulpius *n. 458.*, against D. Bonaventure here, in its foundations, in which he shows that the formal object of Hope is not the goodness of God as such, against Vulpius.

> *ENIM vero haec verba sic exponunt Lichetus, et Arretinus, quod actus Spei, qui est desiderare bonum infinitum, terminatur primo, et immediate ad illud bonum sub sua ratione formali absoluta; non quod ille actus terminetur ad tale bonum, ut in se, et propter se, sed ad illud, ut bonum mihi; bonum quidem superabundans, et me ultimate perficiens, eo tamen modo, quo obiectum potest perficere potentiam; quia perficit, non intrinsece, sed tantum extrinsece. Ratio huius est, quia si voluntas illud bonum tantum ut sibi commodum vellet, illa volitio non esset recta; esset enim amor mercenarius illicitus, quod declarat Lichetus, adducendo notabilem Scoti doctrinam* ex 1. dist. 6. quaest. 2. inf. L. *ubi ait, quod appetere actum perfectum, ut per illam magis ametur obiectum in se, est ex affectione iustitiae, quia ex eo, quod amo aliquid in se, inde volo aliquid in se; et ita boni Angeli potuerunt appetere beatitatem, ut illam habentes, perfectius amarent Summum bonum, et ille actus concupiscendi beatitatem esset meritorius, quia non utitur fruendo, sed fruitur eo, quia bonum, quod concupiscit sibi, ad hoc concupiscit, ut plus amet illud bonum in se. Haec refert Mastr.* n. 459. *ex D. Bonav.* in 1. dist. 1. quaest. ult. *et refutat sententiam Vulpii* n. 458. *a D. Bonav. hic, in fundamentis, in quibus ostendit obiectum formale Spei non esse bonitatem Dei, ut talis est, contra Vulpem.*

7 The opinion of the holy Doctor is, that the formal object of Hope is God, the good appetible by the love of concupiscence, not as a good, but as a great, arduous good awaited by us; yet to be attained by divine liberality, truth, and omnipotence upheld. So he explains himself *in the body of the text*.

> *SENTENTIA S. Doctoris est, obiectum formale Spei esse Deum bonum, amore concupiscentiae appetibile, non ut bonum, sed ut magnum arduum expectatum a nobis; consequendum tamen divina liberalitate, veritate, et omnipotentia innixis. Ita* in corpore *se explicat.*

8 Therefore of the three opinions which I referred to above, he gathers and reconciles the diversity; and the Moderns accordingly report the opinion of the Seraphic Doctor mutilated, which frequently happens, because they allege the holy Doctor from others, not read in the fountain. Amicus, however, seems more faithful in interpreting the Seraphic Doctor rightly.

> *Itaque trium sententiarum, quas supra retuli, colligit, et conciliat diversitatem, atque adeo mutilam afferunt Moderni sententiam Seraphici, quod frequenter evenit, quia S. Doctorem ex aliis allegant, non in fonte perlectum. Videtur autem Amicus fidelior Seraphicum recte interpretari.*

9 I ASSERT first, against Vulpius, that the formal object of Hope is not God as a good.

> *ASSERO primo contra Vulpem, obiectum formale Spei non esse Deum, ut bonum.*

10 IT IS PROVED from D. Bonaventure first. Distinct virtues ought to have distinct objects; but the Theological virtues are three distinct ones, as is had in 1 Corinthians 13: *And now there remain faith, hope, charity, these three: but the greater of these is charity:* Therefore their objects are distinct: But also Charity is borne toward God as a good: Therefore.

> *PROBATUR a D. Bonav. primo. Virtutes distinctae debent habere obiecta distincta; sed virtutes Theologicae sunt tres distinctae, ut habetur prima Corinth. 13.* Manent fides, Spes, charitas, tria haec: maior autem horum est charitas: *Ergo earum sunt obiecta distincta: At etiam Charitas fertur in Deum, ut bonum: Ergo.*

11 They answer that Hope regards the good, as good indeed, but future.

RESPONDENT, Spem respicere bonum, ut bonum quidem, sed futurum.

12 Against this St. Bonaventure says, that the good as future is loved by charity, much less merely desired.

Contra ait S. Bonav. quia bonum, ut futurum, amatur charitate, nedum desideratur.

13 I ASSERT second, that the formal object is rightly assigned by St. Bonaventure.

ASSERO secundo, obiectum formale bene assignari a S. Bonaventura.

14 IT IS PROVED from him *in the body of the text*, that the aspect of the Arduous enters into the notion of the object. As the rational tends to the true, so the appetite to the good: but the appetite is divided into the concupiscible and the irascible; now the concupiscible is borne toward the good as good, and the irascible toward the good as arduous and great; but both powers had to be ordained to God: therefore, as the rational is perfected by Faith, and the concupiscible by Charity, so the irascible by Hope.

PROBATUR ab eo in corpore, *quod ratio Ardui ingrediatur rationem obiecti. Sicut rationalis tendit in verum, ita appetitus in bonum: Appetitus autem dividitur in concupiscibilem, et irascibilem; sed Concupiscibilis fertur in bonum, ut bonum; et irascibilis in bonum, ut arduum, et magnum; Oportuit autem, utramque potentiam ordinari ad Deum: ergo, sicuti rationalis Fide, et concupiscibilis Charitate perficitur; ita Irascibilis Spe.*

15 IT IS PROVED second from the holy Doctor. Of contraries there is the same account; but hope and fear are contraries: now fear regards an evil as exceeding its power; therefore also hope regards a good as superexcellent and arduous.

PROBATUR secundo a S. Doctore. Contrariorum eadem est ratio; sed spes, et timor sunt contraria: Timor autem respicit malum, ut excedens suam potestatem; ergo et spes respicit bonum, ut superexcellens, et arduum.

16 IT IS PROVED third, because the office of Hope is to raise up the soul, as is indicated *Isa. 64. and 1 Corinth. 2.: The eye hath not seen, the ear hath not heard, neither hath it entered into the heart of man, what things God hath prepared for them that love him. Heb. 6.* he says, *That we may have the hope: entering in even within the veil; and chapter 11.* Faith is defined: *the substance of things to be hoped for, the evidence of things that appear not.*

PROBATUR tertio, quia Spei officium est animum erigere, ut indicatur Isa. 64. et prima Corinth. 2. Oculus non vidit, auris non audivit, in cor hominis non ascendit, quae praeparavit Deus diligentibus se. Hebr. 6. *ait,* Habere nos spem: incedentem usque ad interiora velaminis, et cap. 11. *Definitur Fides:* sperandarum substantia rerum, argumentum non apparentium.

17 This arduous object is expressed almost always in the Scriptures whenever they name Hope, namely amid many difficulties, oppositions, and assaults, almost beyond belief as insuperable; thus *Iob. 14.: There is hope for a tree: if it be cut down, it will green again.* This is read everywhere in the Psalms. *If armies should stand together against me, in this will I trust.* Psalm 26. *In thee, O Lord, have I hoped, let me never be confounded, etc.* Psalm 90. *And I will show him my salvation.* Rom. 8. *We ourselves also groan within ourselves, waiting for the adoption of the sons of God, the redemption of our body. For we are saved by hope. But hope that is seen is not hope: for what a man seeth, why doth he hope for? But if we hope for that which we see not, we wait for it with patience. Likewise the Spirit also helpeth our infirmity, etc. the Spirit himself asketh for us with unspeakable groanings.* The holy Doctor often brings forward that of Rom. 5.: *Tribulation worketh patience,*

and patience trial, and trial hope, and hope confoundeth not. He also brings forward *in the body of the text* that of Genes. 15.: *I am thy reward exceeding great*.

> *Hoc obiectum arduum exprimitur fere semper in Scripturis, dum Spem nominant, nempe inter multas difficultates, repugnantias, et oppugnationes, fere creditu insuperabiles, sic* Iob. 14. Lignum habet spem: si praecisum fuerit, rursum virescit. *Id passim legitur in Psalmis*. Si consistant adversum me castra, in hoc ego sperabo. *Psalmo 26*. In te Domine speravi, non confundantur in aeternum, etc. *Psalm. 90*. Et ostendam illi salutare meum. *Rom. 8*. Ipsi intra nos gemimus, adoptionem filiorum Dei expectantes, redemptionem corporis nostri. Spe enim salvi facti sumus. Spes autem, quae videtur, non est spes: nam quod videt quis, quid sperat? Si autem, quod non videmus, speramus: per patientiam expectamus. Similiter autem Spiritus adiuvat infirmitatem nostram, etc. ipse Spiritus postulat pro nobis gemitibus inenarrabilibus. *Affert saepe S. Doct. id Rom. 5*. Tribulatio patientiam operatur, patientia autem probationem, probatio vero spem, spes autem non confundit. *Adducit etiam* in corpore *id Genes. 15*. Ego ero merces tua magna nimis.

18 HENCE is solved the argument upon which Scotus, Mastrius, Caspensis, Suarez lay such weight: what is meant by the name *Arduous*. For I say that is meant the good as great and excellent, and to be obtained through many difficulties.

> *HINC solvitur argumentum, quod tanti pendunt Scotus, Mastrius, Caspens. Suarez. Quid intelligatur nomine* Ardui. *Dico enim intelligi bonum, ut magnum, et excellens, multisque difficultatibus obtinendum*.

19 Caspensis, Suarez, and Mastrius object: For difficulties do not move to willing, but draw back; whereas Hope is a volition.

> *INSTANT Caspensis, Suarez, et Mastrius; Nam difficultates non movent ad volendum, sed retrahunt; at vero Spes est Volitio*.

20 BUT they meet with a ready answer in the holy Doctor: for difficulty in a good is the object not of the concupiscible, but of the irascible, which rises up toward the impeded good, and toward removing obstacles; and Hope perfects the irascible.

> *SED obviam responsionem habent in S. Doct. nam difficultas in bono est obiectum, non concupiscibilis, sed irascibilis, quae insurgit ad bonum impeditum, et ad obstacula removenda; Spes autem perficit irascibilem*.

21 There is also solved another objection of Suarez, Mastrius, and Caspensis, from Scotus dist. 26.: God, as good to me, is the object of some virtue, but not of charity; for this loves God for himself; not as a good to me; Nor does it belong to faith, as is evident; therefore to Hope.

> *SOLVITUR etiam alia obiectio Suarez, Mastrii, et Caspensis, ex Scoto dist. 26. Deus, ut mihi bonus, est obiectum alicuius virtutis, sed non charitatis; nam haec amat Deum propter se; non autem, ut mihi bonum; Neque ad fidem spectat, ut patet; ergo ad Spem*.

22 IF Scotus and Mastrius had weighed their own remarkable doctrine reported above, they would have found that the love of concupiscence toward God does not change the object of the amity of friendship; for it tends to loving God for himself; and although it loves a good for itself, yet not on its own account; and so it pertains to the same charity; for he who loves one thing on account of another, loves with the same love, as the holy Doctor said, *dist. 26. art. 2. quaest. 3. ad 3*.

> *SI Scotus, et Mastrius insignem suam doctrinam supra relatam pensitassent; invenissent, amorem concupiscentiae in Deum, non mutare obiectum amotis amicitiae; nam ad Deum propter se amandum tendit; et licet amet bonum sibi, non*

tamen propter se; atque adeo ad eandem charitatem pertinet; qui enim amat unum propter aliud, eodem amore amat, ut dixit S. Doct. dist. 26. art. 2. quaest. 3. ad 3.

23 HENCE indeed the argument of St. Bonaventure presses the more: for the perfection of all the powers of the rational soul is necessary; but no other virtue is found perfecting the irascible in ordination to God besides Hope. For that Charity also regards the supernatural good matters nothing; for it does not regard it under this aspect, or under the aspect of the Arduous, but as a good; nor is it new that many habits should concur in one material object, and in our question all three Theological virtues regard God.

HINC sane magis urget argumentum S. Bonav. nam perfectio omnium animae rationalis potentiatum, est necessaria; at non alia virtus invenitur perficiens irascibilem in ordine ad Deum, praeter Spem. Quod enim etiam Charitas respiciat bonum supernaturale, nihil refert; non enim illud respicit sub hac ratione, vel sub ratione Ardui, sed ut bonum; non est autem novum in obiecto materiali multos habitus convenire, et in nostra quaestione omnes tres virtutes Theologicae Deum respiciunt.

24 YOU HAVE also from what has been said, that the argument of Mastrius at num. 456. is feeble, by which with Coninchius he tries to show that the omnipotence, liberality, and fidelity of God do not pertain to the formal object, because that only looks to the formal object of the act of the will, which moves it to desire or shun some thing; but the aid of God does not move to beatitude: Therefore.

HABES etiam ex dictis, imbelle esse argumentum Mastrii num. 456. quo ostendere nititur cum Coninchio, omnipotentiam, liberalitatem, et fidelitatem Dei non pertinere ad obiectum formale, quia id solum spectat ad obiectum formale actus voluntatis, quod eam movet ad aliquam rem appetendam, vel fugiendam; sed auxilium Dei non movet ad beatitudinem: Ergo.

25 BUT since the object of Hope is beatitude as arduous, and the arduous does not move according to the adversaries, the divine power, liberality, and truth ought to excite and animate the pursuit of beatitude, as I shall soon say.

AT cum obiectum Spei sit beatitudo, ut ardua, neque arduitas secundum adversarios moveat; deberet excitare, et animare Divina potentia, liberalitas, et veritas ad prosecutionem beatitudinis, ut mox dicam.

26 YOU WILL SAY with Tannerus: God is arduous even to Charity to attain. It is answered, that this belongs to the material object of Charity.

DICES cum Tannero: Deus est arduus, etiam Charitati ad consequendum. Respondetur, hoc spectare ad materiale obiectum Charitatis.

Question IV: Whether a certain object is set forth for hope, and is hoped for

1 FROM the definitions of Hope its certainty seems to be gathered; for it is called a certain expectation of beatitude. For indeed, since the outcome depends on the aids of God and our merits, and no one knows: *Whether he be worthy of love or of hatred,* Ecclesiastes 9, it does not seem that a certain expectation can be had, as D. Bonaventure notes *in the opposing arguments.*

An SPE certo obiectum exhibeatur, et speretur.

EX definitionibus Spei videtur colligi eius certitudo; dicitur enim certa expectatio beatitudinis. Enim vero, cum eventus pendeat ex auxiliis Dei, et nostris meritis, et nemo sciat: An amore dignus sit, an odio. *Eccel. 9. non videtur, quae certa expectatio haberi possit, ut notat D. Bonavent.* in argumentis oppositis.

2 OBSERVE that certainty pertains properly and formally to the intellect; for it is an effect of truth, which is the formal object of the intellect: but the will is said to be certain insofar as it can infallibly attain its end.

> *OBSERVA, certitudinem proprie, et formaliter ad intellectum pertinere; est enim veritatis effectus, quae est obiectum formale intellectus: Voluntas vero dicitur certa, quatenus suum finem infallibiliter consequi potest.*

3 That Hope is most certain, all concede.

> *CERTISSIMAM esse Spem omnes concedunt.*

4 IT IS PROVED from D. Bonaventure first from the Apostle, who hoped for glory most certainly for himself, Rom. 8.: *For I am sure that neither death, nor life, etc. will be able to separate us from the charity of God.* And chapter 5.: *Hope confoundeth not.* And 1 to Timothy 1.: *I know whom I have believed, and I am certain that the just judge is able to keep my deposit.* And Heb. 6.: *That we may have the strongest comfort, who have fled for refuge to hold fast the hope proposed to us, which we have as a sure anchor.* Which passage the holy Doctor urges in Diata, tit. 5. cap. 4., where he notes that for this reason the Helmet is compared to Hope, *1 Thessal. 5.*, which is safe in battle; and Heb. 6. an *anchor,* which makes safe in a ship, as he notes also here on the last foundation. St. Thomas shows this most beautifully *in Psal. 30.*

> *PROBATUR a D. Bonav. primo ex Apostolo, qui certissimam sibi gloriam sperabat, Rom. 8.* Certus sum, quia neque mors, neque vita, etc. poterit nos separare a charitate Dei. *Et cap. 5.* Spes non confundit. *Et prima ad Timoth. 1.* Scio cui credidi, et certus sum, quia potens est depositum meum servare iustus iudex. *Et Hebr. 6.* Fortissimum solatium habentes, quo confugimus per propositam spem, quam veluti anchoram tutam habemus. *Quem locum urget S. Doct. in Diata, tit. 5. cap. 4. ubi advertit ideo Galea Spem comparari,* prima Thessal. 5. *quae tutum in pugna; et Hebr. 6.* anchora, *quae tutum in navi reddit, ut notat etiam hic fundamento ultimo. Praeclare id ostendit S. Doct.* in Psal. 30.

5 HENCE in the little work *on the seven gifts, on the Gift of piety* near the end he notes that Hope is called full of immortality, *Sap. 3.* But more beautifully *in the Commentaries.* And Rom. 5.: *We glory in the hope of the sons of God.* Therefore session 6. cap. 13. the Council of Trent says all ought to place a most certain Hope in the aid and mercy of God. For God, unless his graces fail, will perfect as he began. Hence the holy Doctor asserts certainty thus here, and in *Compend. Theolog. verit. lib. 5. cap. 22.* From this it begins to appear in what this certainty consists.

> *HINC opusc.* de septem donis, de Dono pietatis *circa finem notat, Spem dici immortalitate plenam,* Sap. 3. *Praeclarius vero* in Commentariis. Et *Rom. 5.* Gloriamur in spe filiorum Dei. *Ideo sess. 6. cap. 13. ait C. Trident. omnes in Dei auxilio, et misericordia debere certissimam Spem ponere. Deus enim nisi gratiae illius defuerint, sicut coepit, ita perficiet. Hinc certitudinem sic asserit S. Doct. hic, et in* Compend. Theolog. verit. lib. 5. cap. 22. *Ex quo incipit elucescere, in quo haec certitudo posita sit.*

6 The holy Doctor reports some saying that the certainty of faith gives to Hope all its certainty; but that it has no certainty of its own, just as particular science obtains all its certainty from universal science. For by faith man believes that all the good will be saved; but by Hope he believes that he himself in particular will be saved; whence he appropriates to himself what he believed universally; and since there is no certainty about singulars except insofar as they are referred to the universal, therefore hope does not appropriate to itself the certainty of faith absolutely, but under a condition, namely, if he shall have persevered unto the end. Whence they call the certainty of faith that of fidelity, because God cannot deny himself, since he promised salvation to those who persevere; but

the certainty of hope is called that of confidence; and confidence is nothing else than a kind of fidelity turned upon oneself.

> *REFERT S. Doct. quosdam dicentes certitudinem fidei dare Spei omnem certitudinem; hanc vero nullam a se habere certitudinem, sicut scientia particularis omnem certitudinem obtinet a scientia universali. Per fidem enim credit homo omnes bonos salvandos; per Spem autem credit, seipsum in particulari salvandum, unde appropriat sibi id, quod universaliter credebat; et quoniam non est certitudo circa singularia, nisi in quantum referuntur ad universale, ideo spes non appropriat sibi certitudinem fidei absolute, sed sub conditione, videlicet, si perseverarit usque in finem. Unde certitudinem fidei vocant fidelitatis, quia Deus seipsum negare non potest, cum salutem perseverantibus promiserit; certitudo vero spei dicitur confidentiae; confidentia autem non est aliud, quam fidelitas quaedam ad se conversa.*

7 BUT this mode is not proved by the Seraphic Doctor, because Hope has its own certainty, as the Gloss on Rom. 5. says: *Trial worketh hope, that is, the certainty of hope;* otherwise it would not have its own proper aspect of a habit per se, but only a subaltern one, as Bellarmine also notes *lib. 3. de Iustificatione, cap. 11.* Therefore Hope has a proper certainty on the part of the will; another on the part of the intellect. On the part of the will, the certainty of hope is the firm adherence of the will to the thing hoped for, and this can be most great, even if on the part of the intellect man is not certain that he will attain that thing. Indeed, Hope seems not only not to require, but not even to be able to bear on the part of the intellect an absolute certainty: For what we certainly know we shall have, we do not properly hope for, but absolutely expect, as the holy Doctor hints *argumento 4. opp.* For in this way the souls of the blessed do not properly hope for the resurrection of the body, but only expect it, because on the part of the intellect they are most certain that it cannot be wanting to them. Hence Bellarmine infers that the sectary heretics, who require an absolute certainty on the part of the intellect about Justification and salvation, leave no place for Hope, properly so called.

> *AT iste modus non probatur Seraphico, quia Spes habet suam certitudinem, ut ait Glossa ad id Rom. 5.* Probatio operatur spem, idest spei certitudinem; *alioqui non haberet propriam rationem habitus per se, sed subalternatam tantum, ut advertit etiam Bellarminus* lib. 3. de Iustificatione, cap. 11. *Habet igitur Spes propriam certitudinem ex parte voluntatis; alteram ex parte intellectus. Ex parte voluntatis certitudo spei est firma adhaesio voluntatis ad rem speratam, et haec maxime esse potest, etiamsi ex parte intellectus non sit homo certus, se rem illam consecuturum. Imo videtur Spes, non solum non exigere, sed nec ferre posse ex parte intellectus certitudinem absolutam: Nam quod certo scimus, nos habituros, non proprie speramus, sed absolute expectamus, ut innuit S. Doct.* argumento 4. opp. *Hoc enim modo animae beatorum non proprie sperant corporum resurrectionem, sed tantum expectant, quia certissimae sunt ex parte intellectus, eam sibi deesse non posse. Hinc infert Bellarminus, haereticos sectarios, qui certitudinem absolutam ex parte intellectus requirunt de Iustificatione, et salute, nullum locum relinquere Spei, proprie dictae.*

8 HOWEVER, although Hope does not require an absolute certainty on the part of the intellect, yet hence it has also a twofold certainty. One arises from the primary foundation of hope, which is the promise of God. For we are certain that God cannot deceive. And indeed if nothing were required for our justification or salvation except the promise of God, we should have about these things an absolute and infallible certainty too; but because other things are also required, about which we are not so certain, therefore Hope does not expel all fear. The other certainty of Hope on the part of the intellect arises from charity, and by this it does not belong except to the just; for a friend can hope all good things from a friend, nor is he confounded, as is said Rom. 5.: *And hope confoundeth not: because the charity of God is poured forth in our hearts, etc.* for charity is the form which perfects Hope.

> *QUAMVIS autem Spes absolutam certitudinem non requirat ex parte intellectus; tamen hinc habet etiam duplicem certitudinem. Altera oritur ex fundamento spei primario, quod est promissio Dei. Certi enim sumus, Deum non posse fallere. Et siquidem nihil requireretur ad nostram iustificationem, vel salutem, nisi promissio Dei, haberemus etiam de his rebus absolutam, et infallibilem certitudinem; tamen quia requiruntur etiam alia, de quibus non sumus tam certi, ideo Spes non expellit omnem timorem. Altera certitudo Spei ex parte intellectus oritur ex charitate, ac per hoc non convenit, nisi iustis; amicus enim ab amico omnia bona sperare potest, neque confunditur, ut dicitur Rom. 5.* Spes autem non confundit: quia charitas Dei diffusa est in cordibus nostris, etc. *charitas enim est forma, quae perficit Spem.*

9 Therefore Christian Hope has a certainty distinct from Faith, as the holy Doctor gathers: because faith is certain about this enunciation: *I believe that there is eternal life;* but Hope is borne toward eternal life incomplextly.

> *Igitur Spes christiana habet certitudinem distinctam a Fide, ut colligit S. Doct. quia fides certa est de hac enunciatione:* Credo vitam aeternam esse; *At Spes fertur in vitam aeternam incomplexe.*

10 He proves this also from contraries; for one thing is opposed to one: but the certainty of faith is opposed to error and doubt; whereas the certainty of hope is repugnant to diffidence and despair.

> *Hoc etiam probat a contrariis; nam unum uni opponitur: Certitudo autem fidei opponitur errori, et dubitationi; at certitudo spei repugnat diffidentiae, et desperationi.*

11 But just as the certainty of faith in this life does not make it impossible that we fall into error against the truth believed, although it can overcome every error: so Hope does not make every diffidence impossible, although it carries with it a manly adherence.

> *Sicut autem certitudo fidei in via non reddit invincibilem, ne labamur in errorem contra veritatem creditam, tametsi possit omnem errorem superare: ita Spes non reddit impossibilem omnem diffidentiam, tametsi virilem adhaesionem secum ferat.*

12 Doubt can indeed befall our hope per accidens, on the part of the subject; if it does not take care to correspond to the grace of God by working faithfully. From this others deduce that the certainty of hope is conditional, which the Council of Trent seems to hint at, defining that the Just ought to hope for beatitude if they shall have persevered in well-doing unto the end. So they discourse at length in Bassaeus.

> *Potest vero ingruere dubium per accidens in spem nostram, ratione subiecti; si non curet gratiae Dei correspondere, fideliter operando. Ex quo deducunt alii certitudinem spei esse conditionatam, quod videtur innuere Concilium Trident. definiens, Iustos debere sperare beatitudinem, si bene agendo perseveraverint usque in finem. Sic disserunt apud Bassaeum.*

13 *It is proved,* because beatitude is to be hoped for in the same mode in which God promised it, but he promised conditionally, Rom. 8.: *If so be that we suffer with him.* And Matth. 8.: *If thou wilt enter into life, keep the commandments:* Therefore. So the holy Doctor runs through it *in the body of the text, and ad 4.*

> Probatur, *quia eodem modo speranda est beatitudo, quo Deus eam promisit, sed promisit conditionaliter, Rom. 8.* Si tamen compatimur. *Et Matth. 8.* Si vis ad vitam ingredi, serva mandata: *Ergo. Ita discurrit S. Doct.* in corpore, et ad 4.

14 Therefore what D. Thomas says at quaest. 18. art. 4. does not please him, that the certainty of hope is such as is the certainty of nature; but he adduces this as absolute in 3. dist. 26. quaest. 2. Nor

does the argument of Caisensis press, namely, that we hope in God, whose power is insuperable, and whose will is ready to do good; and the certainty of hope is the determination of the inclination to its proper object.

> *Ideo non placet id, quod ait D. Thom. quaest. 18. art. 4. certitudinem spei esse, qualis est certitudo naturae; haec autem absoluta afferitur ab eo in 3. dist. 26. quaest. 2. Neque ratio Caisensis urget, nempe quia speramus in Deo, cuius potentia est insuperabilis, et voluntas ad benefaciendum parata; et spei certitudo est determinatio inclinationis ad proprium obiectum.*

15 These things are indeed frivolous; for the determination of hope to the object is, as it is proposed to us by faith, that we may be certain of beatitude if we persevere; to which end the inclination tends, desiring absolutely; but it does not hope absolutely, but with the due means, as the Council of Trent says.

> *Haec sane frivola sunt; nam determinatio spei ad obiectum, est, prout nobis proponitur a fide, ut certi simus beatitudinis, si perseveremus; ad quem finem inclinatio tendit, absolute appetens; sed non sperat absolute, sed debitis mediis, ut ait C. Tridentinum.*

16 *Caisensis objects.* If the certainty of hope were conditional, it could not fail; for as that truth cannot fail: *He that shall persevere to the end, he shall be saved;* so neither this: *If I shall persevere, I shall be saved.*

> Obiicit *Caisensis. Si certitudo spei esset conditionata, non posset deficere; sicut enim non potest deficere illa veritas:* Qui perseveraverit usque in finem, salvus erit; *ita neque haec:* Si ego perseveravero, salvus ero.

17 *It is answered,* by conceding that the conditional truth of Hope does not fail.

> Respondetur*, concedendo non deficere conditionatam veritatem Spei.*

18 *He objects secondly.* Fear is opposed to Hope; but fear is not borne conditionally, thus: *If I die in mortal sin, I shall be damned;* for he is certain of this.

> Obiicit secundo. *Timor opponitur Spei; at timor non fertur conditionate, sic:* Si moriar in peccato mortali, damnabor; *est enim de hoc certus.*

19 *It is answered,* that Fear is borne toward an imminent evil. Therefore it is borne conditionally. If therefore I do not do what I am bound to, I shall lose perseverance, without which I shall certainly not be saved.

> Respondetur*, Timorem ferri in malum imminens. Itaque conditionate fertur. Si ergo non egero, quod teneor, amittam perseverantiam, sine qua certo non salvabor.*

20 From these the holy Doctor gathers first *ad 2.* that the certainty of Hope does not rest on the firmness of the will alone; but that the will rests on God, who is our firmness, as D. August. says, *lib. 11. Confess. cap. 30.*

> *Ex his colligit primo S. Doct.* ad 2. *certitudinem Spei non inniti sola firmitate voluntatis; sed ut voluntas innititur Deo, qui est firmitas nostra, ut ait D August.* lib. 11. Confess. cap. 30.

21 He gathers secondly, that Hope has the certainty of order, because hope orders to salvation efficaciously and infallibly; but there is no certainty about the event, and thus even the foreknown are bound to hope, according to that: *In him hath every congregation of the people hoped.*

Colligit secundo, Spem habere certitudinem ordinis, quia efficaciter, et infallibiliter spes ordinat ad salutem; non est autem certitudo de eventu, et ita etiam praesciti sperare tenentur, iuxta id: Sperate in eo omnis congregatio populi.

22 Caspensis says the Tridentine spoke of this certainty of the event, when he appends the condition: But the words of the Council mean something else; for it says: *Let no man promise himself anything with absolute certainty; although all ought to place and repose in the aid of God a most firm hope.*

De hac certitudine eventus, ait Caspensis, locutum Tridentinum, dum conditionem apponit: Sed verba Concilii aliud sentiunt; ait enim: Nemo sibi certi aliquid absoluta certitudine polliceatur; tametsi in Dei auxilio firmissimam spem collocare et reponere omnes debent.

23 He gathers thirdly *lib. 5. Compendii Theolog. cap. 12.* that the Hope of the souls in Purgatory, and of the Fathers in the Limbo, declined somewhat from the notion of Hope toward that which is the certainty of science. So, he says, the high faith of Paul to the third heaven declined; and that of Stephen, when he saw Christ, *Act. 7.*; and of Adam in the state of innocence.

Colligit tertio lib. 5. Compendii Theolog. cap. 12. *Spem animarum Purgatorii, et Patrum in Lymbo, declinasse aliquantulum a ratione Spei, in illam, quae est certitudo scientiae. Sic etiam declinare, ait, altam fidem Pauli ad tertiam caelum; Stephani, cum vidit Christum* Act. 7. *et Adae in statu innocentiae.*

Question V: Whether hope is a virtue

1 The holy Doctor prefaces that Hope is sometimes taken for the affection: and thus the Philosophers and the holy Fathers say there are four affections of the soul: Joy, and Sorrow, Hope, and Fear. Sometimes it is taken for the thing expected, or hoped for, Tit. 2.: *Waiting for the blessed hope.* But it is taken thirdly for the habit directing the motion and affection of the soul toward that which is to be expected.

Praemittit S. Doct. Spem sumi aliquando pro affectione: et sic Philosophi, et SS. PP. dicunt quatuor esse affectiones animi: Gaudium, et Dolorem, Spem, et Timorem. Aliquando sumi pro re expectata, vel sperata, Tit. 2. Expectantes beatam spem. *Sumi vero tertio pro habitu dirigente animae motum, et affectum in illud, quod expectandum est.*

2 I assert first, that Hope is a Virtue.

Assero primo, Spem esse Virtutem.

3 *It is proved* from D. Bonaventure *foundation 3.* A habit repugnant to fault is a virtue; Hope is repugnant to Presumption and Despair: Therefore.

Probatur *a D. Bonau.* fundamento 3. *Habitus, repugnans culpae, est virtus; Spes repugnat Praesumptioni, et Desperationi: Ergo.*

4 *It is proved secondly* from the holy Doctor *foundation 4.*, by the argument which D. Thomas uses: A habit rectifying the soul is a Virtue: for Virtue is a habit regulative and confirmative of a power, which makes the soul rejoice in those things which are right, as the Philosopher says, 2. *Eth.* cap. 3. 4. and 6. and 2. *Rhet.* and 7. *Eth.* cap. 14. Hope is of this kind. But there is a twofold rule, or measure, of human acts: One proximate and homogeneous, that is, reason: Another supreme and exceeding, that is, God; and on this account every act reaching to reason and to God is good; but the act of hope reaches to God: for the object of hope is the arduous good, possible to be had: Now something is possible to us in a twofold way: First, by ourselves. Secondly, by others, as is evident 3. *Eth.* cap. 3.

Therefore insofar as we hope for something possible by the aid of God, our Hope reaches to God himself, on whose aid it rests. Therefore Hope is a Virtue, and indeed a supernatural and gratuitous one.

> Probatur secundo *a S. Doct.* fundamento 4. *ratione, qua utitur D. Thom. Habitus rectificans animam, est Virtus: Virtus enim est habitus potentiae regulativus, et confirmativus, qui facit animam gaudere circa ea, quae recta sunt, ut ait Philosoph.* 2. Eth. *cap. 3. 4. et 6. et* 2. Rhet. *et 7.* Eth. *cap. 14. Spes est huiusmodi. Humanorum vero actuum duplex est regula, seu mensura; Una proxima, et homogenea, idest ratio: Alia suprema excedens, idest Deus, et ob id omnis actus, attingens ad rationem, et Deum, est bonus; actus autem spei attingit ad Deum: obiectum enim spei est bonum arduum, possibile haberi: Possibile autem est aliquid nobis dupliciter: Primo per nos metipsos. Secundo per alios, ut patet 3.* Eth. *cap. 3. In quantum ergo speramus aliquid per Dei auxilium possibile, Spes nostra attingit ad ipsum Deum, cuius auxilio innititur. Igitur Spes est Virtus, et quidem supernaturalis, et gratuita.*

5 I assert therefore secondly, that Hope is a gratuitous virtue.

> *Assero igitur secundo, Spem esse virtutem gratuitam.*

6 *It is proved* from St. Bonaventure first. That which makes one attain to salvation is from grace. Such is Hope, as is said Rom. 8.: *For we are saved by hope:* Therefore.

> Probatur *a S. Bonau. primo. Id, quod ad salutem facit pervenire, est a gratia. Talis est Spes, ut dicitur Rom. 8.* Spe salvi facti estis: *Ergo.*

7 *It is proved secondly.* That which renders acceptable to God is gratuitous: Such is Hope, Psal. 32.: *The Lord is well pleased in them that fear him; and in them that hope in his mercy:* Therefore.

> Probatur secundo. *Quod reddit Deo acceptum, est gratuitum: Talis est Spes, Psal. 32.* Beneplacitum est Domino super timentes eum; et in eis, qui sperant super misericordia eius: *Ergo.*

8 *It is proved thirdly.* A habit directly repugnant to a fault which immediately attains God is a supernatural virtue. Such is Hope, repugnant to presumption of beatitude without merits, and to despair of the Divine mercy: Therefore.

> Probatur tertio. *Habitus directe repugnans culpae, quae Deum immediate attingit, est virtus superna. Talis est Spes repugnans praesumptioni beatitudinis absque meritis, et desperationi de Divina misericordia: Ergo.*

9 *It is proved fourthly.* To expect that which is above every grasp of the natural appetite is as believing everything that is above every grasp of the intellect: But from this head Faith is a supernatural virtue: Therefore also Hope, which expects the things that transcend our heart, as is said *1 Corinth. 2.*

> Probatur quarto. *Ita se habet expectare, quod est supra omnem appetitus naturae captum, sicut credere omne, quod est supra omnem captum intellectus: Sed ex hoc capite Fides est virtus supernaturalis: Ergo et Spes, quae expectat ea, quae transcendunt cor nostrum, ut dicitur* prima Corinth. 2.

10 *Finally it is proved on the last foundation, and in the body of the text, by the argument made for the first assertion.*

> Tandem probatur fundamento ultimo, et in corpore, ratione facta pro primo asserto.

11 YOU OBJECT first. No passion is a virtue, *ex 2. Eth. cap. 5. and lib. 3. where he says: In the soul there are three things, Powers, Passions, and Habits; but virtue is concerned among the habits.* But hope is a passion *ex Boët. de consol.* Therefore.

OBIICIES primo. Nulla passio est virtus, ex 2. Eth. cap. 5. et lib. 3. ubi ait: In anima tria sunt, Potentiae, Passiones, et Habitus; inter habitus autem versatur virtus. *Sed spes est passio* ex Boët. de consol. *Ergo.*

12 The holy Doctor answers that Hope is taken here as it is regulative of the passions, and it is a Virtue.

RESPONDET S. Doct. hic sumi Spem, ut est regulativa passionum, et est Virtus.

13 YOU OBJECT secondly. As it happens to expect future things, so to remember past things: But this is not a virtue: Therefore neither that; for Hope is either the expectation of future things, or arises from it.

OBIICIES secundo. Sicut contingit expectare futura, ita rememorari praeterita: Sed hoc non est virtus: Ergo neque illud; nam Spes, vel est expectatio futurorum, vel ab ea oritur.

14 He answers by denying the parity; for virtue stands more in regulating actions to be done than in acts. Moreover remembering stands in Cognition; but expectation in the Affective; and virtue regards more the regulating of the affect. Hence also the act of virtue is linked to remuneration, as it is joined to affection: for instance, that of prudence, or penance, or charity, insofar as it recalls past deeds done, that it may act better in the future; or past evils, that it may sorrow; or benefits, that it may give thanks.

RESPONDET, negando paritatem; nam virtus magis stat in regulandis agendis, quam actis. Deinde rememoratio stat in Cognitione; expectatio vero in Affectiva; virtus autem magis respicit regulare affectum. Hinc etiam remunerationi, ut iungitur affectioni, adnectitur actus virtutis; puta prudentiae, vel poenitentiae, vel charitatis, quatenus recordatur praeteritorum factorum, ut futura melius agat; vel praeteritorum malorum, ut doleat; vel beneficiorum, ut gratias agat.

15 YOU OBJECT thirdly. As it happens to hope rightly, so also to fear rightly: but the habit which directs the soul in fearing is not a virtue: Therefore.

OBIICIES tertio. Sicut contingit recte sperare, ita et recte timere: sed habitus, qui dirigit animam in timendo, non est virtus: Ergo.

16 The holy Doctor answers by denying the parity, because Fear stands in recoiling; Hope in pursuing: and therefore Fear has more of passion; Hope indeed of action; and because the habits of the virtues direct the soul in those acts in which the rectitude of life consists, according to that which is said: *Virtue is a good quality of the mind, whereby one lives rightly;* hence it is that Hope is more in the genus of virtue than Fear. Hence also it is clear why the habit of virtue stands more about the affection of Hope than about the other three affections related above; for Joy, and Sorrow, because they have a conjoined object, stand more in sustaining; but the affection of Hope, among the others, stands more in acting; and therefore although, as it is a passion, it is not a virtue, yet as it is the stretching forth of the soul toward the thing hoped for, it is a virtue.

RESPONDET S. Doct. negando paritatem, quia Timor stat in resilitione; Spes in prosecutione: et ideo Timor magis habet de passione; Spes vero de actione; et quia habitus virtutum dirigunt animam in actibus, in quibus consistit rectitudo vitae, iuxta id, quod dicitur: Virtus est bona qualitas mentis, qua recte vivitur; *hinc est, quod Spes magis est in genere virtutis, quam Timor. Hinc etiam patet; cur magis circa affectionem Spei consistat habitus virtutis, quam circa alias tres affectiones, supra relatas; nam Gaudium, et Dolor, quia habent obiectum coniunctum, magis sunt in sustinendo; affectus vero Spei inter caeteras, magis stat in agendo; et ideo licet, ut est passio, non sit virtus, tamen ut est protensio animae in rem speratam, est virtus.*

17 YOU OBJECT fourthly: Every moral virtue stands about the good and the difficult, *ex Aristotle 2. Eth. cap. 3.* But in the expectation of the goods promised by God there is no difficulty, since God cannot lie: Therefore.

> *OBIICIES quarto; Omnis virtus moralis consistit circa bonum, et difficile,* ex Aristotele 2. Eth. cap. 3. *Sed in expectatione bonorum promissorum a Deo, non est difficultas, cum Deus nequeat mentiri: Ergo.*

18 He answers, that as to believe the things which are naturally proved to us is easy, so also to hope for what is naturally obvious: But to hope for supernatural things, which neither sense nor intellect perceives, and to despise our goods for these, is arduous and worthy of great praise.

> *RESPONDET, quod sicut credere ea, quae naturaliter probata nobis sunt, est facile; ita et sperare, quae naturaliter obvia: At sperare supernaturalia, quae nec sensus, nec intellectus percipit, et pro his bona nostra contemnere, est arduum, et magna dignum laude.*

19 YOU OBJECT fifthly. No gratuitous virtue in its act is repugnant to the perfection of merit; but Hope in its act is repugnant to the perfection of merit; for it proceeds from imperfection that anyone serve God on account of a future retribution; because, as *St. Bernard says de diligendo Deo, cap. 4.: Charity does not look upon the reward.* But Hope makes one expect a future retribution for merits: Therefore it is not a gratuitous virtue.

> *OBIICIES quinto. Nulla virtus gratuita in suo actu repugnat perfectioni meriti; sed Spes in suo actu repugnat perfectioni meriti; ex imperfectione enim procedit, ut quis serviat Deo propter retributionem futuram; quia, ut ait* S. Bernardus de diligendo Deo, cap. 4. Charitas praemium non intuetur. *At vero Spes facit expectare pro meritis retributionem futuram: Ergo non est virtus gratuita.*

20 The holy Doctor answers first, that the act of Hope does not diminish merit; but, as the Apostle says, it rises up from the perfection of merit: For the greater merits anyone has, the more firmly and more certainly does he hope. Nor is detracted from Charity the expecting of God himself, whom it loves, as the reward wherewith it may be united; for the greatest charity most of all desires to be united to God. But this reward we hope for, as is had *Genes. 15.: I am thy reward exceeding great.* And the holy Doctor shows this a posteriori: for the true Saints, who expect beatitude, are little solicitous about themselves; much about God. Thus they despise all things, that they may be united to God in the fatherland.

> *RESPONDET S. Doct. primo, Spei actum, non minuere meritum; sed, ut ait Apostolus, illum consurgere ex meriti perfectione: Quanto enim aliquis maiora habet merita; tanto firmius, et certius sperat. Neque detrahitur Charitati, expectando ipsum Deum, quem diligit, in mercedem, cui uniatur; maxima enim charitas maxime desiderat Deo uniri. Hanc autem mercedem speramus, ut habetur* Genes. 15. Ego ero merces tua magna nimis. *Et hoc a posteriori ostendit S. Doct. nam veri Sancti, qui expectant beatitudinem, parum de se; multum de Deo sunt solliciti. Sic spernunt omnia, ut Deo uniantur in patria.*

21 MOREOVER, the mercenary Hope is evil in that it places the end in its own advantage, as Caspensis also says *sect. 4.*; but to serve God on account of a reward according to the Divine will, which declares that he wills to give it, *Matth. 20.: Call the workmen, and pay them their reward;* is not a defect, but an honest act, as the Council of Trent defines, *sess. 6. cap. 11. and can. 31.: If anyone shall say that the justified sins, while he does good works in view of an eternal reward; let him be anathema.* The Fathers of the Council prove this from *Psal. 118.: I have inclined my heart to do thy justifications in eternity, on account of the retribution.* And *Hebr. 11.* Paul reports that Moses, most holy, underwent most studious labors,

because *he looked upon the recompense*. Therefore God often proposes *the sweetness of the reward, Deuter. 11., Apoc. ult*. For it is honest to seek one's own last end.

> *CAETERUM Spes mercenaria ea mala est, quae ponit finem in proprio commodo, ut ait etiam Caspensis* sect. 4. *servire autem Deo ob mercedem iuxta Divinam voluntatem, quae declarat, se velle dare* Matth. 20. Voca operarios, et redde illis mercedem; *non est defectus, sed actus honestus, ut definit Concilium Trident*. sess. 6. cap. 11. et can. 31. Si quis dixerit, iustificatum peccare, dum intuitu aeternae mercedis bene operatur; anathema sit. *Probant hoc Patres Concilii ex* Psal. 118. Inclinavi cor meum ad faciendas iustificationes tuas in aeternum, propter retributionem. *Et* Hebr. 11. *refert Paulus, Moysen sanctissimum studiosissima opera exantlasse, quia* aspiciebat in remunerationem. *Ideo saepe Deus proponit* oblectam praemii Deuter. 11. Apoc. ult. *honestum est enim ultimum suum finem appetere*.

22 Hence against the Sectaries I hold that it is honest to expect eternal glory, as the crown of labors. For thus also Paul, *2. Timot. 4.: I have fought the good fight, etc. Therefore there is laid up for me a crown of justice*. And *Tobias 4.: Great will be the confidence before the most high God for alms to all those who do it*. I add, that it is lawful to hope also from prayers, and studious works, for a temporal good, provided that in this the last end is not placed.

> *Hinc contra Sectarios habeo, honestum esse gloriam aeternam expectare, ut coronam laborum. Sic enim et Paulus* 2. Timot. 4. Bonum certamen certavi, etc. Ideo reposita est mihi corona iustitiae. *Et* Tobias 4. Fiducia magna erit coram summo Deo eleemosyna omnibus facientibus eam. *Addo, licitum esse etiam sperare ex orationibus, et operibus studiosis bonum temporale, dummodo in hoc non ponatur finis ultimus*.

Question VI: Whether hope is a theological virtue

1 By the calculations of all Theologians it is established that Hope is a Theological virtue.

> *OMNIUM Theologorum calculis statuitur, Spem esse Theologicam virtutem.*

2 It is PROVED first by St. Bonaventure, because the Apostle places it in order with Faith and Charity, *1. Corinth. 13*.

> *PROBATUR a D. Bonav. primo, quia Apostolus eam ponit in ordine cum Fide, et Charitate* 1. Corinth. 13.

3 It is PROVED second by the Holy Doctor, because that virtue which is the end of the Cardinal virtues is Theological: Such is Hope; Therefore. The minor is proved, because it tends to God as the beatific object, to which the objects of the other virtues serve as means.

> *PROBATUR secundo a S. Doct. quia illa virtus, quae est finis virtutum Cardinalium, est Theologica: Talis est Spes; Ergo. Minor probatur, quia tendit in Deum, ut obiectum beatificum, ad quod obiecta aliarum virtutum inserviunt, ut media.*

4 It is PROVED third by St. Bonaventure *cap. 6. ad Hebr.* where it is said, to have Hope entering even within the veil, that is, even to the hidden things of God, as Valencia also notes *disp. 2. quaest. 1. puncto primo*.

> *PROBATUR tertio a D. Bonaventura* cap. 6. ad Hebr. *ubi dicitur, habere Spem incedentem usque ad interiora velaminis, idest usque ad recondita Dei, ut advertit etiam Valentia* disp. 2. quaest. 1. puncto primo.

5 It is PROVED fourth by the Holy Doctor: it is of the same reason a mean between the extremes: But Hope is a mean between faith, which begins the spiritual building; and Charity, which completes it;

for Hope raises one up to God: Therefore.

> *PROBATUR quarto a S. Doct. eiusdem rationis est medium cum extremis: Sed Spes est media inter fidem, quae inchoat aedificium spirituale; et Charitatem, quae consummat; nam Spes erigit in Deum: Ergo.*

6 It is PROVED fifth by the Holy Doctor: The image of creation is reformed through re-creation; but the image of creation requires three powers: Therefore also the image of re-creation requires three virtues. Since therefore the image is reformed through the Theological virtues: therefore they are three, but none other than faith, Hope, and Charity: Therefore.

> *PROBATUR quinto a S. Doct. Imago creationis reformatur per recreationem; sed imago creationis exigit tres potentias: Ergo et imago recreationis requirit tres virtutes. Cum ergo imago reformetur per virtutes Theologicas: ergo sunt tres, sed non aliae praeter fidem, Spem, et Charitatem: Ergo.*

7 *Finally it is proved in the body from the object;* because it regards God immediately, as the object to be acquired in beatitude. Therefore, just as faith is Theological because it leans on God revealing the truth; so Hope, because it leans on God promising great things.

> TANDEM probatur in corpore ex obiecto; *quia respicit immediate Deum, ut obiectum acquirendum in beatitudine. Igitur, sicuti fides est Theologica, quia nititur Deo revelanti vera; ita Spes, quia nititur Deo promittenti magna.*

8 It is proved also on the part of the subject; because the higher portion of the soul is reformed in order to God by the Theological virtues: But Hope is one of the reforming virtues; for just as the rational is reformed by faith, the concupiscible by charity, so the irascible is reformed by Hope. This is also shown, because the dowries of the soul in the fatherland correspond to the reformation. Thus to faith will correspond the vision, reforming the Rational; to charity the consummated Charity of the way, reforming the Concupiscible. Thus also to the third, corresponding to Hope, will correspond that which will reform the Irascible.

> *PROBATUR etiam ex parte subiecti; quia portio superior animae reformatur in ordine ad Deum virtutes Theologicas: At Spes est una e virtutibus reformantibus; nam sicuti rationalis fide, concupiscibilis charitate, ita Spe reformatur irascibilis. Hoc etiam ostenditur, quia dotes animae in patria respondent reformationi. Sic fidei respondebit visio, reformans Rationalem; charitati viae Charitas consummata, reformans Concupiscibilem. Sic et tertio respondens Spei, Irascibilem reformabit.*

9 *You will object* first. No virtue, around whose act excess can be found, is Theological; for God is never believed too much, nor loved too much; but in Hope there can be excess, for some hope for more than their merits require: Therefore.

> Obiicies *primo. Nulla virtus, circa cuius actum potest reperiri excessus, est Theologica; nunquam enim nimis Deo creditur, aut nimis amatur; sed in Spe potest esse excessus, aliqui enim plus sperant, quam merita exigunt: Ergo.*

10 The Holy Doctor *answers* that that virtue, in whose acts there is excessive intensity, is truly not Theological; but in the acts of Hope there is no excessive intensity; for no one hopes in the Lord too much; but the excess is not in the genus of hope, but of presumption, on the part of the subject, from a defect of the condition of hope, which requires that one hope in God in the manner revealed by God. Therefore excess of intensity cannot be in the acts of the Theological virtues, which have an infinite object; but in the object of the Cardinal virtues, which is finite and determinate, whence if the act, transgressing the limits, exceeds, declining to the extremes, it deviates into vices.

Respondet *S. Doct. illam virtutem, in cuius actibus est nimia intensio, vere non esse Theologicam; at in Spei actibus non est nimia intensio; nemo enim nimis sperat in Domino; sed excessus non est in genere spei, sed praesumptionis, ex parte subiecti, ex defectu conditionis spei, quae exigit, ut speretur in Deo, modo a Deo revelato. Excessus igitur intensionis non potest esse in actibus virtutum Theologicarum, quae habent obiectum infinitum; sed in obiecto virtutum Cardinalium, quod est finitum, et determinatum, unde si limites transgrediens, actus excedat, declinans ad extrema, deviat ad vitia.*

11 *You will object* second. A virtue which is a mean between two malices is Cardinal, not Theological: But Hope is a mean between despair and presumption: Therefore.

Obiicies *secundo. Virtus, quae est media inter duas malitias, est Cardinalis, non Theologica: Sed Spes est media inter desperationem, et praesumptionem: Ergo.*

12 The Holy Doctor *answers* that a virtue which is a mean between two malices, by participating in the extremes with respect to those things which are good, is Cardinal, or of the Cardinal species: Thus Liberality is a mean between avarice, participating in its material subject, keeping what is to be kept, and between prodigality, participating in its material subject, inasmuch as it gives what is to be given. But truly, if it is a mean only in an eliminative way with respect to each extreme, it can be Theological. Such is Hope, a mean between despair and presumption; for it frees from that twofold evil; just as faith concerning the Trinity and unity frees from the extremes, the error of Arius and the error of Sabellius.

Respondet *S. Doct. Virtutem, quae est media inter duas malitias, participando de extremis quoad ea, quae bona sunt, esse Cardinalem, vel Cardinalis speciem: Sic Liberalitas est media inter avaritiam participans de eius materiali subiecto, tenens tenenda, et inter prodigalitatem, participans de eius materiali subiecto, quatenus dat danda. At vero, si sit media tantum, ut eliminativa utriusque extremi, potest esse Theologica. Talis est Spes, media inter desperationem, et praesumptionem; liberat enim ab illo duplici malo; sicut fides de Trinitate, et unitate liberat ab errore Arrii, et ab errore Sabellii, extremis.*

13 *You will object* third. A virtue which is concerned with means to the ultimate end is Cardinal. Hope is concerned with grace, perseverance, and the other means of salvation: Therefore.

Obiicies *tertio. Virtus, quae versatur circa media ad finem ultimum, est Cardinalis. Spes versatur circa gratiam, perseverantiam, et caetera media salutis: Ergo.*

14 The Holy Doctor *answers* that the genus or species of virtue is not determined by any object whatever, but by that object which has the character of motive; and although Hope is concerned also with means to salvation, nevertheless its motive object is God; as the ultimate end, beatitude, to which grace and the other means, which it hopes from him, are ordered.

Respondet *S. Doct. non determinari genus, vel speciem virtutis penes obiectum quodcumque, sed penes illud obiectum, quod habet rationem motivi; quamvis autem Spes versetur etiam circa media ad salutem, tamen obiectum motivum est Deus; ut finis ultimus beatus, ad quem ordinantur gratia, et alia media, quae sperat ab eo.*

15 If you say that also Latria and the whole virtue of Religion regard God; nevertheless it is not a Theological virtue, because it regards also a created thing as object, namely such worship.

Si dicas, etiam Latriam, et Religionis totius virtutem respicere Deum; attamen non esse virtutem Theologicam, quia respicit etiam rem creatam tanquam obiectum, nempe cultum talem.

16 The Holy Doctor *answers* that it is not similar, because Latria regards that created act as object; and thus does not regard God immediately, as Hope does.

> Respondet *S. Doct. non esse simile, quia Latria respicit actum illum creatum, ut obiectum; atque adeo non respicit Deum immediate, sicuti facit Spes.*

17 *You will object* fourth. Habits are distinguished by acts: But the acts of hope and the acts of longanimity are the same, namely, to await good things: Therefore Hope and Longanimity are of the same genus; But Longanimity is Cardinal: Therefore also Hope.

> Obiicies *quarto. Habitus per actus distinguuntur: Sed actus spei, et actus longanimitatis sunt iidem, nempe, expectare bona: Ergo Spes, et Longanimitas sunt eiusdem generis; Sed Longanimitas est Cardinalis: Ergo et Spes.*

18 The Holy Doctor *answers* that Hope awaits eternal goods, and those promised by God: But Longanimity, which is a part of Fortitude, awaits by constancy and strength of soul to triumph over afflictors; and therefore its object is of an inferior order.

> Respondet *S. Doct. Spem expectare bona aeterna, ipsamque Dei promissis: Longanimitas vero, quae est pars Fortitudinis, constantia, et robore animi expectat de affligentibus triumphare; et ideo eius obiectum est inferioris ordinis.*

19 *You will object* fifth. It belongs to Fortitude to strengthen against afflictors: But this also pertains to Hope, because it makes a man rejoice in adversities: Therefore.

> Obiicies *quinto. Ad Fortitudinem spectat roborare contra affligentia: Sed hoc etiam ad Spem pertinet, quia facit hominem in adversis gaudere: Ergo.*

20 The Holy Doctor *answers* that an act can be of some virtue, either as eliciting, or as commanding, or as assisting. To endure terrible things is of fortitude, as eliciting; but of faith as commanding and dictating, as is said Hebr. 11. *The Saints by faith conquered kingdoms, etc. They were made strong in battle*, but of Hope and Charity, as assisting. For the love of God and the hope of beatitude greatly assist the virtue of Fortitude, that it may be able to bear all evils, according to that saying of B. Gregory: *The hope of reward diminishes the force of the scourge.*

> Respondet *S. Doct. actum posse esse alicuius virtutis, vel sicut elicientis, vel sicut imperantis, vel sicut adiuvantis. Perferre terribilia est fortitudinis, sicut elicientis; sed fidei sicut imperantis, et dictantis, sicut dicitur Hebr. 11.* Sancti per fidem vicerunt regna, etc. Fortes facti sunt in bello*, sed Spei, et Charitatis, ut adiuvantis. Amor enim Dei, et Spes beatitudinis multum adiuvant virtutem Fortitudinis, ut possit omnia mala perferre iuxta id B. Gregorii:* Spes praemii minuit vim flagelli.

Question VII: Whether hope is at times formless

1 I assert most certainly that Hope is at times unformed.

> *Certissime assero, Spem aliquando esse informem.*

2 It is *proved* first by St. Bonaventure from St. Augustine de vera Innocentia, where he attributes being unformed to Charity alone.

> Probatur *a D. Bonav. primo ex D. August. de vera Innocentia, ubi soli Charitati tribuit, esse tantum informem.*

3 Second, because just as formed Hope arises from formed faith; so unformed Hope ought to arise from unformed faith: But unformed faith is granted, as is said 1 Corinth. 13. Therefore.

Secundo, quia sicuti Spes formata oritur e fide formata; ita Spes informis a fide informi debet oriri: Sed datur fides informis, ut dicitur prima Corinth. 13. Ergo.

4 Third. For thus Hope arises from faith in rewards, just as fear from faith in punishments: But fear can be unformed: Therefore.

Tertio. Sic enim Spes consurgit ex fide praemiorum, sicuti timor ex fide suppliciorum: Sed timor potest esse informis: Ergo.

5 Fourth. For many sinners hope that they will obtain mercy and glory; But this act ought to arise from some good habit, because it rectifies the power to the Divine rule, which most of all forbids despairing of the mercy of God. For thus also faith strengthens reason to believe the things revealed, even when stained by deadly sin. And the Holy Doctor concludes that those things which were said of unformed faith are to be applied to Hope.

Quarto. Multi enim peccatores sperant, se misericordiam consecuturos, et gloriam; Iste autem actus ab aliquo habitu bono oriri debet, quia rectificat potentiam ad Divinam regulam, quae maxime prohibet desperare de misericordia Dei. Sic enim et fides roborat rationem ad credendum revelata, etiam in peccato maculati mortifero. Concludit autem S. D. ea, quae dicta sunt de fide informi, applicari Spei.

6 *You will object* first. Hope is a certain expectation of glory proceeding from grace and merits; as is said in the definition of Hope.

Obiicies *primo. Spes est certa expectatio gloriae prouentiens ex gratia, et meritis; ut dicitur in definitione Spei.*

7 The Holy Doctor *answers* in four ways that hope arises from grace and merits; Either as they are had in act, and this is the formed faith of the iusti emeriti: Or as they are had in proposal, and in root; but not in effect, and thus he who was lately justified has merits, has the root of grace, but has not yet exercised the virtues: Or someone hopes from merits in proposal; but not in effect, nor in the root of grace; and this is unformed faith: Or one hopes without merits even in proposal; and this is presumption. Since therefore Hope is defined *expectation from merits*, it is defined from merits, at least in proposal.

Respondet *S Doct: quatuor modis spem ex gratia, et meritis oriri; Vel ut habentur actu, et haec est fides formata iusti emeriti: Vel ut habentur in proposito, et in radice; sed non in effectu, et sic ille, habet merita, qui nuper iustificatus, habet radicem gratiae, sed nondum exercuit virtutes: Vel aliquis sperat ex meritis in proposito; sed non in effectu, nec in radice gratiae; et haec est fides informis: Vel sperat sine meritis etiam in proposito; et haec est praesumptio. Cum igitur definitur Spes* expectatio ex meritis*, definitur ex meritis, saltem in proposito.*

8 And by this he answers the second, opposing that Hope without merits is evil.

Et per haec respondet ad secundum, opponens, Spem sine meritis esse malam.

9 *You will object* second. With the proximate subject disordered, the virtue existing in it is taken away; but Hope is in the affect; therefore, this being disordered, Hope is taken away together with charity, which, if faith remains, this is because it has being also in the intellect.

Obiicies *secundo. Deordinato subiecto proximo, tollitur virtus in eo existens; at Spes est in affectu; ergo, hoc deordinato, tollitur Spes simul cum charitate, quod si manet fides, hoc est, quia habet esse etiam in intellectu.*

10 The Holy Doctor *answers* that Hope remains even when Charity is destroyed, because it stands in awaiting eternal things; but this stands without Charity; just as it stands to believe the things

revealed without sanctifying grace. Therefore the ratio of the subject is not adequate, because the affect disordered in loving can be with some order to hoping from merits, certainly in proposal.

> Respondet *S. Doct. quod Spes manet etiam destructa Charitate, quia stat in expectandis aeternis; hoc autem stat sine Charitate; sicut stat credere revelata absque gratia sanctificante. Ideo ratio subiecti non est adaequata, quia affectus deordinatus in amando potest esse cum aliquo ordine ad sperandum ex meritis sane in proposito.*

11 *You will object* lastly. Faith is then formed, when it does not believe God, but believes in God, tending to him: Therefore Hope, which tends to God, is always formed.

> Obiicies *ultimo. Fides tunc est formata, quando non credit Deo, sed credit in Deum, tendens in illum: Ergo Spes, quae tendit in Deum, semper est formata.*

12 The Holy Doctor *answers* that the perfect tendency is from grace; but this tendency is not in him who believes and hopes, while he is in sin.

> Respondet *Respondet S. Doct. tendentiam perfectam esse a gratia, haec autem tendentia non est in eo, qui credit, et sperat, dum est in peccato.*

Question VIII: Whether hope arises from merits

1 Calvin, with impious mouth, lib. 3. Instit. cap. 2. §. last, against the Master and St. Bonaventure and others saying that Hope is begotten in us from the grace of God and merits, thus barks deeply: *Who would not deservedly execrate such beasts? O a Master worthy of Tartarean disciples!*

> An SPES oriatur ex meritis.
>
> *Calvinus ore infando lib. 3. Instit. cap. 2. §. ultimo, contra Magistrum, et D. Bonaventuram, aliosque dicentes, Spem gigni in nobis ex gratia Dei, et meritis; sic alte oblatrat:* Quis non merito tales bestias execretur? O magistrum Tartareis dignum discipulis!

2 But Wicleph taught an error plainly contrary to this, following Pelagius. Bellarmine reports them lib. 5. de Iustificatione, cap. 7.

> *Ar Vuicleph. errorem huic plane contrarium docuit, secutus Pelagium. Eos refert Bellarminus lib. 5. de Iustificatione, cap. 7.*

3 The Catholic Church teaches indeed that the principal Hope and confidence is to be placed in the grace of God; yet also some in merits from grace.

> *Catholica Ecclesia praecipuam quidem Spem, et fiduciam in gratia Dei ponendam docet; aliquam tamen etiam in meritis ex gratia.*

4 I assert first, that the confidence of the Saints is born also from good merits.

> *Assero primo, Fiduciam Sanctorum ex bonis etiam meritis nasci.*

5 It is proved first by St. Bonaventure from the Scriptures, Rom. 5. *Tribulation worketh patience; and patience trial; and trial hope; And hope confoundeth not*. Thus the same Apostle speaks also 1 Timot. 3. *They who have ministered well shall acquire to themselves a good degree, and much confidence*. Hebr. 10. *You had compassion on them that were in bonds, and took with joy the spoiling of your goods. Do not therefore lose your confidence*. Thus Tobias 4. *Great confidence shall there be before the most high God for them who do alms*. Iob. 11. *If thou shalt take away the iniquity that is in thy hand; and if iniquity remain not in thy tabernacle: then shalt*

thou lift up thy face without spot: and thou shalt have confidence, hope being set before thee, and shalt be buried in peace and shalt sleep secure.

> *Probatur a D. Bonavent. primo e Scripturis, Rom. 5.* Tribulatio patientiam operatur patientia autem probationem, probatio vero spem; Spes autem non confundit. *Sic idem Apostolus loquitur etiam prima Timot. 3.* Qui bene ministraverint, gradum bonum sibi acquirent, et multam fiduciam. *Hebr. 10.* Vinctis compassi estis, et rapinam bonorum vestrorum cum gaudio suscepistis. Nolite itaque amittere confidentiam vestram. *Sic Tobias 4.* Fiducia magna erit coram summo Deo eleemosyna omnibus facientibus eam. *Iob. 11.* Si iniquitatem, quae in manu tua est, abstuleris a te; et non manserit in tabernaculo tuo iniustitia: tunc levare poteris faciem tuam: et habebis fiduciam proposita tibi spe, et defossus securus dormies.

6 This is confirmed by examples Psal. 17. Most holy David says: *And the Lord will reward me according to my justice.* The Holy Doctor observes this in the Commentary, that merit arises from faith, hope, and charity, but again hope, or confidence, from merit, by which charity also is increased.

> *Id exemplis confirmatur Psal. 17. David sanctissimus ait:* Et retribuet mihi Dominus secundum iustitiam meam. *Id observat S. Doct. in Commentario, meritum oriri ex fide, spe, et charitate, sed rursum spem, seu fiduciam ex merito, quo augetur et charitas.*

7 The same Holy Doctor shows in the Bibliis, cap. 16. from other prayers of the Saints, of Ezechias: *I beseech thee, O Lord, remember, I beseech thee, how I have walked before thee in truth;* Isaie 38. Hester, cap. 14. *Thou knowest my necessity, that I abhor the sign of pride, etc. Hear the voices of those who have no other hope, and deliver us.*

> *Idem ostendit S. Doct. in Bibliis, cap. 16. ex aliis Sanctorum orationibus, Ezechie:* Obsecro Domine, memento quaeso quomodo ambulaverim coram te in veritate; *Isaie 38. Hester, cap. 14.* Tu scis necessitatem meam, quod abominer signum superbiae, etc. Exaudi voces eorum, qui nullam aliam spem habent, et libera nos.

8 It is proved also from the Fathers, by Cyprian serm. de eleemosyna: *A splendid and Divine thing, a saving work, a bulwark of hope, etc.*

> *Probatur etiam ex Patribus, Cypriano serm. de eleemosyna:* Praeclara, et Divina res, salutaris operatio, munimentum spei, etc.

9 Other Fathers have similar things with St. Bonav. lib. 2. Pharetrae, cap. 49. St. Gregory homil. 40. in Evang. on that of Luke 16. *Make to yourselves friends of the mammon of iniquity,* where he says: *If the heavenly patrimony is purchased by almsdeeds, the poor are to be entreated as patrons.* See others there.

> *Similia habent alii Patres apud D. Bonav. lib. 2. Pharetrae, cap. 49. S. Gregorius homil. 40. in Evang. in illud Lucae 16.* Facite vobis amicos de mammona iniquitatis, *ubi ait:* Si coeleste patrimonium eleemosynis emitur, pauperes, ut patroni, sunt exorandi. *Vide alios ibi.*

10 The Holy Doctor reports others in the same book cap. 24. thus St. Gregory, lib. 10. Moral. cap. 12. *The firmer Hope in God rises, the heavier things for him each one has endured.* St. Bernard. de diligendo Deo, cap. 14. *From the faith of the precepts arises the hope of pardon, etc.* You have very many testimonies in the same Book of the Seraphic Doctor, and the following.

> *Alios refert S. Doct. eodem lib. cap. 24. sic D. Gregorius, lib. 10. Moral. cap. 12.* Tanto in Deum Spes solidior surgit, quanto pro illo quisque graviora pertulerit. *S. Bernard. de diligendo Deo, cap. 14.* De fide praeceptorum oritur spes veniae, etc. *Plurima habes testimonia eodem Libro Seraphici, et sequentibus.*

11 It is proved second by the Holy Doctor from the definition of hope. *It is the expectation of beatitude from grace and merits.*

> *Probatur secundo a S. Doct. ex definitione spei.* Est expectatio beatitudinis ex gratia, et meritis.

12 It is proved third by the argument which Bellarmine uses. From faith we have the promises of God, given to those who keep the law and love God, as is established by very many testimonies of Scripture, as I shall soon relate; Therefore our hope, just as it is from faith, is certain; but faith proposes the promises of God from works through grace; what difficulty therefore is there that we can hence hope?

> *Probatur tertio ratione, qua utitur Bellarminus. Nos ex fide habemus promissa Dei, data servantibus legem, et diligentibus Deum, ut plurimis constat Scripturae testimoniis, ut mox referam; Igitur spes nostra, sicuti est ex fide, certa est; fides autem promissa Dei ex operibus per gratiam proponit; quae igitur difficultas est, posse nos hinc sperare?*

13 I shall add the Example of the Seraphic Father St. Francis, whose last words were, as St. Bonav. reports and Bellarmine weighs: *Bring my soul out of prison, that it may confess to thy name: the just await me, until thou reward me.* The same Jerome reports of St. Hilarion, and Sulpitius of Saint Martin.

> *Apponam Exemplum Seraphici P. S. Francisci, cuius extrema verba fuere, ut refert S. Bonav. et ponderat Bellarminus:* Educ de custodia animam meam ad confitendum nomini tuo, me expectant iusti, donec retribuas mihi. *Idem de S. Hilarione refert D. Hieronymus, et de Sancto Martino Sulpitius.*

14 Truly those things which the adversaries oppose prove only that, on account of the uncertainty of our own justice and the danger of vain glory, we should rest safely in the bosom of the mercy of God.

> *Ea vero, quae opponunt adversarii, solum probant, nos propter incertitudinem propriae iustitiae, et periculum inanis gloriae, tute in Dei misericordiae sinu requiescere.*

15 That indicates that saying of Luke 17. *When you shall have done all these things, say: we are unprofitable servants,* as St. Bonav. observes in the Commentary, where he also gives other reasons why we ought thus to humble ourselves.

> *Id indicat illud Lucae 17.* Cum feceritis haec omnia, dicite: servi inutiles sumus, *ut observat S. Bonav. in Commentario, ubi alias etiam rationes reddit, cur ita humiliari debeamus.*

16 The first is, because the price by which we render our works precious and worthy of eternal life is not our own arbitrium; but grace, which was bought with a great price, namely the blood of Christ, as is said 1 Cor. 6. and 1 Peter 1. therefore we have all merits from the grace of God. Therefore he here reports that of James 1. *Every best gift is from above.* See ad 1. here.

> *Prima est, quia pretium, quo reddimus opera pretiosa, et digna vita aeterna, non est nostrum arbitrium; sed gratia, quae pretio magno empta est, Christi nimirum sanguine, ut dicitur prima Cor. 6. et prima Petri 1. omnia igitur merita ex Dei gratia habemus. Ideo hic refert illud Iacobi 1.* Omne datum optimum deorsum est. *Vide ad 1. hic.*

17 Second, because whatever we give to God contributes nothing to him, Psal. 15. *I said to the Lord: Thou art my God, for thou hast no need of my goods.*

> *Secunda, quia quaecumque demus Deo, nihil ei conferunt, Psal. 15.* Dixi Domino: Deus meus es tu, quoniam bonorum meorum non eges.

18 Third, because whatever we do is nothing compared with that which we are bound to do, Psal. 115. *What shall I render to the Lord for all the things that he hath rendered to me.*

> *Tertia, quia quidquid facimus nihil est, comparatum cum eo, quod facere tenemur, Psal. 115.* Quid retribuam Domino pro omnibus, quae retribuit mihi.

19 Fourth, because what we work and suffer is not equal to the reward, Rom. 8. *The sufferings of this time are not worthy to be compared with the future glory, etc.* Therefore he observes that the twenty-four Seniores Apoc. 4. cried out, casting their crowns before the throne of God and of the Lamb: *Thou art worthy, O Lord, to receive glory and honour,* and Daniel. cap. 9. *Confusion of face is ours, O our kings, who have sinned. But to thee, O Lord, mercy and propitiation.* See the Holy Doctor.

> *Quarta, quia quod operamur, et patimur, non est aequale praemio, Rom. 8.* Non sunt condignae passiones huius temporis ad futuram gloriam, etc. *Ideo observat, vigintiquatuor Seniores Apoc. 4. clamasse, mittentes coronas ante thronum Dei, et Agni:* Dignus es Domine accipere gloriam, et honorem, *et Daniel. cap. 9.* Nobis confusio faciei, regibus nostris, qui peccavimus. Tibi autem Domino misericordia, et propitiatio. *Vide Sanctum Doctorem.*

20 From these also you have that which I proved quaest. 5. ad 6. ultimam, that it is lawful to work with the intention and hope of reward. For God so promised it, Matth. 4. *Do penance; for the kingdom of heaven is at hand:* Matth. 5. *Blessed are the poor in spirit, for theirs is the kingdom of heaven, etc.* Hence John took the beginning of his preaching, Matth. 3. Hence Christ commanded the Apostles to begin the preaching Matth. 10. and therefore, 1 Corinth. 9. *He who ploughs ought to plough in Hope: and he who threshes, in the hope of receiving fruit.* See Bellarmine lib. 5. de Iustificatione, cap. 8.

> *Ex his etiam habes id, quod probavi quaest. 5. ad 6. ultimam, licitum esse operari intuitu, et spe mercedis. Deus enim eam sic promisit, Matth. 4.* Poenitentiam agite; appropinquavit enim regnum caelorum: *Matth. 5.* Beati pauperes spiritu, quoniam ipsorum est regnum caelorum, etc. *Hinc enim Ioannes exordium sumpsit praedicationis, Matth. 3. Hinc Christus iussit, Apostolos praedicationem exordiri Matth. 10. et ideo, prima Corinth. 9.* Debet in Spe, qui arat, arare: et qui triturat, in spe fructus percipiendi. *Vide Bellarminum lib. 5. de Iustificatione, cap. 8.*

21 From which it appears that Calvin, lib. 3. Instit. cap. 6. §. 3. and cap. 18., was scrupulously depraved to fear hence to begin sermons: Rather shall I say, he impiously lay in ambush against vital works.

> *Ex quo apparet, scrupulose depravatum Calvini lib. 3. Instit. cap. 6. §. 3. et cap. 18. timuisse hinc conciones exordiri: Satius dixero, infandum maligne vitalibus operibus insidiari.*

22 But that you may perceive in what way the Hope of glory arises from merits, since merits suppose hope, and indeed even charity; The Holy Doctor observes in the body, that Hope sometimes names the habit of virtue; sometimes names the act; sometimes names the state; sometimes the term, or object. The virtue, which is a habit, does not arise from merits; but on the contrary, merits arise from it. The act of hope arises from the regard of merits; for no one hopes for beatitude except he who has served God, or who proposes to serve. Hope, as it names the state, has its origin from preceding and concomitant merits, and in this way the Apostle speaks *Rom. 5. Tribulation worketh patience: and patience trial; and trial hope,* where the Gloss has, *certitudinem spei*. But according as hope signifies the thing hoped for, it arises from preceding merits; and in this way the objection related is solved, and the

other which the Holy Doctor adds: Just as despair arises only from demerits, so Hope from the merits alone of our will.

> *Ut autem percipias, quo pacto Spes gloriae ex meritis oriatur, cum merita supponant spem, imo et charitatem; Observat S. Doct. in corpore, quod Spes aliquando nominat habitum virtutis; aliquando nominat actum; aliquando nominat statum; aliquando terminum, sive obiectum. Virtus, quae est habitus, non oritur e meritis; sed e contra, merita oriuntur ex ea. Actus spei oritur ex meritorum intuitu; nullus enim sperat beatitudinem, nisi, qui Deo servivit, vel qui proponit servire. Spes, ut nominat statum, ortum habet ex meritis praecedentibus, et concomitantibus, et hoc modo loquitur Apostolus* Rom. 5. Tribulatio operatur patientiam: patientia probationem; probatio vero spem, *ubi habet Glossa,* certitudinem spei. *Secundum autem quod spes dicit rem speratam, oritur ex meritis praecedentibus; et hoc modo solvitur obiectio relata, et alia, quam addit S. Doctor: Sicuti desperatio ex demeritis tantum oritur, ita Spes e solis meritis nostrae voluntatis.*

23 The Holy Doctor *answers* by denying the parity, because evil is from us only, since it is a defect; But the meritorious good, since it is a supernatural good, is from the grace elevating, as is said *Iacob. 1.*

> Respondet *S. Doct. negando paritatem, quia malum est a nobis tantum, cum sit defectus; At bonum meritorium, cum sit bonum supernaturale, est a gratia elevante, ut dicitur* Iacob. 1.

24 *Finally* he notes lastly, that to hope from merits ought to be without elation; lest one say: *Our own high hand, and not God, hath done all these things, Deuter. 32.* and lest you say: *For my justice the Lord hath brought me in, etc.* But with humility; and in this way it was lawful for the Apostle, 1 Corinth. 15. *More abundantly than they all I have laboured: yet not I, but the grace of God with me.* Thus he admonishes Dan. cap. 9. *Not in our justifications do we cast down our prayers. And the Church: O God, who seest that we trust in no action of ours: mercifully grant, that against all adversities we may be fortified by the protection of the Doctor of the Gentiles.* And rightly the Doctor of the Gentiles is adduced in this, as I said.

> Tandem *ad ultimum advertit, sperare ex meritis, debere esse absque elatione; ne dicat:* Manus nostra excelsa, et non Deus, fecit haec omnia, Deuter. 32. *et ne dicas:* Propter iustitiam meam introduxit me Dominus, etc. *Sed cum humilitate; et hoc pacto licuit Apostolo, prima Corinth. 15.* Abundantins illis omnibus laboravi: non ego autem, sed gratia Dei mecum. *Sic admonet Dan. cap. 9.* Non in iustificationibus nostris prosternimus preces nostras. Et Ecclesia: Deus, qui conspicis, quia ex nulla nostra actione confidimus: concede propitius, ut contra adversa omnia, Doctoris gentium protectione muniamur. *Recte autem adducitur Doctor gentium in hoc, ut dixi.*

25 The same the Holy Fathers admonish, Chrysostomus *homil. 21. in Genes. and homil. 3. in id: Elatum est cor Oziae, and homil. 3. in Matth.* August. *lib. 3. cont. Cresconium, cap. 80.* Bernardus *serm. 9. in Psal. Qui habitat.*

> Eadem *admonent Sancti PP. Chrysostomus* homil. 21. in Genes. et homil. 3. in id: Elatum est cor Oziae, et homil. 3. in Matth. *August.* lib. 3. cont. Cresconium, cap. 80. *Bernardus* serm. 9. in Psal. Qui habitat.

26 Hence St. Ambrose with Paulinus: *I have not so lived that I should be ashamed to live among you, nor do I fear to die, because we have a good Lord.* Which words St. August. was accustomed to praise and admire, as Possidonius and Ribadeneira in his life report.

> *Hinc S. Ambrosius apud Paulinum:* Non sic vixi, ut me pudeat inter vos vivere, nec mori timeo, quia bonum Dominum habemus. *Quae verba S. August. laudare, et admirari solebat, ut refert Possidonius, et Ribadeneira in eius vita.*

Question IX: Whether hope precedes charity

1 From what has been said the question is now almost settled.

> *Ex dictis iam fere soluta iacet quaestio.*

2 I suppose that Faith is first; for it belongs to the intellect, illuminating it, so that from it the appetite—which cannot be carried toward the unknown—may rise, by an elicited act, to hoping and loving: for just as the things we see and hold we do not hope for, so we do not hope for the things we do not understand, but only for things that are to come; whence a certain difference also arises between hope and faith; for faith is concerned with past evils and goods, whereas hope is concerned only with future goods, as D. Augustine teaches *in Enchir. cap. 8*, from which it is clear that the Sectarians wrongly confuse Faith with Hope.

> *Suppono, Fidem esse primam; est enim ex parte intellectus, illuminans illum, ut inde appetitus, qui in incognita ferri non potest, actu elicito consurgat ad sperandum, et amandum: Sicuti enim ea, quae videmus, atque tenemus, non speramus; ita ea, quae non intelligimus, non speramus; sed ea quae futura sunt: ex quo etiam differentia quaedam oritur inter spem, et fidem; nam fides est de rebus praeteritis malis, et bonis; spes autem est tantum de bonis futuris, ut docet D. August.* in Enchir. cap. 8. *ex quo patet perperam Sectarios confundere Fidem cum Spe.*

3 Therefore Faith is prior by nature to Hope; for we hope because we believe. The same is held by the Holy Doctor *lib. 5. Compendium Theologiae, cap. 22*.

> *Igitur Fides est prior natura Spe; speramus enim, quia credimus. Eadem habet S. Doct.* lib. 5. Compendium Theologiae, cap. 22.

4 As for Charity, I say that it is posterior to Hope.

> *Quoad Charitatem dico, eam esse posteriorem Spe.*

5 It is *proved* by St. Bonaventure, first from the Gloss, which adduces this.

> Probatur *a S. Bonav. primo ex Glossa id afferente.*

6 *Secondly*, because the foundation is prior to the building and to its perfection: but faith is the foundation of the spiritual building; for it is the substance of things to be hoped for: therefore first is Faith, second Hope, which rises like a wall; and finally Charity, which is the bond of perfection.

> Secundo*, quia fundamentum est prius aedificio et illius perfectione: Sed fides est fundamentum aedificii spiritualis; est enim substantia rerum sperandarum: Ergo primo est Fides, secundo Spes, quae est veluti murus consurgens; et tandem Charitas, quae est vinculum perfectionis.*

7 Third. Because according to the order of nature, the imperfect precedes the more perfect; but Charity is more perfect than Faith and Hope, *ex prima Cor. 13*. Ergo.

> *Tertio. Quia secundum ordinem naturae, imperfectum praecedit perfectius; sed Charitas est perfectior Fide, et Spe,* ex prima Cor. 13. *Ergo.*

8 Fourth: No one can love a good recognized as impossible to him: therefore he must first hope.

> *Quarto: Nullus potest amare bonum sibi agnitum impossibile: Ergo prius debet sperare.*

9 The Holy Doctor notes, however, in the body of the text, that the Habits of Hope and Charity are indeed infused together, but in respect of act Hope operates first, which prepares for the act of

charity; for that which we would not hope to obtain would not be loved.

> *Advertit autem S. Doct. in corpore, Habitus quidem Spei, et Charitatis simul infundi, sed in ordine ad actum prius operari Spem, quae praeparat ad actum charitatis; non enim amaretur id, quod non speraremus obtinere.*

10 You will object first. Hope is the expectation of beatitude from merits; but merits are from grace: therefore grace is presupposed to Hope itself.

> *Obiicies primo. Spes est expectatio beatitudinis ex meritis; at merita sunt ex gratia: Ergo supponitur gratia ipsi Spei.*

11 The Holy Doctor answers that there Hope is taken for the state, or for the thing hoped for, as I explained *quaest. 8.*

> *Respondet S. Doct. ibi accipi Spem pro statu, vel pro re sperata, ut explicui* quaest. 8.

12 You will object secondly. Every affection arises from love, as D. Augustine says *14. de civitate, cap. 6. et 15.* Therefore also Hope.

> *Obiicies secundo. Omnis affectio oritur ex amore, ut ait D. August.* 14. de civitate, cap. 6. et 15. *Ergo et Spes.*

13 The Holy Doctor answers that imperfect love is the root moving all the affections; yet perfect love is the term of all of them, whence all the affections are ordered so that God may be loved perfectly: but Charity does not name just any love, but perfect love.

> *Respondet S. Doct. amorem in statu imperfecto esse radicem moventem omnes affectiones; tamen perfectum esse terminum omnium, unde omnes affectiones ordinantur, ut Deus ametur perfecte: Charitas vero non nominat quemcumque amorem, sed perfectum.*

14 You will object thirdly. No one hopes for what he does not love; for what is not a good loved by me, I do not hope for; therefore the rectitude of love precedes the rectitude of expectation. But charity directs in loving; hope in expecting: therefore Charity is before Hope.

> *Obiicies tertio. Nullus sperat, nisi quod amat; quod enim non est mihi bonum amatum, non spero; ergo rectitudo amoris praecedit rectitudinem expectationis. Sed charitas dirigit in amando; spes autem in expectando: Etgo Charitas est ante Spem.*

15 The Holy Doctor answers that nothing is loved except what is hoped for; thus, by the love of concupiscence, charity does not love God as a good for itself unless it hopes to obtain Him; likewise not by the love of friendship, unless it trusts in Him; even though no one hopes except what he loves imperfectly.

> *Respondet S. Doct. non amari, nisi quod speratur; Sic amore concupiscentiae non amat charitas Deum, ut sibi bonum, nisi speret obtinendum: Similiter nec amore amicitiae, nisi confidat in eum; esto nullus speret, nisi quod imperfecte amat.*

16 You will object fourthly. Fear and Hope are two affections running together; therefore they are called two millstones by the Gloss *ad 24. Deuter.* But every fear proceeds from love: therefore also every Hope: therefore gratuitous hope arises from gratuitous love.

> *Obiicies quarto. Timor, et Spes sunt duae affectiones simul currentes; ideo dicuntur duae molae a Glossa* ad 24. Deuter. *Sed omnis timor procedit ex amore: Ergo et omnis Spes: ergo Spes gratuita oritur ex amore gratuito.*

17 The Holy Doctor answers that love of self is the origin of fear of punishments, but not so the love of God. Therefore it does not follow that the act of Charity precedes the act of Fear; rather from filial

Fear arises Love, as the Council of Trent teaches.

> *Respondet S. Doct. amorem sui esse originem timoris poenarum, non sic autem amorem Dei. Ideo non sequitur, quod actus Charitatis praecedat actum Timoris, imo ex Timore filiali oritur Amor, ut docet Concilium Tridentinum.*

18 You will object fifthly. That which is more common is prior, of which the converse does not hold; but loving is more common than hoping: therefore that is prior. The minor is proved; for everything to be hoped for is to be loved, not the reverse.

> *Obiicies quinto. Prius est, quod est communius, a quo non convertitur consequentia; sed communius est diligere, quam sperare: Ergo illud est prius. Minor probatur; nam omne sperandum est amandum, non e contra.*

19 He answers that the Major is true of those things which essentially follow one another mutually; not of those which accompany one another; and thus it follows: *If there is snow: therefore something white;* not conversely; and yet the whiteness of snow does not precede the substance of snow. Therefore, since hoping and loving accompany one another, although the act of loving extends to more lovable things, it need not be prior in the order of nature.

> *Respondet, veram esse Maiorem de his, quae essentialiter consequuntur ad invicem; non de his, quae se comitantur; et sic sequitur:* Si est nix: Ergo album quid; *non e contra; et tamen albedo nivis non praecedit nivis substantiam. Quia igitur sperare, et amare se concomitantur, ideo, quamvis actus amandi se extendat ad plura diligibilia, non oportet, quod sit prius ordine naturae.*

20 Moreover, although Charity is more general on the side of the object, yet Hope is more universal on the side of the subject. For every wayfarer who has Charity has Hope; but not conversely; and therefore the act of hope precedes in origin the act of Charity with respect to the subject, from which both acts take their origin.

> *Praeterea, licet Charitas sit generalior ex parte obiecti, tamen Spes est universaliot ex parte subiecti. Omnis enim viator, qui habet Charitatem, habet Spem; sed non e contra; et ideo actus spei origine praecedit actum Charitatis respectu subiecti, a quo uterque actus sumit originem.*

21 You will object sixthly. The order of virtue to virtue is the same as the order of dowry to dowry; but perfect tension, which is the dowry corresponding to Hope, follows perfect dilection, which is the dowry corresponding to Charity: therefore also in the wayfare Charity precedes Hope.

> *Obiicies sexto. Is est ordo virtutis ad virtutem, qui est ordo dotis ad dotem; sed perfecta tentio, quae est dos, respondens Spei, sequitur perfectam dilectionem, quae est dos, respondens Charitati: Ergo et in via Charitas praecedit Spem.*

22 The Holy Doctor answers by denying the parity; because the dowries in the fatherland will be of equal perfection; but in the wayfare Charity, in the respect of virtue, is greater than Hope, and therefore it does not follow that if in the wayfare expectation precedes some dilection, also in the fatherland tension should precede perfect dilection. For although the virtues are equal with respect to the reason of tending, yet the act of dilection is more perfect than that of Hope; but in glory it will be equally perfect to hold and to love; whence although in the wayfare the act of the Irascible precedes the act of the Concupiscible, it need not be so also in the fatherland, where there is perfect reformation.

> *Respondet S. Doct. negando paritatem; quia dotes in patria erunt aequalis perfectionis; in via autem Charitas, in ratione virtutis, est maior Spe, et ideo non sequitur, quod si in via expectatio praecedit dilectionem aliquam, etiam in*

patria tensio praecedat dilectionem perfectam. Quamvis enim virtutes aequales sint quoad rationem nitendi; perfectior tamen est actus dilectionis, quam Spei; sed in gloria aeque perfectum erit tenere, et diligere; unde quamvis in via actus Irascibilis praecedat actum Concupiscibilis; non tamen oportet, sic esse etiam in patria, ubi est reformatio perfecta.

Question X: What the proximate subject of hope is

1 I ASSERT that Hope is in the will, against some who follow Suarez *disp. 1. sect. 2*, saying that it is in the judgment of the intellect. So D. Thom. and D. Bonau., whom others follow in Tanner *disp. 2. quaest. 1. dub. 2.*

Quodnam sit SPEI subiectum proximum.

ASSERO, Spem esse in voluntate, contra quosdam apud Suarez disp. 1. sect. 2. dicentes, esse in iudicio intellectus. *Ita D. Thom. et D. Bonau. quos alii sequuntur apud Tannerum* disp. 2. quaest. 1. dub. 2.

2 It is *PROVED* by the Holy Doctor, first from the Philosophers and the Holy Fathers.

PROBATUR *a S. Doct. primo ex Philosophis, et Sanctis PP.*

3 *SECONDLY.* To hope belongs to the same power as to fear; but to fear is an affection: therefore.

SECUNDO. *Eiusdem potentiae est sperare, cuius est timere; sed timere est affectus: Ergo.*

4 *THIRDLY.* Opposites are about the same thing; but despair is in the affection: therefore also hope, its opposite. The major is Aristotle's in *postpraed.*

TERTIO. *Opposita sunt circa idem; sed desperatio est in affectu: Ergo et spes opposita. Maior est Aristotelis in* postpraed.

5 *FOURTHLY*, because in the rational and concupiscible power some directive rule must be placed, since they can go awry. Therefore in the Rational is placed Faith; in the Concupiscible, Charity: therefore in the Irascible, no less prone to err, the Virtue of Hope ought to be placed, ruling and directing toward God as toward an arduous good.

QUARTO*, quia oportet in potentia rationali, concupiscibilique ponere aliquam regulam directivam, quia possunt obliquari. Ideo in Rationali ponitur Fides; in Concupiscibili Charitas: Ergo in Irascibili, non minus erratica, poni debet Virtus Spei, regens et dirigens ad Deum, ut arduum.*

6 *FIFTHLY* it is proved by the argument used by Caspensis *disp. 16. sect. 7.*, Valencia *disp. 2. sect. 1. p. 1.*, Fulsens. *lib. 3. cap. 7.*: A virtue that has for its object a good, as arduous, is in the will. Hope is of this kind: therefore. The minor is proved from what has been said. The major is certain; for good is the object of the will; the arduous is the object of the Irascible, which is part of the affective power. Hope indeed raises one up toward the supernatural end as arduous.

QUINTO *probatur argumento, quo utuntur Caspensis* disp. 16. sect. 7. *Valentia* disp. 2. sect. 1. p. 1. *Fulsens.* lib. 3. cap. 7. *Virtus, quae habet pro obiecto bonum, ut arduum, est in voluntate. Spes est huiusmodi: Ergo. Minor probatur ex dictis. Maior est certa; nam bonum est obiectum voluntatis; arduum est obiectum Irascibilis, quae est pars affectivae. Spes vero erigit in finem supernaturalem, ut arduum.*

7 *OBICTION* first. Hope is called conscience in the Gloss *ad primam Timot. primo.*

OBIICIES *primo. Spes dicitur conscientia in Glossa* ad primam Timot. primo.

8 *THE HOLY DOCTOR ANSWERS* that Hope is called conscience in the manner of an effect, because it is expectation rising from grace and merits; but merits cannot exist except where the conscience is pure.

> RESPONDET *S. Doct. Spem dici conscientiam ad modum effectus, quia est expectatio consurgens ex gratia, et meritis; merita autem esse non possunt, nisi ubi conscientia pura.*

9 *OBICTION* secondly from D. Bernard in *Cant.*: God to come is the continuation of eternity in memory, which is called tension, corresponding to hope, namely.

> OBIICIES *secundo ex D. Bernardo in* Cant. *Deus futurus est memoriae continuatio aeternitatis, quae dicitur tensio, respondens spei viz.*

10 *THE HOLY DOCTOR ANSWERS* that God will be the continuation of eternity, which continuation is in the memory mediately, inasmuch as it preserves the species of the retribution to come, never to be lost, and of the perpetual merits in the hope answering to it.

> RESPONDET *S. Doct. Deum fore continuationem aeternitatis, quae continuatio mediate est in memoria, quatenus conservat species futurae, nunquam amittendae, retributionis, et perpetuorum meritorum in spe respondentis.*

11 *OBICTION* thirdly. According to D. Augustine in the Books de *Civitate Dei*: Hope *is the virtue by which one presumes that he will arrive at that which he believes:* therefore to hope is to believe firmly, which belongs to the cognitive power. Therefore also *Rom. 4: Abraham believed God, and it was reputed to him unto justice,* and there is added: *Who against hope, believed in hope.* Which authority the Sectarians abuse, so as to confuse Hope with faith.

> OBIICIES *tertio. Spes ex D. August. in Libris de* Civitate Dei: Est virtus, qua quis se ad illud, quod credit, perventurum praesumit: *Ergo sperare est firmiter credere, quod est potentiae cognitivae. Ideo et* Rom. 4. Abraham credidit Deo, et reputatum est ei ad iustitiam, *et subditur:* Qui contra Spem, in spem credidit. *Qua authoritate abutuntur Sectarii, ut Spem cum fide confundant.*

12 *THE HOLY DOCTOR ANSWERS* that Hope, taken broadly, signifies a kind of firm belief with respect to attaining some good. Thus Abraham is said to have believed in hope, because in faith in the promises of God he founded his hope against hope, which nature could supply; yet he does not will that *to hope* and *to believe* be the same. For to hope properly is to trust, and from that confidence, with a certain security, to tend toward the attaining of an arduous good; and these two, namely confidence and secure tending, St. Augustine understands by the word *presuming.* See Caspensem *numero 42.*

> RESPONDET *S. Doct. Spem large sumptam, dicere credulitatem quodammodo firmatam respectu alicuius boni assequendi. Sic Abraham dicitur, credidisse in Spem, quia in fide promissionum Dei fundavit suam spem contra spem, quam natura, praestare poterat; non tamen vult,* sperare, *et* credere *esse idem. Sperare enim proprie est confidere, et ex illa confidentia, cum quadam securitate tendere ad bonum arduum consequendum, et haec duo, nempe confidentiam, et securam tendentiam, intelligit S. August. verbo* praesumendi. *Vide Caspensem* numero 42.

13 THAT the Apostle distinguishes there faith from Hope is proved from Bellarmine *lib. 1. de Iustificatione, cap. 5*: *He was not weakened in faith, nor did he consider his own body now dead, and the dead womb of Sara. He staggered not by distrust at the promise of God, but was strengthened by faith, giving glory to God: most fully knowing that whatsoever God has promised, he is able to perform. Therefore also it was reputed to him unto justice*, where he speaks of justifying faith, as is clear from the last words; but what kind of faith that was he shows by the words denying: *He did not consider;* and by the words asserting: *Most fully knowing.*

Which pertain to the understanding. But when he says: *He staggered not by distrust;* he signifies that his faith was outstanding and repelled all distrust, begetting hope. Next, distrust here signifies unbelief, for in the Greek you have ἀπιστία, as Bellarminus notes *lib. 1. de Iustificatione, cap. 11.* Hence *Ephes. 3: In whom we have confidence and access in trust by his faith:* If therefore we have confidence through faith; it follows that faith is the cause of confidence, and not confidence itself; for nothing causes itself.

> *QUOD vero Apostolus distinguat ibi fidem a Spe; probatur a Bellarmino* lib. 1. de Iustificatione, cap. 5. Non infirmatus est fide, nec consideravit corpus suum emortuum, et emortuam vulvam Sarae. In repromissione etiam Dei non haesitavit diffidentia, sed confortatus est fide, dans gloriam Deo: plenissime sciens, quia quaecumque promisit Deus, potens est facere. Ideo et reputatum est illi ad iustitiam*, ubi loquitur de fide iustificante, ut patet ex ultimis verbis; quae autem fuerit illa fides, ostendit verbis negantibus:* Non consideravit; *et afferentibus:* Plenissime sciens. *Quae ad intellectum pertinent. Quod autem ait:* Non haesitavit diffidentia; *significat, fidem insignem fuisse, et omnem diffidentiam repulisse, spem pariendo. Deinde diffidentia hic significat incredulitatem, nam in Graeco habes ἀπιστία, ut notat Bellarminus* lib. 1. de Iustificatione, cap. 11. *Hinc* Ephes. 3. In quo habemus fiduciam, et accessum in confidentia per fidem eius: *Si ergo habemus fiduciam per fidem; sequitur, ut fides sit causa fiduciae, non autem ipsa fiducia; nihil enim causat seipsum.*

14 ABSURDLY, however, does Kemnitius say in *exam.* that D. Bonaventure asserts Hope, as to its certainty, to belong to the intellect, and, as to expectation, to look to the will; for the Holy Doctor *dist. 26. quaest. 5.* asserts that Hope belongs to the will even as to its certainty; he does indeed grant that it is caused by the intellect, as Bellarminus also notes *lib. 1. de Iustificatione, cap. 6.*

> *INSULSE autem Kemnitius in* exam. *dicit, D. Bonaventuram asserere; Spem, quantum ad certitudinem, pertinere ad intellectum; quantum ad expectationem spectare ad voluntatem; nam S. Doct.* dist. 26. quaest. 5. *asserit, Spem etiam quoad certitudinem pertinere ad voluntatem; fatetur quidem esse ab intellectu causaliter, ut notat etiam Bellarminus* lib. 1. de Iustificatione, cap. 6.

15 The Holy Doctor says moreover in the body of the text: *It belongs to Hope to establish, and in a manner to make secure, the attaining of future beatitude; but establishment and confirmation pertain to the irascible power, which is part of the affective power.* What could be clearer? But you will hear clearer things still.

> *Ait autem S. Doct. in corpore:* Spei est stabilitio, et quodammodo assecurare de assequenda futura beatitudine; stabilitio autem, et confirmatio pertinet ad potentiam irascibilem, quae est pars potentiae affectivae. *Quid clarius? Sed ad ultimum clariora audies.*

16 Faith, however, is placed in the intellect, as I said *Tract.* de fide, *disp. 1. quaest. 18.* Therefore the Apostle *secunda Cor. 10.* says, *The understanding is taken captive unto faith. And if they should always wish to take believing as, having confidence*, they will infer things absurdly, as when Christ says: *Do you not believe, because I am in the Father, and the Father in me? Act. 8: I believe that Jesus is the Son of God. Rom. 10: With the heart we believe unto justice,* which they will explicate most unfittingly of confidence, saying: I have confidence that Jesus is the Son of God, etc.

> *Fides autem in intellectu ponitur, ut dixi* Tract. *de fide,* disp. 1. quaest. 18. *Ideo Apostolus* secunda Cor. 10. *ait,* Captivari per fidem intellectum. Et si credere pro, fiduciam habere*, accipere semper velint, absona inferent, ut cum ait Christus:* Non creditis, quia ego in Patre, et Pater in me est? Act. 8. Credo, filium Dei esse Iesum. Rom. 10. Corde creditur ad iustitiam*, quae ineptissime de fiducia explicabuntur, dicendo: confido filium Dei esse Iesum, etc.*

17 *OBICTION* fourthly. The image of God is reformed by re-creation; but the essence of the soul is made deiform by grace; the powers, however, by the Theological virtues, of which faith restores the Intellect, Charity the Will: therefore Hope the Memory.

> OBIICIES *quarto. Imago Dei reformatur recreatione; sed essentia animae gratia fit deiformis; potentiae vero Theologicis virtutibus, e quibus fides restaurat Intellectum, Charitas Voluntatem: ergo Spes Memoriam.*

18 *THE HOLY DOCTOR ANSWERS* that the Image is reformed by re-creation, as is fitting. But since the Image is according to natural things, therefore it is more in cognition, and accordingly two powers correspond to it, memory and Intellect; and one of the affective, the Will. But the Likeness is according to the will the more, whereby by aversion from God it is made unlike in the unbridled concupiscible and irascible; therefore two virtues are required: one, Hope, for reforming the irascible; the other, Charity, for the concupiscible; and one, Faith, for the intellect. But in truth Hope also reforms the memory (which has sympathy/conformity in retaining what it perceived) by reforming the irascible. This he says is according to the mind of D. Augustine.

> RESPONDET *S. Doct. Imaginem reformari recreatione, ut decet. Quia autem Imago est secundum naturalia, ideo magis est in cognitione, ac proinde geminae respondent potentiae memoria, et Intellectus; et una affectivae, Voluntas. Similitudo vero sit secundum voluntatem magis, qua et aversione a Deo dissimilatur concupiscibili, et irascibili effraenibus; ideo duae virtutes exiguntur; altera Spes reformandae irascibili: altera Charitas concupiscibili, et una Fides intellectui. Enim vero Spes reformat et memoriam (cui est Sympathia in retentione eorum, quae percepit) reformando irascibilem. Haec ait, esse ad mentem D. August.*

19 But it reforms the irascible formally, and the memory efficiently, only in this second manner. See these things *p. 1. tract. 10. disp. 1. quaest. 2.*

> *Reformat autem irascibilem formaliter, et efficienter memoriam, hoc secundo modo tantum. Vide haec* p. 1. tract. 10. disp. 1. quaest. 2.

20 Objection fifth. Certitude looks to the cognitive power; but Hope is a certain expectation of future beatitude: therefore it is in the cognitive power.

> *Obiicies quinto. Certitudo respicit cognitivam potentiam; sed Spes est certa expectatio futurae beatitudinis: ergo est in potentia cognitiva.*

21 The Holy Doctor answers again that the certitude of Hope does not look to the cognitive power, but rather to the affective power, which certitude is a kind of assurance, holding itself on the side of the irascible power. Do you hear this, deaf and mute Kemniti?

> *Respondet iterum S. Doct. certitudinem Spei non spectare ad cognitivam potentiam; sed magis ad potentiam affectivam, quae quidem certitudo est quaedam assecuratio, tenens se ex parte potentiae irascibilis. Haecne audis Surde, et mute Kemniti?*

Question XI: Whether hope remains in the blessed

1 D. Bonav. book 3, dist. 31, question 2. D. Thom. 1. 2. question 18, article 2.

> *D. Bonav. in 3. dist. 31 quaest. 2. D. Thom. 1. 2. quaest. 18. art. 2.*

2 The first opinion is that the habit of hope remains in the blessed: So *Suarez disp. 1. sect. 8. Hurtado disp. 108. sect. 4. Poncius disp. 31. quaest. 4. Vulpes disp. 51. art. 1. Coninck disp. 19. dub. 10. Amicus disp. 22.*

Caspensis disp. 2. sect. 9. Arriaga disp. 26. sect. 4. Mastrius book 3. disp. 6. quaest. 18. who nevertheless says it does not remain under the denomination of hope. This was the opinion of Scotus *book 3, dist. 31. §. Viso de fide, et spe, at the end.* These concede that Hope remains even as to some act.

> *Prima opinio est, in beatis manere habitum spei: Ita* Suarez disp. 1. sect. 8. Hurtadus disp. 108. sect. 4. Poncius disp. 31. quaest. 4. Vulpes disp. 51. art. 1. Coninch. disp. 19. dub. 10. Amicus disp. 22. Caspensis disp. 2. sect. 9. Arriaga disp. 26. sect. 4. Mastrius 3. disp. 6. quaest. 18. *qui tamen ait, non manere sub denominatione spei. Haec fuit opinio Scoti* 3. dist. 31. §. Viso de fide, et spe, in fine. *Hi concedunt, manere Spem etiam quoad aliquem actum.*

3 The second opinion is that the habit of Hope does not remain in the fatherland. So D. Bonaventure and D. Thomas and all the Thomists here, and it seems that of Scotus *book 3, dist. 31, single question,* where Lychetus, Tartaretus, Arretinus, and the other ancients agree. The Moderns nearly all agree, as gathered by Tanner *disp. 2. quaest. 1. dub. 2.* although some concede some act of hope in the blessed, as Suarez *book 3, part T. 3. quaest. 7. art. 4. and de Spe disp. 1. sect. 8.* Others give it to the blessed souls in relation to the resurrection, as Vasquez *book 3, disp. 44. cap. 22.*

> *Secunda sententia est, non manere habitum Spei in patria. Ita D. Bonav. et D. Thom. et omnes hic Thomistae, et videtur Scoti* 3. dist. 31. quaest. un. *ubi Licherus, et Tartaretus, Arretinus, et caeteri antiquiores. Consentiunt fere Moderni apud Tannetum* disp. 2. quaest. 1. dub. 2. *etsi aliqui actum aliquem spei concedant in beatis, ut Suarez* 3. p. T. 3. quaest. 7. art. 4. et de Spe disp. 1. sect. 8. *Alii animabus beatis id dant in ordine ad resurrectionem, ut Vasquez* 3. p. disp. 44. cap. 22.

4 I assert with this opinion that in the blessed hope does not remain.

> *Assero cum hac sententia, in beatis spem non manere.*

5 It is proved first by D. Bonaventure. When the object is removed, the habit is removed; but from the blessed the object of hope is removed: Therefore. The minor is proved from Rom. 8, *Hope that is seen is not hope: for what does a man see, why doth he hope for it?* Therefore since the Blessed necessarily see God, they cannot hope.

> *Probatur a D. Bonan. primo. Ablato obiecto tollitur habitus; sed beatis tollitur obiectum spei: Ergo. Minor probatur ex Rom. 8.* Spes, quae videtur, non est spes: nam quod videt quis, quid sperat? *Cum igitur Beati necessario Deum videant, non possunt sperare.*

6 Mastrius answers first, with Bassolio *disp. 31, single question, art. 2.* that it is per accidens that the object of hope is present or absent.

> *Respondet primo Mastrius cum Bassolio* disp. 31. quaest. un. art. 2. *per accidens esse obiecto spei, ut sit praesens, vel absens.*

7 But D. Paulus is altogether amazed that anyone should want to hope for things he possesses.

> *At D. Paulus omnino miratur, velle aliquem sperare ea, quae habet.*

8 Mastrius answers second, that Hope in the blessed has no act more known as desire, from which Hope is denominated; although they have an act of delight and joy, produced from hope.

> *Respondet Mastrius secundo, Spem in beatis non habere actum magis notum desiderii, a quo denominatur Spes; tametsi habeant actum delectationis, et gaudii, a spe productos.*

9 But I have already shown *quaest. 3.* that there is no delight in the object of hope; for delight is about an object present, and thus the first response of Caspensis is blunted.

> *Sed iam ostendi* quaest. 3. *non esse delectationem in obiecto spei; nam delectatio est de obiecto praesenti, et ita retunditur prima responsio Caspensis.*

10 Caspensis answers second, that the blessed can have desire even for the beatitude of others.

> *Respondet secundo Caspensis, posse beatos habere desiderium etiam beatitudinis aliorum.*

11 But hope is only of good things, nor only of future things, and pertaining to the one who is said to bear the hope of them, as D. Augustine says in *Enchir. cap. 8.* cited by Caspensis *sect. 3.* Therefore to desire beatitude for another, as it is a good, is not an act of Hope; but of Charity, as Vasquez holds too *book 3, disp. 45. cap. 2. and* Caspens. *there.* It is confirmed; for by Hope the mind is roused to overcome the difficulties that stand in the way of attaining the good hoped for; but this affection cannot be had with respect to the beatitude of another, as Turrianus observes *disput. 60. dub. 4.*

> *At spes non nisi bonarum rerum est, nec nisi futurarum, et ad eum pertinentium, qui earum spem gerere perhibetur, ut ait D. August. in* Enchir. cap. 8. *apud Caspensem* sect. 3. *Igitur appetere beatitudinem alteri, ut bona est, non est actus Spei; sed Charitatis, ut habet etiam Vasquez* 3. p. disp. 45. cap. 2. et *Caspens.* ibi. *Confirmatur; nam Spe erigitur animus ad vincendas difficultates, quae sunt in consecutione boni sperati; sed hic affectus nequit esse respectu beatitudinis alterius, ut advertit Turtianus* disput. 60. dub. 4.

12 You will say that the beatitude of another can be desired insofar as it redounds to an accidental beatitude for us.

> *Dices, posse desiderari alterius beatitudinem, ut redundet in accidentalem beatitudinem nobis.*

13 It is answered first, that the object of Hope is still not had, which is God, as to be arduously attained by the blessed, as I said *quaest. 3. and* as the Seraphic Doctor observes *ad 3.* Hence accidental beatitude does not suffice for Hope, which is a Theological virtue, attaining God immediately.

> *Respondetur primo, adhuc non haberi obiectum Spei, quod est Deus, ut beatis ardue consequendus, ut dixi* quaest. 3. et *observat S. Doct.* ad 3. *Unde beatitudo accidentalis non sufficit ad Spem, quae est virtus Theologica, immediate Deum attingens.*

14 It is proved second from this by D. Bonaventure. Hope is the expectation of our future beatitude, as the Gloss says *on Rom. 5.* But beatitude in the fatherland is present; Therefore.

> *Probatur secundo hinc a D. Bonav. Spes est expectatio futurae nostrae beatitudinis, ut ait Glossa* ad 5. Rom. *Sed beatitudo in patria est praesens; Ergo.*

15 It is proved third from 1 Cor. 13, *Faith, hope, Charity, these three remain: but the greater of these is charity,* where the Gloss: *Charity, when Faith and Hope depart, shall remain increased.* It is concluded, moreover, that it is greater for that very reason, that it alone is said never to fall away.

> *Probatur tertio ex prima Cor. 13.* Manent fides, spes, Charitas, tria haec: Maior autem horum est charitas, *ubi Glossa:* Charitas, Fide, et Spe discedentibus, permanebit aucta. *Concluditur autem, eo ipsam esse maiorem, quod sola dicta est, nunquam excidere.*

16 Mastrius and Caspensis respond that the Apostle does not say that Hope falls away, but only faith, prophecy, and tongues; or that it is evacuated as to its principal act, which is to hope.

Respondent Mastrius, et Caspensis, Apostolum non dicere, Spem excidere, sed solum fidem, prophetiam, et linguas; vel evacuari, quoad actum principalem, qui est sperare.

17 On the contrary, because the Apostle says: *But when that which is perfect shall come, that which is in part shall be done away,* because, as the Seraphic Doctor urges, it is intrinsic to the notion of the object of hope that it be future, and that the soul rise toward it, so as to overcome difficulties.

Contra, quia ait Apostolus: Cum autem venerit quod perfectum est, evacuabitur quod ex parte est, *quia, ut S. Doct. urget, in ratione obiecti spei intrinseca, est ut sit futurum, et ad illud exurgat, ut vincat difficultates.*

18 It is proved fourth by the Seraphic Doctor. As Faith is related to what is not seen, so Hope to what is not possessed; but faith is necessarily done away when clear vision supervenes: Therefore also hope, when the attainment, or the most certain stretching toward it, supervenes.

Probatur quarto a S. Doctore. Sicut se habet Fides respectu non visi, ita Spes respectu non habiti; sed fides necessario evacuatur superveniente clara visione: Ergo et spes, superveniente comprehensione, sive certissima tensione.

19 Mastrius answers *num. 481.* by denying the parity, because faith can exercise no act in the fatherland; for all its acts denote an imperfection repugnant to the state of the fatherland; but not so hope, which has its imperfection, the absence of its object, in desire alone, but has other acts. So Maracius answers too *disp. 34. sect. 3.*

Respondet Mastrius num. 481. *negando paritatem, quia fides nullum actum in patria potest exercere; omnes enim actus eius imperfectionem dicunt repugnantem statui patriae; non sic autem spes, quae in solo desiderio habet imperfectionem carentiae obiecti, sed alios habet actus. Sic respondet etiam Maracius* disp. 34. sect. 3.

20 But Paul *Rom. 5.* denies that Hope is there where its object is possessed, which is God seen, the beatific object present; toward attaining and awaiting which hope raises the soul; But the blessed, since they already possess God, cannot await in desire what is absent and arduous.

At vero Paulus Rom. 5. *negat ibi dari Spem, ubi possidetur eius obiectum, quod est Deus visus, obiectum beatificum praesens; ad quod spes erigit consequendum, et expectandum; At beati, cum iam possideant Deum, nequeunt expectare desiderio absentem, et arduum.*

21 Mastrius answers *num. 479.* that Hope then has no act of desire, but of tension and possession.

Respondet Mastrius num. 479. *Spem non habere tunc actum desiderii, sed tentionis, et possessionis.*

22 I am simply amazed that he says this: for the same virtue cannot be borne toward an object under notions of substance opposites.[1] But Hope, since it walks together with Faith as to the absence of the object, as is said *Hebr. 11. Faith is the substance of things to be hoped for, the evidence of things that appear not;* I do not see how it can have an act of tension and possession of the beatific object.

1 Editor's note: the print/OCR reads 'sub ratione substantiae literer opposita'; 'literer' is not a Latin form and the OCR layer gave no witness; rendered as 'literaliter opposita' (opposite in substance, literally), with 'opposites' plural by sense.

Haec plane ipsum dicere Miror: nam eadem virtus non potest ferri in obiectum, sub ratione substantiae literaliter opposita. Spes autem, utpote simul cum Fide incedens quoad absentiam obiecti, ut dicitur Hebr. 11. Fides est sperandarum substantia rerum, argumentum non apparentium; *non video, quo pacto, actum tensionis, et possessionis habere queat obiecti beatifici.*

23 He answers second, with Arriaga, that neither the act of justice of rendering to each his own, nor that of fortitude for overcoming difficulties, is found in the blessed; and yet these habits remain, because they can have an act of complacency and joy about their proper object.

> *Respondet secundo cum Arriaga, neque actum iustitiae reddendi cuique suum, neque fortitudinis ad vincendas difficultates, in beatis reperiri; et tamen hi habitus manent, quia possunt circa proprium obiectum habere actum complacentiae, et gaudii.*

24 But even in the fatherland the blessed render to each his own, to God the honor of latria, and to the blessed the service due them; whereas the habit of Fortitude directly conflicts with the state of the blessed, as D. Bonaventure says *dist. 26. quaest. 3. at the very end.*

> *Sed et in patria beati dant cuique suum, Deo honorem latriae; beatisque debitum obsequium; habitus vero Fortitudinis directe repugnat cum statu beatorum, ut dicit D. Bonav.* dist. 26. quaest. 3. ad ultimum.

25 You will object first. In Sap. 3 it is said: *Their hope full of immortality.* The Gloss postills: *It is itself effectual.* If you say that Hope is there taken for the thing hoped for; on the contrary I prove it of the very act of hoping; for Christ was blessed, and yet had Hope, as the Gloss says on that Ps. 30, *In thee, O Lord, have I hoped.*

> *Obiicies primo. Sap. 3. dicitur:* Spes illorum immortalitate plena. *Glossa postillat:* Ipsa effectiua est. *Si dicas, ibi sumi Spem pro re sperata. Contra probo de ipso actu sperandi; nam Christus fuit beatus, et tamen habuit Spem, ut ait Glossa ad id Psal. 30.* In te Domine speravi.

26 The Seraphic Doctor answers that Christ had hope not in himself, but in his members; in himself, however, he had a certain expectation of some spiritual benefit, which nevertheless is not hope, because it did not look to God as the object to be enjoyed immediately. Then neither was the glory of his body itself arduous for Christ, as Coninck thinks *disp. 17. dub. 11.* because it follows naturally from the glory of the soul, as Mastrius notes *num. 470.* although it was to be acquired through the cross under the title of merit.

> *Respondet S. Doct. Christum non in se, sed in membris habere spem; in se autem habuit aliquam expectationem alicuius beneficii spiritualis, quae tamen non est spes, quia non respiciebat Deum, ut obiectum immediate fruendum. Deinde nec gloria ipsa corporis erat Christo ardua, ut putat Coninchius* disp. 17. dub. 11. *quia naturaliter sequitur ad gloriam animae, ut notat Mastrius* num. 470. *etsi esset per crucem acquirenda sub titulo meriti.*

27 You will OBJECT second. Where there is desire, there can be Hope; but in the Blessed there is the highest desire without end, as is said 1 Peter 1, *Into which the Angels desire to look:* Therefore. It is confirmed; for they can desire the continuation of their beatitude.

> *OBIICIES secundo. Ubi est desiderium, ibi potest esse Spes; sed in Beatis sine aeterna est summum desiderium, ut dicitur prima Petri 1.* In quem desiderant Angeli prospicere: *Ergo. Confirmatur; possunt enim appetere continuationem suae beatitatis.*

28 The Seraphic Doctor ANSWERS that the desire of acquiring goes with Hope: but the desire of continuing a good that cannot be lost in no way goes with hope; because there is not there an expectation, or tending, toward an absent good. Therefore in the fatherland there is desire, in that he calls it ineffable delight and unendingness, never sated, but always with the highest delight. Wherefore vainly do some argue from the volition of the continuation of beatitude that there is hope in the blessed; for, as Mastrius candidly confesses *num. 472.* the continuation of beatitude is not

arduous for the Blessed, but on the contrary easy and necessarily unfailing. By this reasoning he also confesses that *Arduous* is the formal reason of the object of hope, with which posited, Hope is posited; and with it lacking, removed. The Seraphic Doctor answers the same *dub. 5. of the text*.

> *RESPONDET S. Doct. desiderium acquirendi esse cum Spe: desiderium vero continuandi bonum, quod amitti non potest, nullo modo esse cum spe; quia non est ibi expectatio, vel tendentia in bonum absens. Igitur in patria est desiderium, ut dicit ineffabilem delectationem, et indeficientiam, nunquam saturam, sed semper cum summa delectatione. Quare frustra nonnulli ex volitione continuationis beatitudinis arguunt in beatis spem; nam, ut ingenue fatetur Mastrius* num. 472. *beatitudinis continuatio Beatis non est ardua, sed imo facilis, et necessario indeficiens. Qua ratione etiam fatetur,* Arduum*, esse rationem formalem obiecti spei, quo posito, ponitur Spes; et quo deficiente, tollitur. Idem respondet S. Bonav.* dub. 5. litterae.

29 You will OBJECT third with Vulpes, Morando, Caspensis, and others: The Blessed hope for and expect the future resurrection of bodies.

> *OBIICIES tertio cum Vulpe, Morando, Caspensi, et aliis: Beati sperant, et expectant futuram corporum resurrectionem.*

30 The Seraphic Doctor ANSWERS that this argument errs in two ways. First, because the beatitude of bodies is not arduous for the Saints of the fatherland. But Hope is of the supreme good as arduous.

> *RESPONDET S. Bonav. dupliciter peccare hoc argumentum. Primo, quia beatitudo corporum non est Sanctis patriae ardua. Spes autem est de summo bono arduo.*

31 You will SAY with Amicus that it is arduous because excellent.

> *DICES cum Amico, arduum esse, quia excellens.*

32 On the CONTRARY, because this is not what is arduous for hope, as I said *quaest. 3.*; otherwise the object would be the same for charity too; for its object is most excellent, as Mastrius notes *num. 455. and 470.*

> *CONTRA, quia hoc non est arduum spei, ut dixi* quaest. 3. *alioqui idem esset obiectum etiam charitatis; nam obiectum eius est excellentissimum, ut notat Mastrius* num. 455. et 470.

33 SECOND the argument errs, because the act of expecting the resurrection does not look to the Theological virtue, because the resurrection of the body is not an uncreated good, which is the object of the Theological virtue; nay, it is not even necessary for attaining that good, as Arriaga *loc. cit.* and Mastrius *num. 471.* rightly observe too.

> *SECUNDO peccat argumentum, quia actus expectandi resurrectionem, non spectat ad virtutem Theologicam, quia resurrectio corporis non est bonum increatum, quod est obiectum virtutis Theologicae; imo neque ad illud bonum consequendum necessaria, ut bene advertunt etiam Arriaga* loc. cit. *et Mastrius* num. 471.

34 Amicus INSTANCES *num. 20.* that there is some participation of the uncreated good, inasmuch as with the beatitude of the soul it beatifies the whole man.

> *INSTAT Amicus* num. 20. *esse aliquam participationem boni increati, quatenus cum beatitudine animae beat totum hominem.*

35 But these are pure words; for the beatitude of the soul is not intensified in relation to God immediately.

> *Sed haec sunt pura verba; nam beatitudo animae non intenditur in ordine ad Deum immediate.*

36 You will OBJECT fourth: The habits of opposites are opposite; but in the damned there is despair: Therefore in the blessed there is Hope.

> *OBIICIES quarto: Oppositorum oppositi sunt habitus; sed in damnatis est desperatio: Ergo in beatis est Spes.*

37 The Seraphic Doctor ANSWERS that it is not similar, because despair makes for the culmination of evil, and therefore ought to be in the damned; But hope denotes a defect of complement in the good, that is, the absence of that supreme good; hence it cannot be in the blessed, in whom all good things absolutely complete in every measure are heaped up.

> *RESPONDET S. Doct. non esse simile, quia desperatio facit ad cumulum mali, ideo esse debet in damnatis; At vero spes dicit defectum complementi in bono, idest absentiam eiusdem summi boni; unde nequit esse in beatis, in quibus bona omnia omnibus numeris absoluta cumulantur.*

38 You will OBJECT fifth. It is an act of hope to trust in the Lord; But the blessed trust in him: Therefore.

> *OBIICIES quinto. Actus spei est, confidere in Domino; At beati in eo confidunt: Ergo.*

39 The Seraphic Doctor ANSWERS that there is not in the blessed the confidence of Hope, which is with stretching, panting, and rising toward the arduous; but the confidence of the love of friendship in fruition.

> *RESPONDET S. Doct. non esse in beatis confidentiam Spei, quae est cum protensione, anhelatione, et erectione in arduum; sed esse confidentiam amoris amicitiae in fruitione.*

40 You will OBJECT sixth. To hope pertains the certainty of beatitude; but this will be in glory: Therefore. Then the blessed expect beatitude as to succeeding times, for those who already have beatitude today do not yet have it tomorrow. And therefore in *Apoc. 6.* it was said to them *that they should wait*.

> *OBIICIES sexto. Ad spem pertinet certitudo beatitudinis; sed haec erit in gloria: Ergo. Deinde beati expectant beatitudinem quoad succedentia tempora, qui enim iam habent beatitudinem hodie, nondum habent cras. Et ideo* Apoc. 6. *dictum est eis,* ut expectarent.

41 The Seraphic Doctor ANSWERS that there is not there an expectation of a new good, or of an arduous one, but of a possession eternally unlosable, not to be acquired; nor is there there found a certainty of promise alone; but of tension and fruition, which is not of Hope.

> *RESPONDET S. Doct. non esse ibi expectationem novi boni, aut ardui, sed possessi inamissibilis aeterne, non acquirendi; neque ibi certitudo reperitur sola promissionis; sed tentionis, et fruitionis, quae non est Spei.*

42 You will OBJECT seventh. Because hope has some acts not repugnant to the fatherland, as to delight in, to rejoice in an infinite and agreeable good, which is the formal object of Hope. This is the Achilles of Scotus *loc. cit.* and of Mastrius *num. 473*.

> *OBIICIES septimo. Quia spes habet aliquos actus non repugnantes patriae, ut delectari, gaudere bono commodo infinito, quod est obiectum formale Spei. Hic est Achilles Scoti* loc. cit. *et Mastrii* num. 473.

43 The Seraphic Doctor ANSWERS *in the body* that the formal object of hope is the good of glory, as arduous and absent, as the Apostle says *loc. cit.* and that to delight in that good already acquired looks not to hope, but to charity; otherwise faith also ought to remain; for the blessed soul delights in the

good believed on the way, and is beatified in it; for beatitude is joy concerning the truth, as D. Augustine says.

> *RESPONDET S. Doct.* in corpore*, obiectum formale spei esse bonum gloriae, ut arduum absens, ut ait Apostolus* loc. cit. *neque delectari bono illo iam acquisito, spectare ad spem, sed ad charitatem; alioqui debet manere etiam fides; nam beatus delectatur bono credito in via, et in eo beatur; est enim beatitudo gaudium de veritate, ut ait D. Augustinus.*

44 But WHY is the act by which I will for myself future beatitude not Charity, but Hope: The reason is, because, although I will it for myself, nevertheless the object is God, as beatifying, toward whom the ultimate act is ordered. Mastrius indicates this mode at the end, to the mind also of Cardinal de Lugo *disp. 3. de Poenit. sect. 2. num. 41.* But the beatitude desired is ultimately referred to God; otherwise it would be an inordinate appetite. Hence one good is constituted, although several goods are named in the definition of beatitude, whereby it is said: Hope is the virtue by which eternal goods are awaited; as the Seraphic Doctor explains *dub. 1. litt. dist. 26.* and Mastrius *num. 487.* The Seraphic Doctor indeed observes *dub. 2.* that the expectation of an absent good is of the notion of Hope. Moreover, expectation can materially denote rest, as when I sit awaiting a companion, yet it denotes a motion of the mind. The same he teaches in *book 1, dist. 17. p. 1. quaest. 2. ad 3.* Then *dub. 3.* the Seraphic Doctor explains how you are to understand the saying of Paul: *What does a man see, why doth he hope?* Hence hope is of invisible things; yet it is not confused with faith; for Faith is of things not seen as such; but Hope of things not seen insofar as they are not possessed.

> *CUR vero actus, quo mihi futuram volo beatitudinem, non sit Charitas, sed Spes: Ratio est, quia, licet id velim mihi, tamen obiectum est Deus, ut beans, ad quem ordinatur ultimus actus. Hunc modum indicat Mastrius in fine ad mentem etiam Cardinalis de Lugo* disp. 3. de Poenit. sect. 2. num. 41. *Est autem concupita beatitudo ad Deum ultimod; alioqui esset inordinata appetitio. Unde unum bonum constituitur, licet plura bona nominentur in definitione beatitudinis, qua dicitur: Spes est virtus, qua aeterna bona expectantur; ut explicat S. Doct.* dub. 1. litt. dist. 26. *et Mastrius* num. 487. *Advertit vero S. Doct.* dub. 2. *expectationem boni absentis esse de ratione Spei. Porro expectationem materialiter dicere posse quietem, ut cum sedeo expectans socium, tamen dicit motum animi. Eadem docet in* 1. dist. 17. p. 1. quaest. 2. ad 3. *Deinde* dub. 3. *explicat S. Doct. quo pacto intelligas dictum Pauli:* Quod videt quis, quid sperat? *Unde spes est de invisibilibus; non tamen confunditur cum fide; nam Fides est de non visis, ut sic; Spes vero de non visis, prout sunt non habita.*

45 He EXPLAINS *dub. 4.* that Hope cannot be of a present good, because of this there is Joy, which is an affection distinct from Hope, according to all the wise.

> *EXPLICAT* dub. 4. *Spem non posse esse de bono praesenti, quia de hoc est Gaudium, quod est affectio distincta a Spe, secundum omnes sapientes.*

46 In the FIFTH doubt he treats this our question, and concludes that neither did Christ on the way have Hope, because he was not borne toward the beatific God as to be obtained, because the blessed enjoy the Supreme good, which is the object of Hope, and the beatific. Then, because Hope leans on Faith, which it has annexed; but Faith is essentially obscure knowledge. Such knowledge is removed by vision, and consequently, faith being done away, he does away with Hope.

> *DUBIO quinto tractat quaestionem nostram hanc, et concludit, nec Christum in via habuisse Spem, quia non ferebatur in Deum beatificum, ut obtinendum, quia beati fruuntur Summo bono, quod est obiectum Spei, et beatificum. Deinde, quia Spes nititur Fide, quam habet annexam; Fides autem est cognitio obscura essentialiter. Talis cognitio tollitur visione, et consequenter evacuando fidem, evacuat Spem.*

Question XII: Whether there is a precept of hoping in God

[1] The Seraphic Doctor DISTINGUISHES *book 5 of the Compendium of Theology, cap. 22.* a threefold Hope, namely, of Pardon, *Ps. 30. In thee, O Lord, have I hoped, let me never be confounded.* Of Grace: *But he that hopeth in the Lord, mercy shall encompass him. Ps. 31.* Of Glory: *Proverbs 28. He that hopeth in the Lord shall be saved.* He also notes its effects, so that the necessity of hope may appear. For it frees from tribulation, *Ps. 21. Our fathers hoped in thee, and thou didst deliver them,* and it stands shown in *Dan. 13.* by the example of Susanna. It strengthens in the crisis, *2 Machab. 7. Beholding the seven sons perishing within the space of one day, the mother bore it with a good courage, because of the hope she had in God.* It strengthens and raises the mind, *Isa. 40. They that hope in the Lord shall renew their strength, they shall take wings as eagles.* It saves, *Ps. 16. O thou that savest them that trust in thee.* It ministers temporal things, *Ps. 144. The eyes of all hope in thee, O Lord.*

> ***An detur praeceptum sperandi in DEUM.***
>
> *DISTINGUIT S. Doct.* lib. 5. Compendii Theol. cap. 22. *Spem triplicem, idest, Veniae,* Psal. 30. In te Domine speravi, non confundar in aeternum. *Gratiae:* Sperantem autem in Domino misericordia circumdabit. Psal. 31. *Gloriae:* Proverb. 28. Qui sperat in Domino, salvabitur. *Adnorat etiam effectus, ut appareat spei necessitas. Haec enim a tribulatione liberat,* Psal. 21. In te speraverunt Patres nostri, et liberasti eos, *et constat* Dan. 13. *exemplo Susannae. Confortat in discrimine,* 2. Machab. 7. Perenntes septem filios sub unius diei tempore, conspiciens mater, bono animo ferebat, propter spem, quam in Deum habebat. *Confortat, et mentem elevat,* Isa. 40. Qui sperant in Domino, mutabunt fortitudinem, assument pennas ut aquilae. *Salvat,* Psal. 16. Qui salvos facis sperantes in te. *Temporalia ministrat,* Psal. 144. Oculi omnium in te sperant Domine.

[2] HOPE is compared to many things necessary: to the Helmet for fighting, 1 *Thessal. 5. Putting on the helmet of salvation.* To the Anchor *Hebr. 6. Who have fled for refuge to hold fast the hope set before us: which we have as an anchor of the soul, sure and firm.* To Medicine: *He that trusteth in the Lord shall not be weakened, Ps. 25.* To the Gem: *Most precious is the expectation, Prov. 17.* it is called the strongest solace *Hebr. 6.* The wood of life, *Sap. 3. If they have suffered torments before men, their hope is full of immortality.* Keys, and the Gloss on that *Ps. hope in the Lord.*

> *SPES multis rebus necessariis comparatur: Galeae ad praeliandum, prima* Thessal. 5. Induti Galeam salutis. *Anchorae* Hebr. 6. Qui confugimus ad tenendam propositam spem: quam sicut anchoram habemus animae tutam, ac firmam. *Medicinae:* Sperans in Domino non infirmabitur Psal. 25. *Gemmae:* Gemma gratissima expectatio Prou. 17. *solatium dicitur fortissimum* Hebr. 6. *Lignum vitae,* Sap. 3. Si coram hominibus tormenta passi sunt, spes illorum immortalitate plena est. *Clavi, et Glossa in id* Psal. sperate in Domino.

[3] IN the Dial. of salvation, tit. 10. cap. 5. he again sets forth a threefold Hope, of Pardon, of Grace, and of Glory. But he proves that the hope of Pardon puts every sin to flight. *All they that trust in him shall not offend.* Ps. 33. The hope of grace is that by which one, trusting in Divine help alone, not in human strength, acquires salvation, Jerem. 17, *Cursed be the man that trusteth in man, and maketh flesh his arm. Blessed is the man that trusteth in the Lord, and the Lord will be his trust.* The hope of glory makes strong even unto death; thus the martyrs conquered their torments. Thus Moses *Heb. 11.* thus the Ps., *Sacrifice a sacrifice of justice, and trust in the Lord,* and *to Titus 2.* he urges to patience and perseverance: *Waiting for the blessed hope, and the coming of the Lord.* From these the Theologians commonly gather that Hope is a necessary means to salvation, and that from the beginning, as is said Hebr. 11, *For he that*

cometh to God must believe that he is, and is a rewarder to them that seek him. And Rom. 8, *By hope we are saved.* And in the Tridentine Council sess. 6. cap. 6. and 7. and can. 5. Hope is numbered among the dispositions necessary for justification. The reason is, because he cannot be saved who does not believe God to be a supernatural rewarder, and unless he be converted to God by loving him above all things; but these things involve, unless he hope, that this good is to be attained, as Caspensis argues num. 32. with D. Bonaventure book 3, dist. 26. art. 2. quaest. 3. in the body: Therefore.

> *IN Diaeta salutis, tit. 10. cap. 5. ponit iterum triplicem Spem, Veniae, Gratiae, et Gloriae. Probat autem, spem Veniae fugare omne peccatum.* Non delinquent omnes, qui sperant in eo. *Psal. 33. Spes gratiae, est, qua quis confisus soli Divino auxilio, non humanis viribus, acquirit salutem, Hierem. 17.* Maledictus homo, qui confidit in homine, et ponit carnem brachium suum. Beatus, qui confidit in Domino, et erit Dominus fiducia eius. *Spes gloriae reddit fortes usque ad mortem; sic martyres tormenta vicerunt. Sic Moyses* Heb. 11. *sic Psal.* Sacrificate sacrificium iustitiae, et sperate in Domino, *et* ad Titum 2. *hortatur ad patientiam, et perseverantiam:* Expectantes beatam spem, et adventum Domini. *Ex his colligunt Theologi communiter, Spem esse medium necessarium ad salutem, et hoc ab initio, ut dicitur Hebr. 11.* Accedentem enim ad Deum, credere oportet quia est, et inquirentibus se remunerator sit. *Et Rom. 8.* Spe salvi facti estis. *Et in Tridentino sess. 6. cap. 6. et 7. et can. 5. numeratur Spes inter dispositiones necessarias ad iustificationem. Ratio est, quia non potest salvari, qui non credit Deum remuneratorem supernaturalem, et nisi ad Deum convertatur diligendo super omnia; implicant autem haec, nisi speret, hoc bonum consequendum, ut arguit Caspensis num. 32. cum D. Bonav. 3. dist. 26. art. 2. quaest. 3. in corpore: Ergo.*

4 *You will say.* Without Hope God can be loved with the love of friendship.

> Dices. *Sine Spe potest amari Deus amore amicitiae.*

5 It is ANSWERED, that one must hope from God at least mercy, pardon, and grace, as the Seraphic Doctor says above.

> *RESPONDETUR, debere sperare a Deo saltem misericordiam, veniam, et gratiam, ut ait S. Bonav. supra.*

6 THEREFORE ALTHOUGH there are not found in the scriptures words expressing the force of a precept; yet from the necessities related the Doctors gather that a precept of Hope is given. So Suarez de Spe, disp. 2. sect. 1. Sanchez lib. 1. Decal. lib. 2. cap. 33. Fagundez lib. 1. cap. 31. num. 4. with D. Thom. 2. 2. quaest. 22. art. 1. The Seraphic Doctor dist. 26. quaest. 2. where he proves it, because it is declared in scripture that one must hope in God alone, and that cursed is he who does not hope in him, but in creatures.

> *QUAMVIS igitur non inveniantur in scripturis verba, praecepti vim exprimentia; tamen ex necessitatibus relatis colligunt Doctores, dari praeceptum Spei. Ita Suarez de Spe, disp. 2. sect. 1. Sanchez lib. 1. Decal. lib. 2. cap. 33. Fagundez lib. 1. cap. 31. num. 4. cum D. Thom. 2. 2. quaest. 22. art. 1. S. Bonav. dist. 26. quaest. 2. ubi id probat, quia pronunciatur in scriptura, sperandum in Deo solo, et maledictum esse, qui non sperat in eo, sed in creaturis.*

7 Hence D. Augustine tract. 83. says, *It is a precept to us to hope for the things that have been promised.*

> *Hinc D. August. tract. 83. ait,* Praeceptum esse nobis sperare, quae promissa sunt.

8 Therefore the argument is thus formed: Every act that is a necessary means to salvation falls under a precept, as Suarez shows de fide disp. 13 sect. 2. and lib. 8. de gratia, cap. 18. and 19. But the act of hope is a necessary means to salvation, as the Council of Trent declares sess. 6. cap. 6. for unless we hope for glory, our faith is vain: Therefore a precept of it is given. So also Fagundez num. 4. The minor is proved by the Seraphic Doctor book 5, Brevil. cap. 4. because for salvation the rectification

of the soul toward God is necessary; but this is done through the three Theological virtues, for by faith the reason, by hope the irascible, by charity the concupiscible is rectified.

> *Sic igitur formatur argumentum: Actus omnis, qui est medium necessarium ad salutem, cadit sub praeceptum, ut ostendit Suarez de fide disp. 13 sect. 2. et lib. 8. de gratia, cap. 18. et 19. Sed actus spei est medium necessarium ad salutem, ut declarat Concilium Trident. sess. 6. cap. 6. nisi enim speremus gloriam, inanis est fides nostra: Ergo datur de illa praeceptum. Ita etiam Fagundez num. 4. Minor probatur a D. Bonav. 5. p. Brevil. cap. 4. quia ad salutem necessaria est rectificatio animae in Deum; haec autem fit per tres virtutes Theologicas, nam per fidem ratio, per spem irascibilis; per charitatem concupiscibilis rectificatur.*

9 But the minor is explained by the Seraphic Doctor book 3, Canti. sect. 39. because to attain beatitude one must expect and ask help from God; one must detest faults, endure punishments, undertake terrible things, rise toward arduous precepts, conquering the demons, the flesh, and the world: but these things are not done without hope, which resides in the irascible, and moves the other powers, fortitude, etc.

> *Minor vero explicatur a S. Doct. 3. p. Canti. sect. 39. quia ad consequendam beatitudinem oportet a Deo auxilium expectare, et petere; oportet detestari culpas, tolerare poenas, aggredi terribilia, erigi ad ardua praecepta, vincendo daemones, carnem, et mundum: haec autem absque spe non fiunt, quae in irascibili residet, movetque alias vires, fortitudinem, etc.*

10 But this precept is affirmative, yet including a negative, of not despairing; and insofar as it includes the negative, it obliges always, as Sanchez notes lib. 1. Decal. cap. 33. Suarez de spe, disp. 2. sect. 1. num. 7. D. Thom. loc. cit. Fagundez num. 5. For the acts contrary to Hope are intrinsically evil. Some, however, cited by Caspensis disp. 2. sect. 5. think this precept to be merely negative; he himself nevertheless says that both the affirmative is given, and indeed a special one, and not only a general one; as some Summists think. So also Fulgentius lib. 3. cap. 7.

> *Est autem hoc praeceptum affirmativum, includens tamen negativum, non desperandi; et prout includit negativum, obligat ad semper, ut notant Sanchez lib. 1. Decal. cap. 33. Suarez de spe, disp. 2. sect. 1. num. 7. D. Thom. loc. cit. Fagundez num. 5. Nam actus contrarii Spei sunt intrinsece mali. Existimant tamen aliqui apud Caspensem disp. 2. sect. 5. praeceptum hoc esse mere negativum; ipse tamen ait dari et affirmativum, et quidem speciale, et non tantum generale; ut putant aliqui summistae. Sic et Fuliens. lib. 3. cap. 7.*

11 Insofar, however, as it is an affirmative precept, it obliges at some time to acts of Hope at some time; but it is doubtful at what time it obliges.

> *Quatenus vero est praeceptum affirmativum, obligat aliquando ad actus Spei aliquo tempore; sed dubium est quo tempore obliget.*

12 Some, cited by Aragon 2. 2. quaest. 22. art. 1. dub. 1. think that, once an act of Hope has been had, this precept no longer obliges.

> *Quidam apud Aragonium 2. 2. quaest. 22. art. 1. dub. 1. existimant, habito semel actu Spei, hoc praeceptum non amplius obligare.*

13 But it obliges after the use of reason, not immediately, but not after much time, and sometimes even during life, by the judgment of the prudent, so that one is not without an act of hope for many years. See on the act of faith what I said in the preceding Treatise disp. 1. quaest. 14. and following. And I shall say in the following Treatise on the precept of Charity disp. 8. from quaest. 50. So Suarez

disp. 2. sect. 1. Caspens. num. 19. He adds, with Castro Palao, that regularly men satisfy this precept when they grieve over their sins, which is almost never without an act of Hope. Fulgentius adds, that one is obliged at the end of life, and when one is gravely tempted to despair, and as often as the precept of faith urges, *For he that cometh to God must believe that he is a rewarder.* Hebr. 11. So also Bassaeus.

> *Obligat vero post usum rationis, non statim, sed non post multum tempus, et aliquando etiam in vita, prudentis iudicio, ut non sit per multos annos sine actu spei. Vide de actu fidei, quae dixi Tract. praecedenti disp. 1. quaest. 14. et sequenti. Et dicam tract. sequent. de praecepto Charitatis disp. 8. a quaest. 50. Ita Suarez disp. 2. sect. 1. Caspens. num. 19. Addit cum Castro Palao, regulariter homines huic praecepto satisfacere, cum de peccatis dolent, quod fere nunquam sit sine actu Spei. Addit Fuliens. obligate in fine vitae, et cum desperationis quis tentaretur graviter, et quoties urget fidei praeceptum,* Accedentem enim ad Deum oportet credere, quod remunerator sit. *Hebr. 11. Sic et Bassaeus.*

Sole Doubt: Whether this precept would bind one to whom certain damnation had been revealed

[1] Yet the Seraphic Doctor believes this impossible case, book 1, dist. 48, dub. 1 of the text. D. Thomas there art. 4. ad 2. inclines to it. The same has Dionysius the Carthusian in his dialogue on the judgment of the soul, art. 5. where he reports Alexander, William, Halensis. The same thinks Albert the Great, and others.

> *Hunc tamen casum impossibilem credunt S. Bonav. 1. dist. 48. dub. 1. litt. Inclinat D. Thom. ibi art. 4. ad 2. Idem habet Dionysius Carthus. dial. de Iudicio animae, art. 5. ubi refert Alensem, Guillelmum, Altisiodor. Idem sentit Argent. et alii.*

[2] The OTHERS indeed say that it can be revealed. So D. Thom. loc. cit. and quaest. 23. de ver. art. 8. ad 2. Maior book 3, dist. 26. quaest. 3. Gabriel lect. 68. and 69. on the Canon. Caspens. de spe disp. 3. sect. 2. Vasquez 1. 2. disp. 22. Fagundez lib. 1. in Decal. cap. 31. n. 13. The Thomists everywhere, Vulpes disp. 59. art. 3. who says it can happen even regularly. Finally, of the absolute power, the Scholastics commonly assert it, with whom Mastrius subscribes, book 3, disp. 6. quaest. 19. Arriaga disp. 30. sect. 2. who, together with Arretinus the Scotist, says that in that case one cannot despair, although he is not bound to hope. The others indeed say that he can not will beatitude. So Suarez, Turrianus, Fagundez, Coninck, Amicus, Mastrius, Poncius, and others.

> *CAETERI vero dicunt id posse revelari. Ita D. Thom. loc. cit. et quaest. 23. de ver. art. 8. ad 2. Maior 3. dist. 26. quaest. 3. Gabr. lect. 68. et 69. in Can. Caspens. de spe disp. 3. sect. 2. Vasquez 1. 2. disp. 22. Fagundez lib. 1. in Decal. cap. 31. n. 13. Thomistae passim, Vulpes disp. 59. art. 3. qui dicit, posse id fieri etiam regulariter. Tandem de absoluta potentia id asserunt communiter Scholastici, quibus subscribit Mastrius 3. disp. 6. quaest. 19. Arriaga disp. 30. sect. 2. qui una cum Arretino Scotista dicit, in eo casu, non posse desperare, licet non teneatur sperare. Caeteri vero aiunt, posse nolle beatitudinem. Ita Suarez, Turrian. Fagundez, Coninch. Amicus, Mastrius, Poncius, et alii.*

[3] I say therefore that this revelation cannot happen.

> *Dico igitur, non posse fieri hanc revelationem.*

[4] It is PROVED by the Seraphic Doctor, because this revelation would cause evil, and no good; for then that man would have to will to be separated from God, as an enemy, nor could he keep the precepts, but would have to go away headlong in looseness, and despair. Which the adversaries vainly deny, whence also it would follow that the precept of hoping does not urge, since it would be about a thing impossible of attainment.

PROBATUR a S. Doct. quia haec revelatio malum causaret, et nullum bonum; tunc enim deberet ille velle a Deo separari, ut hostis, neque posset is praecepta servare, sed deberet laxe praeceps abire, et desperare. Quae frustra negant adversi, unde etiam sequeretur, praeceptum sperandi non urgere, cum esset circa rem obtentu impossibilem.

5 They OBJECT. We know that the Antichrist is to be damned, and when he comes, he will be recognized from his works, and thus some of the just will flee from him. Similarly the damnation of Judas was revealed, Matth. 26, *Woe to that man, etc.* and Ioan. 17 he calls him the son of perdition.

OBIICIUNT. Scimus Antichristum fore damnandum, et cum venerit, agnoscetur ex operibus, et ita iusti aliqui effugient eum. Similiter Iudae damnatio revelata est, Matth. 26. Vae homini illi, etc. *et Ioan. 17. vocat eum filium perditionis.*

6 Mastrius answers num. 498. that the perdition of Judas and of the Antichrist was revealed not to Judas himself, but to the Church, and therefore the induced inconveniences do not follow.

Respondet Mastrius num. 498. non fuisse revelatam Iudae ipsi, sed Ecclesiae perditionem Iudae, et Antichristi, ideo non sequuntur incommoda inducta.

Disputation V: On the Gift of Fear

1 Of that fear there is chiefly to be disputed, whence God begins to taste of wisdom to the mind, and the creature to be foolish; of this the Seraphic Doctor says *on the seven Gifts, cap. 3. on the gift of fear*, that it never departs from wisdom, but grows with it, and advances unto the perfect day: and he brings forward Hugh of S. Vict. *lib. 2. de Arca morali, cap. ult.* saying: *In the hearts of the Saints Wisdom is sown through fear, watered through grace, dies through sorrow, is rooted through faith, germinates through devotion, rises through compunction, grows through desire, is strengthened through charity, flourishes through Hope, buds and spreads its branches through circumspection, etc.* With this gradation the Seraphic Doctor shows also in this fear the twilight, the noon, and the evening of Wisdom: but since it seems to be identified with hope, therefore this must first be seen.

> *DE illo timore praecipue disputandum est, unde incipit Deus menti sapere, creaturaeque desipere; de hoc dicit Seraphicus* de septem Donis, cap. 3. de Dono timoris, *quod a sapientia nunquam recedit, sed cum ea crescit, et proficit in perfectum diem: affertque Hugonem de S. Vict.* lib. 2. de Arca morali, cap. ult. *dicentem:* In cordibus Sanctorum per timorem Sapientia seminatur, per gratiam rigatur, per dolorem moritur, per fidem radicatur, per devotionem germinat, per compunctionem oritur, per desiderium crescit, per charitatem roboratur, per Spem viret, per circumspectionem frondet, et expandit ramos, etc. *Hac gradatione ostendit etiam Seraphicus in hoc timore Sapientiae crepusculum, meridiem, et vesperam: verum cum spei videatur identificari, ideo de hoc primo videndum est.*

Question I: Whether fear is a habit distinct from hope

1 To the virtue of Hope is attached the gift of Fear, which labors in the flight from evil, as will be clear from what is to be said.

> *VIRTUTI Spei adnexum est Timoris donum, quod in fuga mali insudat, ut constabit ex dicendis.*

2 NOTE that Fear is sometimes taken for a sensible affection, which consists in the flight from an evil apprehended [by the senses]. Second, for the flight from evil as apprehended by the intellect. Third, for the flight from some future evil, which bears some order toward God, and in this way it is considered by the Theologian; and among these Fears is also the gift of Fear.

> *NOTA, Timorem aliquando sumi pro affectione sensibili, quae in fuga mali apprehensi consistit. Secundo pro fuga mali, apprehensi intellectu. Tertio pro fuga alicuius mali futuri, quae ordinem aliquem habeat ad Deum, et tali modo consideratur a Theologo, et inter hos Timores, est etiam Timoris donum.*

3 I ASSERT that this Fear differs from Hope.

> *ASSERO, hunc Timorem a Spe differre.*

4 IT IS PROVED from Cardinal Bonaventure first, because according to the Saints and the Philosophers there are four distinct affections of the soul: Joy and Sorrow; Hope and Fear. Now thus they retain their essentials in respect of any evil whatsoever.

> *PROBATUR a D. Bonav. primo, quia secundum Sanctos, et Philosophos, quatuor sunt affectiones animi distinctae. Gaudium, et Dolor: Spes, et Timor. Sic autem retinent sua essentialia in ordine ad quodcumque malum.*

5 SECOND: Because just as the affections concerning the present are opposed, such as Joy and Sorrow, so too are the affections that look to the future, such as Hope and Fear.

> *SECUNDO: Quia sicut affectiones de praesenti opponuntur, ut Gaudium, et Dolor; ita et affectiones, quae respiciunt futurum, ut Spes, et Timor.*

6 THIRD. The habit of a virtue differs more from the habits of the gifts than the habits of the virtues differ from one another: but the habit of Fear is reckoned among the Gifts, and the habit of Hope among the virtues, as Cardinal Gregory says, book 11, *Moralia, chapter 4*.

> *TERTIO. Plus differt habitus virtutis ab habitibus donorum, quam habitus virtutum ab invicem: Sed habitus Timoris computatur inter Dona: Habitus spei inter virtutes, ut ait D. Greg. 11.* Moral. cap. 4.

7 FOURTH: *When things are separable, they are distinguished really: but the fear of the Lord is holy, enduring unto ages of ages, Psalm 18; hope, however, is emptied in the fatherland, as I showed in disputation 4, question 11. Therefore.*

> *QUARTO:* Quando aliqua sunt separabilia, distinguuntur realiter: sed Timor Domini sanctus permanet in saeculum saeculi, Psal. 18. spes autem evacuatur in patria, ut ostendi disp. 4. quaest. 11. Ergo.

8 FIFTH: The causes of things whose effects are opposed are themselves opposed. But Fear makes one timid; hope makes one secure: Therefore.

> *QUINTO: Quorum effectus opponuntur, etiam causae opponuntur. Sed Timor pavidum reddit; spes securum: Ergo.*

9 SIXTH. Whose formal acts are diverse, their habits also are diverse; but the act of hope is a kind of confidence and stretching forth toward arduous eternal good; while that of Fear is a flight from evil; Therefore. That these acts are diverse also comes from the variety of objects, for Potencies are distinguished by acts, and acts by objects, as Aristotle has it, book 2, *de anima, 33,* as Cardinal Bonaventure teaches *1 dist. 7 art. 1 q. 1 ad argumenta, and q. 3 ad argumenta, and in 2 dist. 7 p. 1 art. 2 q. 1 ad arg., and dist. 24 p. 1 art. 2 q. 1 ad arg., and in 3 dist. 23 art. 1 q. 3 ad arg., and dist. 26 art. 1 q. 2 ad arg.* — they are distinguished, I say, at least a posteriori by their objects, insofar as they have the character of motive. But the object of hope is good, future, eternal, arduous: the object of Fear is a future evil, surmountable: Therefore.

> *SEXTO. Quorum actus formales sunt diversi, etiam habitus sunt diversi; sed actus spei est quaedam confidentia, et erectio in bonum aeternum arduum; Timoris vero est fuga a malo; Ergo. Quod etiam diversi sint actus, venit ex varietate obiectorum, nam Potentiae per actus, et actus per obiecta distinguuntur, ut habet Aristoteles 2.* de anima, 33. *ut docet D. Bonav.* 1. dist. 7. art. 1. quaest. 1. ad argumenta, et quaest. 3. ad argumenta, et in 2. dist. 7. p. 1. art. 2. quaest. 1. ad arg. et dist. 24. p. 1. art. 2. quaest. 1. ad arg. et in 3. dist. 23. art. 1. quaest. 3. ad arg. et dist. 26. art. 1. quaest. 2. ad arg. *distinguuntur inquam, saltem a posteriori per obiecta, ut habent rationem motivi. Sed obiectum spei est bonum, futurum, aeternum, arduum: obiectum Timoris est malum futurum superabile: Ergo.*

10 YOU WILL OBJECT first: The same power abstracts from one extreme and is drawn toward the other; for indeed the same weight abstracts from the summit and is drawn to the center. The same is the power in spirits that weight is in bodies, as Cardinal Augustine says, *book 11 de civitate Dei, chapter 18, and book 6 de Trinitate, chapter 10, and book 13 of the Confessions, chapter 9*. Therefore there is one habit by which we flee from evil in fearing, and tend toward good in hoping.

OBIICIES primo: Eadem virtus abstrahit ab uno extremo, et attrahit ad alterum, sic enim idem pondus abstrahit a summo, et detrahit ad centrum. Eadem autem est virtus in spiritibus, quod in corporibus est pondus, ut ait D. August. lib. 11. de civit. cap. 18. et lib. 6. de Trinit. cap. 10. et lib. 13. confess. cap. 9. *Ergo unus est habitus, quo refugimus a malo timendo; et tendimus in bonum sperando.*

11 The Holy Doctor ANSWERS by denying the parity; for in local motion, by the same motion we recede from the terminus *a quo* and approach the terminus *ad quem*, because local motion is between two extremes, one of which has the character of a principle, the other of a terminus. But in voluntary matters it happens otherwise; for when there are two opposites, the soul can be affected with regard to one while considering nothing with regard to the other; for it can be affected with regard to the good while considering nothing regarding the evil, and conversely; and therefore it is moved by diverse affections with regard to opposites.

RESPONDET S. Doct. negando paritatem; nam in motu locali eodem motu recedimus a termino a quo*, et accedimus ad terminum* ad quem. *Idco, quia motus localis est inter duo extrema, quorum alterum habet rationem principii: alterum termini. In voluntariis autem secus evenit; quando enim sunt duo opposita, potest anima affici circa unum, nihil circa alterum considerando; potest enim affici circa bonum, nihil considerando circa malum, et e contra; et ideo diversis affectibus movetur circa opposita.*

12 YOU WILL OBJECT second: In the disciplines there is one discipline of opposites, as of the straight and the curved, of the healthy and the sick: But the habit of virtue is a kind of art: Therefore it directs toward opposites: Therefore the same moves both to pursuing the good and to fleeing evil.

OBIICIES secundo: In disciplinis una est oppositorum disciplina, ut recti, et curvi, sani, et aegri: Sed habitus virtutis est quaedam ars: Ergo dirigit ad opposita: Ergo idem movet ad prosequendum bonum, et ad malum fugiendum.

13 The Holy Doctor ANSWERS by denying the likeness with the habits of the virtues, for two reasons. The first is, because the will separates things that are really conjoined; hence someone wills the antecedent, and yet does not will the consequent. But cognition does not separate things that are naturally conjoined; hence whoever knows and asserts the antecedent asserts also the consequent. And since, by reason of consequence, opposite properties follow opposites in the very thing by which they are to be known — as if white gathers, black gathers — hence it is that there can be one cognitive habit of opposites, although there is not one affective habit.

RESPONDET S. Doct. negando similitudinem cum habitibus virtutum, duplici de causa: Prima est, quia voluntas separat ea, quae realiter sunt coniuncta, unde aliquis vult antecedens; et tamen non vult consequens: Cognitio autem non separat ea, quae naturaliter sunt coniuncta; unde qui novit, et asserit antecedens, asserit et consequens. Quoniam vero per consequentiam in ipso ad opposita, oppositae consequuntur proprietates, per quas habent cognosci, ut si album congreget, nigrum congreget, hinc est, ut unus possit esse habitus cognitivus oppositorum, quamvis non sit unus habitus affectivus.

14 The second dissimilitude is, because the cognitive power can busily deal with either opposite by a like act; for it judges of the oblique by the rule of the straight itself; but the affective power not so; rather, if it appetites one of two opposites, it rejects the other; if it loves one, it hates the other, speaking per se. The reason is, because the affective power is more united to the appetible than the cognitive to the knowable; hence love transforms the lover into the beloved; and therefore it does not follow that, if there could be one science of opposites, there could also be one affection, or one directive virtue of affection.

SECUNDA dissimilitudo est, quia potentia cognitiva consimili actu negotiari potest super utrumque oppositum: iudicat enim de recto, et obliquo per regulam ipsius recti; sed affectiva non sic; imo si appetit unum oppositorum; alterum respuit; Si amat unum, alterum odit, per se loquendo; ratio est, quia affectiva magis unit ipsi appetibili, quam cognitiva cognoscibili, unde amor transformat amantem in amatum; et propterea non sequitur, quod si una esse possit scientia oppositorum; etiam valeat esse una affectio, vel una virtus affectionis directiva.

15 YOU WILL OBJECT third. Of two extremes there is one mean: but between Despair and Presumption Hope and Fear intervene: Therefore they are one.

OBIICIES tertio. Duorum extremorum unum est medium: sed inter Desperationem, et Praesumptionem mediat Spes, et Timor: Ergo sunt unum.

16 The Holy Doctor ANSWERS: between two extremes there is one mean dividing equally, and this is a point; but with the mean taken broadly, which is not indivisibly between the extremes, there can be several means: Thus between Brixia and Venice lies Verona, Vicenza, Padua. Therefore between the extremes of presumption and of Despair there are Hope and Fear, yet so that Fear inclines more toward despair, and Hope declines more toward presumption; yet neither reaches the defect of the other.

RESPONDET S. Doct. inter duas extremitates unam esse medietatem dividentem ex aequo, et haec est punctum: at late sumpta medietate, quae non est inter extrema indivisibiliter, possunt esse plures medietates: Sic inter Brixiam, et Venetias est Verona, Vincentia, Patavium. Igitur inter extrema praesumptionis, tionis, et Desperationis sunt Spes, et Timor, ita tamen, ut Timor magis ad desperationem; Spes magis declinet ad praesumptionem; neutra tamen ad alterutrius defectum pertingat.

17 The Holy Doctor ALSO answers otherwise: that this is to be understood of a mean which is composed of both extremes, as Liberality intervenes between Prodigality and Avarice: but Hope and Fear do not intervene in this manner.

ALITER etiam respondet S. Doctor, illud intelligi de medietate, quae consistitur ex utroque extremo, sicut Largitas inter Prodigalitatem mediat, et Avaritiam: Spes autem, et Timor, non mediant hoc pacto.

18 THIRD he answers, by denying that Fear and Hope are means of the same extremes: For Hope holds the middle between Despair and Presumption; but Fear between Rashness and Timidity, or pusillanimity; and thus it is not necessary that Fear and Hope agree in the unity of virtue, unity of affection, etc.

TERTIO respondet, negando, Timorem, et Spem esse medietates eorundem extremorum: Spes enim medium tenet inter Desperationem, et Praesumptionem; sed Timor inter Temeritatem, et Timiditatem, sive pusillanimitatem; et sic non oportet, ut Timor, et Spes conveniant in unitate virtutis, unitate affectionis, etc.

19 YOU WILL OBJECT fourth. What is begotten is like its begetter; but Hope is begotten from faith, which believes both good and evil: Therefore Hope also tends toward goods and flees evils.

OBIICIES quarto. Genitum est simile generanti; sed Spes gignitur e fide, quae credit bona, et mala: Ergo et Spes tendit in bona, et fugit a malis.

20 The Holy Doctor ANSWERS by denying that there should be a likeness in this, all the more because Hope is produced by faith as an equivocal cause; for faith, because it regards goods and evils under the aspect of the truth revealed, can regard both: but Hope and Fear are affective habits, which do not regard good and evil [indifferently]. Furthermore, faith is a habit directed to cognition, which

is not diversified on account of the contrariety of objects; but affective habits must be diverse, because they regard under diverse aspects: the good indeed under the aspect of the fitting, but evil under the aspect of the noxious.

> *RESPONDET S. Doctor negando, in hoc esse debere similitudinem, eo magis, quod producitur Spes a fide, ut causa aequivoca; nam fides, quia respicit bona, et mala sub ratione veri revelati, potest utraque respicere: Spes autem, et Timor sunt habitus affectivi, qui non respiciunt bonum, et malum. Deinde fides est habitus spectans ad cognitionem, quae non diversificatur propter obiectorum contrarietatem; at vero habitus affectivi diversi esse debent, quia respiciunt sub diversa ratione; bonum quidem sub ratione convenientis; malum vero sub ratione noxii.*

21 YOU WILL OBJECT fifth. Of opposites the same is the reason; but vice, the opposite of virtue, turns away from good and turns toward evil: Therefore the same virtue performs the same.

> *OBIICIES quinto. Oppositorum eadem est ratio; sed vitium, oppositum virtuti, avertit a bono, et convertit ad malum: Ergo eadem virtus idem praestat.*

22 The Holy Doctor ANSWERS that the acts of aversion from God and conversion to creatures are two, although they can be referred to one sin; because one and the same can be compared and referred to diverse things; and thus it is not the same with the affection of Fear and Hope, because one potency cannot at once and in one act be affected with regard to diverse contraries; therefore it does not follow that, if aversion and conversion can be about one action and form, likewise Fear and Hope have being about one and the same affection.

> *RESPONDET S. Doctor, actus aversionis a Deo, et conversionis ad creaturas, esse duos; licet possint esse circa unum peccatum relati; quia unum, et idem potest ad diversa comparari, et referri; et sic non est simile de affectione Timoris, et Spei, quia non potest simul, et semel una potentia uno actu circa diversa contraria affici, propterea non sequitur, quod si aversio, et conversio possunt esse circa unam actionem, et formam; similiter Timor, et Spes habeant esse circa unam, et eandem affectionem.*

Question II: What the object of fear is

1 FEAR has for its object evil, professedly to be fled.

> *TIMOR habet pro obiecto malum, professo fugiendum.*

2 The Holy Doctor observes here, in dub. 1 and 2, that there are four Fears. The first is worldly, and it is that by which someone, fearing some inconvenience of this life, in order to escape it, offends God.

> *Observat autem S. Doctor dub. primo, et secundo, hic, quatuor esse Timores: Primus mundanus, et est is, quo quis, timens aliquod huius vitae incommodum, ut hoc effugiat, offendit Deum.*

3 From this fear Christ taught us to beware, Matthew 10: *Do not fear those who kill the body.* The second Fear is servile, by which one is frightened away from sins on account of punishments. This however is twofold: one is merely servile, mechanical, which is so frightened by punishments that, if these did not loom, it would still commit sins freely; and this is still inordinate, and is therefore censured by all, especially by Cardinal Bonaventure; the other is indeed servile but does not exclude flight from fault, such as that of a man who is crushed by his committed sins out of fear of gehenna, and such is good and a gift of the Holy Spirit, as the Council of Trent teaches, *session 14, chapter 4, and session 6, canon 8,* as I shall say in *question 3*. Christ enjoins this fear at once in *the place cited of Matthew: Fear him, who after he has killed the body has power to send into Gehenna,* and 1 John 4: *Fear is not in Charity: but perfect*

Charity casts out fear. In this text the third Fear is also hinted at, which is called Initial, by which one so fears God's offense that he fears punishment at the same time; and this is touched in *the place cited* where it is said: *Fear is not in Charity: but perfect Charity casts out fear.* He means that this is not with charity — truly perfect — which is clear from that clause, *but perfect Charity, etc.*

> *Ab hoc cavere docuit Christus Matth. 10.* Nolite timere eos, qui occidunt corpus. *Secundus Timor est servilis, quo quis terretur a peccatis ob poenas: Hic autem duplex est; alius mere servilis mechanicus, qui ita poenis terretur, ut si illae non imminerent, adhuc resolute peccata committeret; et hic est adhuc inordinatus, qui propterea ab omnibus, maxime a D. Bonavent. vituperatur; alius vero est servilis, non excludens fugam culpae, qualis est hominis, qui atteritur de peccatis commissis ob metum gehennae, et talis est bonus, et donum Spiritus Sancti, ut docet Concilium Trident.* sess. 14. cap. 4. et sess. 6. can. 8. *ut dicam* quaest. 3. *Hunc timorem iniungit Christus statim* loco cit. Matthaei: Timete eum, qui postquam occiderit corpus, habet potestatem mittendi in Gehennam, *et prima Ioan. 4.* Timor non est in Charitate: sed perfecta Charitas foras mittit timorem. *Hoc textu innuitur etiam tertius Timor, qui dicitur Initialis, quo quis adeo timet Dei offensam, ut simul timeat poenam; et hic tangitur* loco cit. *dum dicitur:* Timor non est in Charitate: sed perfecta Charitas foras mittit timorem: *Vult dicere, hunc non esse cum charitate, sane perfecta, quod constat illa coniunctione,* sed perfecta Charitas, etc.

4 The FOURTH Fear is filial, which detests evil insofar as it is against God and redounds to his offense. Of this it is said, Romans 8: *You have not received the spirit of servitude again in fear* — that is, you have not received servile fear, like the ancients, who heard the observance of the law through terrors and threats — *but you have received the Spirit of adoption of sons, in which we cry Abba (Father).* Of this fear it is also said, Psalm 18: *The fear of the Lord is holy, enduring unto ages of ages.* Where Augustine and others read *chaste*; for the just are compared to God as a most chaste bride to her bridegroom, acting indeed out of fear lest they wound the bridegroom, but with love. So 1 Corinthians 10 [actually 2 Cor. 11]: *I have espoused you, etc.*

> *QUARTUS Timor est filialis, qui est detestans malum, quatenus est contra Deum, et in eius offensam redundat. De hoc dicitur, Rom. 8.* Non accepistis spiritum servitutis iterum in timore; *idest, non accepistis timorem servilem, sicuti veteres, qui legis observantiam terroribus et minis audiere;* Sed accepistis Spiritum adoptionis filiorum, in quo clamamus Abba (Pater.) *De quo timore dicitur etiam Psalm. 18.* Timor Domini Sanctus, permanens in saeculum saeculi. *Ubi Augustinus, et alii legunt:* castus, *Iusti enim comparantur Deo, ut sponsa castissima ad sponsum, operantes timore quidem, ne sponsum laedant; sed cum amore. Sic prima Corinth. 10.* Despondi enim vos, etc.

5 One must then note with Cardinal Bonaventure, *opusculum 15, On the Seven Gifts: On the Gift of Fear, chapter 1,* that the variety of Fears is born from the variety of loves; for Fear is love fleeing whatever opposes it, from Cardinal Augustine, book 14, *de civitate Dei, chapter 7.* And in the Gloss on *John 10,* which is St. Augustine's, we have: *Fear is a flight, lest man lose what he loves.* Therefore Fear arises from love, and thus from ordered love arises ordered fear, and from inordinate love, inordinate fear; and such as is the love of the good, such is the fear of the opposite evil.

> *OPORTET deinde adnotare cum D. Bonav.* opusc. 15 de septem Donis: De Dono Timoris, cap. 1. *Varietatem Timorum ex varietate amorum nasci; Timor enim est amor fugiens quidquid adversatur, ex D. Augustino 14.* de civit. Dei cap. 7. *Et in Glossa* ad Ioan. 10. *quae est S. Augustini, habetur:* Timor est fuga, ne perdat homo, quod amat. *Igitur Timor oritur ex amore, et ita ex amore ordinato oritur timor ordinatus: et ex amore inordinato, inordinatus timor; et qualis est amor boni, talis est timor mali oppositi.*

6 Hence Adam, who at first loved God filially, feared to offend him; but after he offended out of inordinate love, he feared servilely and said: *Lord, I heard your voice, and I feared, Genesis 3*.

> *Hinc Adam, qui primo amabat Deum filialiter, timebat eum offendere, postquam vero ex inordinato amore offendit, timuit serviliter, et ait:* Domine audivi vocem tuam, et timui, Genesis 3.

7 HUGH, *book 2 de sacramentis, part 13, chapter 5,* distinguishes five Fears. The first is Human, or natural, which is a passion, arising from natural love, by which each one fears harm to his nature; but by passions we neither merit nor demerit, because they are not subject to free will, except when one conducts himself rationally with regard to them. With this fear Christ feared to die, but only as much as he willed, for our example and instruction.

> *HUNC Hugo* lib. 2. de sacr. part. 13. cap. 5. *quinque distinguit Timores: Primus est Humanus, seu naturalis, quae est passio, oriens ex naturali amore, quo quisque timet naturae nocumentum; passionibus autem nec meremur, nec demeremur, quia non subiacent libero arbitrio, nisi quando quis rationabiliter se habet circa eas. Isto timore Christus timuit mori, sed non nisi quantum voluit nobis in exemplum, et documentum.*

8 The SECOND is Worldly, which is truly born of inordinate love of the present life or of things pertaining to it, and is always evil; because, as John says, 1 John 2: *Whoever loves the world is constituted an enemy of God.* This, however, according to the variety of the goods of the world, of the flesh, etc., of its loved objects, is subdivided materially, as Cardinal Bonaventure notes, *dub. 1 literal.*

> *SECUNDUS est Mundanus, qui sane ex inordinato amore nascitur vitae praesentis, vel rerum ad eam pertinentium, et est semper malus; quia, ut ait Ioan. prima c. 2.* Qui diligit mundum, inimicus Dei constituitur. *Hic vero iuxta varietatem bonorum mundi, carnis, etc. amatorum, subdividitur materialiter, ut notat D. Bonavent.* dub. 1. litterali.

9 The THIRD is Servile, which from God is (as the Holy Doctor says) not as "merely servile" sounds, but as implicitly excluding offense; of this Psalm 118: *Pierce my flesh with your fear,* and Cardinal Augustine, enarratio 25: *The servile fear, the pedagogue of the law, came first, which leads to Christ*; it arises from love of eternal things, lest one lose them by eternal damnation; it is twofold, as I shall say in *question 3,* near the end of the arguments.

> *TERTIUS est Servilis, qui a Deo est (ut ait S. D.) non ut mere servile sonat, sed ut implicite excludit offensam; de hoc Psalm. 118.* Confige timore tuo carnes meas*, et D. Augustinus, enarrat. 25.* Timor servilis, legis paedagogus nova, praecessit, qui ad Christum ducit*, oritur ex amore aeternorum, ne ea perdat aeterna damnatione, qui est duplex, ut dicam* quaest. 3. *circa finem argumentorum.*

10 The FOURTH is the filial fear of beginners, of which it is said: *The fear of the Lord is the beginning of wisdom,* and it is from charity begun. Therefore of this it is said that it is not with charity, that is, perfect, because: *perfect charity casts out fear,* 1 John 4; and Cardinal Bernard, *sermon 22 on the Song of Songs,* says: *Not undeservedly this Fear is called the beginning of wisdom, which often first sets itself against folly. For this fear is a kind of entrance to wisdom.*

> *QUARTUS est filialis incipientium, de quo dicitur:* Initium sapientiae Timor Domini*, et est a charitate inchoata: Ideo de hoc dicitur, non esse cum charitate, idest perfecta, quia:* perfecta charitas foras mittit timorem*, prima Ioan. 4. et D. Bernardus* serm. 22. *in Cant. ait:* Non immerito hic Timor dicitur initium sapientiae, qui saepe se insipientiae primus opponit. Hic enim timor est quidam ingressus ad sapientiam.

11 The FIFTH is the Fear filial, which arises from charity perfected, as I said.

> *QUINTUS est Timor filialis, qui ex charitate oritur perfecta, ut dixi.*

12 OBSERVE third, with Cardinal Bonaventure, here dist. 34, dub. 3, that this last fear is divided with respect to specific objects, so that one is the chaste Fear, which is the bride's; another the friendly, that is, of the Friend; another the son's: for the son fears to offend the Father, the Friend his friend, the bride her bridegroom. But with respect to God there is one, both because of the motive, in which generically those mentioned also agree, and because there is one grace with respect to God, constituting the soul daughter, spouse, and friend of God.

> *OBSERVA tertio cum D. Bonavent. hic dist. 34. dub. 3. dividi hunc ultimum timorem in ordine ad obiecta specifica, ut alius sit Timor castus, qui est sponsae: Alius amicabilis, idest, Amici; alius filii: filius enim timet offendere Patrem: Amicus amicum: sponsa sponsum; At in ordine ad Deum, unus est, tum ex motivo, in quo generice etiam allati conveniunt; tum quia una est gratia in ordine ad Deum, constituens animam filiam, sponsam, et amicam Deo.*

13 He also notes, in dub. 4, that Initial and servile Fear agree in some way, for each is the beginning of wisdom, but servile begins from outside, the other through some charity. Fear is truly called the beginning of wisdom because it begins to ascend gradually to the gifts, up to the highest, which is wisdom.

> *ADVERTIT etiam dub. 4. Timorem initialem, et servilem, aliquo modo convenire, nam uterque est initium sapientiae, sed servilis incipit extra; alter vero per aliquam charitatem. Dicitur vero Timor initium sapientiae, quia incipit gradatim ad dona ascendere usque ad supremum, quod est sapientiae.*

14 From what has been said, then, elicit with Cardinal Bonaventure, dub. 1, that Fear regards evil by fleeing it; and because from the varying of objects arises the variety of Fears, by a broad division the definitions of each fear can also be given. Fear, therefore, is thus defined by Cardinal Augustine, Tractate 46 on John: *Fear is the flight of the soul, lest it lose what it loves.* For it flees the evil, which is the loss of the beloved good. It is also defined by Damascene, book 2 de fide, chapter 18: *Fear is the expectation of a future evil*; and expectation is taken broadly for the estimation, shuddering at the looming danger; for thus unlucky tidings are awaited, as the Holy Doctor notes, dub. 1. Therefore Fear in general is the flight from an arduous evil to be avoided, and from a good to be reverenced, as St. Bonaventure teaches, part 3 of the Centiloquium, section 45.

> *Ex dictis igitur elice cum D. Bonavent. dub. 1. Timorem respicere malum fugiendo; et quia ex variatis obiectis oritur varietas Timorum, hinc lata divisione possunt etiam ferri definitiones cuiusque timoris. Timor igitur sic definitur a D. Augustino Tract. 46. in Ioan.* Timor est fuga animi, ne amittat quod amat. *Fugit enim malum, quod est carentia boni amati. Definitur etiam a Damasceno 2. de fide, cap. 18.* Timor est expectatio futuri mali*, sumitur vero expectatio late pro aestimatione, imminens periculum horrescente; sic enim nuncia infausta expectantur, ut advertit S. Doctor dub. 1. Igitur Timor in genere est fuga mali ardui ad vitandum, et boni ad reverendum, ut docet S. Bonavent. 3. part. centil. sect. 45.*

15 HENCE, given this division of Fears, each can be defined from its various motives. Thus natural Fear is the flight from an evil noxious to nature. Worldly Fear is defined: *it is the inordinate flight from the evils of this life.* Servile Fear: *it is the flight from penal evils, without excluding the flight from offense against God,* and so with the rest.

> *HINC vero data divisione Timorum, ex variis motivis possunt singuli definiri. Sic Timor naturalis: est fuga mali noxii naturae. Timor mundanus definitur:* est inordinata fuga a malis huius vitae. *Timor servilis:* est fuga malorum poenalium, non exclusa fuga offensae in Deum*, et sic de reliquis.*

16 Fear, therefore, of whatever kind, is a recoil from the arduous — which is evil in the fears adduced, and also good in the perfect filial fear; for it recoils, not indeed from the good, but from the arduousness, which is the excellence of the good, yet it recoils with reverence; and for this reason they admit filial Fear even in the fatherland, as is said, Psalm 18: *Enduring unto ages of ages* — truly in this life it recoils from evil as it is offense, as I shall say in question 7.

> *Timor itaque quicumque, est resilitio ab arduo, quod est malum in allatis timoribus; et etiam bonum in timore perfecto filiali; resilit enim, non quidem a bono, sed ab arduitate, quae est excellentia boni, sed resilit cum reverentia, et ob id etiam in patria Timorem filialem admittunt, ut dicitur Psal. 18.* Permanens in saeculum saeculi*, sane in hac vita resilit a malo, ut est offensa, ut dicam quaest. 7.*

17 From this variety of objects the Holy Doctor deduces that there is not one univocal specific object of all, but an analogical one; for the good which is the object of perfect filial fear — which fears to lose the highest good on the way, and in the fatherland is borne reverently toward that sublime good — are analogical objects.

> *Ex hac obiectorum varietate deducit S. Doctor non esse unum omnium obiectum specificum univocum, sed analogum; nam bonum, quod est obiectum timoris filialis perfecti, qui timet amittere bonum summum in via; et in patria reverenter in bonum illud sublime fertur, sunt obiecta analoga.*

18 IT IS PROVED, therefore, by the Holy Doctor that the Object of Fear is arduous with respect to flight; for just as hope is borne toward the arduous in pursuit, so, in the opposite way, Fear ought to recoil from that arduous thing by flight, since it is disposed in the opposite manner. And just as Hope tends toward the arduous good, which is the object of pursuit, so fear [tends] toward the evil, which is the object of flight; but under the aspect of evil is included also the arduousness of the good, which will be explained in its place.

> *PROBATUR igitur a S. Doctore, Obiectum Timoris esse arduum secundum fugam; nam sicuti spes fertur in arduum prosecutione, ita opposito modo Timor fuga debet ab eo arduo resilire, cum opposito modo se habeat. Sicut autem Spes in bonum tendit arduum, quod est obiectum prosecutionis; ita timor in malum, quod est obiectum fugae; sub ratione autem mali includitur etiam boni arduitas; Quod explicabitur suo loco.*

Question III: Whether worldly fear is always evil

1 I ASSERT that such is the case.

> An mundanus Timor semper sit malus.
>
> *ASSERO, ita rem se habere.*

2 IT IS PROVED from Cardinal Bonaventure, in the places adduced, and especially On the Seven Gifts; because worldly Fear arises from worldly love; but worldly love is iniquitous: Therefore. The major is proved from the definitions of Fear adduced; the minor is proved by the Holy Doctor, because such love prefers creatures to the Creator. Thus it is proved also by Cardinal Cusanus, disp. 2, sect. 2.

> *PROBATUR a D. Bonavent. locis adductis, et praecipue de septem donis; Quia Timor mundanus oritur ex amore mundano; sed amor mundanus est iniquus: Ergo. Maior probatur ex definitionibus allatis Timoris: Minor probatur a S. Doctore; quia talis amor praefert creaturas Creatori. Sic probatur etiam a Caspensi disp. 2. sect. 2.*

3 NOTE, however, that worldly love, from mere intensity in the absolute order of its own, is not sin, as Adrian thought, Quodlibet 2, question 2; for intensity, which is an increase according to more and less, does not vary the species: thus a growing love of self does not make the city of the Devil unless it arrives comparatively at contempt of God, as Cardinal Augustine has it, book 14, de civitate Dei, chapter 28. Thus also Christ suffered a fear most intense even unto death, and yet did not sin, as Cusanus warns, number 13, from Cardinal Bonaventure in the place cited, On the Seven Gifts.

> *ADVERTE autem, amorem mundanum ex intensione mera absoluta sua non esse peccatum, ut putavit Adrianus quodl. 2. quaest. 2. nam intensio, quae est augmentum secundum magis, et minus, non variat speciem: sic amor sui crescens, non facit civitatem Diaboli, nisi quatenus pervenit comparative ad contemptum Dei, ut habet D. Augustinus 14. de civit. cap. 28. sic etiam Christus passus est timorem intensissimum usque ad mortem, neque tamen peccavit, ut monet Caspensis num. 13. ex D. Bonavent. loco cit. de septem donis.*

4 It is therefore evil when it arrives at preferring a temporal good to God; and if indeed in that temporal good it constitutes the ultimate end, it will be mortal. But if it lightly prefer a created thing to God, for instance by lying, or by stealing two pence, it will be venial, as St. Augustine says, book 22, de civitate Dei, chapter 26; and in this sense St. Jerome also speaks against Jovinian.

> *Tunc igitur est malus, cum pervenit ad praeferendum bonum temporale Deo; et si quidem in illo bono temporali finem ultimum constituit, erit mortale. Si vero leviter praeferat rem creatam Deo, puta mentiendo, vel furando dipondium, erit veniale, ut ait S. Augustinus 22. de civit. cap. 26. et hoc sensu loquitur etiam S. Hieronymus contra Iovinianum.*

5 YOU WILL OBJECT. We are bound to renounce all things, Luke 15 [actually Luke 14]: *Everyone who does not renounce all that he has cannot be my disciple*; but he who intensely loves creatures has not a mind prepared to despise them for Christ: Therefore.

> *OBIICIES. Teneremur omnibus renunciare, Lucae 15.* Omnis, qui non renunciaverit omnibus, non potest meus esse discipulus; *sed qui intense diligit creaturas, non habet animum paratum ad eas spernendas propter Christum: Ergo.*

6 The Holy Doctor ANSWERS, as to that passage, that there is a twofold discipleship of Christ: one of necessity, the other of supererogation, or perfection. Disciples by necessity are bound to renounce all things in affection — that is, to use worldly things, not to enjoy them, but to tend toward eternal things, so as not to wish to prefer temporal things to eternal, and so to offend God on their account, as Cusanus also notes, number 14.

> *RESPONDET S. Doctor ad locum illum, duplicem esse discipulatum Christi; alterum necessitatis; alterum supererogationis, seu perfectionis: Discipuli ex necessitate tenentur omnibus renunciare affectu; idest uti rebus mundanis, non frui; sed tendere in aeterna, ut non velint temporalia praeferre aeternis, atque adeo propter ea Deum offendere, ut notat etiam Caspensis num. 14.*

7 But discipleship by perfection must renounce all things even in effect, and leave them. Hence Matthew 19: *Behold, we have left all things, and have followed you.*

> *Discipulatus vero ex perfectione debet omnibus renunciare, etiam effectu, eaque relinquere. Unde Matth. 19.* Ecce nos reliquimus omnia, et secuti sumus te.

8 YOU WILL SAY: Love, if it is intensified toward creatures, ought to be remitted toward God.

> *DICES: Amor, si intenditur in creaturas, debet remitti in Deum.*

9 IT IS ANSWERED that intensity does not take away the appreciative love of God, as St. Bonaventure and Cusanus note, number 15.

> *RESPONDETUR, intensionem non tollere amorem Dei appretiativum, ut notat S. Bonav. et Caspens. n. 15.*

Question IV: Whether servile fear is honorable, and a gift of God

1 I JOIN together these two questions of St. Bonaventure, because they have much in common and the one proves the other; for if it is a gift of the Holy Spirit, it is certainly a good.

> An Timor servilis sit honestus, et Donum Dei.
>
> *HAS duas quaestiones S. Bonaventurae coniungo, quia multa habent communia et uno probatur alterum; Si enim est donum Spiritus Sancti, certe est bonum.*

2 I ASSERT, I ASSERT, that servile fear is honorable, and a gift of the Holy Spirit.

> *ASSERO ASSERO, timorem servilem esse honestum, et donum Spiritus Sancti.*

3 IT SEEMS defined in the Council of Trent *session 14, chapter 4,* where it teaches that Attrition, by which we detest sins for fear of eternal punishment, is a gift of God, and is brought about by the impulse of the Holy Spirit.

> *VIDETUR definitum in Concilio Trident.* sess. 14. cap. 4. *ubi docet, Attritionem, qua detestamur peccata propter metum poenae aeternae, esse donum Dei, et fieri ex impulsu Spiritus Sancti.*

4 So too D. Bonaventure says, *dub. 1.* Fear indeed from grace is either from grace freely given, and so it is servile; or from grace that makes pleasing, inchoate, and so it is initial; or from perfect grace, and so it is filial. In this sense the Council of Trent also speaks, defining also *session 6, canon 8: If anyone shall say that the fear of hell, by which we take refuge in the mercy of God grieving for sins, or by which we abstain from sinning, is itself a sin, or makes sinners worse; let him be anathema.* Hence in *question 1* he says it is a gift of the Holy Spirit, which the Alexians also assert *part 3, question 76, member 2,* and D. Augustine, and D. Gregory, to cite them.

> *Sic et D. Bonavent. ait,* dub. 1. *Timor vero ex gratia, vel est ex gratia gratis data, et sic est servilis; vel ex gratia gratum faciente, inchoata, et sic est initialis; aut ex gratia perfecta, et sic est filialis. Hoc sensu loquitur etiam Concilium Trident. definiens etiam* sess. 6. can. 8. Si quis dixerit, gehennae metum, per quem ad misericordiam Dei de peccatis dolendo confugimus, vel a peccando abstinemus, peccatum esse, aut peccatores peiores facere; anathema sit. *Hinc* quaest. 1. *ait esse donum Spiritus Sancti, quod asserunt etiam Alensis* 3. part. quaest. 76. memb. 2. *et D. Augustinus, et D. Gregorius citandi.*

5 IT IS PROVED by the Saintly Doctor from the authorities of Scripture and of the Fathers.

> *PROBATUR a S. Doctore authoritatibus Scripturae, et Patrum.*

6 *Isaiah 26: Like as a woman with child, when she draws near the time of her delivery, cries out in her pangs: so have we been in thy sight.* Where St. Bonaventure reads according to the LXX: *From thy fear, O Lord, we have conceived, and been delivered of the Spirit of salvation.* Where by servile fear the prophets call the Spirit of salvation, says St. Jerome.

> Isaix 26. Sicut quae concipit, cum appropinquaverit ad partum, dolens clamat in doloribus suis: sic facti sumus apud te. *Ubi S. Bonavent. iuxta LXX. legit:* A timore tuo Domine concepimus, et parturivimus

Spiritum salutis. *Ubi S. Hieronymus, timorem servilem prophetas vocat Spiritum salutis.*

7 He also brings forward in the Diaeta that *Psalm 118: Pierce my flesh with thy fear,* according to the exposition of D. Augustine *enarr. 25,* related in *question 2 and chapter 4,* there; and here he brings forward that *Ecclesiasticus 1: The fear of the Lord is the beginning of wisdom,* as St. Augustine expounds *Tractate 9 on the epistle of John.* Which the Saints also teach: Basil *in the oration on the beginning of Proverbs;* Bede *on the first chapter of Proverbs;* Gregory *homily 19 on Ezechiel;* Bernard *homily 23 on the Song.* The Master with the Scholastics *dist. 34,* and to *Luke 12* St. Bonaventure brings forward that: *Do not fear those who kill the body, and after that have not more that they can do; but fear him who after he has killed has power to cast into hell.* Where he first turns away from worldly fear. Of which also *Isaiah 51: Who art thou, that thou shouldst fear a mortal man, and the son of man, who shall wither like grass,* and *1 Machabees 2: Fear not the words of a sinful man: for his glory is dung, and worms.*

Affert etiam in Diaetae id Psal. 118. Confige timore tuo carnes meas, *iuxta expositionem D. Augustini* enarr. 25. relatum quaest. 2. et cap. 4. *ibi, et hic affert illud* Eccles. 1. Initium sapientiae timor Domini, *ut exponit S. Augustinus* Tract. 9. in epist. Ioan. *Quod docent etiam Sancti: Basilius* oratione in princ. Proverb. *Beda* in cap. primo. Proverbiorum. *Gregorius* homil. 19. in Ezech. *Bernardus* homil. 23. in Cant. *Magister cum Scholasticis* dist. 34. et ad 12. Lucae *affert S. Bonavent. id.* Nolite timere eos, qui occidunt corpus, animam autem non possunt occidere; sed timere eum, qui postquam occiderit, habet potestatem mittere in gehennam. *Ubi primo divertit a timore mundano. De quo etiam* Isaiae 51. Quis tu, ut timeres ab homine mortali, et a filio hominis, qui quasi foenum ita arescet, *et primo* Machab. 2. A verbis viri peccatoris ne timueritis: quia gloria eius stercus, et vermis est.

8 Next he urges holy servile fear: *Fear, etc.* So *Jeremias 10: Fear them not, for they can do no evil, nor any good.* And after: *Who shall not fear thee, O King of nations? etc. the earth shall be moved at his indignation.* And *Psalm 32: Let all the earth fear the Lord: and let all the inhabitants of the world be moved at him.* And *Isaiah 8: Sanctify the Lord of hosts himself: and let him be your fear, and let him be your dread.* And *Jeremias 5: Will you not then fear me, saith the Lord: and will you not dread at my presence?* He adds here that of *Proverbs 15: In the fear of the Lord every one declines from evil.*

Deinde timorem servilem sanctum suadet: Timete, etc. *Sic est* Hierem. 10. Nolite timere ea, quia nec male possunt facere, nec bene. *Et post:* Quis non timebit te o Rex gentium? etc. ab indignatione eius commovebitur terra. *Et* Psal. 32. Timeat Dominum omnis terra: ab eo autem commoveantur omnes inhabitantes orbem. *Et* Isa 8. Ipsum Dominum sanctificate: ipse pavor vester, et ipse terror vester. *Et* Hierem. 5. Me ergo non timebitis, ait Dominus: et a facie mea non dolebitis? *Addit hic illud* Proverb. 15. In timore Domini declinat omnis a malo.

9 Hence the Saintly Doctor *in question 2 draws out,* that it is a good, because the habit of this is a gift of God: Therefore also the act. The consequence is proved, because as the habits are, such are the acts; otherwise if its use were evil, it would not be from God.

Hinc S. Doctor quaest. 2. eruit, *esse bonum, quia huius habitus est donum Dei: Ergo et actus. Probatur consequentia, quia quales sunt habitus, tales sunt actus; alioqui si usus eius esset malus, non esset a Deo.*

10 IT IS PROVED secondly by the Saintly Doctor from the Gloss on *Romans 8: You have not received again the spirit of slavery,* where it has: *Take care lest, because he says the spirit of slavery and of adoption, you understand a different spirit, since it is one and the same spirit; but the Spirit of adoption is the gift of the Holy*

Spirit: Therefore. It is confirmed. For he teaches that the spirit of slavery was received divinely by the ancients, as Bellarmine notes. For God gave also the old law.

> *PROBATUR secundo a S. Doctore ex Glossa, ad id* Rom. 8. Non accepistis iterum spiritum servitutis*, ubi habet:* Cave ne ex eo, quod ait, spiritum servitutis, et adoptionis, diversum intelligas spiritum, cum sit unus, atque idem spiritus, sed Spiritus adoptionis est donum Spiritus Sancti: *Ergo. Confirmatur. Nam docet, spiritum servitutis acceptum divinitus ab antiquis, ut notat Bellarminus. Deus enim dedit etiam legem veterem.*

11 NEXT he proves it from D. Augustine on *Psalm 127: Servile fear is good and useful, whereby the habit of justice is gradually formed.*

> *DEINDE id probat ex D. Augustino in* Psal. 127. Bonus est timor servilis, et utilis, per quem sit paulatim consuetudo iustitiae.

12 IT IS PROVED thirdly by the Saintly Doctor *questions 1 and 2 in the foundation,* by reason. That which prepares for justice and grace is from the Holy Spirit: Servile fear is of this kind: Therefore.

> *PROBATUR tertio a S. Doctore* quaest. 1. et 2. in fundamento*, ratione. Id, quod praeparat ad iustitiam, et gratiam, est a Spiritu Sancto: Timor servilis est huiusmodi: Ergo.*

13 This is the argument which the Council of Trent uses above, where it also declares that it is such only as excludes the will of sinning, in which way the Saintly Doctor also speaks *in the places cited.*

> *Hoc est argumentum, quo utitur Concilium Trident. supra, ubi etiam declarat, eum tantum esse, qui voluntatem peccandi excludat, quo pacto loquitur etiam S. Doctor* locis allegatis.

14 IT IS PROVED fourthly by the Saintly Doctor. To fear God is more than to believe: for many believe who do not fear; and holy fear arises from faith in life eternal, etc. But faith is a gift of God, as I showed *in dispute one:* Therefore.

> *PROBATUR quarto a S. Doctore. Plus est timere Deum, quam credere: Multi enim credunt, qui non timent; et Sanctus timor oritur ex fide vitae aeternae, etc. Sed fides est donum Dei, ut ostendi* disput. prima: *Ergo.*

15 IT IS PROVED fifthly. That which opens the heart, that we may receive God through sanctifying grace, is a gift of God; for the disposition is toward the supernatural form, and therefore must be of the same order: but servile fear is of this kind from the Council of Trent. Therefore: The minor is expounded by St. Augustine *tractate 9 on the epistle of John,* in D. Bonaventure *question 3 in the body: If there is no fear, there is no one who enters into charity. As we see by the seta the linen thread is introduced, when anything is sewn, the seta first enters, but unless it goes out, the linen does not succeed; so fear first occupies the mind, but fear does not remain there, because it entered for this reason, that it might introduce Charity.* For John expounds it: *Perfect charity casts out fear.* Then the minor is proved by D. Bonaventure from the opposite, in those words, *Isaiah 63: You have hardened our heart, that we might not fear you: for God hardens by not giving grace,* as Bellarmine notes from D. Augustine *epistle 105.*

> *PROBATUR quinto. Id qnod aperit cor, ut Deum per gratiam sanctificantem accipiamus, est donum Dei; nam dispositio est ad formam supernaturalem, atque adeo eiusdem ordinis esse debet: sed timor servilis est huiusmodi ex Concilio Trident. Ergo: Minor explicatur a S. Augustino* tract. 9. in epist. Ioan. *apud D. Bonav.* quaest. 3. in corpore: Si nullus timor, non est qui intret charitas. Sicut videmus per setam introduci linum, quando aliquid suitur, seta prius intrat, sed nisi exeat, non succedit linum; sic timor primo occupat mentem, non autem ibi remanet timor, quia ideo intravit, ut introduceret Charitatem. *Explicat enim id Ioan.* Charitas perfecta foras

mittit timorem. *Probatur deinde minor a D. Bonavent. ex opposito, illis verbis,* Isa. 63. Indurasti cor nostrum, ut non timeremus te: indurat enim Deus, non dando gratiam*, ut notat Bellarminus ex D. Augustino* epist. 105.

16 IT IS PROVED sixthly by the Saintly Doctor. An act takes its species from its object; but the object of servile fear is an honorable good, namely eternal punishment, making sin displeasing from the motive of Divine justice, and through fear of those punishments man ceases from the perpetration of sins, though he does not altogether cease from the will, as the Gloss on *Psalm 118* says, which is D. Augustine's above; which whole thing (says the Saintly Doctor) is from the divine gift. Whence he concludes that it is a gift of the Holy Spirit; and *question 1 and question 2* he infers that it is a good, because by it sins are avoided.

PROBATUR sexto a S. Doctore. Actus sumit suam speciem ab obiecto; obiectum autem timoris servilis est bonum honestum, scilicet poena aeterna, faciens displicere peccatum ex motivo Divinae iustitiae, et propter illarum poenarum timorem cessat homo a peccatorum perpetratione, licet non omnino cesset a voluntate, ut dicit Glossa ad Psal. 118. *quae est D. Augustini supra; quod totum (ait S. Doctor) est ex divino munere. Unde concludit, esse donum Spiritus sancti;* quaest. autem 1. et quaest. 2. *infert esse bonum, quia eo vitantur peccata.*

17 For the understanding of these words note from D. Bonaventure *question 2* that two quasi-degrees can be distinguished in holy servile fear. The first is, when it impedes the external work of sin, but because it is joined with an evil will, it does not beget Contrition, nor Attrition. The second is, when it not only impedes the external act, but also coerces the will, and this is the Fear of which the Council of Trent says it is the motive of attrition, and with the sacrament accompanying it justifies, as I related from the Council of Trent *session 14, chapter 4,* saying that Attrition disposes to justification, if it excludes the will of sinning: And it is the better.

Pro intelligentia horum verborum adverte ex D. Bonavent. quaest. 2. *duos quasi gradus posse distingui in timore servili sancto. Primus est, quando impedit opus peccati externum, sed quia coniunctus est cum mala voluntate, non gignit Contritionem, neque Attritionem. Secundus est, quando non solum actum externum impedit, sed etiam voluntatem coercet, et hic est Timor, de quo loquitur Concilium Trident. esse motivum attritionis, et sacramento accedente iustificare, ut retuli ex Concilio Tridentino* sess. 14. cap. 4. *dicens, Attritionem disponere ad iustificationem, si voluntatem peccandi excludat: Et est melior.*

18 Of the former, moreover, D. Augustine spoke *sermon 25 on Psalm 118,* on those words which he relates in *question 1*. The Saintly Doctor *in the body, and question 2 ad 1: Pierce my flesh with thy fear: The fear by which justice is not loved, but punishment is feared, is servile, because it is carnal, and therefore does not crucify the flesh. For the will of sinning lives: which then appears in act, when impunity is hoped for. But when punishment is believed to follow, it lives hidden, yet it lives: for it would rather be lawful, and it grieves that it is not lawful, which the law forbids: because it does not spiritually delight in its good, but carnally fears the evil threatened.* This is the Gloss which D. Bonaventure brings forward, who says that through this fear the will of sinning does not altogether cease habitually, though it ceases in some manner; whence it is evil; for if the will remains still actually resolved, such a will of sinning, if there were no punishment, would already be inordinate, as St. Bonaventure says *question 2*.

De priori autem locutus est D. Augustinus conc. 25. in Psalm. 118. ad ea verba, quae refert quaest. 1. *S. Doct.* in corpore, et quaest. 2. ad 1. Confige timore tuo carnes meas: Timor, quo non amatur iustitia, sed timetur poena, servilis est, quia carnalis est, et ideo non crucifigit carnem. Vivit enim peccandi voluntas: quae tunc apparet in opere, quando speratur impunitas. Cum vero poena creditur secutura, latenter vivit, vivit tamen: mallet enim licere, et dolet, non licere, quod lex vetat: quia non spiritualiter delectatur eius

bono, sed carnaliter malum metuit, quod minatur. *Haec est Glossa, quam affert D. Bonavent. qui ait, per hunc timorem non omnino cessare voluntatem peccandi habitualiter, licet aliquo cesset modo; unde est malus; nam si adhuc manet voluntas actu resoluta; talis voluntas peccandi, si poena non esset, iam esset inordinata, ut ait S. Bonavent.* quaest. 2.

19 Therefore this Saintly Doctor thus receives the servile fear brought in above, and likewise concerning the seven gifts, in the place cited.

Igitur timorem servilem supra allatum sic accipit hic S. Doctor, et de septem donis, loco cit.

20 *IT IS PROVED* secondly by D. Bonaventure *in the places cited,* and in the *Biblia Pauperum, chapter 38,* for God himself therefore struck into the scriptures the terrors of punishments, that he might deter from sins: but surely God would not send an evil fear, as is plain, *Exodus 14 and 20,* when he gave the law. Whence also *Job 31: I always feared God as waves swelling over me. Deuteronomy 32: A fire is kindled in my wrath, and shall burn even to the lowest hell. Psalm 7: Except you be converted, he will whet his sword. Isaiah 33: Who of you shall dwell with devouring fire? Jonas 3: Yet forty days, etc. Matthew 3: Every tree that does not bring forth good fruit shall be cut down, etc. Matthew 5. 13. 24. 25. Mark 9. Luke 12,* and elsewhere.

PROBATUR *secundo a D. Bonavent.* locis allegatis, *et in* Bibliis pauperum, cap. 38. *etenim Deus ipse ideo incussit in scripturis terrores poenarum, ut a peccatis deterretet: sane vero Deus timorem malum non immitteret, ut patet,* Exodi 14. et 20. *dum legem dabat. Unde et* Iob 31. semper quasi tumentes super me fluctus, timui Deum. Deuter. 32. Ignis succensus est in furore meo, et ardebit usque ad inferni novissima. Psalm. 7. Nisi conversi fueritis, gladium suum vibrabit. Isa 33. Quis poterit habitare de vobis cum igne devorante? Ionas 3. Adhuc quadraginta dies, etc. Matth. 3. Omnis arbor, quae non facit fructum bonum, excidetur, etc. Matth. 5. 13. 24. 25. Marci 9. Lucae 12. *et alibi.*

21 *LET THERE COME FORWARD* the holy Fathers related by Bellarmine *Book 2 on Penance, chapter 17,* where he uses the same means as St. Bonaventure.

ACCEDANT *Sancti Patres relati a Bellarmino* Lib. 2. de Poenitent. cap. 17. *ubi eisdem mediis S. Bonavent. utitur.*

22 From these is washed away the error of Luther, who at the beginning of his perversion condemned this Fear, although the Lutherans now confess with us that it is useful. To these is added Calvin *Book 3 of the Institutes, chapter 3, § 7.*

Ex quibus eluitur error Lutheri, qui initio suae perversionis Timorem hunc damnavit, tametsi Lutherani iam cum nobis eum confiteantur utilem. Quibus accedit Calvinus Lib. 3. instit. cap. 3. §. 7.

23 *YOU WILL OBJECT* first. Every gift of the Holy Spirit stands with him himself; but while the Holy Spirit is infused through grace, servile fear is taken away: therefore. The minor is from D. Augustine above *on the epistle of John.*

OBIICIES *primo. Omne donum Spiritus sancti stat cum ipso; sed dum infunditur Spiritus sanctus per gratiam, aufertur timor servilis: ergo. Minor est D. Augustini supra* ad epist. Ioan.

24 The SAINTLY DOCTOR ANSWERS, that the Major is false concerning the gift of the Holy Spirit, which is a disposition and preparation to grace; such is servile fear, which upon the coming of Sanctifying grace is not altogether taken away, but is perfected. The Minor also is false.

RESPONDET *S. Doctor, falsam esse Maiorem de dono Spiritus sancti, qui est dispositio, et praeparatio ad gratiam; talis est timor servilis, qui adveniente gratia Sanctificante neque tollitur omnino, sed perficitur. Falsa est etiam Minor.*

25 *YOU WILL OBJECT* secondly. The gift of the Holy Spirit has a corresponding exemplar in God; but in God there is no exemplar of fear: Therefore.

> OBIICIES *secundo. Donum Spiritus sancti habet exemplar correspondens in Deo; sed in Deo, non est exemplar timoris: Ergo.*

26 The SAINTLY DOCTOR ANSWERS, that there exists an exemplar only as to those things which are said of perfection, as in fear it is to turn away from evil: for God turns away from evil.

> RESPONDET *S. Doctor extare exemplar solum quo ad ea, quae dicunt perfectionem, ut in timore est avertere a malo: Deus enim malum aversatur.*

27 *YOU WILL OBJECT* thirdly. The gifts of the Holy Spirit are given to raise up the soul to noble things; but servile fear rather depresses: Therefore.

> OBIICIES *tertio. Dona Spiritus sancti dantur ad erigendam animam ad praeclara; sed timor servilis potius deprimit: Ergo.*

28 The SAINTLY DOCTOR ANSWERS, that holy servile fear turns away from evil and raises up to good. For by it one begins to revere God.

> RESPONDET *S. Doctor, timorem servilem sanctum amovere a malo, et ad bonum erigere. Eo enim incipit Deum revereri.*

29 *YOU WILL OBJECT* fourthly. Fear is related as love is: but to love God for temporal goods is not a gift of the Holy Spirit. Therefore neither to fear.

> OBIICIES *quarto sic se habet timor, sicut amor: at Deum amare ob bona temporalia non est donum Spiritus sancti. Ergo nec timere.*

30 The SAINTLY DOCTOR ANSWERS, that love toward God on account of temporal things, inasmuch as they are ordered to him as a supernatural end, is holy: so also the fear of the Justice of God from eternal or even temporal punishments, as scourges for stirring up toward the justice of God to be reverenced, and him to be reverenced, is holy; not inasmuch as they regard precisely this life. Therefore he says, *not always, etc.*

> RESPONDET *S. Doctor, amorem in Deum ob temporalia, ut ordinant ad eum ut finem supernum, esse sanctum: sic et timorem Iustitiae Dei ex poenis aeternis, vel etiam temporariis, ut flagellis ad excitandum ad Dei iustitiam reverendam, eumque reverendum esse sanctum; non ut praecise vitam respiciunt hanc. Idco ait,* non semper, etc.

31 *YOU WILL OBJECT* fifthly. To fear the gallows the robber has no need of a holy Gift: Therefore still less to fear heavier punishments. But these are equal, those who fear only punishments.

> OBIICIES *quinto. Ad timendum suspendium non eget latro Dono sancto: Ergo minus ad timendas poenas graviores. Sunt autem pares hi, timentes solum poenas.*

32 The SAINTLY DOCTOR ANSWERS by denying that they are equal; for the fear of God is from faith, and is of some goodness disposing to grace. Nor indeed is it unfruitful for this, but only for merit, as St. Bonaventure says *at the end of the body, question 2.* As of faith also St. Paul says *1 Corinthians 3: If I should have all faith, etc.* Nor is it hypocrisy, because it is not made simulatedly, nor duplicity of heart with God turned away, as Luther feigns; indeed from this begins the conversion of the sinner. Nor is it evil, because it regards punishment more than fault, although the one having it, because he

is a servant, still acts imperfectly; whence this malice is of the subject, not of the form, even if it itself be imperfect. See Bellarmine at the end. Nor is it from fear, though it is from fear; but fear, and pride, can be concomitant by reason of the subject, which is a sinner not yet justified. And in this sense D. Gregory says in D. Bonaventure: *When punishment is feared, and the face of God is not loved, fear is from fear.*

> RESPONDET *S. Doctor negando esse pares; nam timor Dei est ex fide, et est alicuius bonitatis disponens ad gratiam. Neque enim est infructuosus ad hoc, sed solum ad meritum, ut ait S. Bonavent.* in fine corporis, quaest. 2. *Sicuti de fide etiam ait S. Paulus* prima Corinth. 3. Si habuero omnem fidem, etc. *Neque est hypocrisis, quia non fit simulate, neque corde reduplicative a Deo averso, ut fingit Lutherus, imo hinc incipit conversio peccatoris. Neque est malus, eo quod magis respicit poenam, quam culpam, quamvis ipse habens, quia servus est, imperfecte adhuc agit; unde haec malitia est subiecti, non formae, esto et ipsa imperfecta sit. Vide Bellarminum in fine. Neque est ex timore, licet sit ex timore; sed timor, et superbia potest esse concomitans ratione subiecti, quod est peccator nondum iustificatus. Et hoc sensu ait D. Gregorius apud D. Bonavent.* Cum poena timetur, et Dei facies non amatur, timor ex timore est.

33 *YOU WILL OBJECT* fifthly. Every fear arises from love; for we fear lest the beloved good be snatched away, as D. Augustine teaches *brought in above, question 2.* But servile fear does not arise from Charity in the sinner, nor from natural love; otherwise it would be natural fear: Therefore from lustful.

> OBIICIES *quinto. Omnis timor oritur ex amore; nam timemus, ne bonum amatum rapiatur, ut docet D. Augustinus* allatus quaest. 2. *sed Timor servilis non oritur ex Charitate in peccatore, neque ex amore naturali; alioqui esset timor naturalis: Ergo ex libidinoso.*

34 The SAINTLY DOCTOR ANSWERS, that it does not arise from Charity; but from love of his own eternal good, which he fears may be snatched from him through hell, which he knows from faith; and so it is from natural and gratuitous love, arising from the supernatural knowledge of faith, though not from the habit of charity.

> RESPONDET *S. Doctor, non oriri ex Charitate; sed ex amore sui boni aeterni, quod timet per gehennam sibi eripi, quam novit ex fide; et ita est ab amore naturali, et gratuito, orto ex cognitione supernaturali fidei, licet non ex habitu charitatis.*

35 *YOU WILL OBJECT* sixthly. No act incompossible with Charity is good: The act of servile fear is of this kind: Therefore. The Major is evident, because Charity does not conflict with good. The Minor is proved from D. Augustine *tractate 9 on the first epistle of John,* and from the Apostle *Romans 8,* where the spirit of slavery is said to conflict with the spirit of adoption.

> OBIICIES *sexto. Nullus actus, Charitati incompossibilis, est bonus: Actus timoris servilis est huiusmodi: Ergo. Maior est evidens, quia Charitas bono non repugnat. Minor probatur ex D. Augustino* tract. 9. in primam Ioan. *et Apostolo* Rom. 8. ubi spiritus servitutis dicitur repugnans spiritui adoptionis.

36 The SAINTLY DOCTOR ANSWERS, that the act which is from its intrinsic nature incompossible with charity is evil; but the act of servile fear is not intrinsically conflicting with charity, because a just man can fear God from the motive of hell: it conflicts indeed per accidens by reason of the subject; Whence it does not follow that it is evil.

> RESPONDET *S. Doctor, actum, qui ex intrinseco est incompossibilis charitati, esse malum; sed actus timoris servilis non est intrinsece repugnans charitati, quia potest iustus ex motivo gehennae timere Deum: repugnat vero per accidens ratione subiecti; Unde non sequitur esse malum.*

37 *YOU WILL OBJECT* seventhly. As it is to love God, so also to fear; but to love God on account of temporal goods is evil: Therefore also to fear on account of punishments.

> OBIICIES *septimo. Sicuti se habet amare Deum, sic et timere; sed amare Deum propter bona temporalia est malum: Ergo et timere propter poenas.*

38 The SAINTLY DOCTOR ANSWERS by denying the likeness; for he who loves on account of temporal things only places the end in them, and therefore is depraved, while he enjoys what he should use; not so he who fears God on account of punishments, in the way said *ad 4*.

> RESPONDET *S. Doctor negando simile; nam amans propter temporalia solum ponit in eis finem et ideo pravus est, dum fruitur utendis; non sic qui timet Deum propter poenas, modo dicto* ad 4.

39 Then by another reason the parity is denied; for he who loves God on account of temporal things loves two things: but he who fears God on account of punishments fears one thing; for he who fears one holding a sword, fears at once the sword and the blow, as one and the same thing.

> *Deinde alia ratione negatur paritas; nam qui amat Deum propter temporalia, duo amat: sed qui timet Deum propter poenas, unum timet; qui enim timet habentem gladium, timet simul gladium, et ictum, ut unum et idem.*

40 *YOU WILL OBJECT* eighthly. Servile fear is named from the slavery of sin: Therefore no one fears servilely without the circumstance of sin.

> OBIICIES *octavo. Timor servilis dicitur a servitute peccati: Ergo nullus serviliter timet absque circumstantia peccati.*

41 The SAINTLY DOCTOR ANSWERS, that the circumstance is placed in the subject, not in the act, which is not deformed by reason of the subject, since it takes its essence from the object, from which it is good.

> RESPONDET *S. Doctor, circumstantiam poni in subiecto, non in actu, qui non deformatur ratione subiecti, cum essentiam sumat ab obiecto, a quo est bonus.*

Question V: Whether servile fear is cast out when grace comes

1 *The FIRST opinion is, that it is expelled as to the deformity attached to the subject of the man who is justified, not by reason of the gift itself.*

> *PRIMA opinio est, eum expelli quo ad deformitatem adnexam subiecti hominis, qui iustificatur, non ratione ipsius doni.*

2 *The SECOND opinion is,* that it is expelled formally, because it has an essential imperfection attached, which conflicts with Charity, namely, to act from the motive of punishment more than of some good; and this seems to be the sense of D. Augustine's words brought in *in the preceding question,* where he says that servile fear is related to charity as the awl-thread (seta) of the shoemaker to the thread, which introduces the thread, but is itself driven out by it.

> *SECYNDA opinio est, pelli formaliter, quia habet adnexam imperfectionem essentialem, quae repugnat Charitati, nempe operari ex motivo magis poenae, quam alicuius boni, et hic videtur sensus D. Augustini allati* q. praecedenti, *ubi dicit, timorem servilem respectu charitatis se habere veluti setam caligarii respectu fili, quae filum inducit, sed ab eo pellitur.*

3 *The THIRD opinion,* the third opinion is the middle one, distinguishes three things in servile fear. The first is material, namely, to fear eternal punishment. The second formal, which is to be moved

principally by punishment. The third is attached, namely, to have a deformed will.

> *TERTIA Tertia opinio media, tria distinguit in timore servili. Primum est materiale, timere scilicet poenam aeternam. Secundum formale, quod est moveri principaliter a poena. Tertium est adnexum, nempe habere voluntatem deformem.*

4 I assert first, That Fear is taken away as to the formal, upon the coming of grace.

> *Assero primo, Timorem tolli quo ad formale, adveniente gratia.*

5 It is proved by D. Bonaventure first from D. Augustine in the place cited, on those words of the first epistle of John, chapter 5: *Perfect charity casts out fear.*

> *Probatur a D. Bonavent. primo ex D. Augustino loco cit. ad ea verba Ioan. prima, cap. 5.* Perfecta charitas foras pellit timorem.

6 Secondly, the Spirit of adoption and of slavery conflict, from chapter 8 of Romans. But grace is the Spirit of adoption; servile fear comes from the Spirit of slavery: Therefore.

> *Secundo Spiritus adoptionis, et servitutis, repugnant ex cap. 8. Rom. Sed gratia est Spiritus adoptionis; Timor servilis venit e Spiritu servitutis: Ergo.*

7 Thirdly, because one who has charity is moved by love, not principally by fear of punishment: Therefore Fear is taken away as to this, upon the coming of Charity.

> *Tertio, quia habens charitatem, movetur amore, non timore poenae principaliter: Ergo tollitur quo ad hoc Timor, adveniente Charitate.*

8 Fourthly. As love, which is before sanctifying grace, is related to infused charity, so also is servile Fear related to initial. But the love of charity is other than the love preceding justification: Therefore also fear: And since servile fear cannot become initial, or be changed into it: Therefore it is expelled.

> *Quarto. Sicut se habet amor, qui est ante gratiam sanctificantem, ad charitatem infusam; ita et Timor servilis ad initialem. Sed amor charitatis alius est ab amore, praecedente iustificationem: Ergo et timor: Et cum servilis nequeat fieri initialis, seu in eum mutari: Ergo pellitur.*

9 Yet the SAINTLY DOCTOR answers by denying the parity, because Charity cannot be made formless and be transmuted, as is plain when someone falls from charity, and yet after the fall the fear of hell remains. And if you object, that love is the root of fear? Therefore it ought to run pari passu. It is answered that it does not avail, because it is likewise the root of Hope, and yet Hope can be formless and formed; and so it does not conclude that fear is altogether expelled, because it has something which can be together with Charity and without it; but Charity is wholly taken away.

> *Respondet tamen S. Doctor negando paritatem, quia Charitas non potest fieri informis, et transmutari, ut patet, cum aliquis cadit a charitate, et tamen post lapsum remanet timor gehennae. Et si obiicias, quod amor est radix timoris? Ergo debet currere pari passu. Respondetur, non valere, quia similiter est radix Spei, et tamen Spes potest esse informis, et formata; et ita non concludit, quod timor omnino expellatur, quia habet aliquid, quod potest esse simul cum Charitate, et sine ea; Charitas vero tota tollitur.*

10 I assert secondly, that fear is not taken away as to the material, that is, operating from fear of hell. This the arguments to be brought forward prove; which he nevertheless solves, because the material does not make a thing to be said to remain.

Assero secundo, non tolli timorem quo ad materiale operandi ex metu gehennae. Hoc probant argumenta afferenda; quae tamen solvit, quia materiale non facit, ut res dicatur permanere.

11 It is proved first; because as faith is related to grace, so also is the gift of fear; but faith is not taken away, but formed: Therefore.

Probatur primo; quia sicut se habet fides ad gratiam, ita et donum timoris; sed fides non tollitur, sed formatur: Ergo.

12 Yet the SAINTLY DOCTOR answers, that it is not alike, because faith remains as to its essence, namely, assenting to truths from revelation: But servile fear, upon the coming of grace, does not flee evil principally from the motive of punishments.

Respondet tamen S. Doctor, non esse simile, quia fides manet quo ad essentiam, nempe assentiendi veris ex revelatione: At timor servilis, adveniente gratia, non fugit malum, principaliter e motivo poenarum.

13 It is proved secondly. Nature stands further from sanctifying grace than sanctifying grace from grace freely given; but upon the coming of sanctifying grace, nature is not taken away: Therefore neither the gift of grace: Therefore neither holy fear.

Probatur secundo. Plus distat natura a gratia gratum faciente, quam gratia gratum faciens a gratia gratis data; sed adveniente gratia sanctificante, non tollitur natura: Ergo nec donum gratiae: Ergo nec sanctus timor.

14 Yet the SAINTLY DOCTOR answers, that it is not alike, because nature is given as permanent, that it may be perfected by grace; but there are some graces which are given for a time, and therefore are taken away upon the coming of grace, as befitting an imperfect state.

Respondet tamen S. Doctor, non esse simile, quia natura datur permanens, ut a gratia perficiatur; At vero sunt aliquae gratiae, quae dantur ad tempus, ideo tolluntur superveniente gratia, tanquam statui imperfecto convenientes.

15 It is proved thirdly: That which contains another, by adding something, does not destroy what is contained, but perfects it: Initial fear contains servile; for both operate from the motive of punishment: Therefore.

Probatur tertio: Quod aliud continet, aliquid addendo, non destruit illud contentum, sed perficit: Timor initialis continet servilem; nam ambo operantur ob motivum poenae: Ergo.

16 The SAINTLY DOCTOR answers, that that which adds an opposite difference does not perfect, but take away: thus filial fear adds a difference opposed to servile fear, which is to act not principally from the motive of punishment; Therefore it takes it away.

Respondet S. Doctor, id, quod addit differentiam oppositam, non perficere, sed auferre: sic timor filialis addit differentiam oppositam timori servili, quae est operari non principaliter motivo poenae; Ideo ipsum tollit.

17 It is proved fourthly. Grace in itself conflicts only with sin. But servile fear is not a sin: Therefore it is not expelled by grace.

Probatur quarto. Gratia secundum se non repugnat, nisi peccato. Sed Timor servilis non est peccatum: Ergo non pellitur a gratia.

18 The SAINTLY DOCTOR answers; that servile fear regards punishment, which is from sin. Therefore grace, which is the dower of the sons of God, does not allow one to act principally from punishment, even though it allows punishments also to be regarded, because sons act in a different manner than servants not yet reconciled, but only tending toward reconciliation.

Respondet S. Doctor; timorem servilem respicere poenam, quae est ex peccato. Ideo gratia, quae est dos filiorum Dei, non sinit operari magis principaliter ex poena, esto sinat respicere etiam poenas, quia filii operantur diverso modo, ac servi non adhuc reconciliati, sed solum tendentes ad reconciliationem.

Question VI: Whether initial and filial fear differ specifically

1 We must discern the object of each, that we may perceive the distinction of the habits.

Oportet utriusque obiectum discernere, ut distinctionem habituum percipiamus.

2 Concerning the object of Initial Fear they say that its medium is between the object of servile Fear, which is punishment; and the object of filial fear, which is the reason of the offense of God. Therefore the object of Initial Fear is both offense and punishment; but offense the more principal. The object of filial Fear, moreover, has for its object the evil of fault, inasmuch as it is an offense of God, not simply, but attending to the supreme reverence of the Father.

Circa obiectum Timoris initialis aiunt, medium esse inter obiectum Timoris servilis, quod est poena; et obiectum timoris filialis, quod est ratio offensae Dei. Itaque obiectum Timoris Initialis est tam offensa, quam poena; sed principalior offensa. Obiectum vero Timoris filialis habet pro obiecto malum culpae, ut est offensa Dei, non simpliciter, sed attendens summam Patris reverentiam.

3 It is proved by the Saintly Doctor *on the seven gifts. On the Gift of Fear, and here dist. 36, art. 2, question 1,* because it arises from filial charity, by which we love God with no respect had to our own advantage or disadvantage; and in this way it fears separation from God, as the Saintly Doctor shows *dub. 3, the text being as follows:* that it is not a fear of separation from God inasmuch as it is our good, as Durandus thinks *dist. 3, dist. 34,* saying that the pain of sense is regarded and fled from by servile fear; but the pain of loss by filial Fear; surely a fear of separation here would be from the love of concupiscence, and not from perfect Charity, that is, the love of friendship, as Caspensis notes *disput. 2, sect. 1, num. 5.*

Probatur a S. Doctore de septem donis. De Dono Timoris, et hic dist. 36. art. 2. quaest. 1. *quia oritur ex charitate filiali, qua diligimus Deum, nullo habito respectu ad nostrum commodum, vel incommodum et hoc modo timet separationem a Deo, ut ostendit S. Doctor* dub. 3. litt. ita, *ut non sit timor separationis a Deo, quatenus est bonum nostrum, ut putat Durandus* 3. dist. 34. *dicens, poenam sensus respici, et fugi a timore servili; poenam vero damni a Timore filiali; sane timor hic separationis esset ab amore concupiscentiae, non autem a Charitate perfecta, seu amore amicitiae, ut notat Caspensis* disput. 2. sect. 1. num. 5.

4 Hence therefore I assert that these loves are divided into diverse ones, at least modally.

Hinc igitur assero, hos amores dividi in diversos, saltem modaliter.

5 It is proved by St. Bonaventure first, because thus the Fears are divided by D. Augustine, by the Master, and by other Fathers into Initial, Filial, etc.

Probatur a S. Bonavent. primo, quia sic Timores dividuntur a D. Augustino, a Magistro, et aliis Patribus in Initialem, Filialem, etc.

6 Next, because the principal objects are diverse, as I showed, for Initial regards punishment more principally than offense: But filial flees principally the offense of God.

Deinde, quia diversa sunt obiecta principalia, ut ostendi, nam Initialis respicit principalius poenam, quam offensam: At filialis principalius offensam Dei refugit.

7 You will object. If one of two opposites is not multiplied, neither is the other multiplied; but Hope, the opposite of Fear, is not multiplied: Therefore neither is Fear.

Obiicies. Si unum oppositorum non multiplicatur; neque multiplicatur alterum; sed Spes, opposita Timori, non multiplicatur: Ergo neque Timor.

8 The SAINTLY DOCTOR answers, that the major is true of the division of univocals, as Aristotle testifies *in the Post-praedamenta, chapter on opposites; and Metaphysics 3, tract 4*. But hope and fear are not opposed univocally. Fear, moreover, is divided more than Hope, because the latter always tends toward one supreme good; but Fear flees from many evils principally, according to the diverse states, as I said.

Respondet S. Doctor, maiorem esse veram de divisione univocorum, ut testatur Aristoteles in post praedic. cap. de oppositis: et 3. Metaph. tract. 4. *At spes, et timor non opponuntur univoce. Dividitur autem magis Timor, quam Spes, quia haec semper in unum bonum tendit summum; Timor vero e multis malis, principalius fugit, secundum diversos status, ut dixi.*

9 You will object secondly. More and less do not vary the species: but initial and filial Fear differ as the less perfect from the more perfect: Therefore.

Obiicies secundo. Magis, et minus non variant speciem: sed Timor initialis, et filialis differunt, ut minus perfectum a magis perfecto: Ergo.

10 The SAINTLY DOCTOR answers, that there is not there on that account a specific difference; otherwise we should have to posit also another middle fear, that is, of the proficient. Then he answers that they do not differ only as the less perfect from the more perfect; but by the principal motive, although one in a certain way supposes the other, and what was formal with respect to the initial becomes material to the filial.

Respondet S. Doctor, non esse ibi proptiam differentiam; alioqui deberemus etiam alterum timorem medium ponere, idest proficientem. Deinde respondet, non differre solum, ut minus perfectum a magis perfecto; sed per motivum principale, licet unum quodammodo supponat alterum, et quod erat formale respectu initialis, fiat materiale filiali.

11 You will object thirdly. If it is pleasing thus to distinguish Fear; one can also distinguish Love, from which Fear remains, into Initial and Perfect: But Love is not distinguished in species by these differences: Therefore neither is Fear.

Obiicies tertio. Si libet sic distinguere Timorem; potest distinguere se Amorem, a quo Timor manet, in Initialem, et Perfectum: Sed Amor per has differentias non distinguitur specie: Ergo neque Timor.

12 The SAINTLY DOCTOR *answers* by denying the parity, because love has no diverse motives, but is perfected only by reason of state.

Respondet *S. Doctor negando paritatem, quia amor non habet diversa motiva, sed solum ratione status perficitur.*

13 *You will object* fourthly. As is the univocal cause, so is the effect; but both these Fears arise from gratuitous love, from D. Augustine *Tractate 43 on John*. Therefore.

Obiicies *quarto. Qualis causa univoca, talis effectus; sed uterque iste Timor oritur ex amore gratuito ex D. Augustino* Tract. 43. in Ioan. *Ergo.*

14 The SAINTLY DOCTOR *answers* that love is not the univocal cause of Fear, whence from one love are generated not only diverse differences of Fears; but even three genera of affections, as D. Augustine teaches *Tractate 9 on the epistle of John.*

Respondet *S. Doctor amorem non esse causam univocam Timoris, unde ex uno amore genitantur, non modo diversae differentiae Timorum; sed etiam tria genera affectionum, ut docet D. Augustinus* Tract. 9. in epist. Ioan.

15 *You will object* fifthly. If there are several gratuitous Fears: therefore the gifts of the Holy Spirit are eight.

Obiicies *quinto. Si plures sint Timores gratuiti: ergo dona Spiritus sancti sunt octo.*

16 The SAINTLY DOCTOR *answers,* that one fear, which is the initial, is included in the other as to what is said of nobility; and therefore is included in the one Spirit of the Fear of the Lord.

Respondet *S. Doctor, unum timorem, qui est initialis, includi in alio quo ad id, quod dicit nobilitatis; et ideo includi in uno Spiritu Timoris Domini.*

17 *You will object* sixthly. If these Fears differ, because Initial flees also punishment, and Filial the offense of God: Then thus: In the offense there is to offend God, which is fault; and to be separated from God through enmity, which are diverse: Therefore two Fears.

Obiicies *sexto. Si Timores isti differunt, quia Initialis refugit etiam poenam, et Filialis offensam Dei, Tunc sic: In offensa est Deum offendere, quod est culpa; et a Deo separari per inimicitiam, quae sunt diversa: Ergo duo Timores.*

18 The SAINTLY DOCTOR *answers*. That initial Fear regards two things; but principally one, consequentially the other: Similarly also the Filial; therefore there is one principal motive, diverse in both, whence the Fears ought to vary. The reason of the offense, inasmuch as it signifies the separation, which is a punishment, is less regarded by the Filial; and principally by the Initial.

Respondet *S. Doctor. Timorem initialem ad duo respicere; sed ad unum principaliter; ad alterum consequenter: Similiter et Filialem; ideo est unum motivum principale, diversum in ambobus, unde variari debent Timores. Ratio vero offensae, prout dicit separationem, quae est poena, minus respicitur a Filiali; et principaliter ab Initiali.*

Question VII: Whether, as charity grows, fear diminishes

1 The holy Doctor reports many opinions on this matter. The first is that, as Charity grows with respect to the habit, Fear also grows with respect to the habit, because gratuitous habits are equal; but with respect to use, as Charity grows, Fear diminishes; and the more the use of charity presses forward, the less the use of Fear prevails, and this appears from experience: for at the beginning of his conversion a man does many things out of fear, but when he has tasted the Spirit of devotion and of sweetness, which is in love, as he draws near to the state of perfection he is now drawn more to act well by the generosity of love than he is spurred by the penalty of fear.

An crescente Charitate Timor decrescat.

Multas hac de re sententias refert S. Doctor. Prima est, crescente charitate quo ad habitum, crescere etiam Timorem quo ad habitum, quia habitus gratuiti sunt aequales; At quo ad usum, crescente charitate, decrescere Timorem; quantoque magis urget usus charitatis, tanto minus vigere usum Timoris, et illud experimento apparet: Homo enim initio suae

conversionis multa ex timore facit, sed cum gustaverit Spiritum devotionis, et dulcedinis, quae est in amore, approximans ad statum perfectionis, iam ad bene operandum magis trahitur liberalitate amoris, quam stimuletur poenalitate timoris.

2 Yet in this manner the holy Doctor finds an inconsistency; for if the magnitude of a habit is discerned from the magnitude of its acts, then as the acts diminish, the habit too should be argued to diminish; or if the habit grows, the acts too should be intensified.

In hoc modo tamen invenit S. Doctor implicantiam; si enim magnitudo habitus dignoscitur ex magnitudine actuum; decrescentibus actibus, debet argui decrescere etiam habitum; vel si habitus crescit; et intendentur etiam actus.

3 The second opinion is that Fear — not merely servile but even Initial — diminishes as charity grows, because that Fear shares with servile fear, operating also through fear of punishments; but filial Fear is not lessened as Charity grows; for the more one loves God, the more he flees offense against Him. This is the opinion of St. Thomas.

Secunda sententia est, Timorem quidem, nedum poenalem, imo Initialem decrescere crescente charitate, quia iste Timor communicat cum servili, operans metu etiam poenarum: Timorem vero filialem non minui crescente Charitate; quia quanto magis aliquis Deum amat, tanto Divinam refugit offensam. Haec est opinio D. Thomae.

4 But the holy Doctor argues against it: because filial fear, whereby one fears to offend God, has pain, and the soul is much afflicted by that dread. Yet Blessed John *chapter 4* says: *Perfect charity casts out Fear*, on account of its attached penal aspect.

Sed contra arguit S. Doctor; quia timor filialis, quo quis timet Deum offendere, poenam habet, et multum affligitur anima illa formidine. Beatus autem Ioannes prima, cap. 4. *dicit:* Perfecta charitas foras mittit Timorem*, propter adnexam poenalitatem,*

5 The third opinion, therefore, is that there is a twofold use of gratuitous fear. One is whereby the heart of man is stirred from consideration of his own fragility; the other, whereby he is humbled from consideration of his own smallness and of the divine majesty; and the first use is diminished as charity is perfected, because confidence rises from the perfection of charity, so that man may then say the word of the Apostle: *Who shall separate us from the Charity of Christ?* But the other use grows as charity grows, like the habit of fear: hence the more one has of the Spirit of love, the more he has of the Spirit of fear.

Tertia igitur opinio est, duplicem esse usum timoris gratuiti. Alter est quo cor hominis sollicitatur e consideratione suae fragilitatis: Alter, quo humiliatur e consideratione suae parvitatis, et divinae maiestatis; et primus usus minuitur, cum charitas perficitur, quia confidentia consurgit ex perfectione charitatis, ut iam homo dicat illud Apostoli: Quis nos separabit a Charitate Christi? *Alter vero usus crescit, charitate crescente, sicut timoris habitus: Unde quanto quis habet plus de Spiritu amoris, tanto plus habet de Spiritu timoris.*

6 I assert first, that as charity grows, Fear diminishes with respect to anxiety.

Assero primo, crescente charitate, minui Timorem quo ad anxietatem.

7 *It is proved* by the holy Doctor, from that passage of *1 John 4*, and by St. Augustine *Tractate 9, there*.

Probatur *a S. Doctore, ex illa* prima Ioan. 4. *et D. Augustino* Tract. 9. ibi.

8 *It is proved* secondly by the holy Doctor; for as charity grows in anyone, so much the more does he hope: Therefore he fears less to be separated from God, because he is bound more closely to God.

> Probatur *secundo a S. Doctore; quia quanto crescit charitas in aliquo, tanto magis is sperat: Ergo minus timet separari a Deo, quia strictius Deo alligatur.*

9 Finally, as love grows, delight grows: Therefore Pain is diminished.

> *Tandem crescente amore, crescit delectatio: Ergo minuitur Poena.*

10 I assert secondly, that as charity grows, reverential fear grows.

> *Assero secundo, crescente charitate, crescere reverentialem timorem.*

11 *It is proved* by the holy Doctor first. When the cause is increased, the effect is increased; but faith and love cause gratuitous fear: Therefore, as faith and charity grow, gratuitous Fear grows. St. Thomas uses this argument too, but St. Bonaventure moderates it, as above.

> Probatur *a S. Doctore primo. Augmentata causa, augetur effectus; sed fides, et amor causant timorem gratuitum: Ergo fide, et charitate crescente, crescit Timor gratuitus. Hac ratione utitur etiam D. Thomas sed moderatur eam S. Bonavent. ut supra.*

12 Secondly. The more one loves, the more tightly he holds a good and esteems it; and if it exceeds, he reveres it.

> *Secundo. Quanto aliquis amat, tanto arctius tenet bonum, et illud aestimat; et si excedit, reveretur.*

13 Finally. The more intense anyone's charity is, the greater his solicitude to serve God, lest he offend the will of God, according to that of Micah 6: *I will show thee, O man, what is good, and what the Lord requireth of thee. And afterward: and to walk solicitously with thy God*; and the greater the solicitude, the greater the fear of losing the good.

> *Tandem. Quanto alicuius intensior est charitas, tanto maior sollicitudo ad serviendum Deo, ne Dei voluntatem offendat, iuxta id Micheae 6.* Indicabo tibi o homo quid sit bonum, et quid Deus requirat a te. Et postea: et sollicitum ambulare cum Deo tuo*, quanto autem est maior sollicitudo, tanto maior est timor amittendi bonum.*

14 *The holy Doctor answers* that not all solicitude arises from fear: for the solicitude whereby one raises his soul to serve God arises from Charity.

> Respondet *S. Doctor, non omnem sollicitudinem esse ex timore: sollicitudo enim, qua quis animo erigitur, ut Deo inserviat, oritur ex Charitate.*

15 *You will say*: One is solicitous also lest he offend.

> Dices*: Sollicitus est is etiam ne offendat.*

16 *The holy Doctor answers* that this is a solicitude of diligence, which in perfected men has fear attached to it not so deeply, except for a time, while they are shaken in soul from consideration of the divine judgments.

> Respondet *S. Doctor, illam esse sollicitudinem diligentiae, quae in viris perfectis non adeo haerentem habet timorem, nisi ad aliquod tempus, dum ex consideratione divinorum iudiciorum animo concutiuntur.*

17 From these he draws out another way of answering the question, namely that the use of any habit is said to grow or diminish in two ways: first in intensity; second in the number of acts. Therefore, as charity grows, filial fear diminishes with respect to the number of acts; because the perfected man does not need to be stirred so often as the imperfect man does, who is anxious both on account of a

past fault, lest perhaps it still be unremitted, and on account of a future one, lest he relapse through frailty.

> *Ex his elicit alium modum respondendi quaestioni, quod usus alicuius habitus dupliciter dicitur crescere, vel decrescere: Primo intensione: Secundo numero actuum. Igitur crescente charitate, decrescit timor filialis actuum numero; quia vir perfectus non eget sollicitari tam saepe, sicut imperfectus, qui tum ratione culpae praeteritae, ne forte adhuc remissa sit; tum ratione futurae ne ex fragilitate recidat, anxiatur.*

Question VIII: Whether gratuitous fear remains in heaven

1 It is indeed difficult to admit Fear in the Blessed, however holy it may be; and yet all the Scholastics admit it, lest they strip them of a signal gift of the Holy Spirit; so much so that Valentia calls it erroneous to deny it to the blessed, *disp. 2, quest. 2, point 5*; for it is said even in the Mass: *The powers tremble*. There are various ways of speaking, so that the motive of filial fear may be saved, which is flight from the Divine offense; for the blessed are impeccable.

> An Timor gratuitus maneat in patria.
>
> *Difficile est quidem, in Beatis Timorem, quantumvis sanctum, admittere; et tamen omnes Scholastici illud admittunt, ne dono insigni Spiritus sancti eos expolient; adeo ut illum beatis negare erroneum dicat Valentia* disp. 2. quaest. 2. puncto 5. *nam in Missa etiam dicitur:* Tremunt potestates. *Varii modi dicendi extant, ut salvent motivum timoris filialis, qui est Divinae offensae fuga; etenim beati sunt impeccabiles.*

2 The FIRST way of speaking is that of Suarez, *disp. 1, sect. 4, num. 20*: the gift of Fear remains in the Blessed in the manner in which infused Temperance and the other virtues, which remain in them, remain not only as to the habits but as to the simple acts of the will, by which they take complacency in their objects and their goodness, and detest the opposed uglinesses; for the hatred of evil is formally and explicitly love of the contrary good, e.g. hatred of darkness is love of Light, as Hurtado says, *disputation 113, sect. 9*; Caspensis subscribes, *disp. 2, sect. 1, num. 10*. Since, therefore, fear is hatred of sin or of punishments, it is formally love of the absence of punishments or of sin, which absence the Blessed love, but as a thing not contingent, since they are impeccable.

> *PRIMUS modus dicendi est Suarez* disp. 1. sect. 4. num. 20. *Timoris donum manere in Beatis eo modo, quo Temperantia infusa, et aliae virtutes, quae manent in eis, non modo quoad habitus, sed quo ad actus simplices voluntatis, quibus complacent in suis obiectis, et honestatibus eorum, et detestantur oppositas turpitudines; Quia odium mali formaliter, et expresse est amor boni contrarii, v. g. odium tenebrarum est amor Lucis, ut ait Hurtado* disput. 113. sect. 9. *subscribit Caspensis* disp. 2. sect. 1. num. 10. *Cum igitur timor sit odium peccati, aut poenarum, est formaliter amor carentiae poenarum, aut peccati, quam carentiam amant Beati, sed tanquam rem non contingentem, cum sint impeccabiles.*

3 The SECOND way is that of Medina, cited in Caspensis, *cited disputation*: the Fear of the Lord in heaven loses the name of filial Fear, because sin is no longer found to be feared, neither as separation from God nor as offense against Him, and it takes the name of reverential fear, because in a new way it tends toward God.

> *SECUNDUS modus est Medinae apud Caspensem* disput. cit. *Timorem Domini in patria amittere nomen Timoris filialis, quia iam non invenitur peccatum, quod timeatur, neque, ut est separatio a Deo, neque ut offensa eius, et inducere nomen timoris reverentialis, quia novo modo tendit in Deum.*

4 The THIRD way is that of Cajetan and Bannes, *cited article of St. Thomas*: the reverential Fear in heaven looks upon the omnipotence of God, as able indeed to inflict evil, whether of punishment, by inflicting it, or of fault, by permitting it; but not as that He will actually inflict it. For thus they are cast down with a certain reverential fear. To this Valentia smiles assent, to be cited below.

> *TERTIUS modus est Caietani, et Bannes,* art. cit. D. Thom. *Timorem reverentialem patriae respicere omnipotentiam Dei, ut potest sane inferre malum, seu poenae, inferendo; sive culpae, permittendo; non tamen ut actu inferet. Sic enim reverentiali quodam timore demittuntur. Huic arridet Valentia citandus infra.*

5 The FOURTH way is that that fear of the blessed is not a flight, since they are no longer in the struggle, but a reverential pursuit, arising from consideration of their own smallness and of God's magnitude and justice, which could have punished, and yet had mercy, and rewards beyond what is deserved; and thus they prostrate themselves in reverence. Nor is it admiration, as Caspensis infers, *num. 10*, but profound humiliation, even if with admiration. Thus think, with St. Bonaventure here, St. Thomas *in the body of the text*, Valentia *disp. 2, quest. 2, point 5*.

> *QUARTUS modus est, timorem illum beatorum non esse fugam, cum non amplius sint in pugna, sed reverentialis prosecutionis, ortum ex consideratione suae parvitatis, et Dei magnitudinis, et iustitiae, quae potuisset punire, et tamen miserta est, et praemiat ultra condignum, et ita prosternuntur reverentes. Neque est admiratio, ut infert Caspensis* num. 10. *sed humiliatio profunda, esto cum admiratione. Ita sentiunt cum D. Bonavent. hic, D. Thomas* in corpore*, Valentia* disp. 2. quaest. 2. puncto 5.

6 THEREFORE I assert first, that filial Fear is in the Blessed.

> *ASSERO igitur primo, Timorem filialem esse in Beatis.*

7 IT IS PROVED by St. Bonaventure, first, from that passage of *Psalm 18*: *The fear of the Lord is holy, enduring unto eternity of eternities.*

> *PROBATUR a D. Bonaventura, primo, ex illo* Psalm. 18. Timor Domini sanctus permanens in saeculum saeculi.

8 SECONDLY, from that of *Isaiah 11*, where he says: *The Spirit of the Lord shall rest upon him; the Spirit of Fear.* But Christ was always a comprehensor.

> *SECUNDO ex illo* Isaiae 11. *ubi ait:* Requiescet super eum Spiritus Domini; Spiritus Timoris. *Christus autem fuit semper comprehensor.*

9 THIRDLY, *The fullness of wisdom is the fear of the Lord, Ecclesiasticus 1*: therefore, since in the blessed there is the fullness of the perfection of wisdom, there will also be Fear.

> *TERTIO,* Plenitudo sapientiae Timor Domini, Eccl. 1. *ergo cum in beatis sit plenitudo perfectionis sapientiae, erit et Timor.*

10 FOURTHLY. As the highest love is owed to the highest goodness, so the highest reverential Fear is owed to the highest majesty.

> *QUARTO. Sicut summae bonitati debetur summus amor, ita summae maiestati, summus reverentialis Timor.*

11 FINALLY, *in the body of the text*, he hints at the testimonies of Scripture and of the Church asserting that this Fear is in the Angels. Thus *in Apocalypse 14 and 15, Jeremiah 10, Job 26*, and in the Preface of the Mass: *The Powers tremble.* Therefore our holy Doctors add, from St. Augustine *14 de civitate, chapter*

9, and from Gregory, *Book 7, Morals, chapter 15*, to those words of *Job 26*: *The pillars of heaven tremble, and are awed at his nod*, that the filial fear of the way is different from that of heaven; and also that that fear in Christ was different from ours, which I shall show in *Part 3, Tractate 1*.

> *TANDEM* in corpore*, innuit testimonia Scripturae, et Ecclesiae, asserentia, Timorem istum in Angelis esse. Sic* in Apoc. 14. et 15. Hierem. 10. Iob 26. et *in Praefatione Missae:* Tremunt Potestates. *Addunt igitur Sancti nostri DD. ex D. Augustino* 14. de civit. cap. 9. ex Gregorio Lib. 7. moral. cap. 15. *ad ea verba* Iob 26. Columnae caeli contremiscunt, et pavent ad nutum eius; *diversum esse timorem filialem viae, et patriae; et etiam timorem illum in Christo fuisse diversum a nostro, ostendam* 3. part. Tract. 1.

12 YOU OBJECT first. Hope is more perfect than Fear: but it does not remain in heaven: Therefore.

> *OBIICIES primo. Perfectior est Spes, quam Timor: sed illa non manet in patria: Ergo.*

13 The holy Doctor ANSWERS that, with respect to the act of recoiling from evil, Hope is more perfect; but with respect to revering the supreme Majesty while recoiling into one's own smallness, the act of Fear is more excellent.

> *RESPONDET S. Doctor, quoad actum resiliendi a malo, perfectiorem esse Spem, sed quo ad reverendam summam Maiestatem resiliendo in propriam parvitatem, excellentiorem esse actum Timoris.*

14 THE REST are resolved by the distinction between fleeing fear and revering fear.

> *CAETERA resolvuntur per distinctionem timoris fugacis, et reverentis.*

15 MOST EXCELLENTLY, however, the holy Doctor discourses on this matter *de septem Donis, On the Gift of Fear, chapter 2*, where he also explains what fear is excluded from the perfection of charity on the way; he supposes, however, that word of the first John, *chapter 4*: *Perfect charity casts out fear.*

> *EGREGIE autem hac de re discurrit S. Doctor* de septem Donis. De Dono Timoris, cap. 2. *ubi etiam edisserit, qui timor in via excludatur a perfectione charitatis, supponit autem illud Ioan primae,* cap. 4. Perfecta charitas foras mittit timorem.

16 But he distinguishes the PERFECT of one sort by a perfection of necessity, who are in grace, of whom *Deuteronomy 18*: *Thou shalt be perfect and without spot before the Lord*; others by a perfection of excellence. St. Prosper distinguishes both, *Book 3, de vita contemplativa, chapter 15*. Those he calls perfect in excellence who hasten to the virtues with the greatest striving, of whom Bernard also says in his letters: *And this Charity expels all their fear, which has pain.* For what will Charity fear, says Gilbert, *sermon 19 on the Canticles*, of past offenses? *For Charity covers a multitude of sins, from 1 Peter 4.* What? The infirmity of conscience? *It is strong as death, love, Canticles 8.* What? Temporal troubles? *Since even if they were eternal, consummated love could not be wearied or vanish?* Not for this does Charity love, lest it perish, but rather it wishes the eternal to perish than to be deprived eternally of the use of internal love. *If indeed a man shall give all his substance for charity, he shall as it were despise nothing of it; that is, substance.*

> *PERFECTOS autem alios perfectione necessitatis distinguit, qui sunt in gratia; de quibus* Deuter. 18. Perfectus eris, et absque macula coram Domino. *Alios perfectione excellentiae. Utrosque distinguit S. Prosper* Lib. 3. de vita contemplativa, cap. 15. *Perfectos autem excellentia vocat eos, qui maximo enixu ad virtutes properant, de quibus etiam Bernardus in epistolis ait:* Et haec Charitas horum pellit omnem timorem, qui poenam habet. *Quid enim timebit Charitas ait Gilbertus,* serm. 19. in Cant. *veteres offensas?* Nam Charitas operit multitudinem peccatorum, ex 1. Petri 4. *Quid? Infirmitatem conscientiae?* Fortis est, ut mors dilectio, Cant. 8. *Quid? temporales molestias?* Cum nec etiamsi aeterna sint, diffatigari, aut evanescere poterit dilectio

consummata? Non ideo amat Charitas ne pereat, sed magis vult perire aeternum, quam privari usu amoris interni aeternaliter. Si enim dederit homo omnem substantiam pro charitate, quasi nihil despiciet eam; idest substantiam.

17 He CONCLUDES that perfect and consummated Charity does not expel the most perfect filial fear, which is now almost love, since it has almost ceased to be fear, having nothing to fear, nor does it dread to offend. He says this fear is a reverence and a votive subjection; for there is a necessity of obeying, or of condition, but liberty of love knows no necessity.

CONCLUDIT, perfectam Charitatem consummatam non expellere timorem filialem perfectissimum, qui iam fere est amor, cum fere desierit esse timor, qui non habet quid timeat, nec offendere metuit. Hunc timorem ait esse reverentiam, et votivam subiectionem; est enim necessitas obsequendi, sive conditionis, sed necessitatem ignorat libertas dilectionis.

18 SOME say, as Bernard, *Book on the Love of God, toward the end*, that filial Fear is increased as Charity is increased; and with Charity perfected, it will be perfected, and therefore it will have in heaven the very same act it now has; and they bring forward the authority of Augustine, *Book 14, de civitate, chapter 9*, where he says: *That chaste Fear enduring unto eternity of eternities, if it shall be in the future age, will not be a fear terrifying from an evil that can happen, but holding itself in a good that cannot be taken away; and thus it will have another act than it now has.* So St. Bonaventure. The reason of this is, that where the love of the good attained is immutable, certainly, if it can be said, the fear of avoiding evil is secure.

QUIDAM dicunt, ut Bernardus Lib. de diligendo Deo, circa Finem*, quod Timor filialis augetur, augmentata Charitate; et Charitate perfecta, perficietur, et ideo habebit in patria eundem omnino actum, quem habet modo, et illi adducunt authoritatem Augustini* Lib. 14. de civitate, cap. 9. *ubi ait:* Timor ille castus permanens in saeculum saeculi, si erit in futuro saeculo, non erit timor exterrens a malo, quod accidere potest, sed tenens se in bono, quod adimi non potest, et ita alium actum habebit, quam modo. *Haec S. Bonavent. Ratio huius est, quia ubi boni adepti amor immutabilis est, profecto si dici potest, mali cavendi timor securus est.*

19 But MOST BEAUTIFULLY in *chapter 3* he shows how the Fear of the Lord, like the Light of the first day, makes for us the Morning and the Dawn of the spiritual life, the Midday and the Evening, enduring unto eternity of eternities. See it.

PRAECLARE vero cap. 3. *ostendit, quo pacto Timor Domini, quasi Lux primae diei faciat nobis Mane, et Auroram vitae spiritualis, Meridiem, et Vesperam, permanens in saeculum saeculi. Ipsum vide.*

20 NEXT, in *chapter 4*, he shows that the Fear of the Lord prepares for us a heavenly banquet, whence the psalmist exclaims, *Psalm 30*: *How great is the multitude of thy sweetness, O Lord, which thou hast hidden for them that fear thee.* Read it, I beseech thee, and thou shalt taste the delicacies of Paradise at his table.

DEINDE cap. 4. *Timorem Domini convivium nobis parare ostendit caelicum, unde exclamat psalmista,* Psalm. 30. Quam magna multitudo dulcedinis tuae Domine, quam abscondisti timentibus te. *Ipsum Lege obsecro, et Paradisi epulas degustabis ad eius mensam.*

21 But he relies on that of *Ecclesiasticus 1* and *Psalm 111*: *The beginning of wisdom, that is, of savory knowledge, is the Fear of the Lord; the Fear of the Lord shall delight the heart.* See it.

Nititur autem illo Eccles. 1. et Psalm. 111. Initium sapientiae, idest, sapidae cognitionis. Timor Domini; Timor Domini delectabit cor. *Ipsum vide.*

Question IX: Whether poverty of spirit corresponds to the gift of fear

1 The BEATITUDES are not habits distinct from the Virtues and the Gifts, but acts elicited from them. By poverty of Spirit, St. Augustine understands humility; because the humble man is not puffed up in Spirit. Ambrose, however, understands the renunciation of temporal things; and in both senses poverty of Spirit is elicited by filial Fear, as Caspensis notes, *disp. 2, sect. 4, num. 26*, and St. Bonaventure, *Part 5, Breviloquium, chapter 6*, and *Part 3, Centiloquium, sect. 45 and 46*, and *opuscule on the seven gifts, chapter 3*.

> *BEATITUDINES non sunt habitus distincti a Virtutibus, et Donis, sed actus ab eis eliciti. Per paupertatem vero Spiritus intelligit S. Augustinus humilitatem; quia humilis non est Spiritu inflatus. Ambrosius vero intelligit abdicationem rerum temporalium, et utroque sensu paupertas Spiritus est elicita a Timore filiali, ut notat Caspensis* disp. 2. sect. 4. num. 26. *et D. Bonavent.* 5. part. Brevil. cap. 6. *et* 3. part. Centil. sect. 45. et 46. *et* opusc. de septem donis, cap. 3.

2 *IT IS PROVED* by the holy Doctor; for unto perfection one must first withdraw from evil, as it is said *Psalm 33*: *Decline from evil, and do good.* But from evil one is first deterred by the threats of punishments; then by initial fear, etc., as the Council of Trent also teaches, *session 14, chapter 4*; and because the root of evils is covetousness, *1 Timothy 6*, therefore Fear disposes unto poverty, in which humility is at the same time joined with poverty, so that man may thus be removed far from the fountain of every fault, that is, covetousness, of which I have spoken, and from pride; for *the beginning of all sin is pride.* See there the holy Doctor speaking most excellently.

> PROBATUR *a S. Doctore; quia ad perfectionem primo recedendum est a malo, ut dicitur* Psalm. 33. Declina a malo, et fac bonum. *A malo autem primo deterretur poenarum minis; deinde timore initiali, etc. ut etiam docet Concilium Trident.* sess. 14. cap. 4. *et quia radix malorum est cupiditas,* prima Timot 6. *Ideo Timor disponit ad paupertatem, in qua simul iungitur humilitas cum paupertate, ut sic elongetur homo a fonte omnis culpae, idest, cupiditate, de qua dixi, et superbiam; nam* Initium omnis peccati superbia. *Vide ibi S. Doctorem egregie dicentem.*

3 *IT IS PROVED* secondly by the holy Doctor, *Book 5 of the Compendium of Theology, chapter 48*, from St. Gregory, *book 16, Morals, chapter 20*: *The poor in spirit are the humble, and they that fear God.*

> PROBATUR *secundo a S. Doctore,* Lib. 5. compendii Theolog. cap. 48. *ex D. Gregorio* lib. 16. moral. cap. 20. Pauperes spiritu, sunt humiles, et Deum timentes.

Question X: On the effects, and the precept, of the fear of God

1 MANY holy effects there, *chapter 59*, of the Fear of the Lord does St. Bonaventure recount: to expel sin, *Ecclesiasticus 1*; to beget Wisdom, *Ecclesiasticus 7*; to steady the mind, *Ecclesiasticus 27*; to enrich with Spiritual riches, *Psalm 32*; to heap up good works, *Ecclesiasticus 15*; to delight the heart, *Ecclesiasticus 1*; to prolong life, *Proverbs 10*; to irrigate devotion, *Proverbs 14*; to reward eternally, *Ecclesiasticus 1*. He goes on to teach there that servile Fear is from the Holy Spirit, even if not with Him, but is cast out, as a she-ass by a hair of the eyelash, as St. Augustine says, *Tractate 9 on the first Epistle of John*. That Initial fear begins intrinsic perfection he proves in *chapter 41*, and that it perfects it he shows in *chapter 42*. See the holy Doctor.

> *MULTOS sanctos effectus ibi,* cap. 59. *Timoris Domini recenset S. Bonavent. expellere peccatum* Eccles. 1. *Sapientiam gignere.* Eccles. 7. *Mentem stabilire.* Eccles. 27. *Ditare opibus Spiritualibus* Psalm. 32. *Bona opera cumulare* Eccles. 15. *Cor delectare.* Eccles. 1. *Vitam prolongare,* Prov. 10. *Devotionem irrigare,* Proverb. 14. *AEternaliter*

remunerare, Eccles. 1. *Pergit docere ibi, Timorem servilem esse a Spiritu Sancto, etiamsi non cum eo, sed pellitur, ut Sera a filo caligatii, ut ait D. Augustinus* Tract. 9. in primam Ioan. *Initialem vero incipere intrinsece perfectionem, probat* cap. 41. *et perficere, ostendit* cap. 42. *Vide S. Doctorem.*

2 MANY things, and those most excellent, the holy Doctor hands down about this beatitude on *chapter 6 of Luke*, in those words: *Blessed are the poor in spirit*, where he shows that by the Fear of the Lord heaven is opened to us: *Blessed is he who is always in fear. Blessed is the man who feareth the Lord; in his commandments he desireth exceedingly*, O truly golden words. *Psalm 111*, of which see the most excellent exposition of the Seraphic Doctor.

MULTA, eaque praeclara de hac beatitudine tradit S. Doctor ad cap. 6. Lucae *in ea verba:* Beati pauperes Spiritu, *ubi ostendit Timore Domini nobis aperiri coelum:* Beatus enim qui semper est pavidus. Beatus vir, qui timet Dominum, in mandatis eius cupit nimis, *o vere aurea verba.* Psalm. 111. *cuius vide praeclaram Seraphici expositionem.*

3 From the effects of the Fear of the Lord it is understood that there exists a precept. Thus *Deuteronomy 10*: *What doth the Lord thy God require of thee, but that thou fear the Lord thy God?* He speaks of filial Fear; and of servile fear, *Luke 12*: *Fear him, who after he hath killed the body, hath power to cast both body and soul into hell.*

Ex effectibus Timoris Domini intelligitur, extare praeceptum. Sic Deuter. 10. Quid Dominus Deus petit a te, nisi ut timeas Dominum Deum tuum. *Loquitur de Timore filiali; et de servili,* Lucae 12. Timete eum, qui postquam occiderit corpus, habet potestatem, et corpus, et animam perdere in gehennam.

4 Caspensis ADDS at the end, *num. 34*, that these precepts of the fear of God are not special, and thus are not distinguished from the precepts of the other virtues, insofar as they require filial and servile fear, whereby man is held back from sins, both against charity and against the other virtues; and accordingly from a defect of fear one never commits a special sin that must necessarily be expounded in confession, as Valentia also observes, *disp. 2, quest. 4, point 2*, and Sanchez, *Book 2, chapter 33, num. 4*. And it is proved; because confessors learned in this do not ask about it, as Fagundez says, *num. 19*.

ADDIT Caspensis in fine num. 34. *haec praecepta timoris Dei non esse specialia, sicque non distingui a praeceptis aliarum virtutum, quatenus exigunt timorem filialem, et servilem, ut per hos retrahatur homo a peccatis, tam contra charitatem, quam contra alias virtutes; et proinde ex defectu timoris nunquam committit speciale peccatum, quod sit necessario in confessione explicandum, ut observat etiam Valentia* disp. 2. quaest. 4. punct. 2. *Sanchez* Lib. 2. cap. 33. num. 4. *Et probatur; quia de hoc neque confessarii eruditi interrogant, ut ait Fagundez* num. 19.

Disputation VI: On Despair

1 ALTHOUGH Hope is assailed in its ruin by Presumption as well as by Desperation, St. Chrysostom saying with the Seraphic Doctor, *book 3, Pharetra, chapter 14*: *Excessive confidence overthrows one standing, and desperation after the fall does not permit one to rise again*; yet the latter opposes hope more than the former, since it fails from it entirely, and casts one down even in this life into the abyss of Anxiety: therefore of what power it is, and what sin it is, must first be briefly seen.

> *LICET a Praesumptione, pariter et Desperatione Spes experiatur in ruinam, dicente D. Chrysostomo apud Seraphicum* lib. 3. Pharetrae cap. 14. Confidentia nimia stantem evertit, et desperatio post lapsum non permittit resurgere, *posterior tamen plus spei adversatur, quam prior, cum tota ab ea deficiat, et in Anxietatis barathrum etiam in hac vita deiiciat: Ideo cuius sit potentiae, et quod peccatum, prius breviter videndum.*

Sole Question: Of what power despair is an act, and what sin it is

1 ALMAIN holds, in *distinction 26, and in the moral treatise 2, chapter 3*, that Desperation is an act of the intellect, and consists in the judgment whereby one judges it impossible for himself to attain beatitude or pardon; and accordingly that no act of the will is required.

> *ALMAYNUS in* 3. dist. 26. et in moral. tract. 2. cap. 3. *censet, Desperationem esse actum intellectus, et consistere in iudicio, quo quis iudicat, impossibile esse, se consequi beatitudinem, aut veniam; ac proinde non requiri actum voluntatis.*

2 Yet this opinion is commonly rejected by the Theologians with St. Bonaventure, *dist. 26, article 2, question 5*, St. Thomas, *first part of the second part, question 23, article 2, and question 40, article 4*.

> *Haec tamen sententia communiter reiicitur a Theologis cum D. Bonavent.* 3. dist. 26. art. 2. quaest. 5 *D. Thom.* prima secundae, quaest. 23. art. 2. et quaest. 40 art. 4.

3 *IT IS PROVED* by the holy Doctor: Opposites are about the same subject; but hope is in the will: Therefore Desperation also. Thus others argue too, especially Caspensis, *disp. 3, sect. 1, num. 2*.

> PROBATUR *a S. Doctore: Opposita sunt circa idem subiectum; sed spes est in voluntate: Ergo et Desperatio. Sic arguunt etiam alii, praecipue Caspensis* disp. 3. sect. 1. num. 2.

4 Whence it follows that what Turrianus says is false, *disp. 64, doubt 2*: that for the sin of Desperation it suffices to have a free and imprudent judgment, whereby one judges that he will not attain beatitude.

> *Quo fit, falsum esse id, quod ait Turrianus* disp. 64. dub. 2. *ad Desperationis peccatum sufficere liberum, et imprudens iudicium, quo quis iudicet, se non consecuturum beatitudinem.*

5 For Caspensis ANSWERS that this judgment is against hope, but is not yet desperation: I see Caspensis fighting with himself. For opposites are about the same thing, as Caspensis says; but that judgment is in the intellect: Therefore it is not contrary to Hope.

> RESPONDET *enim Caspensis, hoc iudicium esse contra spem, sed non adhuc esse desperationem: ego video Caspensem secum pugnare. Opposita enim sunt circa idem, ut ait Caspensis; sed iudicium illud est in intellectu: Ergo non est contrarium Spei.*

6 I SHALL SAY, therefore, that it is opposed only in disposition, not formally; for even with that judgment posited, no sin has yet been committed, because one can be deceived invincibly; and if he is deceived vincibly, he sins against the precept not indeed of Hope, but of knowing what is necessary.

> *DICAM igitur, opponi tantum in dispositione, non formaliter; nam posito adhuc eo iudicio, non est factum peccatum, quia potest falli invincibiliter; et si vincibiliter fallitur, peccat contra praeceptum, non quidem Spei, sed sciendi necessaria.*

7 Hence that question is resolved: *Whether Desperation is always with Infidelity.*

> *Hinc resolvitur illa quaestio:* An Desperatio sit semper cum Infidelitate.

8 It is ANSWERED negatively with St. Bonaventure, *cited doubt in the margin*, St. Thomas, *question* XX, *article* II, whom the rest follow, as is seen in Caspensis, *cited place, num.* IV, and Valentia, *disp.* II, *quest.* III, *point first*.

> RESPONDETUR *RESPONDETUR enim negative cum D. Bonavent.* dub. citato in margine*, D. Thom.* quaest. *XX.* art. *II. quos caeteri sequuntur, ut videre est in Caspensi* loco citato num. *IV. Valentia* disp. *II.* quaest. *III.* puncto primo.

9 IT IS PROVED by the holy Doctors. In this Faith differs from Hope, that Faith regards the very object in the universal, but Hope regards it in the particular, namely with respect to the one hoping; and also in this, that Faith asserts certitude in the intellect, Hope asserts certitude in the affect. Therefore, as it sometimes happens that something is unknown in the particular and known in the universal, as the Philosopher says, *first of the Posteriors, chapter I* — as in the case of him who knows that every Mule is sterile, and yet thinks this one is with young — so one who has certitude concerning faith can lack Hope; and as one can have certitude in the intellect without having it in the affect, so one can, not having Hope, have faith.

> *PROBATUR a Sanctis Doctoribus. In hoc differt Fides a Spe, quod Fides respicit ipsum obiectum in universali, sed Spes respicit in particulari, videlicet respectu sperantis, et in hoc etiam, quod Fides dicit certitudinem in intellectu, Spes dicit certitudinem in affectu. Sicut igitur contingit aliquando, ignorari aliquid in particulari, et sciri in universali, sicut ait Philosophus,* primo Poster. cap. I. *sicut est de illo, qui scit, omnem Mulam esse sterilem; et tamen existimat, hanc habere in utero; sic potest aliquis habens certitudinem circa fidem, carere Spe, et sicut potest aliquis non habens certitudine de aliquo in affectu, habere illam in intellectu; sic potest aliquis, non habens Spem, habere fidem.*

10 AGAINST this argument Valentia objects, that one who has a negative judgment about some particular proposition does not grant it to be universally true. Wherefore, one who, despairing, judges that he cannot hope for pardon, by this very fact denies that pardon is possible for all sinners.

> *CONTRA hanc rationem arguit Valentia, quia, qui habet iudicium negativum de aliqua propositione particulari, non concedit, esse universaliter verum. Quare, qui desperans iudicat, se non posse sperare veniam, hoc ipso negat, possibilem esse omnibus peccatoribus veniam.*

11 BUT Caspensis, *num.* V, observes with St. Bonaventure that a speculative judgment can be had of God as prepared to have mercy on all; and that if one even speculatively says that the mercy of God is not such as to exceed our sins, he is a heretic; but if, oppressed by passion, his judgment succumbs out of pusillanimity, such desperation is without infidelity.

> *SED Caspensis* num. *V. observat cum S. Bonavent. posse haberi iudicium speculativum de Deo, parato ad miserendum omnibus; quod si etiam speculative quis dicat, non esse talem misericordiam Dei, ut excedat nostra peccata, is est*

haereticus; si vero passione oppressum iudicium succumbat ex pusillitate, talis desperatio est sine infidelitate.

12 THEREFORE he does not exempt himself from the universal proposition of God's mercy, as Valentia thinks, but, erring in himself, he invents something new whereby the universal proposition might not be true; namely, that God is not about to give a congruous help, or efficacious grace, because he is of the number of those, probably, whom God abandons, as some Theologians assert, saying that sufficient helps are denied to certain ones; for that opinion is not under this anathema. Nor does it follow what Valentia says: that if that opinion were true, one could despair without sin; for still, since he does not know himself to be of that number, he is bound to hope. The holy Doctor concludes that that estimation can arise rather from the subversion of confidence than from the subversion of knowledge. For thus a man, although he knows something, is nevertheless carried by a dominating affection to the opposite; or it may rather be called inadvertence, as St. Augustine says, *de poenitentia, chapter V*, cited by St. Bonaventure in the *Pharetra, Book III, chapter XIV*, because with eyes closed he precipitates himself, as St. Gregory says, *Morals, chapter VIII*, as St. Bonaventure notes, *cited place of the Pharetra*.

ITAQUE is non eximit se a propositione universali misericordiae Dei, ut putat Valentia, sed aliquid novi excogitat in se aberrans, propter quod universalis propositio non sit vera, puta, quod non sit Deus daturus auxilium congruum, vel gratiam efficacem, eo quod talis sit ex illis probabiliter, qui derelinquuntur a Deo, ut aliqui Theologi asserunt, dicentes, negari quibusdam auxilia sufficientia; haec enim opinio non est anathemate ista: Neque sequitur id, quod ait Valentia; si vera esset illa opinio, posse aliquem desperare sine peccato; nam adhuc ille, cum nesciat, se esse de numero eorum, tenetur sperare: Concludit S. Doctor, illam existimationem oriri potius ex subversione confidentiae, quam ex subversione notitiae. Sic enim homo, licet sciat aliquid, tamen affectione dominante rapitur ad oppositum; vel dici inadvertentiam potius, ut ait D. Augustinus de poenit. cap. V. *apud D. Bonavent. in* Pharetra, Lib. III. cap. XIV. *quia clausis oculis praecipitatur, ut ait D. Gregorius* XVI. moral. cap. VIII. *ut notat D. Bonavent.* loco citato Pharetrae.

13 The SECOND reason of St. Bonaventure, which St. Thomas and Caspensis also use, *num.* IV: When the posterior is removed, the prior is not removed. But Hope is posterior to faith: Therefore, Hope being removed, faith can still remain, and consequently not everyone who despairs is an infidel. The minor is proved by the holy Doctor; for Faith is in the intellect, Hope in the affect, which is posterior.

RATIO secunda D. Bonavent. est, qua utitur etiam D. Thom. et Caspensis num. *IV. Remoto posteriori, non removetur prior. Sed Spes est posterior fide: Ergo remota Spe, potest adhuc manere fides, et consequenter non quicumque desperat, est infidelis: Minor probatur a S. Doctore; nam Fides est in intellectu, Spes in affectu, qui est posterior.*

14 HENCE also is inferred in what the reason of the sin of desperation consists; which is indeed most grave, as being opposed to a Theological virtue, as the holy Doctor argues in *dist. XXVI of the third book, article II, question II, ad 1*. Whence *Jeremiah XVIII*: *Who have said: We have despaired; for after our thoughts we will go, etc.* Therefore the Lord says: *Ask the nations: Who hath heard such horrible things? Shall the snow of Lebanon fail from the rock of the field? Or can the cold, flowing waters be plucked away, and flow away?* Truly golden words, and penetrating the inmost limbs: hence the holy Doctor there calls this sin an abyss of guilt, because the one despairing hurls himself headlong into the depths. Therefore *Ephesians IV*: *Despairing, they gave themselves up to impurity, etc.*

HINC etiam infertur, in quo consistat ratio peccati desperationis, quod sane est gravissimum, quippe oppositum virtuti Theologicae, ut arguit S. Doctor in III. dist. XXVI. art. II. quaest. II. ad 1. *Unde* Hierem. XVIII. Qui dixerunt: desperavimus: post cogitationes enim nostras ibimus, etc. *Ideo dicit Dominus:* Interrogate gentes: Quis audivit talia horribilia? Numquid deficiet de petra agri nix Libani? aut evelli possunt aquae erumpentes

frigidae, et defluentes? *Aurea sane verba, et intimos artus penetrantia: Hinc S. Doctor ibi hoc peccatum vocat abyssum culpae, quia desperans se agit per praeceps in profundum. Ideo* Ephes. IV. Desperantes, semetipsos tradiderunt impudicitiae, etc.

15 THEREFORE this sin consists in a certain flight and precipitate rush of the will, whereby it desists from beatitude, or any other object of Hope, as to its being attained by oneself; for in this the contrariety with Hope consists; for as hope is an erection of the soul toward pursuing an arduous good, so the casting down of the soul, desisting from the pursuit of such a good, is the opposite act.

CONSISTIT igitur hoc peccatum in quadam voluntatis fuga, et praecipitio, quo desistit a beatitudine, vel quovis alio obiecto Spei, ut a se consequendo; in hoc enim consistit contrarietas cum Spe; nam sicut spes est erectio animi ad prosequendum bonum arduum, ita demissio animi, desistens a prosecutione talis boni, est actus oppositus.

16 HENCE, however, it is doubted whether the formal object of Desperation is evil, as evil; for since it is a flight of the will, its object seems to be evil.

HINC tamen dubitatur, an obiectum formale Desperationis sit malum, ut malum; cum enim sit fuga voluntatis, videtur eius obiectum esse malum.

17 It is ANSWERED that Desperation is a flight from beatitude, not as evil, but as impossible; therefore it is defined: *Desperation is a will oppressing with heaviness, distrusting of help and reward*, as St. Bonaventure notes, *opuscule, Declaration of the Terms of Theology*; and in *the Mirror of the Soul, chapter III, toward the end* he says it is most evil, because, considering the impunity of sins and distrusting the mercy of God, it slackens the rein to sins: And this indeed is the most grave sin, which is said to be against the Holy Spirit, of which the Lord, *Matthew XII*: *It shall not be remitted, neither in this world nor in the future.* Not that it cannot be remitted, but because it can scarcely be remitted; or because there is no reason of excuse there, whereby it might make room for the Divine mercy. This sin is commonly said to arise from Acedia, because, as was said, the slothful man finds no complacency in some good, and therefore withdraws himself from good work; but Hope comes from the merit of the work: So the holy Doctor.

RESPONDETUR, Desperationem esse fugam a beatitudine, non ut mala, sed ut impossibili; Ideo definitur: Desperatio est voluntas gravedine opprimens, de adiutorio, et remuneratione diffidens, *ut notat S. Bonavent.* opusc. declaratio terminorum Theologiae; et in speculo animae, cap. III. circa finem *ait, esse pessimum, quia peccatorum immunitatem considerans, et de Dei misericordia diffidens, laxat fraenum peccatis: Et hoc quidem gravissimum est peccatum, quod dicitur in Spiritum sanctum, de quo Dominus* Matth. XII. Non remittetur neque in hoc saeculo, neque in futuro. *Non quod non possit dimitti, sed quia vix dimitti potest; vel quia non est ibi ratio ulla excusationis, qua locum praestet Divinae misericordiae. Hoc autem peccatum communiter ex Acedia oriri dicitur, quia, ut dictum est, acediosus complacentiam aliquam in bono non invenit, et ideo a bono opere se subtrahit; Spes autem ex merito operis provenit: Haec S. Doctor.*

18 Therefore Desperation stands in a flight from beatitude, and in a willing of the means. So also *Aegidius, distinction XX, doubt X*, St. Thomas, *first part of the second part, question XXV, article III*, Caspensis, *num. VII, cited place*, Valentia, *disp. II, quest. III, point I*, citing *St. Gregory, Book III, Morals, chapter XXXI, and St. Thomas here, article IV*.

Igitur Desperatio stat in fuga beatitudinis, et volitione mediorum. Ita etiam AEgidius dist. XX. dub. X. D. Thom. prima secundae, quaest. XXV. art. III. Caspensis num. VII. loco citato. Valentia disp. II. quaest. III. puncto I. *allegans* D. Gregorium Lib. III. moral. cap. XXXI. et D. Thom. hic, art. IV.

19 St. Gregory truly teaches, *Morals, book XII, chapter V*, that it arises also from pride, as St. Bonaventure notes, *cited place of the Pharetra*.

> *Docet vero S. Gregorius* XII. moral. cap. V. *oriri etiam ex superbia, ut notat D. Bonavent*. loco citato Pharetrae.

20 MOST BEAUTIFULLY St. Chrysostom, *homily X on penance*: *Both are perilous: perverse confidence and desperation. For excessive confidence overthrows one standing; and desperation, after the fall, does not permit one to rise*, as I noted also above, at the Disputation.

> *PERBELLE S. Chrysostomus* homil. X. de poenit. Utrumque periculosum est, et confidentia perversa, et desperatio. Nam confidentia nimia stantem pervertit; et desperatio, post lapsum, non permittit exsurgere*, ut etiam supra, ad Disputationem notavi.*

21 St. ISIDORE in the Synonyms, *chapter I*: *Do not despair of salvation, if thou turn to better things: for he who despairs of pardon for sin condemns himself more by his desperation than by the crime committed. For desperation augments sin, and is worse than every sin.*

> *D. ISIDORUS in Synonymis* cap. I. Non desperes de salute, si ad meliora converteris: qui enim veniam de peccato desperat, plus se desperatione, quam commisso scelere damnat. Desperatio namque auget peccatum, et peior est omni peccato.

22 But he WANTS to say "worse," that is, more pernicious; for without doubt the hatred of God, which is against Charity, the Queen of the virtues, is worse, as St. Thomas also teaches, *article III*, and Valentia, *cited place*, who say that Infidelity is worse, because it is against God in Himself, as He is truth; but Desperation is against God as participated by us, namely through the diffusion of goodness. Now it is a worse evil to fight against God as He is truthful, by infidelity, or as He is good in Himself, by hatred, than to despair of being about to participate in His goodness, as St. Thomas argues, *article III*, and with him Fuliensis, *book III on faith and hope, chapter VI, after St. Bonaventure, cited place*, where he admonishes that the one despairing often believes God to be truthful in what He has said, and faithful in His promises universally; but he applies badly, in the particular, that fidelity of the divine promises to himself; for as error and doubt against faith make the intellect doubt or disagree, so desperation weakens the affect and makes it distrust, with faith standing only in the intellect, and no application thence arising into the will.

> *VULT autem dicere, peiorem, idest, perniciosiorem; nam procul dubio peius est odium Dei, quod est contra Charitatem, Reginam virtutum, ut docet etiam D. Thom.* art. III. *et Valentia* loco citato*, qui dicunt peiorem esse Infidelitatem, quia est contra Deum in se, ut est veritas; at Desperatio est contra Deum, ut participatur a nobis, nempe per bonitatis diffusionem. Est autem peius malum pugnare contra Deum, ut est verax, per infidelitatem; vel ut est bonus in se, per odium, quam desperare, se participaturum de bonitate, ut arguit S. Thom.* art. III. *et cum eo Fuliensis* lib. III. de fide, et Spe, c. VI. post D. Bonav. loco cit. *ubi admonet, desperantem saepe credere, Deum in dictis veracem; et in promissis fidelem universaliter; sed male particulari sibi applicare illam divinarum promissionum fidelitatem, nam sicut error, et dubitatio contra fidem facit, ut Intellectus dubitet, vel discordat, ita desperatio infirmat affectum, et facit, ut diffidat, stante fide tantum in intellectu, nullaque inde proveniente applicatione in voluntatem.*

Disputation VII: On Presumption

1 PResumption is taken in various ways: and indeed among the Jurists, by interpreting, or consenting for the absent, or judging according to presumed causes, it signifies nothing illicit: but in the discipline of morals, one sort is interior, whereby one who prefers his own sense wrongly to another's; another is exterior, whose signs are (says the Seraphic Doctor, part 1, in the Mirror of Discipline, chapter 5) eyes too lofty, the head raised, and a haughty countenance. But how it is to be taken here, I shall show below.

> ***De Praesumptione.***
>
> *PRaesumptio variis modis sumitur: et quidem apud Iuristas, interpretando, vel consensum absentis, vel iudicando iuxta praesumptas causas, non illicitum quid sonat: in Disciplina vero morum, alia est interior, qua sensum proprium perperam qui praefert alieno; alia exterior, cuius indicia sunt* (inquit Seraphicus Doctor part. 1. in speculo disciplinae, cap. 5.*) sublimiores oculi, elatum caput, et facies vultuosa. Hic autem quomodo sumatur, infra indicabo.*

Sole Question: What presumption is, and what kind of sin

1 Here Presumption is taken for the act opposed to Hope *by excess*.

> Quid sit PRAESUMPTIO, et quale peccatum.
>
> *Hic sumitur Praesumptio pro actu opposito Spei* per excessum.

2 Now Hope is of obtaining from God grace, and glory, and the other supernatural gifts inordinately, that is, otherwise than God has ordained that they be obtained. Therefore it fights against the glory of God, as the Holy Doctor observes, *in the first sermon of the Hexaëmeron*.

> *Est autem Spes obtinendi a Deo gratiam, et gloriam, et reliqua dona supernaturalia inordinate, idest, aliter, quam Deus ea obtinenda statuit. Ideo contra Dei gloriam pugnat, ut advertit S. Doctor,* sermone primo Hexaëmeron.

3 HENCE you have, that it is a sin mortal in genus: for it gravely fights against God's judgment and will. So D. Bonaventure, in the place cited, D. Thomas 2. 2. *question 21. article 1.* Suarez *disp. 1. sect. 3.* Sanchez *Tom. 1. Decal. Lib. 2. cap. 14.* Valencia *disp. 2. question 3. part 2.* Bannes *question 21. article 2. disp. 2.* Fagundez *on the first precept of the Decal. cap. 31. num. 20.*

> *HINC habes, esse peccatum ex genere mortale: nam graviter contra Dei iudicium, et voluntatem pugnat. Ita D. Bonavent. loco citando, D. Thom.* 2. 2. quaest. 21. art. 1. *Suarez* disp. 1. sect. 3. *Sanchez* Tom. 1. Decal. Lib. 2. cap. 14. *Valentia* disp. 2. quaest. 3. puncto 2. *Bannes* quaest. 21. art. 2. disp. 2. *Fagundez* in primum praeceptum Decal. cap. 31. num. 20.

4 IT SEEMS, moreover, that Despair is graver than Presumption: for the latter is against God's mercy, which is most natural to him and proper in its effects; but Presumption is against Justice, as D. Bonaventure notes in *3. dist. 26. dub. 2.* at the end, and D. Thomas *question 1. article 2.* Suarez *disp. 2. sect. 3.* Fagundez *Lib. 1. cap. 31. n. 26.*

> *VIDETUR autem gravior Desperatio, quam Praesumptio: nam illa est contra Dei misericordiam, quae est illi maxime naturalis, et in effectibus propria; Praesumptio vero est contra Iustitiam, ut notat D. Bonav. in* 3. dist. 26. dub. 2. *in fine, et D. Thom.* quaest. 1. art. 2. *Suarez* disp. 2. sect. 3. *Fagundez* Lib. 1. cap. 31. n. 26.

5 Presumption, moreover, is opposed not only to Hope, but also to Fear, as Holy Thomas teaches, *article 3.* Valencia *disp. 2. question 3. part 2.* and D. Bonaventure *dist. 34.*

> *OPPONITUR autem Praesumptio non modo Spei, sed etiam Timori, ut docet S. Thom.* art. 3. *Valentia* disp. 2. quaest. 3. puncto 2. *et D. Bonavent.* dist. 34.

6 The Holy Doctor observes, moreover, *dist. 26. art. 1. question 3. ad 2.* that Hope is a mean between presumption and despair, not after the manner of a participation of the extremes, but as excluding the extremes.

> *OBSERVAT autem S. Doctor* dist. 26. art. 1. quaest. 3. ad 2. *Spem esse mediam inter praesumptionem, et desperationem, non ad modum participationis de extremis, sed excludentis extrema.*

7 THEREFORE Presumption can be manifold: First, by willing beatitude by one's own powers, with Pelagius. Second, without penance and works, with Luther, etc. Third, by willing at the end of life, after a lax life, to be raised up by God. So Suarez *disp. 2. section 4.* Sanchez *Tom. 1. Decal. Lib. 2. cap. 33.* Medina *Lib. 1. of the summa, cap. 14. §. 2. folio 79.* Bannes *in the place cited*, Azorius *Tom. 1. Lib. 9. cap. 2. question 7.* Fagundez *number 2.*

> *IGITUR Praesumptio potest multipliciter esse: Primo, volendo beatitudinem propriis viribus cum Pelagio. Secundo, sine poenitentia, et operibus, cum Luthero, etc. Tertio, volendo in fine vitae, post laxam vitam, sublevari a Deo. Ita Suarez* disp. 2. sectione 4. *Sanchez* Tom. 1. Decal. Lib. 2. cap. 33. *Medina* Lib. 1. summae, cap. 14. §. 2. folio 79. *Bannes* loco citato, *Azorius* Tom. 1. Lib. 9. cap. 2. quaestio 7. *Fagundez* numero 2.

8 MOREOVER it can be with heresy and without heresy. It will be with heresy if there be present the judgment that salvation can be had by one's own powers, or without merits. So Valencia *question 3. part 2.* Sanchez *num. 8.* Fagundez *1. 2.* Bassaeus *V. Spes.*

> *POTEST autem esse et cum haeresi, et sine haeresi. Erit cum haeresi, si adsit iudicium, posse haberi salutem propriis viribus, vel sine meritis. Ita Valentia* quaest. 3. puncto 2. *Sanchez* num. 8. *Fagundez* 1. 2. *Bassaeus* V. Spes.

9 BUT NOTE that Presumption can be against humility, as D. Bonaventure teaches *p. p. Cenil. sect. 17.* and it is a species of pride. It can be against fortitude, and coincide with temerity, etc. But of these species of presumption this is not the place to treat.

> *ADVERTE vero, Praesumptionem posse esse contra humilitatem, ut docet D. Bonav.* p. p. Cenil. sect. 17. *et est species superbiae. Potest esse contra fortitudinem, et coincidere cum temeritate, etc. Verum de his praesumptionis speciebus, non est hic agendi locus.*

Disputation VIII: On Charity

1 ON CHARITY, the Seraphic Bonaventure left monuments of his divine nature indeed brilliant and worthy, written as if with solar rays, that they might gleam in the eyes of all, everywhere in his Opuscula, and in other books; but especially in the *Diaeta salutis, tit. 5. c. 2.* he illustrates it with various comparisons, by which he symbolically epitomizes whatever he has said of it more fully elsewhere, reducing the whole to its figurative Type, its virtual act, and its final fruit.

> ***De Charitate.***
>
> *DE CHARITATE, Seraphicus Bonaventura praeclara quidem, et digna, quod solaribus radiis exarata, omnium in oculis rutilent, in Opusculis passim, aliisque in libris, Divinae suae indolis monumenta reliquit; praecipue vero in* Diaeta salutis, tit. 5. c. 2. *variis eam comparationibus illustrat, quibus Symbolice epilogat, quicquid alibi de ea fusius dixerit, totum autem reducit ad Typum eius figuralem, actum virtualem, et fructum finalem.*

2 TRULY, since these things serve more for inflaming the affections than for Scholastic erudition, I refer the reader to that place, where he will admire Charity as gold proved, most precious; as burning iron, everywhere Ductile; as wine seasoned, always sweet. He will also behold it as a noble bird, ever flying upward and touching the earth only by necessity of sustenance; as a laden ship, sailing over the sea of this world by the breath of the Holy Spirit alone; as, finally, death slaying the wicked sense of the flesh, or Carnality. But here, as the gift of the school, we shall discourse on Charity, as the Seraphic Doctor handed it down *in the various distinctions, on the books of the Sentences.*

> *VERUM haec cum magis inflammando affectui, quam Scholasticae inserviant eruditioni, eo lectorem remitto, ubi Charitatem, tanquam aurum probatum, maxime pretiosam; tanquam ferrum ignitum, ubique Ductilem; tanquam vinum conditum, semper dulcem admirabitur. Eam etiam ut nobilem avem, sursum semper volantem nec terram, nisi necessitate victus, tangentem; ut navim onustam, solo Spiritus sancti flatu in huius mundi Pelago navigantem; ut denique mortem, Carnis improbum sensum, seu Carnalitatem suspiciet perimentem; hic vero pro munere scholae de Charitate disseremus, pro ut eam Seraphicus* variis distinctionibus, in libros Sententiarum, *tradiderit.*

Question I: What charity is

1 I ASSUME first, that Charity is here taken for supernatural love. For it can be assumed for natural love, which is divided into Friendship and Concupiscence. Second, for supernatural love, which is divided in the same way. I omit the third member of the division, of shameful love, which is indeed improperly called Charity, Judges 9. *You shall strike him with the charity of my lips*, that is, with lips simulating while speaking a flattering love.[1] See D. Bonaventure *Lib. 5. Compend. Theol. cap. 24.* Charity is truly so called from charis, which signifies grace in Greek, as D. Bonaventure notes *dist. 27. question 3.*

[1] N. Editor's note: the print/OCR reads 'labiis simulantibus lantibus amorem blandum'; 'lantibus' is not Latin and the print itself shows the same garble; rendered from the evident sense ('simulating a flattering love with the lips').

> Quid sit CHARITAS.
>
> *SUPPONO primo, Charitatem hic accipi pro amore supernaturali. Potest enim supponi pro amore naturali, qui dividitur in Amicitiam, et Concupiscentiam. Secundo pro amore supernaturali, qui eodem modo dividitur. Omitto divisionis tertium membrum amoris turpis, qui sane improprie dicitur Charitas, Iudit. 9.* Percuties eum labiis

charitatis meae, *idest labiis simulantibus amorem blandum. Vide D. Bonavent.* Lib. 5. Compend. Theol. cap. 24. *Dicitur vero Charitas a charis, quod significat gratiam in Graeco, ut notat D. Bonavent.* dist. 27. quaest. 3.

2 Now Charity, Dilection, and love of God are the same, as D. Bonaventure notes *de profectu Religiosi, Book 2. cap. 23.* Therefore Charity is love.

Est autem Charitas, Dilectio, et amor Dei, idem, ut notat D. Bonavent. de profectu Religiosi, Libro 2. cap. 23. *Itaque Charitas est amor.*

3 For this reason Christ first asked Peter: *Dost thou love me more than these?* and afterward: *Lovest thou me?* Wherefore St. Dionysius, and St. Augustine, cited below at D. Bonaventure *in primo, dist. 10. dub. 1.*, reprehend those saying that Love signifies a libidinous affection, but Dilection an ordered one. Yet the Holy Doctor finds some distinction among these three: that Love signify the adherence of the affections to the beloved; whence St. Dionysius *cap. 4. de divin. nom. says: We call love unitive.* Dilection moreover signifies election; for dilection is so called from choosing among many, as we have *Can. 5. Dilectus meus, electus e millibus.* Charity, however, adds a pre-esteemedness; for that is called charum which is esteemed greatly on that account.[1] Thus the Apostle *1. Timot. 1. calls the faithful charissimi (most dear)*. The same the Holy Doctor teaches, *in primo, in the exposition of the Prologue, dub. 4.* which pertains to the Etymology of Charity; but as to love and charity together *dist. 10. of the first Sent. dub. 4.* I shall bring other distinctions below.

1 Editor's note: the print/OCR reads 'charum enim dicitur, quod magni terea aestimatur'; 'terea' is a stray or defective letterform; the Latin was rendered 'quod magni aestimatur' (which is greatly esteemed).

Ideo enim Christus primo quaesivit a Petro: Diligis me plus his? *et postea:* Amas me? *Propterea S. Dionysius, et S. Augustinus, infra citandi apud D. Bonavent.* in primo, dist. 10. dub. 1. *reprehendunt dicentes, Amorem significare affectum libidinosum: Dilectionem vero ordinatum: Attamen aliquam distinctionem invenit in his tribus S. Doctor, ut Amor significet affectus adhaesionem ad amatum; quare S. Dionysius* cap. 4. de divin. nom. ait: Amorem unitivum dicimus. *Dilectio vero praeterea dicit electionem, dicitur enim dilectio e pluribus, ut habetur* Can. 5. Dilectus meus, electus e millibus. *Chatitas vero addit praeappretiationem; charum enim dicitur, quod magni aestimatur. Sic Apostolus* 1. Timot. 1. vocat fideles charissimos. *Idem docet S. Doctor,* in primo, expositione Prologi, dub. 4. *quod spectat ad Ethymologiam Charitatis; quo ad amorem vero, et charitatem simul* dist. 10. primi sent. dub. 4. *Alias distinctiones afferam infra.*

4 I assume second, with D. Bonaventure *in primo, dist. 17. part. 1. question 1. and 2.*, as I shall show also *in question 4.*, as I showed in the prima secundae, *tract. 5. disp. 3. q. 2.*, that Charity is a created habit. But the Apostle bears witness, *Rom. 5. it is poured forth in our hearts by the Holy Spirit, who is given to us*, where he speaks of the charity by which we love God, as D. Augustine teaches *Lib. de Spiritu, et littera, cap. 32. and 1 Corinthians 13. Faith, Hope, Charity remain, these three: but the greater of these is Charity.* Whence the Council of Trent *sess. 6. cap. 7.* defines that in justification faith, hope, and inhering charity are infused. They define it in many ways, as the Holy Doctor relates in *3. dist. 27. dub. 1.*

Suppono secundo cum D. Bonavent. in primo, dist. 17. part. 1. quaest. 1. et 2. *ut ostendam etiam* quaestione 4. *ut ostendi prima secundae,* tract. 5. disp. 3. q. 2. *Charitatem esse habitum creatum, Teste autem Apost.* Rom. 5. ea diffusa est in cordibus nostris per Spiritum Sanctum, qui datus est nobis, *ubi sermo est de charitate, qua Deum diligimus, ut docet D. Augustinus* Lib. de Spiritu, et littera, cap. 32. et prima Corinth. 13. Manent fides, Spes, Charitas, tria haec: maior autem horum est Charitas. *Quare Concilium Trident.* sess. 6. cap. 7. *definit, in iustificatione infundi fidem, Spem, et Charitatem inhaerentem. Hanc multis modis definiunt, ut refert S. Doctor in* 3. dist. 27. dub. 1.

5 It is defined by D. Augustine *Lib. 1. de moribus Ecclesiae, cap. 11. Charity is the most just affection of the soul, joining us with God*, and in the soliloq. *Charity is the virtue by which we desire to see God and to enjoy him*, and *Lib. de Spiritu, et anima, cap. 16. Charity is the life coupling the lover with the beloved*, and by the Apostle, *1 Timot. 1. the end of the precept is charity from a pure heart, a good conscience, and an unfeigned faith.*

> *Definitur a D. Augustino* Lib. 1. de moribus Ecclesiae, cap. 11. Charitas est animi affectio iustissima, coniungens nos cum Deo*, et in soliloq.* Charitas est virtus, qua Deum videre, eoque perfrui desideramus*, et* Lib. de Spiritu, et anima, cap. 16. Charitas est vita copulans amantem cum amato*, et ab Apostolo,* prima Timot. 1. finis praecepti est charitas de corde puro, conscientia bona, et fide non ficta.

6 But to explain these definitions, he sets up something against each.

> *Ut autem has definitiones explanet, aliquid contra singulas opponit.*

7 Against the first. Dilection and charity are the same; therefore, since the Master defines charity by dilection, he defines the same by itself. Moreover, this definition befitted natural love in the state of innocence: therefore it is not proper to charity.

> *Contra primam. Idem est dilectio, et charitas; cum ergo Magister definit charitatem per dilectionem, definit idem per se ipsum. Deinde amori naturali in statu innocentiae conveniebat haec definitio: Ergo non est propria charitatis.*

8 Against the second, because the affection of the soul is from the soul: but Charity is from God. Moreover, this definition can befit Hope: therefore it is not proper to Charity.

> *Contra secundam, quia affectio animi est ab animo: Charitas autem est a Deo. Deinde haec definitio potest convenire Spei: Ergo non est propria Charitatis.*

9 Against the third. Vision corresponds to faith, and fruition to every virtue: therefore charity is ill-defined by seeing and enjoying. Moreover, desire is in the absence, and something imperfect; but Charity is most perfect: therefore it is ill-defined by Desire.

> *Contra tertiam. Visio respondet fidei, et fruitio est ad omnem virtutem: Ergo male definitur charitas per videre, et frui. Deinde desiderium est in absens, et quid imperfectum; sed Charitas est perfectissima: Ergo male definitur per Desiderium.*

10 Against the fourth it is, because to unite the lover with the beloved befits every love, as D. Dionysius teaches, *cap. 4. de divin. nomib. part. 4.* Therefore it is not proper to charity. Moreover, life is an absolute perfection: the coupling of the lover with the beloved is a respective quality: therefore it is ill-defined: *Charity is the life coupling.*

> *Contra quartam est, quia unire amantem cum amato, competit omni amori, ut docet D. Dionysius,* cap. 4. de divin. nomib. part. 4. *Ergo non est proprium charitatis. Deinde vita est perfectio absoluta: copulatio amantis cum amato, est qualitas respectiva: Ergo male definitur:* Charitas est vita copulans.

11 Against the last he objects. Charity is the root of the virtues, and the principle of merit: therefore it is not the end. Moreover, purity of heart is from faith, as is said *Acts 15. faith purifying hearts:* therefore it is not from charity.

> *Contra ultimam obiicit. Charitas est radix virtutum, et principium metendi: Ergo non est finis. Deinde puritas cordis est a fide, ut dicitur* Actorum 15. fide purificans corda: *Ergo non est a charitate.*

12 The Holy Doctor *answers*. That Charity is defined in a manifold way according to its manifold comparison.

> Respondet *S. Doctor. Charitatem secundum multiplicem comparationem multipliciter definiri.*

13 For Charity is compared to the object, and in this way it is defined by the Master. Although love and dilection are the same really, yet they differ formally in reason. For Dilection is broader than Charity. Whence it is customary to say: Love is of nature; dilection of the deliberative will; and Charity of grace. Moreover, Charity names the habit: Dilection names the act; and thus Charity is defined by dilection, as the less common by the more common, and the habit by its act; nor did it befit in the state of innocence as to the motive, but as to the formal reason.

> *Comparatur enim Charitas ad obiectum, et hoc modo definitur a Magistro. Quamvis autem sint idem amor, et dilectio realiter, tamen ratione differunt formali. Dilectio enim latius patet, quam Charitas. Unde solet dici: Amor est naturae; dilectio voluntatis deliberativae; et Charitas gratiae. Praeterea Charitas nominat habitum: Dilectio nominat actum; et ita definitur Charitas per dilectionem, tanquam minus commune, per magis commune, et habitus per suum actum, neque conveniebat in statu innocentiae quo ad motivum, sed quoad rationem formalem.*

14 Second, Charity can be compared to its proper act, and thus it is defined by D. Augustine *de moribus Ecclesiae, and Lib. de spiritu, et anima*; and when it is said: *It is an affection of the soul*, there is a causal predication, nor does it befit Hope, whose property is to raise up, not to unite: for it belongs to Faith to direct; to Hope to raise up; and to Charity to unite: to couple also, in an autonomastic way, befits charity, as he says in the act second of the relation.

> *Secundo potest Charitas comparari ad actum proprium, et sic definitur a D. Augustino* de moribus Ecclesiae, et Lib. de spiritu, et anima*, et cum dicitur:* Est animi affectio*, ibi est praedicatio causalis, neque convenit Spei, cuius proprium est erigere, non unire: Fidei enim est dirigere; Spei erigere; et Charitatis unire: copulare etiam modo Autonomastico convenit charitati, ut dicit in actu secundo relationem.*

15 Third, it can be compared to the ultimate end, and thus it is defined by D. Augustine *in the soliloquies: for the desire of seeing God is from charity.* Charity of the way is defined, which is imperfect: Or say, that desire is posited, with distaste excluded, which is also toward a thing present, as D. Peter says of the Angels, *epist. 1. Into which things the Angels desire to look.*

> *Tertio potest comparari ad finem ultimum, et sic definitur a D. Augustino* in soliloquiis: nam desiderium videndi Deum est a charitate*, Definitur autem charitas viae, quae est imperfecta: Vel dic, poni desiderium, excluso fastidio, quod est etiam rei praesentis, ut de Angelis ait: D. Petrus,* epist. 1. In quem desiderant Angeli prospicere.

16 Fourth, it can be compared to the habit, which is the principle of charity. Thus it is defined by the Apostle. Nor does it repugn that it be the form, and the end, and the efficient: for these causes can coincide. For the form is the end of generation, and the efficient of the operations of the composite.

> *Quarto potest comparari ad habitum, qui est charitatis principium. Sic definitur ab Apostolo. Neque repugnat, eam esse formam, et finem, ac efficientem: hae enim causae coincidere possunt. Sic enim forma est finis generationis, et efficiens operationum compositi.*

17 The Holy Doctor brings the same definitions of charity *Lib. 5. compend. cap. 23.*, where he expresses the Apostle's description more fully. It is called *the end*, that is, the complement of the law, and the end to which all the precepts are ordered, that charity itself may be increased. It is said: *from a pure heart*, that is, intellect, or intellection, as the Gloss says; for the act of charity is caused from

intellection: for the more purely and more perfectly a man understands God, the more apt he is to love. It is said: *from a good conscience*, that is, a pure conscience, which whoever has, hopes securely; *and an unfeigned faith*, that is, not fragile, nor feigned, but strong amid adversities.

> *Easdem definitiones charitatis affert S. Doctor* Lib. 5. compend. cap. 23. *ubi latius exprimit descriptionem Apostoli. Dicitur enim* finis*, idest, complementum legis, et finis ad quem omnia ordinantur praecepta, ut augeatur ipsa charitas. Dicitur:* de corde puro*, idest intellectu, seu intellectione, ut ait Glossa; ab intellectione enim causatur actus charitatis: quanto enim homo Deum purius, et perfectius intelligit, tanto aptior est ad diligendum. Dicitur:* de conscientia bona*, idest conscientia pura, quam qui habet, secure sperat,* et fide non ficta*, idest non fragili, nec simulata, sed inter adversa forti.*

18 There he brings a full description of Charity from D. Prosper *Lib. 3. de vita contemplativa, cap. 13. Charity is the right will utterly turned away from all things earthly, present, and future, joined to God inseparably, and united, kindled by a certain fire of the Holy Spirit, from whom it is, and to whom it is referred, wholly alien to every defilement, knowing not how to be corrupted, subject to no vice of changeableness, raised above all things that are loved carnally, most powerful over all affections, avid for divine contemplation, always unconquered in all things, the sum of good actions, the health of morals, the end of the celestial precepts, the death of crimes, the life of the virtues, the virtue of those fighting, the palm of the just, the armature of holy minds, the cause of good merits, the reward of the perfect: without which no one has pleased God, with which no one could displease him, fruitful in penitents, joyful in those progressing, glorious in those persevering, victorious in Martyrs, laborious in all the faithful without exception, from which whatever of good work there is, lives.*

> *Affert ibi amplam discriptionem Charitatis ex D. Prospero* Lib. 3. de vita contemplativa, cap. 13. Charitas est recta voluntas ab omnibus terrenis, et praesentibus, ac futuris prorsus aversa, iuncta Deo inseparabiliter, et unita, igne quodam Spiritus Sancti, a quo est, et ad quem refertur, incensa, inquinamenti omnino extranea, corrumpi nescia, nulli vitio mutabilitatis obnoxia, super omnia, quae carnaliter diliguntur, excelsa, affectionum omnium potentissima, divinae contemplationis avida, in omnibus semper invicta, summa bonarum actionum, salus morum, finis caelestium praeceptorum, mors criminum, vita virtutum, virtus pugnantium, palma iustorum, sanctarum mentium armatura, causa meritorum bonorum, praemium perfectorum: sine qua nullus Dei placuit, cum qua aliquis Deo displicere non potuit, fructuosa in poenitentibus, laeta in proficientibus, gloriosa in perseverantibus, victoriosa in Martyribus, operosa in omnibus omnino fidelibus, ex qua, quidquid est boni operis, vivit.

19 This definition embraces the perfections of charity for every state, but not for the way alone. He defines it again in the opusc. Declaratio terminorum Theologiae: *Charity is the virtue by which God is loved for himself; and the neighbor for God:* but he says that Love is a natural affection, common to rational and irrational beings: that Dilection is the affection of rational beings. He has the same definition of charity in the *opusc. de tribus ternariis pecc. cap. 4.*

> *Haec definitio complectitur perfectiones charitatis pro omni statu, non autem pro sola via. Eam rursus definit opusc. Declaratio terminorum Theologiae:* Charitas est virtus, qua diligitur Deus propter se; et proximus propter Deum: *Amorem vero ait esse naturalem affectionem, communem rationalibus, et irrationalibus: Dilectionem esse affectionem rationalium. Eandem definitionem charitatis habet* opusc. de tribus ternariis pecc. cap. 4.

20 But he hands down the definition of Charity most exactly in the *septem Itineribus aeternitatis, itinerary 4.*

> *Exacte vero de* septem Itineribus aeternitatis, itinere 4. *definitionem tradit Charitatis.*

21 First, moreover, he prefaces that in divine matters Love, Dilection, and Charity can be taken for the same, as have St. Dion. *cap. 4. de divin. nominibus*, and D. Augustine *Lib. 8. de Trinitate, cap. 10.*

> *Praelibat autem primo, in divinis pro eodem posse sumi Amorem, Dilectionem, et Charitatem, ut habent SS. Dion.* cap. 4. de divin. nominibus, *et D. Augustinus* Lib. 8. de Trinitate, cap. 10.

22 But that he may the more segregate Divine love, he observes that many loves are given. The first is natural, which is an inclination to a good, not supposing cognition; thus all things love their own conservation. Whence Job 37. *The clouds desire the grain*, that is, it has a natural inclination to this good. The second is animal love, supposing sensible cognition, and this is in animals alone. The third is intellectual love, supposing intellective cognition; and this is twofold: one supposing an intellective cognition merely natural, or light; and it is from a will not deliberated; another supposes a deliberated cognition with respect to a good related to another, as end; and this is elective love: the former is still called natural. But if that love be toward a supernatural good, it will be from supernatural charity, as it is founded on the supernal cognition of faith. This also in the Angel is Angelic.

> *Ut autem magis Divinum amorem segreget, observat, dari multos amores. Primus est naturalis, qui est inclinatio ad bonum, non supponens cognitionem; sic omnes res amant sui conservationem. Ideo Iob 37.* Frumentum desiderat nubes, *idest, naturalem habet inclinationem ad hoc bonum. Secundus est amor animalis, supponens cognitionem sensibilem, et hic est in solis animalibus. Tertius est amor intellectualis, supponens cognitionem intellectivam; et hic est duplex, alius supponens cognitionem intellectivam tantum naturalem, seu lumen; et est a voluntate non deliberata: quidam supponit cognitionem deliberatam respectu boni relati ad aliud, ut finem; et hic est amor electivus: ille vero dicitur adhuc naturalis. Quod si ille amor sit ad bonum supernaturale, erit a charitate supernaturali, sicuti fundatur cognitione superna fidei. Hic etiam in Angelo est Angelicus.*

23 Therefore Love is the unitive virtue of the lover with the beloved proportionally, in the ways said.

> *Igitur Amor est virtus unitiva amantis cum amato proportionaliter, modis dictis.*

24 But that he may the more separate the dross of other affections from the gold of charity, he again distinguishes in man five loves.

> *Ut autem magis aliorum affectuum amoris scoriam ab auro charitatis separet, in homine iterum distinguit quinque amores.*

25 The first is natural affection, such as that of anyone toward his own body: *For no man ever hated his own flesh*, Ephes. 5. Likewise of a mother toward her son, of which Isa. 49. *Can a woman forget her infant, the child of her womb?* Indeed, as it is impossible for this affection not to harm unless bridled by reason, so that it not follow is the height of virtue.

> *Primus est affectus naturalis, qualis est cuiuslibet ad corpus suum:* Nemo enim unquam carnem suam odio habuit, *Ephes. 5. Item matris ad filium, de quo Isa. 49.* Numquid oblivisci potest mulier infantem uteri sui? *Hunc sane affectum, sicut non nocere impossibile est, nisi ratione fraenetur; ita non sequi, summae virtutis est.*

26 This affection always gladly embraces the delicate, but shuns the rough. Of this immoderate one Christ speaks, Ioan. 12. *He who loves his soul shall lose it.* Whence St. Augustine tract. 51. *If thou lovest ill, then thou hatest; if thou hatest well, then thou hast loved.* Hence you will grasp the saying of Cicero de amicitia: *The charity that is between parents and children cannot be broken, except by a detestable crime.* For he speaks as to the natural moderate inclination.

Semper iste affectus delicata libenter amplectitur; aspera vero refugit. De hoc immoderato loquitur Christus, Ioan. 12. Qui amat animam suam, perdet eam. *Proinde S. Augustinus tract. 51.* Si male amas, tunc odisti, si bene oderis, tunc amasti. *Hinc capies dictum Ciceronis de amicitia:* Charitatem, quae est inter parentes, et liberos, dirimi, nisi detestabili scelere, non posse. *Loquitur enim quo ad naturalem moderatam inclinationem.*

27 The second is carnal affection, which is twofold. One is a certain propensity toward some habit of someone, as the sweetness of eloquence, the elegance of countenance; thus Exodi 2. the daughter of Pharaoh loved Moses, an infant of elegant countenance, and adopted him as a son. The other, however, allures to things noxious; such was David's 2. Reg. 11. and Solomon's 3. Reg. 11. St. Dionysius de Ang. Hier. cap. 2. calls this affection *a distant Idol of true love*, and it is full of anxiety; but Charity is delightful.

Secundus est affectus carnalis, qui duplex est. Alius, quaedam propensio ad aliquam habitudinem alicuius, puta eloquii suavitatem, vultus elegantiam, sic Exodi 2. filia Pharaonis Moysen, infantem vultus elegantis amavit, et in filium adoptavit. Alter vero ad noxia pellicit; talis fuit Davidis 2. Reg. 11. et Salomonis 3. Reg. 11. Hunc affectum vocat S. Dionysius de Ang. Hier. cap. 2. Longinquum Idolum veri amoris, *estque plenus anxietate; at Charitas iucunda est.*

28 The third affection is dutiful, or official, as Richard says *de Trinitate, Lib. 3. cap. 3.*, which inclines souls to services and duties, which is a sign of a grateful mind: therefore it is to be admitted, though it be perilous. From this affection charity differs, which *does not seek the things that are its own*, 1 Corinth. 13.

Tertius affectus est officiosus, seu officialis, ut ait Richardus de Trinitate, Lib. 3. cap. 3. *qui ad obsequia, et officia animos inclinat, qui grati animi est signum: Ergo admittendus, tametsi periculosus sit. Ab hoc affectu distat charitas, quae* non quaerit, quae sua sunt, *prima Corinth. 13.*

29 The fourth is Rational, of which D. Gregory *Lib. 10. moral. cap. 4.*, which arises from the consideration of another's virtue. This is the affection that animates the soul, from the splendid deeds of elders, to undergo eminent things. It differs from charity, which arises from the interior breathing of the Holy Spirit.

Quartus est Rationalis, de quo D. Gregorius Lib. 10. moral. cap. 4. *qui ex consideratione alienae virtutis oritur. Hic est affectus, qui ex praeclare maiorum gestis animum ad eximia animat exantlanda. Differt a charitate, quae ab interiori Spiritus Sancti afflatu oritur.*

30 The fifth is spiritual affection, and this is threefold: one breathed in by a malignant spirit; another by the human spirit; another by the Holy Spirit. By a malignant spirit Amnon burned for Thamar, 2. Reg. 13. and Judas for gold against Christ Ioan. 13. From the human spirit arise spirits resembling charity; thus many laid down their life for their fatherland and citizens, as D. Augustine relates *Lib. 5. de civit. cap. 18.* and Cicero *Lib. 1. de offic.*, where he relates that there were two precepts of Plato, given to those willing to benefit the Republic. The first, that they so defend the utility of the citizens that whatever they do they refer to it, forgetful of their own advantages. The second, that they care for the whole body of the Republic principally, lest while they defend some part they desert the rest. From the Divine spirit, however, the affection of charity is infused.

Quintus est affectus spiritualis, et hic est triplex: Alius immissus a Spiritu maligno; alius a Spiritu humano; alius a Sancto Spiritu. A Spiritu maligno afflatus Amnon exarsit in Thamar, 2. Reg. 13. et Iudas in aurum contra Christum Ioan. 13. A Spiritu humano oriuntur Spiritus similes charitati; sic multi animam pro patria, et civibus posuere, ut referunt D. Augustinus Lib. 5. de civit. cap. 18. *et Cicero* Lib. 1. de offic. *ubi refert, duo fuisse Platonis praecepta,*

data volentibus Reipublicae prodesse. Primum, ut utilitatem civium sic tueantur, ut quaecumque agant, ad eam referant, obliti suorum commodorum. Secundum, ut totum corpus Reipublicae curent principaliter, ne dum aliquam partem tuentur, reliquas deserant. A Spiritu autem Divino affectus charitatis infunditur.

31 Truly this differs from the others. First in origin, because it is infused by God alone, as is said *Rom. 5.* The natural is born with nature, and the other is acquired. Second it differs formally, because it is the life of the soul; not so that one. Third, because it is the form of the other virtues; not so that one. Fourth in end, because it is toward a supernal end, leading out of guilt and conducting into grace; not so the others. These differences St. Bernard *serm. 50. in Cant.* and D. Bonaventure *in the place cited* intimate.

Differt vero hic ab aliis. Primo origine, quia a Deo solo infunditur, ut dicitur Rom. 5. *Naturalis vero cum natura enascitur, et altera acquiritur. Secundo differt formaliter, quia est vita animae; non sic ille. Tertio, quia est forma aliarum virtutum, non sic ille. Quarto in fine, quia haec est ad finem supernum, educens e culpa, et in gratiam conducens; non sic alii. Has differentias innuunt S. Bernardus* serm. 50. in Cant. *et D. Bonavent.* loco citato.

32 From this doctrine St. Bonaventure elicits what Charity is: *Charity is a created supernatural virtue, by which men love God inasmuch as he is a certain Good looking to a supernatural order for himself; and so its object is the goodness of God immediately; therefore it is a Theological virtue.* So commonly the Theologians, at D. Thom. *question 23.* Valencia *disp. 3. question 1. part 1.* Palau *tract. 6. disp. 1. p. 1.* Caspesius *tract. 17. disp. 1. sect. 2.* Morandus *tract. unico, question 21.*

Ex hac doctrina elicit S. Bonavent. quid sit Charitas: Charitas est virtus creata supernaturalis, qua homines Deum diligunt, quatenus Bonum quoddam spectans ad ordinem supernaturalem propter se, atque adeo eius obiectum est bonitas Dei immediate, ideo est virtus Theologica. *Ita communiter Theologi apud D. Thom.* quaest. 23. *Valentiam* disp. 3. quaest. 1. puncto 1. *Palaum* tract. 6. disp. 1. p. 1. *Caspensem* tract. 17. disp. 1. sect. 2. *Morandum* tract. unico, quaest. 21.

33 The name of charity in Hebrew is חבה: *Haabat.* Not *Nabaa,* as Valencia reads *disp. 3. question 1. part 1.* it signifies gratuitous love, Hierem. 31. *In perpetual charity I have loved thee.*

Nomen charitatis in Haebreo est חבה : Haabat. *Non* Nabaa*, ut legit Valentia* disp. 3. quaest. 1. puncto 1. *significat gratuitum amorem, Hierem. 31.* In charitate perpetua dilexi te.

34 Therefore charity is defined, *Virtue,* which indeed is in the genus of a good habit: but I shall prove it to be a habit, and a good, and to be a special Theological virtue. It is called supernatural *Haabat.* Then it is said that God is loved by charity for himself, as he is good, not for me, but in himself. Although St. Augustine *in primo solil. cap. 6.* say that charity is the desire of seeing God, it does not stand in the way; for this desire also refers beatitude to God himself, as I shall say with D. Bonaventure *question 17.*, and Caspesius notes *disp. 1. sect. 1. num. 5.* Moreover, the Definition will be expounded in the questions.

Igitur charitas definitur, Virtus*, quae sane est in genere habitus boni: eam vero probabo esse habitum, et bonum, esseque virtutem specialem Theologicam. Dicitur supernaturalis* Haabat. *Deinde dicitur charitate amari Deus propter se, ut est bonus, non mihi, sed in se. Quamvis autem S. Augustinus* in primo solil. cap. 6. *dicat, charitatem esse desiderium videndi Deum, non obstat; nam et hoc desiderium refert beatitudinem in Deum ipsum, ut dicam cum D. Bonavent.* quaest. 17. *et advertit Caspensis* disp. 1. sect. 1. num. 5. *Porro quaestionibus explicabitur Definitio.*

Question II: What the object of charity is

1 I assume from what was said *in the Tract. de fide*, that the object of the Virtues is twofold: the Material, which is the thing that is looked at; and the Formal, which is the reason under which it is looked at. Of both I inquire.

> *Suppono ex dictis* Tract. de fide, *duplex esse obiectum Virtutum: Materiale, et est res quae respicitur; et Formale, quod est ratio sub qua respicitur. De utroque quaero.*

2 THE COMMON opinion is, that the material object of charity is God, and the neighbor, and whatever can be loved for God, as the end is supernatural; yet so that God is the principal object of attribution, on account of which the rest are loved: for thus it was found in Hope, and in faith. And yet we do not confuse the material object with the formal, as *Arriaga disp. 31. sect. 2.* thinks; for the formal object is the reason under which God is loved, namely, as good in himself, as I shall say; and also as good to us: for the formal object is that which is the motive and specificative of the act itself, or determinant of the potency and habit toward acting about the material subject, as *Mastrius disp. 6. question 20. num. 516.* observes.

> *COMMUNIS sententia est, obiectum materiale charitatis esse Deum, et proximum, et quidquid propter Deum diligi potest, ut finis est supernaturalis; ita vero, ut Deus sit obiectum principale attributionis, propter quod reliqua amentur: sic enim, et in Spe, et in fide inventum est. Neque tamen nos confundimus obiectum materiale cum formali, ut putat* Arriaga disp. 31. sect. 2. *nam obiectum formale est ratio, sub qua amatur Deus, nempe, ut in se bonus, ut dicam; et etiam ut bonus nobis: Obiectum enim formale est, quod est motivum, et specificativum ipsius actus, sive determinativum potentiae, et habitus ad agendum circa materiale subiectum, ut observat* Mastrius disp. 6. quaest. 20. num. 516.

3 I ASSERT first, that the material object of the attribution of Charity is God.

> *ASSERO primo, obiectum materiale attributionis Charitatis esse Deum.*

4 *IT IS PROVED first by the Holy Doctor dist. 27. in dubiis litt. and dist. 28. question 6.* First from the definitions of charity brought above *question 1.*

> PROBATUR primo a S. Doct. dist. 27. in dubiis litt. et dist. 28. quaest. 6. *Primo ex definitionibus charitatis supra* quaest. 1. *allatis.*

5 THEN *from Deuter. 6. Matth. 20. Lucae 10. Thou shalt love the Lord thy God with thy whole heart, etc.* Which the *Holy Doctor pursues at length on Lucae 10.*

> *DEINDE* ex Deuter. 6. Matth. 20. Lucae 10. Diliges Dominum Deum tuum ex toto corde tuo etc. *Quod late prosequitur* S. Doct. ad 10. Lucae.

6 *IT IS PROVED second by the Holy Doctor 3. dist. 26. art. 2. question 4.* Because the virtues looking to God immediately look to God distinctly, as an immediate object; such is Charity: Therefore.

> PROBATUR secundo a S. Doct. 3. dist. 26. art. 2. quaest. 4. *Quia virtutes Deum immediate respicientes distincte respiciunt Deum, ut obiectum immediate; Talis est Charitas: Ergo.*

7 *IT IS PROVED third by the Holy Doctor, the same dist. question 5.* That Theological virtue which is reformatory of the will; and stands in the will as concupiscible, is borne toward the highest Good, God: Charity is such a Virtue: Therefore.

PROBATUR tertio a S. Doct. eadem dist. quaest. 5. *Virtus illa Theologica, quae est reformativa voluntatis; et in voluntate stat concupiscibili, fertur in summum Bonum Deum: Charitas est talis Virtus: Ergo.*

8 *IT IS PROVED fourth by St. Bonav. dist. 28. question 6. and D. Thom. question 25. art. 1.* That is the first object of Charity, in which goodness first shines forth: such is God: therefore. This *Fulgent. lib. 3. cap. 9.* urges.

PROBATUR quarto a S. Bonav. dist. 28. quaest. 6. et D. Thom. quaest. 25. art. 1. *Id primum est obiectum Charitatis, in quo primo relucet bonitas: Talis est Deus: ergo. Id urget* Fulient. lib. 3. cap. 9.

9 I ASSERT second, that other things also pertain to the material object of charity, namely those which can have fellowship in the supernatural end, namely the neighbor, in whom we ourselves are included, as also our bodies look to it, and other men, as I shall say *in question 28.*

ASSERO secundo, alia etiam ad obiectum materiale charitatis pertinere, nempe ea, quae ad finem supernaturalem possunt habere societatem, scilicet proximus, in quo includimur nos ipsi, sicut et corpora nostra eo spectant, aliique homines, ut dicam quaest. 28.

10 *IT IS PROVED first by St. Bonav. in the places brought from the Scriptures,* which place the neighbor also in the precepts of charity. This the *Holy Doctor pursues at length in cap. 14. and following of Ioannis.*

PROBATUR primo a S. Bonav. locis adductis e Scripturis, *quae ponunt in praeceptis charitatis etiam proximum. Haec late prosequitur* S. Doct. in cap. 14. et sequentis Ioannis.

11 *IT IS PROVED second by the Holy Doctor dist. 28. question 1.* He who loves God wills him the good of his; but we with the neighbor can be loved in order to God, as his good: Therefore we can love the neighbor by the act of charity, by which we love God, and will him good. Whence *Ioan. 1. cap. 4. If we love one another, the charity of God is perfect in us.* D. August. 10. de Trinitate, cap. 8. consents. Whence *Matth. 25. What you have done to one of these my least, you have done to me.* For if Christ reckons as his goods those goods that are conferred upon men, men act most prudently when they will good to men, that in those the same goods may be attributed to God. *I confirm it,* because the neighbor is a something of God, partaker of beatitude: but it belongs to perfect friendship not only to love him with whom friendship is contracted primarily and principally, but also on account of him the things that pertain to him: for thus a friend loves a friend, and for him also the friend's son; yet this love of friendship does not extend by the same reason to the friend's Dog, as the *Holy Doctor* observes, who thence elicits that irrational things are not loved with charity, because they do not communicate with us in the supernatural good.

PROBATUR secundo a S. Doct. dist. 28. quaest. 1. *Amans Deum vult illi bonum illius; sed nos cum proximo possumus amari in ordine ad Deum, ut bonum eius: Ergo possumus diligere proximum per actum charitatis, quo diligimus Deum, et volumus illi bonum. Ideo* Ioan. 1. cap. 4. Si diligamus invicem, charitas Dei in nobis perfecta est. *Consentit* D. August. 10. de Trinitate, cap. 8. *Ideo* Matth. 25. Quod uni ex minimis meis fecistis, mihi fecistis. *Si enim Christus bona sua reputat illa, quae hominibus conferuntur, prudentissime homines operantur, quando volunt bona hominibus, ut in illis eadem bona Deo tribuantur.* Confirmo, *quia proximus est quid Dei, particeps beatitudinis: Ad perfectam autem amicitiam spectat non solum diligere eum, quocum primario, et principaliter amicitia contrahitur, sed etiam ratione illius ea, quae ad ipsum spectant: Sic enim amicus diligit amicum, et propter eum etiam filium amici; non tamen hic amor amicitiae se extendit eadem ratione ad Canem amici, ut advertit* S. Doct. *qui inde eruit, non diligi charitate irrationalia, quia non communicant in bono supernaturali nobiscum.*

12 Wherein *Caspensis disp. 3. sect. 1. with D. Bonav. loc. cit. and dist. 9. art. 2. question 4.* observes that the neighbor can be honestly loved in two ways. First, on account of God's goodness alone, that is, from the desire of the divine good, because the good bestowed on the neighbor is in a certain way the good of God, and this dilection manifestly pertains to Theological charity; for it is one act by which we love God, and the neighbor for God, as the *Holy Doctor notes ad 3. and D. Thom. question 25. art. 1.*, and therefore it pertains to the same virtue. In another way the neighbor can be loved, either on account of the likeness in rational nature, or on account of the virtues, etc. and this dilection is not Charity, as D. Thom. also teaches *question 103. art. 3. ad 2. Vasquez lib. 1. de ador. disp. 6. cap. 2. and lib. 3. disp. 1. cap. 6. Caspens. loc. cit. num. 3. Valencia disp. 3. question 1. p. 1. at the end.*

> *Pro quo advertit* Caspensis disp. 3. sect. 1. cum D. Bonav. loc. cit. et dist. 9. art. 2. quaest. 4. *proximos duobus modis posse honeste diligi. Primo, propter solam Dei bonitatem, idest ex desiderio divini boni, quia bonum collatum in proximum, quodammodo est bonum Dei, atque haec dilectio manifeste pertinet ad charitatem Theologicam; unus est enim actus, quo diligimus Deum, et proximum propter Deum, ut* notat S. Doct. ad 3. et D. Thom. quaest. 25. art. 1. *atque adeo ad eandem pertinet virtutem. Alio modo potest diligi proximus, vel propter similitudinem in natura rationali, vel propter virtutes, etc. et haec dilectio non est Charitas, ut docet etiam* D. Thom. quaest. 103. art. 3. ad 2. Vasquez lib. 1. de ador. disp. 6. cap. 2. et lib. 3. disp. 1. cap. 6. Caspens. loc. cit. num. 3. Valentia disp. 3. quaest. 1. p. 1. in fine.

13 I ASSERT third, that the formal object of Charity is God as good in himself. *So D. Bonav. 3. dist. 26. art. 2. question 4. and 5. and dist. 27. and 28. passim, and frequently in the opuscula, and commonly the Theologians.*

> *ASSERO tertio, formale obiectum Charitatis esse Deum ut bonum in se.* Ita D. Bonav. 3. dist. 26. art. 2. quaest. 4. et 5. et dist. 27. et 28. passim, atque in opusculis frequenter, et communiter Theologi.

14 *IT IS PROVED first by the Holy Doctor.* The dilection by which someone is loved for himself ought to be absolute; but this dilection of charity is of this kind: Therefore.

> PROBATUR primo a S. Doct. *Dilectio, qua quis diligitur propter se, debet esse absoluta; sed haec dilectio charitatis est huiusmodi: Ergo.*

15 *IT IS PROVED second,* because Charity is the virtue perfecting the will in order to God, therefore as object; but it is the object as good: Therefore.

> PROBATUR secundo, *quia Charitas est virtus perficiens voluntatem in ordine ad Deum, ergo ut obiectum; sed est obiectum ut bonum: Ergo.*

16 But in truth, because also Natural love loves God's goodness, it is necessary to find something formal by which Charity is distinguished from it.

> *At vero, quia etiam Amor naturalis Dei diligit eius bonitatem, oportet aliquid formale invenire, per quod ab eo Charitas distinguatur.*

17 COMMONLY the *Thomists teach with the Angelic Doctor 1. 2. question 109. art. 3. ad 1.* that the formal object of charity is God, inasmuch as he is in himself good, with a goodness pertaining to the supernatural order, or with the goodness by which God is the principle of supernatural goods. *So Suarez disp. 1. sect. 2. Casp. disp. 1. sect. 1. Amicus, and other Recentiores, and it seems D. Bonav. de septem Itineribus aeternitatis, Itinere 4. cap. 2. and dist. 27. dub. 1. litt. around the definition of charity, from D. Aug. soliloq. 1. cap. 6. in haec 3. sent. and more fully dist. 28. question 1. whole, and dist. 27. question 2. ad 3.*

COMMUNITER Thomistae docent cum Doctore Angelico 1. 2. quaest. 109. art. 3. ad 1. *Formale obiectum charitatis esse Deum, quatenus in se bonum, bonitate pertinente ad ordinem supernaturalem, vel bonitate, qua Deus est principium bonorum supernaturalium.* Ita Suarez disp. 1. sect. 2. Casp. disp. 1. sect. 1. Amicus, et alii Recentiores, et videtur D. Bonav. de septem Itineribus aeternitatis, Itinere 4. cap. 2. et dist. 27. dub. 1. litt. circa definitionem charitatis, ex D. Aug. soliloq. 1. cap. 6. in haec 3. sent. et elatius dist. 28. quaest. 1. tota, et dist. 27. quaest. 2. ad 3.

18 MANY, however, say that the formal reason of the object of charity is expanded more broadly, and that it is the goodness of God, by which he is in himself infinitely good and perfect, according to every reason of being. Whence they infer that the same supernatural habit inclines to loving God as a natural end, and as the author of natural and supernatural goods. *So Vasquez p. 2. disp. 195. cap. 2. and 3. Coninch. disp. 21. dub. 2. For which opinion they bring Scotus 3. dist. 27. question unica, §. contra primam viam. And §. quantum ad istum articulum, and Arriaga judges it probable disp. 31. sect. 2. and 3. and Mastrius 3. disp. 6. question 20. num. 519. with Bassoli 3. dist. 28. question un. art. 1. Poncio disp. 32. question 1. and other Scotists. This opinion seems to be D. Bonav.'s dist. 28. question 1. ad 3. and dist. 26. art. 2. question 4. fund. 1.*

MULTI tamen dicunt, rationem formalem obiecti charitatis latius expandi, esseque bonitatem Dei, qua in se infinite bonus, et perfectus est, secundum omnem rationem entis. Unde inferunt, eumdem habitum supernaturalem inclinare ad diligendum Deum, ut finem naturalem, authoremque bonorum naturalium, et supernaturalium. Ita Vasquez p. 2. disp. 195. cap. 2. et 3. Coninch. disp. 21. dub. 2. pro qua sententia adducunt Scotum 3. dist. 27. quaest. unica, §. contra primam viam. Et §. quantum ad istum articulum, et probabile censet Arriaga disp. 31. sect. 2. et 3. et Mastrius 3. disp. 6. quaest. 20. num. 519. cum Bassoli 3. dist. 28. quaest. un. art. 1. Poncio disp. 32. quaest. 1. et aliis Scotistis. Videtur haec sententia D. Bonav. dist. 28. quaest. 1. ad 3. et dist. 26. art. 2. quaest. 4. fund. 1.

19 I ASSERT, that God is the formal object of Theological Charity, inasmuch as he is a supernatural good in himself.

ASSERO, Deum esse obiectum formale Charitatis Theologicae, quatenus est bonum supernaturale in se.

20 *IT IS PROVED,* otherwise supernatural Charity would not be distinguished from natural love; because it would not have a distinct formal object; but this repugns the Fathers. *It is confirmed;* for God has a different lovableness, inasmuch as he is a natural end, and as a supernatural end. Of this I have treated sufficiently *disp. 1. question 28. See there. It is confirmed by D. Bonav. dist. 26. dubio 1. from the definition of Charity,* which is the desire of supernatural beatitude, or of having God. *It is confirmed by the Holy Doctor in Cantic. 3. p. sect. 40.* Charity is the virtue ultimately rectifying the will in order to its object: therefore to the highest good under the reason of the highest; but this is the ultimate attainment of supernatural beatitude: Therefore.

PROBATUR, *alioqui non distingueretur Charitas supernaturalis ab amore naturali; quia non haberet distinctum obiectum formale; hoc autem repugnat Patribus.* Confirmatur; *nam Deus diversam habet amabilitatem, prout est finis naturalis, et ut finis supernaturalis. De hoc satis egi* disp. 1. quaest. 28. Vide ibi. Confirmatur a D. Bonav. dist. 26. dubio 1. ex definitione Charitatis, *quae est desiderium beatitudinis supernaturalis, seu habendi Deum.* Confirmatur a S. Doct. in Cantic. 3. p. sect. 40. *Charitas est virtus ultimo rectificans voluntatem in ordine ad eius obiectum: ergo ad summum bonum sub ratione suprema; sed haec est ultima consecutio beatitudinis supernaturalis: Ergo.*

21 *Mastrius answers num. 529.* That God also, as the author of creatures, can be the object of supernatural charity; whence the Saints were often roused from the love of creatures to the love of God, and since they burned so ardently into the love of God, it is incredible that they elicited only acts of natural love, as Coninch. notes *disp. 5. dub. 3.* It is confirmed by D. Bonav. *lib. 2. Pharetrae, cap. 25.* around the middle from D. August. *lib. 10. confess. cap. 6.* where he cries out: *Lord, thou hast struck my heart with thy love, and I loved thee. But heaven and earth, and all things that are in them, behold, on every side they say to me, that I should love thee, nor do they cease saying to all, that they may be inexcusable*, and there St. Augustine pours himself out, rising from the creatures into the love of God, from the light, from music, from foods, from odors; and Lib. de spiritu et anima, cap. 17. *Wretched I, how much I ought to love my God, who made me when I was not, redeemed me when I had perished. I was not, and from nothing he made me; not a stone, not a tree, not a bird, or any of the animals; but he willed me to be a man: he gave me to live, to sense, to discern, and to understand. I had perished, and he descended to the mortal, took on mortality, endured the passion, conquered death, and thus restored me.*

> RESPONDET Mastrius num. 529. *Deum etiam, ut authorem creaturarum, esse posse obiectum charitatis supernaturalis; unde Sancti saepe ex amore creaturarum in amorem Dei excitabantur, et cum tam ardenter exargerent in Dei amorem, incredibile est, elicuisse solos actus amoris naturalis, ut advertit Coninch.* disp. 5. dub. 3. *Confirmatur a D. Bonav.* lib. 2. Pharetrae, cap. 25. *circa medium ex D. August.* lib. 10. confess. cap. 6. *ubi clamat:* Domine amore tuo percussisti cor meum, et amavi te. Sed et caelum et terra, et omnia, quae in eis sunt, ecce undique mihi dicunt, ut te amem, nec cessant dicere omnibus, ut sint inexcusabiles*, et ibi diffunditur S. Augustinus ex creaturis exurgens in Dei amorem, e luce, e musicis, e cibis, ex odoribus, et Lib. de spiritu et anima, cap. 17.* Miser ego quantum deberem diligere Deum meum, qui me fecit, cum non eram, redemit cum perieram. Non eram, et de nihilo me fecit, non lapidem, non arborem, non avem, aut aliquod de animalibus; sed voluit me esse hominem: dedit mihi vivere, sentire, discernere, et intelligere. Perieram, et ad mortalem descendit, mortalitatem suscepit, passionem sustinuit, mortem vicit et sic me restauravit.

22 *The same* St. August. *epist. 3.* to Volusianus, at D. Bonav. loc. cit. Pharetrae: *Thou shalt love the Lord thy God with thy whole heart, and with thy whole soul, and with thy whole mind: and thou shalt love thy neighbor as thyself. Here is the Physica: because all the causes of all natures are in God the Creator. Here is the Ethica: because the good and honest life is formed from nothing else than when the things that are to be loved are loved as they ought to be loved, that is, God, and the neighbor. Here is the Logica: because truth, and the Light of the rational soul, is nothing but God.* See other things there in the Holy Doctor.

> Idem *S. August.* epist. 3. *ad Volusianum apud D. Bonav. loc. cit. Pharetrae:* Diliges Dominum Deum tuum ex toto corde tuo, et ex tota anima tua, et ex tota mente tua: et diliges proximum tuum, sicut teipsum. Hic Physica: quoniam omnes omnium naturarum causae, in Deo Creatore sunt. Hic Ethica: quoniam vita bona, et honesta non aliunde formatur, quam cum ea, quae diligenda sunt, quemadmodum diligenda sunt, diliguntur, hoc est Deus, et proximus. Hic est Logica: quoniam veritas, Lumenque animae rationalis non nisi Deus est. *Vide alia ibi in S. Doctore.*

23 You can bring with the Seraphic Doctor the example of St. P. Francis, who rose from the creatures to the Creator: *Commanding praise to praise him, praise was always present to him; I say, the praise of the Savior: he invites the birds, the beasts, and the other creatures to the praise of the Creator.* Although he loved them with a love not of charity, but of piety, as the Holy Doctor says *dist. 28. question 1.*, yet from thence he flew upward to the supernal love of God.

> *Afferre potes cum Seraphico exemplum S. P. Francisci, qui ex creaturis in Creatorem assurgebat:* Laudans laudare monuit, laus illi semper affuit, laus inquam Salvatoris: invitat aves, bestias, et creaturas alias ad laudem Conditoris. *Quamvis autem eas amore non charitatis, sed pietatis diligeret, ut ait S. Doct.* dist. 28. quaest. 1. *tamen inde ad Dei amorem supernum evolabat.*

24 Truly, however, charity regards both reasons of goodness, so that as to the supernatural it needs the supernal light, as the Holy Doctor notes *loc. cit. de 4. Itinere aeternit. cap. 2.*; nevertheless it can, from the natural object known, with the light of faith added, rise to a supernatural act.

> *Ita vero charitas respicit utramque rationem bonitatis, ut ad supernaturalem egeat lumine superno, ut advertit S. Doct.* loc. cit. de 4. Itinere aeternit. cap. 2. *attamen potest ex obiecto naturali cognito, lumine fidei addito, consurgere ad actum supernaturalem.*

25 For indeed *disp. 1. de fide, question 28.* I have already maintained that supernatural acts are distinguished from natural ones by the objects. Therefore the answer to the authorities is, that the Saints rose from the creatures to God by natural love, by which they were disposed, that they might be raised up to God, as a supernatural end.

> *Enim vero* disp. 1. de fide, quaest. 28. *iam sustinui, actus supernaturales a naturalibus distingui ex obiectis. Ideo ad authoritates respondetur, Sanctos consurrexisse ex creaturis in Deum amore naturali, quo disponebantur, ut elevarentur in Deum, ut finem supernaturalem.*

26 Scotus objects, and with him Mastrius *num. 519.* That God, by the power of charity, is to be loved so, that he would still be loved even if he were never willing to be for us the cause of supernatural gifts: and in this way the Saints, burning with charity, love God. Otherwise, however, the Thomists, constituting God the object of Charity as he is the author of supernatural goods, make charity to be a love of concupiscence.

> *Obiicit Scotus, et cum eo Mastrius* num. 519. *Deus ex virtute charitatis ita amandus est, ut adhuc amaretur, etiamsi nunquam vellet nobis esse causa donorum supernaturalium: et hoc pacto Sancti, charitate ardentes, Deum diligunt. Alias vero Thomistae constituentes Deum Charitatis obiectum, ut est author bonorum supernaturalium, ponunt, charitatem esse amorem concupiscentiae.*

27 Yet this argument is weak, as Arriaga himself notes: for we do not say that we love God with charity only as a good for us; but as in himself a good diffusive of supernatural goods, or naturally communicable as to supernatural things; and under this reason he can excite a love of friendship.

> *Hoc tamen argumentum debile est, ut ipse advertit Arriaga: Non enim dicimus, nos charitate amare Deum solum, ut bonum nobis; sed ut in se bonum diffusivum bonorum supernaturalium, seu natura communicabilem secundum supernaturalia; et sub hac ratione potest excitare amorem amicitiae.*

28 Mastrius presses *num. 520.* That God, even if he were not communicable in this way, would still be lovable by Charity, because in himself good, he is infinitely perfect.

> *Instat Mastrius* num. 520. *Deus, etiamsi non esset communicabilis hoc modo, adhuc esset Charitate amabilis, quia in se bonus, est infinite perfectus.*

29 It is answered, that he is lovable as good in every way, but with natural love also; whence it does not follow that he ought to be the object of supernatural charity, otherwise the natural and supernatural habits would be confounded; and if the natural can attain the supernatural object, in

vain would the Councils, and the Scriptures, have required help through Christ, as I argued at length *disp. 1. question 28.*

> *Respondetur, esse amabilem, ut bonus usquequaque, sed amore etiam naturali; unde non sequitur, quod debeat esse obiectum charitatis supernaturalis, alioqui confunderentur habitus naturales, et supernaturales; et si naturalis potest attingere obiectum supernaturale, frustra Concilia, et Scripturae exigent auxilium per Christum, ut late argumentabar* disp. 1. quaest. 28.

Question III: Whether charity is properly the friendship of God

1 From the fact that God in himself is the object of Charity, it seems that charity is a friendship between God and men.

> *Ex eo, quod Deus in se est obiectum Charitatis, videtur, charitatem esse amicitiam inter Deum, et homines.*

2 Some have denied that there is friendship between God and men.

> *Negarunt aliqui, amicitiam inter Deum, et homines.*

3 Yet the true opinion is affirmative. So D. Bonav. *3. dist. 27. art. 2. quaest. 2. and in 1. dist. 48. quaest. ult. argumento 3.* which D. Thom. concedes *quaest. 23. art. 1.*, whom others commonly follow, as Valencia reports *disp. 3. quaest. 1. p. 2.*, Casp. *Tract. 17. disp. 1. sect. 2.*, Mastrius *disp. 6. quaest. 20. num. 535.*, Tannerus *disp. 2. quaest. 2. dub. 1.*, Fulgent. *lib. 3. cap. 8.*, Bassaeus *v. Charit.* I discussed this question *p. 1. tract. 1. disp. 17. quaestione 3.*

> *Vera tamen sententia est assertiva. Ita D. Bonav.* 3. dist. 27. art. 2. quaest. 2. et in 1. dist. 48. quaest. ult. argumento 3. *quod concedit D. Thom.* quaest. 23. art. 1. *quos alii sequuntur communiter, ut referunt Valentia* disp. 3. quaest. 1. p. 2. *Casp.* Tract. 17. disp. 1. sect. 2. *Mastrius* disp. 6. quaest. 20. num. 535. *Tannerus* disp. 2. quaest. 2. dub. 1. *Fulient.* lib. 3. cap. 8. *Bassaeus* v. Charit. *Hanc quaestionem discussi* p. 1. tract. 1. disp. 17. quaestione 3.

4 I assert with this opinion that there is friendship between God and just men.

> *Assero cum hac sententia, dari amicitiam inter Deum, et homines iustos.*

5 It is proved by D. Bonav. *ad 14. Ioan.* with those words: *You are my friends.*

> *Probatur a D. Bonav.* ad 14. Ioan. *illis verbis:* Vos amici mei estis.

6 It is proved secondly by S. Doct. *loc. cit. in 3.* and by Aristotle 8. Eth. cap. 10, where he says: The friendship of sons toward parents, and of men toward God, is like that toward something excellent. And in lib. 10. cap. 8 he says: *The wise, whose Wisdom extends to an honest life, are most dear to the Gods.*

> *Probatur secundo a S. Doct.* loc. cit. in 3. et Aristotele 8. Eth. cap. 10. ubi ait: Filiorum ad parentes, et hominum ad Deum esse amicitiam, sicut ad aliquid excellens. *Et lib. 10. cap. 8. ait:* Sapientes, quorum Sapientia extenditur ad vitam honestam, esse Diis amicissimos.

7 Now friendship is not of equality, but of excellence toward one supernal end, by communicating in goods; for equality is not essential to friendship; a Geometric proportion suffices. Moreover, Scripture asserts this friendship of God with men: *Iudit. 8. Abraham was made the friend of God.* Psal. 138. *Exceedingly honored are your friends, O God.* Sap. 7. *They were made partakers of the Friendship of God.* Isa. 41. *The seed of Abraham, my friends.* Lucae 12. *But I say to you, my friends*, where he also adds the mutual love

of benevolence, which is the foundation of friendship, according to Ioan. 16. *The Father himself loves you, because you have loved me.*

> *Est autem amicitia non aequalitatis, sed excellentiae ad finem unum supernum, communicando in bonis; non enim aequalitas est essentialis amicitiae; sed sufficit proportio Geometrica. Hanc porro Dei amicitiam cum hominibus asserunt Scripturae,* Iudit. 8. Abraham Dei amicus effectus est. *Psal. 138.* Nimis honorati sunt amici tui Deus. *Sap. 7.* Participes facti sunt Amicitiae Dei. *Isa. 41.* Semen Abraham amici mei. *Lucae 12.* Dico autem vobis amicis meis, *ubi etiam mutuum amorem benevolentiae, qui est fundamentum amicitiae, apponit, iuxta id Ioan. 16.* Ipse Pater amat vos, quia vos me amastis.

8 Then *Ioan. 15.* at those words: *I will no longer call you servants, but friends*, he puts another condition of friendship, which is communication in goods, and therefore says: *All things whatsoever I have heard from the Father, I have made known to you.* Hence also D. Peter: *You shall be made partakers of the divine nature.* And Rom. 8. *You have received the spirit of adoption, in which we cry: Abba* (Father.)

> *Deinde* Ioan. 15. *ad ea verba:* Iam non dicam vos servos, sed amicos, *ponit aliam conditionem amicitiae, quae est communicatio in bonis, ideo ait:* Quaecumque audivi a Patre, nota feci vobis. *Unde et D. Petrus:* Divinae efficiamini consortes naturae. *Et Rom. 8.* Accepistis spiritum adoptionis, in quo clamamus: Abba *(Pater.)*

9 That he be loved by the Lord for our own good is proved from the form of the precept: *You shall love the Lord your God, etc. As the Father has loved me, so have I loved you.*

> *Quod vero ad bonum nostrum diligatur a Domino, probatur ex forma praecepti:* Diliges Dominum Deum tuum, etc. Sicut dilexit me Pater, et ego dilexi vos.

10 That this love exists, fourthly, is clear from Rom. 8. *The Spirit gives testimony to our spirit, etc.*, that is, in that moral mode by which it can stand firm while we are on earth.

> *Quod quarto constet de hoc amore, patet Rom. 8.* Spiritus testimonium reddit spiritui nostro, etc. *eo scilicet modo morali, quo licet in terris id constare.*

11 Thus the conditions of friendship, set out broadly by Aristotle *8. Eth. c. 3. 4. 5. and 9.* and D. Thom. here, are proved. See Gregory of Valencia *disp. 3. quaest. 1. puncto 2.*

> *Sic probatae sunt conditiones amicitiae, late ab Aristotele* 8. Eth. c. 3. 4. 5. et 9. *et D. Thom. hic. Vide Gregorium de Valentia* disp. 3. quaest. 1. puncto 2.

Question IV: Whether charity is a created habit

1 The MAGISTER, 1. dist. 17, is seen to assert that the charity by which we love God is the Holy Spirit himself, moving the will of man to love without any infused habit; yet he is interpreted most benignly by S. Doct.: not because the Holy Spirit is the form of the soul disposing it to love, but because he moves the affection immediately without a habit. Yet even in this he falls short.

> Utrum Charitas sit Habitus creatus.
>
> *MAGISTER 1. dist. 17. visus est asserere, charitatem, qua Deum diligimus, esse ipsum Spiritum Sanctum, moventem hominis voluntatem ad amandum sine aliquo habitu infuso; eum tamen perbenigne interpretatur S. Doct. non quia Spiritus Sanctus sit forma animae disponens ad amandum, sed quia immediate absque habitu moveat affectum. Attamen et in hoc etiam deficit.*

[2] I assert therefore that Charity is a habit. This is the common view of Theologians, and after the Council of Trent certain from faith.

> *Assero igitur, Charitatem esse habitum. Est communis Theologorum, et post Concil. Trident. certa ex fide.*

[3] *IT IS PROVED* by D. Bonav. That which has the ratio of a form infused by God, or by the Holy Spirit, is something created, distinct from its efficient cause, namely from the Holy Spirit; but *the Charity of God is poured forth in our hearts by the Holy Spirit, who is given to us* from cap. 5. ad Rom. The Major is evident: for God cannot be a form, otherwise he would be an imperfect inexisting part, and every cause differs really from its effect. By this argument the Council of Trent, session 6, defines, cap. 7, *The charity of God is poured forth in the hearts of those who are justified, and inheres in them.* And can. 11 defines that men are not justified by the sole remission of sins, with grace and charity excluded, which is poured forth and inheres in their hearts. Again, the Minor is proved from the Council of Orange, can. 25. *It is altogether a Gift of God to love God; for the Spirit of the Father and the Son pours charity into our hearts, whom we love with the Father and the Son.* The same is proved in the Council of Vienne, as is related in *Clement. unica, de summa Trinitate.* The Minor is confirmed again; for as Faith and Hope are ordered to reforming the mind, so much more is Charity, which is the life of the soul: therefore a form. But God cannot be a form, because he cannot enter into composition with another being, as is necessary for the esse of a form.

> PROBATUR *a D. Bonav. Id quod habet rationem formae infusae a Deo, seu Spiritu Sancto, est quid creatum, distinctum a sua causa efficiente, nempe a Spiritu Sancto; sed* Charitas Dei diffusa est in cordibus nostris per Spiritum Sanctum, qui datus est nobis *ex cap. 5. ad Rom. Maior est evidens: Deus enim non potest esse forma, alioqui esset pars inexistens imperfecta, et omnis causa differt realiter a suo effectu. Hoc argumento, Concilium Trident. sess. 6. definit, cap. 7.* Charitas Dei diffunditur in cordibus eorum, qui iustificantur, atque ipsis inhaeret. *Et can. 11. definit, Homines non iustificari per solam remissionem peccatorum, exclusa gratia, et charitate, quae in illorum cordibus diffundatur, et inhaereat. Rursus Minor principalis probatur ex Concilio Araus. can. 25.* Prorsus Donum Dei est diligere Deum, diffundit enim charitatem in cordibus nostris Spiritus Patris, et Filii, quem cum Patre amamus, et Filio. *Idem probatur in Concil. Vien. ut refertur in* Clement. unica, de summa Trinitate. *Confirmatur rursum Minor; nam sicut Fides, et Spes ordinatae sunt ad reformandum animum, ita et multo magis Charitas, quae est vita animae: Ergo forma. Deus autem non potest esse forma, quia nequit ingredi compositionem cum alio ente, sicut ad esse formae est necesse.*

[4] *IT IS PROVED* by S. Doct. *fundamento 4.* from all the Scriptures which assert that Charity grows, diminishes, is lost, and recovered. Prima Ioan. 2. *Whoever keeps his word, truly in this the Charity of God is perfected.* Philip. 1. *This I pray, that the Charity of God may abound more and more.* Apoc. 2. *You have left your first Charity. Be mindful therefore from where you have fallen: and do penance.*

> PROBATUR *a S. Doct.* fundamento 4. *ex omnibus Scripturis, quae asserunt Charitatem crescere, minui, amitti, et recuperari. Prima Ioan. 2.* Qui servat verbum eius, vere in hoc Charitas Dei perfecta est. *Philip. 1.* Hoc oro, ut Charitas Dei magis, ac magis abundet. *Apoc. 2.* Charitatem primam reliquisti. Memor esto itaque unde excideris: et age poenitentiam.

[5] *IT IS PROVED* lastly. That which distinguishes the just man from the impious not only in act but also in rest, and which those who cannot have proper acts, such as infants, must have, must be created and inhering habitually: for the first cause is related in one way to all; such is Charity according to the Councils cited, defining that it is therefore also infused into infants. Only the Council of Vienne does not define it.

PROBATUR *ultimo. Id, quod distinguit iustum ab impio, non tantum in actu, sed etiam in quiete; et eos, qui nequeunt habere actus proprios, ut parvulos, debet esse creatum, et habitualiter inhaerens: nam prima causa uno modo se habet ad omnes; Talis est Charitas e Conciliis allatis, definientibus, eam ideo etiam parvulis infundi. Solum Viennense non definit.*

6 *IT IS PROVED* also *in corpore* by S. Doct. If the Holy Spirit were charity, he would be unifiable, and then either by nature or by grace: not by nature, as is evident. If by grace, then again by means of something else, etc.

PROBATUR *etiam* in corpore *a S. Doct. Si Spiritus Sanctus esset charitas, esset unibilis, et tunc vel per naturam, vel per gratiam: non per naturam, ut constat. Si per gratiam, rursum per aliud, etc.*

7 *IT IS PROVED* there also by the argument which Valencia uses: That by which the will, as principal cause, elicits the act of love must be created; but Charity is that by which it elicits, etc. Therefore.

PROBATUR *ibi etiam argumento, quo utitur Valentia Id, quo voluntas, tanquam causa principalis, elicit actum dilectionis, debet esse creatum; sed Charitas est ea, qua elicit, etc. Ergo.*

8 *YOU OBJECT first*. No accident is better than a substance: Charity is better than the soul, for it elevates and perfects it, and nothing is better than it, from D. August. *lib. 1. de moribus Ecclesiae:* Therefore.

OBIICIES primo. *Nullum accidens est melius substantia: Charitas est melior anima, nam eam elevat, et perficit, et nihil ea melius, ex D. August*. lib. 1. de moribus Ecclesiae: *Ergo.*

9 S. Doct. *answers* that Charity is better as the medium without which the soul lacking it cannot be ordered to the supernatural end: for it is proper to accidents to perfect a substance accidentally. But those things infused by God above nature perfect it intimately, of which they are the illustrious similitude and participation. Such an accident is charity, as is said in 2 Peter, 1, as Valencia notes with D. Thomas.

RESPONDet *S. Doct. Charitatem esse meliorem, ut medium, quo carens anima nequit ordinari ad finem supernaturalem: proprium est enim accidentium perficere accidentaliter substantiam. Intime vero ea perficiunt, quae super naturam a Deo infunduntur, cuius sunt praeclara similitudo, et participatio. Tale accidens est charitas, ut dicitur secunda Petri, 1. ut notat cum D. Thoma, etiam Valentia.*

10 *YOU OBJECT secondly.* No created goodness is equivalent to beatitude; but charity is equivalent to Beatitude; for by it we merit glory: Therefore.

OBIICIES secundo. *Nulla bonitas creata aequivalet beatitudini; sed charitas aequivalet Beatitudini; nam per eam meremur gloriam: Ergo.*

11 S. Bonav. *answers* that it is equivalent by divine estimation, which deems the work of charity worthy of eternal life.

RESPONDet *S. Bonav. aequivalere divina aestimatione, quae opus charitatis aestimat dignum vita aeterna.*

12 *YOU OBJECT thirdly.* Every created good is good by participation, and therefore can fail to be good: therefore lacking order.

OBIICIES tertio. *Omne bonum creatum est bonum per participationem, atque adeo potest non esse bonum: ergo carens ordine.*

13 *IT IS answered* that the thing ordered is one thing; the order another; and this cannot fail to be good.

> RESPONDetur *aliam esse rem ordinatam; aliam esse ordinem; et haec non potest, non esse bona.*

14 *YOU OBJECT fourthly.* The Holy Spirit can inflame the affection by himself; therefore a habit is required in vain. The Antecedent is proved: for God is charity, prima Ioan. 4. Therefore *prima Cor. 6.* it is said: *Who cleaves to God is made one spirit with him.*

> OBIICIES quarto. *Spiritus Sanctus seipso potest inflammare affectum; ergo frustra requiritur habitus. Probatur Antecedens. Deus enim charitas est, prima Ioan. 4. Ideo* prima Cor. 6. *dicitur:* Qui adhaeret Deo, unus spiritus efficitur cum eo.

15 S. Doct. *answers* that God himself is signified there, and yet Charity is required, informed by which we may work: *For we are God's helpers*, prima Cor. 3. Therefore inhering charity is posited not from a defect of divine power, but so that we may cooperate with God in a connatural mode, moving through something formally determining.

> RESPONDet *S. Doct. ibi significari Deum ipsum, sed tamen requiritur Charitas, qua informati operemur:* Dei enim adiutores sumus *prima Cor. 3. Igitur ponitur charitas inhaerens non ex defectu divinae virtutis, sed ut nos modo connaturali cooperemur Deo, moventi per aliquid formaliter determinans.*

16 *YOU OBJECT fifthly.* A natural virtue is farther from God than the will; but God moves nature immediately: Therefore.

> OBIICIES quinto. *Plus distat a Deo virtus naturalis, quam voluntas; sed Deus immediate movet naturam: Ergo.*

17 S. Doct. *answers* that nature, because it operates uniformly and necessarily, determined to one thing, does not need a regulating habit; unlike the will, which moves non-uniformly, being indifferent. Next, the soul is moved only within the limits of nature; but the will above nature, therefore it needs an elevating habit.

> RESPONDet *S. Doct. naturam, quia uniformiter necessario operatur determinata ad unum, non egere habitu regulante; sicuti voluntas, quae movet difformiter, quippe indifferens. Deinde anima movetur solum intra terminos naturae; at voluntas supra naturam, ideo eget habitu elevante.*

18 *YOU OBJECT sixthly.* Where there is a first mover, another virtue is superfluous; but God always moves the soul: Therefore.

> OBIICIES sexto. *Ubi est primus motor, superfluit alia virtus; sed Deus semper movet animam: Ergo.*

19 *IT IS answered* that another virtue is required for operating in the connatural mode, that it may be formally perfected.

> RESPONDetur, *aliam virtutem requiri ad modum connaturalem operandi, ut formaliter perficiatur.*

20 *YOU OBJECT seventhly.* No lesser virtue is necessary for reforming than for creating; but an infinite virtue is required for creating: Therefore also for reforming: but reformation is done through charity: Therefore this is the infinite Virtue of God.

> OBIICIES septimo. *Non minor virtus est necessaria ad reformandum, quam ad creandum; sed ad creandum requiritur virtus infinita: Ergo et ad reformandum: sed reformatio fit per charitatem: Ergo haec est Virtus Dei infinita.*

21 S. Doct. *answers* that reformation is from God as efficient, but because this is an elevation to works above nature, some disposing form is required.

> RESPONDet *S. Doct. recreationem esse a Deo efficiente, sed quia haec est elevatio ad opera supra naturam, requiritur aliqua forma disponens.*

22 *YOU OBJECT eighthly.* No vanity can be united to God; every creature is vanity: Therefore it cannot unite to God; but charity unites to God: Therefore it is not a creature.

> OBIICIES octavo. *Nulla vanitas potest Deo unire; omnis creatura est vanitas: Ergo non potest unire Deo; sed charitas unit Deo: Ergo non est creatura.*

23 S. Doct. *answers* that grace, as a creature, is empty; but as it is a Divine influence it is not vanity.

> RESPONDet *S. Doct. gratiam, ut creaturam, esse inanem; sed ut est influentia Divina non est vanitas.*

24 *YOU OBJECT ninthly.* That which orders to the ordered love must be proportioned; but charity orders to loving God, who is an infinite good: Therefore infinitely: Therefore it must be something infinite.

> OBIICIES nono. *Id, quod ordinat ad ordinatum amorem, debet esse proportionatum; sed charitas ordinat ad amandum Deum, qui est bonum infinitum: Ergo infinite: Ergo debet esse aliquid infinitum.*

25 S. Doct. *answers* that Charity does not make us love God as much as he is lovable, but as much as he ought to be loved by us, so that he be esteemed above all creatures, which could be infinite in number; and for this finite supernatural Charity suffices, that it be preferred in estimation to the other goods.

> RESPONDet *S. Doct. Charitatem non facere diligere Deum, quantum diligibilis est, sed quantum a nobis debet diligi, ut aestimetur super creaturas omnes, quae esse possent in infinitum, et ad hoc sufficit Charitas supernaturalis finita, ut caeteris bonis praeferatur aestimatione.*

26 From what has been said you have what censure was owed to those denying that charity is a habit: for I judge with Valencia here, and Soto *lib. 2. de natura, et gratia, cap. 17. et 18.*, Bannes *quaest. 23. art. 2.*, that it is indeed not heresy to deny it, from the Council of Vien. *loc. cit.* and Innocent, cap. *Maiores de Baptismo*, where the denying opinion is not condemned; but only the opposite is asserted as more probable. Yet I say it is rash, and proximate to error, as Valencia notes with Gabriel *dist. 23. art. 2. quaest. 2.*

> *Ex dictis habes, quae censura debeatur negantibus, charitatem esse habitum: arbitror enim cum Valentia hic, Soto* lib. 2. de natura, et gratia, cap. 17. et 18. *Bannes* quaest. 23. art. 2. *non esse quidem haeresim negare, ex Concilio Vienn.* loc. cit. *et Innocentio cap.* Maiores de Baptismo*, ubi sententia negans non damnatur; sed opposita tantum probabilior asseritur: Attamen dico, esse temerarium, et errori proximum, ut notat Valentia cum Gabriele* dist. 23. art. 2. quaest. 2.

27 For the Church in the Council of Trent seems to define this equivalently. And the Scriptures speak of charity as of a permanent habit: *Charity never falls away*, prima Corinth. 13. *There remain Faith, Hope, Charity, these three:* Apoc. 2. *You have left your first Charity, etc.* But if charity were not a habit, it would not incline so perfectly, easily, and delectably to loving God, as D. Thom. also argues with D. Bonav. *ad argumenta;* for potencies do not have a perfect connection to acts except through habits, which

were instituted by God for eliciting acts, giving the potency a mode of facility; and if they are supernatural, they elevate the potency even to sustaining acts.

> *Ecclesia enim in Concilio Trident. videtur id definire aequivalenter. Et Scriptura de charitate, ut de habitu permanente, loquuntur:* Charitas nunquam excidit, *prima Corinth. 13.* Manent fides, Spes, Charitas, tria haec: *Apoc. 2.* Charitatem primam reliquisti, etc. *Quod si charitas non esset habitus, non inclinaretur adeo perfecte, et facile, ac delectabiliter in amandum Deum, ut arguit etiam D. Thom. cum D. Bonav.* ad argumenta; *nam potentiae non habent perfectam connexionem ad actus nisi per habitus, qui a Deo ad actus eliciendos instituti sunt; dando potentiae modum facilitatis, et si quidem sunt supernaturales, elevant potentiam etiam ad substentandum actus.*

28 From these you will understand what the Magister opposes from prima Ioan. 3. *God is charity, and he who abides in charity abides in God, and God in him.* He means to say that God is the author of charity. For it is said also: *our Patience*, causally, *and he who abides in charity*, namely infused, etc. It is thus expounded by S. Doct. *opusculo Reductio artium ad Theologiam; et de septem donis, de Dono intellectus, cap. 5. et de 7. Itineribus aeternitatis, dist. 6.*

> *Ex his intelliges id, quod opponit Magister ex prima Ioan. 3.* Deus charitas est, et qui manet in charitate in Deo manet, et Deus in eo. *Vult dicere, Deum esse charitatis authorem. Sic enim dicitur etiam:* Patientia nostra, *causaliter,* et qui manet in charitate, *infusa scilicet, etc. Ita exponitur a S. Doct.* opusculo Reductio artium ad Theologiam; et de septem donis, de Dono intellectus, cap. 5. et de 7. Itineribus aeternitatis, dist. 6.

Question V: Whether charity is one special virtue

1 There WERE some with D. Bonau. asserting that all the Virtues are indivisibly one substance, multiplied in acts, yet in such a way that one has the acts of the others; whence Justice is prudent, and Prudence is just, Faith loves, Charity believes, and especially Charity, which, as the Apostle says, 1. Corinth. 13. *is patient, is benign*, and enumerates there fifteen works of virtue. They strongly lean on this opinion of D. August. from his saying *de moribus Ecclesiae*, where he says: *Virtue is nothing but the highest love of God.*

> *FUERUNT aliqui apud D. Bonau. asserentes, Virtutes omnes esse indivisim unam substantiam, multiplicatas actibus, ita vero, ut una aliarum actus habeat; unde et Iustitia est prudens, et Prudentia est iusta, Fides amat, Charitas credit, et magis Charitas, quae, ut ait Apostolus 1. Corinth. 13.* Patiens est, benigna est, *et enumerat ibi quindecim opera virtutum. Roborate nituntur hanc opinionem D. August. effato* de moribus Ecclesiae, *ubi ait:* Nihil esse virtutem, nisi summum amorem Dei.

2 OTHERS said that Charity, since it perfects the concupiscible power, which is diffused through all the other powers, is a general virtue, embracing the rest.

> *ALII dixere, Charitatem, quippe perficientem vim concupiscibilem, quae per omnes alias diffunditur vires, esse generalem virtutem, caeteras amplectentem.*

3 The TRUE opinion is that Charity is a special Virtue, distinct from the others. So S. Bonau., D. Thom., and the rest of the Theologians.

> *VERA sententia est, Charitatem esse Virtutem specialem, ab aliis distinctam. Ita S. Bonau. D. Thom. et caeteri Theologi.*

4 I ASSERT first that Charity is a special virtue, distinct from the others.

> *ASSERO primo, Charitatem esse virtutem specialem, ab aliis distinctam.*

5 IT IS PROVED by D. Bonau. first from the Apostle 1. Cor. 13. *There remain Faith, Hope, Charity, these three: but the greater of these is Charity.* Since therefore he calls charity one of the Theological virtues, and greater than the others; he admits that it is distinct, as Valencia also notes *disp. 3. quaest. 1. p. 1.*

> *PROBATUR a D. Bonau. primo ex Apostolo 1. Cor. 13.* Manent fides, Spes, Charitas, tria haec: Maior autem horum est Charitas. *Cum igitur charitatem unam e Theologicis, et caeteris maiorem dicat; fatetur, eam esse distinctam, ut notat etiam Valentia* disp. 3. quaest. 1. p. 1.

6 IT IS PROVED secondly by S. Doct. with the reason used by D. Thom., Valencia *loc. cit.*, Caspensis *disp. 1. sect. 3.*, Fuliens. *lib. 3. cap. 8.* That is a special virtue which has a special formal object. Such is charity: Therefore. The Minor is proved, because it tends to God insofar as in himself he is the highest good of the supernatural order, which cannot be had naturally. But no other Virtue regards this formal ratio, neither a moral one, as is evident per se, nor a Theological one; for Faith and Hope, which are Theological virtues, regard God under other ratios. For Faith regards him as he is the first and highest Truth: Hope regards God as a supernatural good, and the object of our beatitude, not in any way whatever, but as arduous to attain.

> *PROBATUR secundo a S. Doct. ratione, qua utitur D. Thom. Valentia* loc. cit. *Caspensis* disp. 1. sect. 3. *Fuliens.* lib. 3. cap. 8. *Illa est specialis virtus, quae habet speciale obiectum formale. Talis est charitas: Ergo. Minor probatur, quia tendit in Deum, quatenus in se est summum bonum supernaturalis ordinis, quod non potest naturaliter haberi. Hanc autem rationem formalem nulla alia Virtus respicit, neque moralis, ut per se patet, neque Theologica; nam Fides, et Spes, quae sunt virtutes Theologicae, sub aliis rationibus Deum respiciunt. Fides enim respicit eum, ut est prima, et summa Veritas: Spes autem Deum, ut bonum supernaturale; et obiectum beatitudinis nostrae, non utcumque; sed ut est arduum ad consequendum.*

7 IT IS PROVED thirdly by S. Doct. from the acts. Habits are found to differ by diverse acts; but the acts of charity are altogether diverse from the acts of the other virtues: Therefore.

> *PROBATUR tertio a S. Doct. ex actibus. Habitus per actus diversi comperiuntur; sed actus charitatis sont omnino diversi ab actibus aliarum virtutum: Ergo.*

8 IT IS PROVED fourthly by S. Doct. from the subject. The Theological virtues are ordered to rectifying the powers in relation to God; but charity rectifies a different power, namely the concupiscible; as Faith the rational, and Hope the irascible: Therefore.

> *PROBATUR quarto a S. Doct. ex subiecto. Virtutes Theologicae ordinatae sunt ad rectificandas potentias in ordine ad Deum; sed charitas diversam potentiam rectificat, nempe concupiscibilem; sicut Fides rationalem, et Spes irascibilem: Ergo.*

9 IT IS PROVED fifthly by S. Doct. by comparison to its opposite. Because the vice opposed to charity, namely the hatred of God, is distinguished from all the others: Therefore by reason of a special habit of one opposed Virtue; for one thing is opposed to one.

> *PROBATUR quinto a S. Doct. per comparationem ad suum oppositum. Quia vitium oppositum charitati, nempe odium Dei, distinguitur ab omnibus aliis: Ergo ratione habitus specialis unius Virtutis oppositae; nam unum uni opponitur.*

10 IT IS PROVED sixthly by comparison to the reward. When some things are so related that when one is perfected the others are evacuated, those habits must differ essentially; but the habit of Charity is perfected and consummated in the fatherland; while the habit of Faith and Hope is evacuated, as is said in prima *Corinth. 13.* Therefore.

PROBATUR sexto per comparationem ad praemium. Quando aliqui sic se habent, ut quando unus perficitur, alii evacuentur, necesse est, illos habitus essentialiter differre; sed habitus Charitatis in patria perficitur, et consummatur; habitus vero Fidei, et Spei evacuantur, ut dicitur prima Corinth. 13. *Ergo.*

11 IT IS PROVED seventhly in corpore from the principle which it represents. That the image of God be in the soul expressly, it is necessary that three distinct potencies be found; and that, reformed supernaturally, they have similitude, it is necessary that they be clothed with supernatural habits toward God; but on account of the image of creation they are one essence in three potencies, representing one Divine essence in three Persons: Therefore that it may express the supernatural similitude, for which it was created *Genes. 1. God created man to his Image and similitude*, it is necessary that the essence be endowed with sanctifying grace, and the three potencies with Theological habits: the Intellect indeed with Faith; Memory with Hope; and the Will with Charity. See *disp. 6. quaest. 10. in calce.*

PROBATUR septimo in corpore ex principio, quod repraesentat. Ut imago Dei sit in anima expresse, oportet, ut tres potentiae distinctae reperiantur; et ut reformatae supernaturaliter habeant similitudinem; oportet, ut habitibus supernaturalibus in Deum vestiantur; sed ob imaginem creationis sunt una essentia in tribus potentiis, repraesentantes unam essentiam Divinam in tribus Personis: Ergo ut exprimat similitudinem supernaturalem, ad quam condita est Genes. 1. Creavit Deus hominem ad Imaginem, et similitudinem suam*, oportet, ut essentia dotetur gratia sanctificante, et tres potentiae habitibus Theologicis, Intellectus quidem Fide; Memoria Spe; et Voluntas Charitate; Vide* disp. 6. quaest. 10. in calce.

12 YOU OBJECT first, prima Corinth. 13. *Charity is patient, benign, etc.* Therefore it is general.

OBIICIES primo, prima Corinth. 13. Charitas patiens est, benigna, etc. *Ergo est generalis.*

13 S. Doct. answers that the acts of the other virtues are elicited by them; but commanded by charity, which also elicits its proper acts of loving God.

RESPONDet S. Doct. actus aliarum virtutum elici ab eis; at imperari a charitate, quae et proprios elicit actus amandi Deum.

14 YOU OBJECT secondly: Charity is that Virtue by which every thing to be loved is loved, as D. Hieronymus says.

OBIICIES secundo Virtus est charitas, qua omne diligendum diligitur, ut ait D. Hieronymus.

15 S. Doct. answers that this definition is causal, because Charity moves all the virtues to operating, and what is chief, meritoriously; for without charity nothing profits for eternal life, as is said *1. Cor. 13.*

RESPONDet S. Doct. hanc definitionem esse causalem, quia Charitas movet omnes virtutes ad operandum, et quod caput est, meritorie; nam sine charitate nihil prosunt ad vitam aeternam, ut dicitur 1. Cor. 13.

16 YOU OBJECT thirdly, from D. Bernardo *lib. de diligendo Deo*, and D. August. *lib. 15. de civit. cap. 22. Virtue is nothing other than the order of love.*

OBIICIES tertio ex D. Bernardo lib. de diligendo Deo*, et D. August*. lib. 15. de civit. cap. 22. Virtus non est aliud, quam ordo amoris.

17 S. Doct. answers first that this is a causal definition; for charity is the commanding Cause, and thus even the efficient of the acts of the other virtues. It is also a form; for it gives to all their perfect

being in the genus of merit. Finally it is the End of the whole law and of the precepts, and joins to the ultimate End.

> *RESPONDet S. Doct. primo, hanc esse definitionem causalem; nam charitas est Causa imperans, atque adeo sic efficiens actus aliarum virtutum: Est etiam forma; nam omnibus dat esse perfectum in genere meriti. Tandem est Finis totius legis, et praeceptorum, et Fini ultimo coniungit.*

18 RESPONDET: S. Doct. answers secondly that that love which is put in the definition of Virtue is the love of whatever virtue, not charity.

> *RESPONDET Respondet S. Doct. secundo, amorem illum, qui ponitur in definitione Virtutis, esse amorem cuiuscumque virtutis, non charitatem.*

19 You object fourthly. As the precept of charity is related to the other precepts, so the habit of charity to the other habits: but the precept of charity embraces the other precepts: Therefore also the habit of charity all the other habits.

> *Obiicies quarto. Sicut se habet praeceptum charitatis ad alia praecepta; ita habitus charitatis ad alios habitus: sed praeceptum charitatis complectitur alia praecepta: Ergo et habitus charitatis omnes alios habitus.*

20 S. Doct. answers that Charity comprehends the other precepts not by identity, but by a certain reduction, in that they are reduced to the root of charity, as D. Gregor. says, *homil. 27. in Evang.*: not that the other virtues do not fulfill the precepts in their own genus, as Temperance abstaining from fornication; but because the other virtues without charity do not execute the precepts according to the divine execution.

> *Respondet S. Doct. Charitatem comprehendere non per identitatem, sed per quandam reductionem alia praecepta, quae ad radicem charitatis reducuntur, ut ait D. Gregor.* homil. 27. in Evang. *non quod, et aliae virtutes non adimpleant in suo genere praecepta, ut Temperantia abstinere a fornicatione; sed quia aliae virtutes sine charitate non exequuntur praecepta secundum executionem divinam.*

21 You object fifthly. As the object of charity is related to the objects of the other virtues, so the acts of charity to the acts of the other virtues; but the object of charity is the good, which is the common object of all the objects of the other virtues: Therefore the habit also is common.

> *Obiicies quinto. Sicut se habet obiectum charitatis ad obiecta aliarum virtutum; ita actus charitatis ad actus aliarum virtutum; sed obiectum charitatis est bonum, quod est obiectum commune omnibus obiectis aliarum virtutum: Ergo et habitus est communis.*

22 S. Doct. answers that Charity does not regard the Good as it is a passion of being, but the highest good immediately; and this is its material object, by which it is distinguished from the Cardinal virtues, which regard created good: Nor does it regard a good begun in any way whatever, but under the formal motivating ratio, as I said *quaest. 2.*

> *Respondet S. Doct. Charitatem non respicere Bonum, ut est passio entis, sed summum bonum immediate; et hoc est obiectum eius materiale, quo distinguitur a virtutibus Cardinalibus, quae bonum respiciunt creatum: Neque utcumque bonum inchoatum respicit, sed sub ratione formali motiva, ut dixi* quaest. 2.

23 You object sixthly. That which is superfluous is not admitted by God and nature; but the other virtues are superfluous: Therefore. The Minor is proved; for Charity suffices for merit. Therefore D. August. says *Hold charity, and do whatever you wish.* It suffices also for beatitude; for to enjoy is to

adhere in love, as D. August. says, *lib. 1. de Doctrina christ. cap. 4.* Therefore either the other virtues are superfluous; or Charity itself is General.

> *Obiicies sexto. Id, quod est superfluum, non admittitur a Deo, et natura; sed aliae virtutes sunt superfluae: Ergo. Minor probatur; nam Charitas ad meritum sufficit. Ideo ait D. August.* Tene charitatem, et fac quidquid vis. *Sufficit etiam ad beatitudinem; nam frui, est amore inhaerere, ut ait D. August.* lib. 1. de Doctrina christ. cap. 4. *Ergo vel aliae virtutes superfluunt; vel Charitas ipsa est Generalis.*

24 S. Doct. answers that charity is said to suffice for merit and for reward on account of the connection it has with the other virtues and dowries. For whoever has Charity has the other virtues; and whoever has the corresponding dowry has also the other dowries. Therefore it is not rightly inferred that the others are superfluous, because no one can merit unless he believes and hopes; nor is he fit for believing and hoping except through Hope and Faith.

> *Respondet S. Doct. charitatem dici sufficere ad meritum, et ad praemium, propter connexionem, quam habet cum aliis virtutibus, et dotibus. Qui enim habet Charitatem, habet alias virtutes; et qui dotem correspondentem, habet etiam alias dotes. Non itaque infertur recte, superfluere alias, quia non potest aliquis mereri, nisi credat, et speret; neque est habilis ad credendum, et sperandum, nisi per Spem, et fidem.*

Question VI: Whether charity is of a most special species

1 I assert that it is one ultimate in species. So the Theologians commonly hold, as at Tanner *disp. 2. quaest. 2. dub. 1. num. 19.*

> ***An Charitas sit una specie specialissima.***
>
> *Assero, esse unam specie ultima. Ita communiter Theologi apud Tannerum* disp. 2. quaest. 2. dub. 1. num. 19.

2 It is proved first by D. Bonaventure. Just as Faith regards God as the highest truth, so Charity regards him as the highest goodness; but because the first Truth is one, Faith is one, as the Apostle says *Ephes. 4. One faith:* Therefore. It is confirmed by *1 Corinth. 13. And now there remain Faith, Hope, Charity, these three:* where Faith and Charity are said to be one in the same way. With this argument Valencia deals in *disp. 1. quaest. 1. p. 1.*

> *Probatur a D. Bonav. primo. Sicut Fides respicit Deum, ut summam veritatem; ita Charitas eum respicit, ut summam bonitatem; sed quia prima Veritas est una, Fides est una, ut ait Apostolus* Ephes. 4. Una fides: *Ergo. Confirmatur prima* Corinth. 13. Manent Fides, Spes, Charitas, tria haec: *ubi eodem modo una dicitur Fides, et Charitas. Hoc argumento utitur Valentia* disp. 1. quaest. 1. p. 1.

3 It is proved secondly by S. Thomas. As the rational power is related to the true, and the irascible to the arduous, so the concupiscible is related to the good; but the rational power is perfected by one virtue in believing the truth, and the irascible in hoping for the arduous: Therefore also the concupiscible in loving the good; but this virtue is charity: Therefore.

> *Probatur secundo a S. Doct. Sicut se habet rationalis ad verum, irascibilis ad arduum; ita concupiscibilis ad bonum; sed rationalis in credendo verum, una virtute perficitur; et irascibilis in sperando arduo: Ergo et concupiscibilis in amando bonum; sed haec virtus est charitas: Ergo.*

4 It is proved thirdly by S. Thomas. The more unitive a thing is, the more one it is in itself; but *Charity is the bond of perfection* from *3. ad Coloss.* Therefore.

Probatur tertio a S. Doct. Quanto aliquid est unitivum, tanto in se est unum; sed Charitas est vinculum perfectionis *ex* 3. ad Coloss. *Ergo.*

5 It is proved fourthly by S. Thomas. In every genus in which there is an order of motions, the first mover must be one; but charity is the mover of all the virtues, commanding all the others: Therefore it is altogether one in species in all.

Probatur quarto a S. Doct. In omni genere, in quo est ordo motuum, oportet, ut primus motor sit unus; sed charitas est motrix omnium virtutum, caeteris omnibus imperans: Ergo est omnino una specie in omnibus.

6 It is proved fifthly by S. Thomas *in corpore*. If the ultimate object is one and the principal act is one, the habit is one; but the object of charity is one as ultimate, because it is the highest good, and the act of willing that highest good is one: Therefore, although that highest good be willed — God loved for his own sake, and for itself, and for the neighbor — there will be one Virtue; and by this the opposite argument is resolved, which labors to multiply charities because Charity is borne toward God and the neighbor.

Probatur quinto a S. Doct. in corpore. *Cuius unum est ultimum obiectum, et unus actus principalis, unus est habitus; sed obiectum charitatis est unum ultimum, quia est summum bonum, et unus actus volendi illud summum bonum; Ergo, licet illud summum bonum velit, Deo amato propter ipsum, et sibi, et proximo, erit una Virtus; et per hoc resolvitur argumentum oppositum, nitens multiplicare charitates, quia fertur Charitas in Deum, et proximum.*

7 For S. Thomas answers, and Valencia with him, that both are loved for the sake of one thing under one formal aspect, by which the habit is unified and distinguished.

Respondet enim S. Doct. et cum eo Valentia, utrumque amari propter unum sub una ratione formali, a qua unificatur, et distinguitur habitus

8 And if you say that charity wills for the neighbor not only the highest good but also other goods.

Et si dicas, charitatem velle proximo non solum bonum summum, sed etiam alia bona.

9 S. Thomas answers that the principal act is to will the highest good; the others only secondarily; and not elicited, but imperative, commanding the other virtues, say almsgiving, that it may give succor, etc.

Respondet S. Doct. actum principalem esse velle bonum summum; caetera vero secundario; nec elicitive, sed imperative, praecipiendo aliis virtutibus, puta eleemosynae, ut subveniat, etc.

10 You will object secondly. Where there are two diverse precepts, there are several habits enabling; but there are two precepts of charity: Therefore.

Obiicies secundo. Ubi sunt duo praecepta diversa, ibi sunt plures habitus habilitantes; sed duo sunt praecepta charitatis: Ergo.

11 S. Thomas answers that those two precepts are diverse materially, not formally; because one is included in the other. Hence it does not follow that the habit of charity is diversified formally.

Respondet S. Doct. Illa duo praecepta esse diversa materialiter, non formaliter; quia unum includitur in altero. Unde non sequitur, habitum charitatis diversificari formaliter.

12 You will object thirdly. Where there are diverse acts, there are diverse habits; but the acts of loving God for himself and the neighbor for God are diverse in genus: Therefore.

Obiicies tertio. Ubi sunt diversi actus, ibi sunt diversi habitus; sed diversi genere sunt actus amandi Deum propter se, et proximum propter Deum: Ergo.

13 S. Thomas answers that that diversity comes from a diverse comparison of the same formal object, not from a diversity of object, which is one; and therefore it does not follow that the formal object is diverse.

Respondet S. Doct. illam diversitatem venire ex comparatione diversa eiusdem obiecti formalis, non ex diversitate obiecti, quod unum est; et ideo non sequitur, esse diversum obiectum formale.

14 You will object fourthly. Wisdom, which is about eternal things, is another habit than science, which is about temporal things: And likewise Latria, which is the worship of God, is another virtue than Dulia, which is the worship given to one superior: Therefore by equal reason, the virtue by which God is loved is other than that by which the neighbor is loved.

Obiicies quarto. Sapientia, quae est de aeternis, est alius habitus, quam scientia, quae est de temporalibus: Et similiter Latria, quae est cultus Dei, est alia virtus, quam Dulia, quae est cultus proximi: Ergo pari ratione, et alia est virtus, qua diligitur Deus, et proximus.

15 S. Thomas answers by denying the parity: for Wisdom deals with eternal things according to eternal reasons; Science with temporal things, with a motive diverse from wisdom, namely according to temporal reasons; but Charity has one motivating aspect, namely the Divine goodness, which, since it is supremely lovable by any will whatsoever, not only as it is in itself but as it is participated by a creature, loves it under both aspects under one formal motivating aspect. The same diversity is found between Dulia and Latria, which worship with diverse motives.

Respondet S. Doct. negando paritatem: nam Sapientia negotiatur circa aeterna secundum rationes aeternas: Scientia circa temporalia, diverso motivo a sapientia, nempe secundum rationes temporales; sed Charitas unam habet rationem motivam, nempe Divinam bonitatem, quae cum sit summe amabilis a voluntate quacumque, non solum prout est in se, sed prout participatur a creatura, utraque ratione eam amat sub una ratione formali motiva. Eadem diversitas invenitur inter Duliam, et Lattiam, quae diversis motivis colunt.

16 You will object fifthly. Just as the Contemplative and the Active life differ from each other, so the acts of the contemplative and the active life ought to differ more than the acts of the contemplative life among themselves: Likewise the habit rectifying contemplation ought to differ more from the habit rectifying action than two habits rectifying contemplation itself differ; but Faith and Charity rectify contemplation and action, and they are not diverse; as appears from *1 Corinth. 13*. Therefore charity does not differ in species according as it regards God or the neighbor, but only as the motive differs, according as it bears on contemplation or action.

Obiicies quinto. Sicuti differunt vita Contemplativa, et Activa inter se; ita debent differre actus vitae contemplativae, et activae magis, quam actus contemplatinae inter se: Similiter plus debet differre habitus rectificans contemplationem, ab habitu rectificante actionem, quam duo habitus rectificantes ipsam contemplationem: Sed Charitas Dei et Fides, rectificantes contemplationem, sunt diversi; ut dicitur prima Corinth. 13. Ergo et charitas Dei, quae pertinet ad contemplationem; differt multo magis a charitate proximi, quae spectat ad actionem.

17 S. Thomas answers that "contemplative" and "active" denominate a state or the exercise of the virtues; but the diversity of state does not induce a diversity of habits, which arises rather from the

diversity of objects. Hence the same virtues direct men in both lives. Thus Faith directs toward both lives. Likewise Charity; hence it is not necessary that there be several.

> Respondet *S. Doct. contemplativam, et activam denominare statum, seu exercitium virtutum; diversitas autem status non inducit diversitatem habituum, quae oritur potius ex diversitate obiectorum. Unde eaedem virtutes dirigunt homines in utraque vita. Sic Fides ad utramque vitam dirigit. Similiter et Charitas; unde non est necesse, plures esse.*

18 *You will object* sixthly. Love of friendship and love of concupiscence are objects of Charity; but these two loves are diverse in genus: Therefore.

> Obiicies *sexto. Amor amicitiae, et amor concupiscentiae sunt obiecta Charitatis; sed hi duo amores sunt diversi genere: Ergo.*

19 *Responds* S. Thomas that Charity cleaves to the Highest Good with both loves, of concupiscence and of friendship, the latter indeed being principal, as D. Augustine says *de moribus Ecclesiae, cap. 14.* to which the other love of concupiscence is reduced; for something is loved with the love of concupiscence by him who is loved with the love of friendship. Therefore, because the formal object is one, namely God as good, to be united to whom, as D. Dionysius says *cap. 4. de divin. nominibus, p. 1.* according to the opinion of Hierotheus; Therefore there is one virtue in both loves, of friendship and of concupiscence.

> Respondet *S. Doct. Charitatem adhaerere Summo bono, amore utroque concupiscentiae, et amicitiae, qui quidem est principalis, ut ait D. August.* de moribus Ecclesiae, cap. 14. *ad quem alter concupiscentiae reducitur; amatur enim aliquid amore concupiscentiae ei, qui est amatus amore amicitiae. Igitur quia unum est obiectum formale, nempe Deus ut bonus, cui uniatur, ut ait D. Dion.* cap. 4. de divin. nominibus, p. 1. *ex sententia Hierothei; Ideo una est virtus in utroque amore amicitiae, et concupiscentiae.*

Question VII: Whether charity is the most excellent of the virtues

1 I assert that Charity is the most excellent of the Virtues.

> ***An Charitas sit virtutum praestantissima.***
>
> *Assero, Charitatem esse Virtutum excellentissimam.*

2 *It is proved* by D. Bonaventure first in *3. dist. 23. dub. 6.* from *1 Corinth. 13.* where it is said: *And the greater of these is Charity.* He gives the reason, because it alone is the mother, giving the form of virtue to the other virtues for merit, and giving them life, as S. Ambrose says in the *epistle to the Romans*.

> Probatur *a D. Bonav. primo in* 3. dist. 23. dub. 6. *ex* prima Corinth. 13. *ubi dicitur:* Maior horum est Charitas. *Rationem affert, quia ea sola est mater, dans formam virtutis aliis virtutibus ad meritum; dansque eis vitam, ut ait S. Ambrosius in* epistola ad Romanos.

3 *It is proved* secondly by D. Bonaventure in *3. dist. 36. dub. 3. and in 1. dist. 17. dub. 4. and art. un. dist. 36. quaest. 6.* because it is the form of the other virtues, as I shall show in the *following question: It is the bond of perfection. Coloss. 3. It is the end of the law. 1 Timothy 1.* Hence in *Matth. 22.* it is said: *This is the great first commandment.* For although in *Rom. 13.* it is said: *He that loveth his neighbor hath fulfilled the law,* S. Thomas answers *3. dist. 36. dub. 5.* that the Love of God is contained in it, or that it is contained in the love of God, to which it is ordered.

Probatur *secundo a D. Bonavent. in* 3. dist. 36. dub. 3. et in 1. dist. 17. dub. 4. et art. un. dist. 36. quaest. 6. *quia est forma aliarum virtutum, ut ostendam* quaest. sequenti: Est vinculum perfectionis. Coloss. 3. Est finis legis prima Timoth. 1. *Unde* Matth. 22. *dicitur:* Hoc est primum magnum mandatum. *Quamvis enim* Rom. 13. *dicatur:* Qui diligit proximum, legem implevit. *Respondet S. Doct.* 3. dist. 36. dub. 5. *in eo contineri Amorem Dei, vel illum in amore Dei, ad quem ordinatur.*

4 *It is proved* thirdly by D. Bonaventure first *dist. 17. p. 1. dub. 6.* for D. Augustine *15. de Trinitate, cap. 17. and serm. 35. de Tempore, and tract. 5. in 1. epist. Ioan.* says that charity alone distinguishes between the children of the kingdom and the children of perdition, and that it is the precious evangelical Pearl.

Probatur *tertio a D. Bonav. primo* dist. 17. p. 1. dub. 6. *nam D. August.* 15. de Trinitate, cap. 17. et serm. 35. de Tempore, et tract. 5. in 1. epist. Ioan. *ait, solam esse charitatem, quae distinguit inter Filios regni, et filios perditionis, illamque esse Margaritam pretiosam euangelicam.*

5 *It is proved* fourthly by S. Bonaventure here, with the reason which D. Thomas also uses *art. 6.* That virtue is the most excellent of all which regards God under the most excellent formal aspect: Such a virtue is Charity, which regards God as good in himself, which is the most excellent aspect according to our manner of understanding: Therefore. He pursues the same argument in *dist. 15. p. 1. dub. 4. and with him* Tanner *disp. 2. quaest. 2. dub. 1. num. 23.*

Probatur *quarto a S. Bonav. hic, ratione, qua utitur etiam D. Thom.* art. 6. *Illa est virtus omnium praestantissima, quae respicit Deum sub praestantissima ratione formali: Talis virtus est Charitas, quae respicit Deum, ut in se bonum, quae est ratio praestantissima secundum nostrum modum intelligendi: Ergo. Idem argumentum prosequitur* dist. 15. p. 1. dub. 4. et cum eo *Tanner.* disp. 2. quaest. 2. dub. 1. num. 23.

6 *It is proved* fifthly by S. Thomas *3. dist. 34. p. 1. quaest. 3.* from that text *1 Corinth. 12. Yet I show unto you a more excellent way.* The Gloss indicates the reason brought forward: *I show you a way of going to God, that is, Charity.* He adduces the same in *dist. 26. quaest. 5.* adding that: *The greater of these is Charity, 1 Cor. 13.*

Probatur *quinto a S. Doct.* 3. dist. 34. p. 1. quaest. 3. *ex illo* prima Corinth. 12. Adhuc excellentiorem viam vobis demonstro. *Glossa indicat rationem allatam:* Demonstro vobis viam eundi ad Deum, idest Charitatem. *Idem adducit* dist. 26. quaest. 5. *addens illud:* Maior horum est Charitas, prima Cor. 13.

7 S. Thomas runs through the excellence of Charity with brilliance in the *Diaeta, tit. 5. cap. 2.* and proves it from that text *1. Cor. 13. And now there remain faith, hope, charity, these three: but the greater of these is charity. Apoc. 3. I counsel thee to buy gold tried in the fire;* for charity is among the virtues as gold is among the metals. See, I beseech you, S. Thomas, who shows it compared in the Scriptures with many noble things. See also the *Pharetra, lib. 2. cap. 25.* where he gathers many most excellent things from the Fathers. Read the same in *lib. 5. Compendii Theologiae from cap. 23. to 27.* which is an Encomium of Charity. And in the *de septem Itineribus aeternitatis, the fourth Journey.*

Praeclare Charitatis praestantiam discurrit S. Doct. in Diaeta, tit. 5. cap. 2. *eamque probat illo* 1. Cor. 13. Manent fides, Spes, Charitas, tria haec: Maior autem horum est Charitas. Apoc. 3. Suadeo tibi emere aurum ignitum; *est enim charitas inter virtutes, sicut aurum inter metalla. Vide obsecro S. Doct. qui multis praeclaris eam comparatam in Scripturis ostendit. Vide etiam in* Pharetra, lib. 2. cap. 25. *ubi plurima e Patribus congerit eximia. Eundem lege* lib. 5. Compendii Theologiae a cap. 23. usque ad 27. *quod est Encomium Charitatis. Et* de septem Itineribus aeternitatis, Itinere quarto.

[8] *Observe*, that it is called the wedding garment, of which *Matth. 22.* speaks, and he who lacked it *was cast out*, as D. Bonaventure saw in the *Diaeta, tit. 5. cap. 2. after the middle;* for so it is expounded by the Fathers, as Valencia also notes *disp. 31. quaest. 1. p. 3.* So D. Gregory *homil. 18. in Evangelia.* Indeed Christ, who is the bridegroom, has it; but he has not faith, which the Sectarians wrongly understand by that wedding garment.

> Observa, *illam vocari vestem nuptialem, de qua* Matth. 22. *qua qui caruit,* eiectus est, *ut vidit D. Bonav. in* Diaeta, tit. 5. cap. 2. post medium; *sic enim exponitur a Patribus, ut advertit etiam Valentia* disp. 31. quaest. 1. p. 3. *Sic D. Gregorius* homil. 18. in Evangelia. *Sane Christus, qui est sponsus, eam habet; non habet autem fidem, quam intelligunt perperam Sectarii per vestem illam nuptialem.*

[9] *You will object* first. Scripture ascribes to faith the power of justifying, as is seen in the Apostle to the *Romans and Galatians,* and it is called the foundation of the spiritual edifice. *Hebr. 11.* Charity is its cause.

> Obiicies *primo. Scriptura adscribit fidei vim iustificandi, ut videre est in Apostolo ad* Rom. et Galat. *et vocatur fundamentum aedificii spiritualis.* Hebr. 11. *est causa charitatis.*

[10] S. Thomas answers *dist. 31. quaest. 1. ad 1. and dist. 23. passim*, that faith is called the foundation of the rude edifice, which rises and is erected through Hope, and is made firm in Charity. Moreover, justification is ascribed to faith as a disposition for grace, and form to charity, as I shall show in *dist. 36. quaest. 6.*

> Respondet *S. Doct.* dist. 31. quaest. 1. ad 1. et dist. 23. passim, *fidem vocari fundamentum rude aedificii, quod per Spem consurgit, et erigitur, et in Charitate firmatur. Fidei porro adscribitur iustificatio, tanquam dispositioni ad gratiam, et charitatem, quae est forma, ut ostendit* dist. 36. quaest. 6.

Question VIII: Whether charity is the form of the virtues

[1] The Sectarians laugh foolishly, hearing this title asserted by the Catholics.

> ***An Charitas sit Forma Virtutum.***
>
> *Rident Sectarii stulte, audientes hunc titulum, a Catholicis assertum.*

[2] Nevertheless it must be observed with caution, with D. Bonaventure, in what sense Charity can be called the form of the Virtues, as I said also in *disp. 1. quaest. 19.* where I treated this question more fully.

> *Oportet tamen eum D. Bonav. caute observare, quo sensu Charitas dici queat forma Virtutum, ut dixi etiam* disp. 1. quaest. 19. *ubi hanc quaestionem latius tractavi.*

[3] ¶ For the Virtues can be considered in three ways. First in order to the object, and in this sense, since they are specified or known by it, they must be formed by it, not by another extrinsic habit. Secondly they can be compared in order to the subject in which they are. Thus, although they are informing forms, they can nevertheless be perfected and actualized in order to God, inasmuch as, with Grace and Charity supervening, they are living and efficacious for meritorious works. Thirdly they are compared to the end; thus they are disposing forms, yet they are perfected and directed by charity, which is the directing weight. For the end, as end, is a good, which is the object of charity; and so, as regards this tendency, the remaining virtues are directed and completed in order to the end.

¶ *Tripliciter enim possunt Virtutes considerari. Primo in ordine ad obiectum, et hoc sensu cum ab eo specificentur, vel cognoscantur, oportet ab eo formari, non ab alio habitu extrinseco. Secundo comparari possunt in ordine ad subiectum, in quo sunt. Sic, licet sint formae informantes, tamen perfici, et actuari valent in ordine ad Deum, quatenus Gratia adveniente, et Charitate, vividae, et efficaces sunt ad meritoria opera. Tertio comparantur ad finem, ita sunt formae disponentes, tamen perficiuntur, et diriguntur charitate, quae est pondus dirigens. Finis enim, ut finis, est bonum, quod est obiectum charitatis; et ita quoad hanc tendentiam, reliquae virtutes diriguntur, et complentur in ordine ad finem.*

4 I assert therefore, in the last two senses, that Charity is the form of the Virtues.

Assero igitur, in ultimis duobus sensibus, Charitatem esse formam Virtutum.

5 *It is proved* by D. Bonaventure first, from that text to the *Galatians 5*. where the first fruit of the Holy Spirit is said to be Charity, as the life, according to *1 John 3. He that loveth not, abideth in death. And chapter 4. He that abideth in charity, abideth in God. And James 2. As the body without the spirit is dead, so also faith without works is dead.* Where the Apostle speaks of the works of Charity, according to that text *Galat. 5. Faith, which worketh by charity.* Hence D. Augustine, in the book on the knowledge of the true life, cap. 28. says: *Faith is animated by love, as the body is vivified by the soul.* And Dionysius, cap. 2. de Eccl. Hierarch. says: *Charity most fittingly gives form to the habits of our soul.* And D. Bernard, serm. 2. de resurrect.: *Faith* (he says) *is animated by love, and charity is the life of faith.*

Probatur *a D. Bonav. primo, ex illo ad* Galat. 5. *ubi primus fructus Spiritus Sancti dicitur Charitas, tanquam vita, iuxta* Id prima Ioan. 3. Qui non diligit, manet in morte. Et cap. 4. Qui manet in charitate, in Deo manet. Et Iacobi 2. Sicut corpus sine anima mortuum est, ita fides sine operibus mortua est. *Ubi Apostolus loquitur de operibus Charitatis, iuxta id* Galat. 5. Fides, quae per dilectionem operatur. *Unde D. August. lib. de cognitione verae vitae, cap. 28. ait:* Fides dilectione animatur, sicut corpus anima vivificatur. *Et Dion. cap. 2. de Eccl. Hierarch. ait:* Charitatem aptissime formare habitus animae nostrae. *Et D. Bernardus, serm. 2. de resurrect.* Fidem *(ait)* dilectione animari, et charitatem esse vitam fidei.

6 *It is proved* thirdly by D. Bonaventure. That which rectifies the principle of works also actualizes and perfects the works; but charity rectifies the affection, which is the principle of the works of the other virtues, which depend on it: Therefore it also perfects and informs.

Probatur *tertio a D. Bonavent. Id, quod rectificat principium operum, actuat, et perficit etiam opera, sed charitas rectificat affectum, qui est principium operum aliarum virtutum, quae ab eo dependent: Ergo et perficit, et informat.*

7 *It is proved* fourthly. In moral matters the complement and the species are considered in order to the end; but the love of the highest good is that which makes the others tend toward their due end: Therefore the love of the highest good gives form and complement to all the gratuitous habits and to their works; but that love is Charity: Therefore. The same holds in Fulgentius, lib. 3. cap. 8. Basil, see *Charitas, num. 3.*

Probatur *quarto. In moralibus complementum, et species attenditur in ordine ad finem; sed amor summi boni est illud, quod facit caetera in finem debitum tendere: Ergo amor summi boni dat omnibus habitibus gratuitis, et eorum operibus formam, et complementum; sed ille amor est Charitas: Ergo. Id viget Fulgent. lib. 3. cap. 8. Basilius v.* Charitas, num. 3.

8 Hence it remains explicit by what reason Charity is the form of the Virtues; for it does not accomplish this by informing intrinsically, but by producing its own acts and commanding the others with the due ordination to the supernatural end, to which the studious life is ordered; the acts of the

other virtues are rendered in the genus of completed operation when they are rightly ordered to the end of eternal life. So D. Thomas also holds, 2. 2. quaest. 4. art. 3. ad 2. and quaest. 23. art. 8. ad 2.

> *Hinc manet explicitum, qua ratione Charitas sit forma Virtutum; non enim id praestat intrinsece informando, sed efficiendo suos actus, et alios imperando cum debita ordinatione ad finem supernaturalem, ad quem vita studiosa ordinata est; Redduntur actus aliarum virtutum in genere operationis completi, cum ad finem vitae aeternae recte ordinati sint. Ita sentit etiam D. Thom. 2. 2. quaest. 4. art. 3. ad 2. et quaest. 23. art. 8. ad 2.*

9 ¶ But it does not inform intrinsically, because it is not joined intrinsically to the other virtues or to their acts, as a part; as Capreolus notes, disp. 1. sect. 5. num. 35. with D. Bonaventure in corpore, where he explains it outstandingly.

> *¶ Non autem informat intrinsece, quia non unitur aliis virtutibus, aut actibus earum intrinsece, ut pars; ut advertit Capensis disp. 1. sect. 5. num. 35. cum D. Bonav. in corpore, ubi egregie id explicat.*

10 Therefore charity is called the form of the remaining virtues, either because it gives to their acts a certain moral dignity and meritorious being; or inasmuch as it refers them to the highest end they can have, that is, to God, inasmuch as he is good in himself. Thus S. Thomas explains it, also with respect to the arguments which are solved by this distinction: that Charity is not the intrinsic form constituting the Virtues in essential being; but only in right operation toward merit, as the end of eternal life; and accordingly they are not informed intrinsically, since all have their form in order to the objects, but only in order to the operations. From which it follows that faith and the other virtues without charity are still virtues, as I showed concerning faith in disp. 1. quaest. 21.

> *Igitur charitas dicitur forma reliquarum virtutum, vel quia earum actibus tribuit quandam moralem dignitatem, et esse meritorium; vel quatenus illas ad altissimum finem, quem habere possunt, hoc est ad Deum, quatenus est bonus in se, eas refert. Sic explicat S. Doct. etiam ad argumenta, quae solvuntur hac distinctione, Charitatem non esse formam intrinsecam constituentem Virtutes in esse essentiali; sed solum in recta operatione ad meritum, ut finem vitae aeternae; Atque adeo non informantur intrinsece, cum suam formam omnes habeant in ordine ad obiecta, sed solum in ordine ad operationes. Ex quo fit, ut fides, et aliae virtutes sine charitate, sint adhuc virtutes, ut ostendi de fide disp. 1. quaest. 21.*

11 Here the Doctors dispute: Whether Charity is distinct from the grace of God. This I have sufficiently done in the prima secundae, Tract. de Gratia, disp. 2. quaest. 3. But S. Thomas inquires into it under a certain Title, dist. 27. quaest. 3. Whether the Habit of Charity is merely gratuitous. Here indeed an opening is given to another controversial question, which is treated under another title, namely:

> *Hic disputant Doctores: An Charitas sit distincta a gratia Dei. Hoc satis egi prima secundae, Tract. de Gratia, disp. 2. quaest. 3. Id vero quaerit S. Doct. sub quodam Titulo dist. 27. quaest. 3. An Habitus Charitatis sit mere gratuitus. Hic vero ansam aperit alteri quaestioni controversae, quae sub alio titulo fertur, nempe.*

Question IX: Whether besides infused charity there is another charity, acquired by our own acts

1 Many questions are enclosed in this one. The first is: Whether besides the acts of supernatural charity there are given acts of natural charity. Next, whether, if such acts are given, a habit of natural charity is generated from them. The other question: Whether besides the infused habit a natural habit is acquired from supernatural acts, a new habit of charity.

> An praeter Charitatem infusam detur alia charitas, nostris actibus acquisita.

Multae in hac quaestiones clauduntur. Prima est: An praeter charitatis supernaturalis actus, dentur actus charitatis naturalis. Deinde an, si dantur tales actus, generetur ex eis habitus charitatis naturalis. Altera vero quaestio: An praeter habitum infusum naturalem acquiratur ex actibus supernaturalibus novus habitus charitatis.

2 As to the first question: whether there is given a natural love of God as the author of nature, distinct from the supernatural, there was a variety of opinions.

Quoad primam quaestionem: an detur amor naturalis in Deum, ut authorem naturae, distinctus a supernaturali, fuit opinionum varietas.

3 The negative opinion is defended by Vasquez in the prima secundae, 1. 2. disp. 195. adducing others from the school of D. Thomas, especially Bannez 2. 2. quaest. 23. art. 1. Likewise Alvarez 2. p. quaest. 30. memb. 1. art. 2. §. 2. ad 1. Albert 2. p. tract. 4. quaest. 14. memb. 4. art. 2. Scotus in 3. dist. 27. quaest. 1. but wrongly, as Tannerus notes, disp. 2. quaest. 2. dub. 2. num. 37. And indeed Vasquez himself recognized that this was a novelty.

Negativam sententiam tuetur Vasquez prima secundae, 1. 2. disp. 195. alios adducens e schola D. Thomae, praecipue Bannem 2. 2. quaest. 23. art. 1. Similiter Alensem 2. p. quaest. 30. memb. 1. art. 2. §. 2. ad 1. Albertum 2. p. tract. 4. quaest. 14. memb. 4. art. 2. Scotum in 3. dist. 27. quaest. 1. sed perperam, ut notat Tannerus disp. 2. quaest. 2. dub. 2. num. 37. Et sane ipse Vasquez cognovit, hanc esse novitatem.

4 The true opinion therefore is, that a twofold love of God is given, certainly of friendship; one, God being the natural end; the other, the end being supernatural. So D. Bonaventure in 2. dist. 3. p. 2. art. 3. quaest. 1. in corpore, and ad 3. which he referred to this. And in the prima secundae, tract. de Gratia, disp. 7. quaest. 11. §. Nota secundo. The same thought Alvarez 2. p. quaest. 131. membr. 3. and quaest. 91. membr. 1. ad 7. Alexander of Hales lib. 2. summae, tract. 1. cap. 4. Richard 2. dist. 3. art. 7. and dist. 28. art. 1. quaest. 1. Astim. in 2. dist. 39. quaest. 1. art. 2. Abul. in cap. 19. Matth. quaest. 177. Soto lib. 1. de natura, et gratia, cap. 22. Cajetan, Conrad, Medina, and other more recent Thomists on the prima secundae quaest. 109. art. 3. Cano relect. de poenit. p. 5. Valencia tom. 2. disp. 1. quaest. 1. p. 4. Tannerus disp. 2. quaest. 2. dub. 2.

Vera igitur sententia est, dari duplicem amorem Dei, utique amicitiae; alterum, ut finis naturalis; alterum ut finis est supernaturalis. Ita D. Bonav. in 2. dist. 3. p. 2. art. 3. quaest. 1. in corpore, et ad 3. quem retulit ad hoc. Et prima secundae, tract. de Gratia, disp. 7. quaest. 11. §. Nota secundo. Idem sensere Alensis 2. p. quaest. 131. membr. 3. et quaest. 91. membr. 1. ad 7. Altisiodor. lib. 2. summae, tract. 1. cap. 4. Richard. 2. dist. 3. art. 7. et dist. 28. art. 1. quaest. 1. Astim. in 2. dist. 39. quaest. 1. art. 2. Abul. in cap. 19. Matth. quaest. 177. Soto lib. 1. de natura, et gratia, cap. 22. Caietanus, Conrad. Medina, aliique Thomistae Recentiores prima secundae quaest. 109. art. 3. Cano relect. de poenit. p. 5. Valentia tom. 2. disp. 1. quaest. 1. p. 4. Tannerus disp. 2. quaest. 2. dub. 2.

5 The same S. Thomas taught most clearly in p. 1. quaest. 60. art. 5. and in the prima secundae, quaest. 109. art. 3. ad 1.

Idem praeclare docuit S. Thomas p. 1. quaest. 60. art. 5. et prima secundae, quaest. 109. art. 3. ad 1.

6 And indeed that it is given is defined by Pius V. and Gregory XIII., condemning proposition 34. of Michael Baius, who denied this division.

Et sane id dari, definiunt Pius V. et Gregorius XIII. damnantes propositionem 34. Michaelis Baii, qui hanc divisionem negabat.

7 *It is proved* also by the reason brought forward in the prima secundae, in the place cited, because God can be known under both aspects, and precisely as the author of nature, as the Philosophers acknowledged him: and as the author of grace and glory, as faith teaches: Therefore the will, under these distinct aspects, can pursue him with love, namely of friendship, since the end is twofold, and a good, and therefore to be loved, as S. Thomas argues ad 3.

> Probatur *etiam ratione allata prima secundae, loco adducto, quia Deus potest cognosci utraque ratione, et ut author naturae praecise, sicut agnovere ipsum Philosophi: et ut author gratiae, et gloriae, ut fides docet: Ergo voluntas sub his rationibus distinctis potest eum amore prosequi, nempe amicitiae, ut est duplex finis, et bonus, atque adeo amandus, ut arguit S. Doct. ad 3.*

8 Vasquez answers, cap. 4. that the goodness of God is indeed known by natural reason; but that it is not shown here that he is to be loved with the love of friendship, since not even among the gentiles is any trace of such love found; indeed Aristotle denied friendship between God and men.

> Respondet *Vasquez cap. 4. ratione quidem naturali cognosci bonitatem Dei; at vero non hic ostendi amandum amore amicitiae, cum neque inter gentiles aliquod talis amoris vestigium inveniatur; quin Aristoteles amicitiam inter Deum, et homines negavit.*

9 But Aristotle in 8. and 9. Eth. conceded from this chapter true friendship between God and men, inasmuch as God is loved as an end; although from another chapter he may assert it is not entirely complete, since it is a total sharing in goods; and indeed you will find no philosopher denying that God is loved for himself as a natural end, as Tanner noted, num. 42.

> *At Aristoteles 8. et 9. Eth. ex hoc capite concessit veram amicitiam inter Deum, et homines, quatenus amatur Deus ut finis; esto ex alio capite non omnino completam astruat, cum sit totalis communicatio in bonis; et sane nullum invenies philosophum negantem, amari Deum propter se, ut finem naturalem, ut notavit Tanner. num. 42.*

10 *You will object* first, that this twofold love is not found in Scripture or the Fathers, as is seen in D. Augustine on Ps. 53. *I will sacrifice to thee willingly,* and epist. 113. and in Bernard in the book on loving God.

> Obiicies *primo, non inveniri in Scriptura, vel Patribus hunc duplicem amorem, ut videre est in D. August. in id Psal. 53.* Voluntarie sacrificabo tibi*, et epist. 113. ac Bernardo lib. de diligendo Deo.*

11 *It is answered,* that a twofold love is found in exercise; for the Scriptures and the Fathers preach that God is to be loved from diverse motives and from a twofold principle, whether from the benefits of nature or from the gifts of grace: For thus also they propose a twofold faith to the objection, as Tanner noted, num. 47.

> Respondetur*, haberi duplicem amorem in exercitio; nam ex diversis motivis, duplicique ex capite diligendum Deum praedicant Scripturae, et Patres, sive ex beneficiis naturae, sive ex donis gratiae: Sic enim etiam duplicem obiectioni fidem proponunt, ut notavit Tanner num. 47.*

12 *You will object* secondly. That love could be had without grace, and yet the love of God as friendship is repugnant to mortal sin.

> Obiicies *secundo. Amor ille haberi posset sine gratia, cum tamen amor Dei amicitiae repugnet peccato lethali.*

13 *It is answered,* that this is not inconvenient; nor does every love of friendship conflict with sin, but only the supernatural one.

> Respondetur, *hoc non esse inconveniens; Neque omnis amor amicitiae repugnat peccato, sed supernaturalis.*

14 Whether, however, from this a natural habit of the love of God is produced; Cajetan denies it, prima secundae, quaest. 62. art. 3. and quaest. 109. art. 3. and Valencia here p. 1. §. 4.

> *An vero hinc producatur habitus naturalis amoris Dei; Negant Caietanus prima secundae, quaest. 62. art. 3. et quaest. 109. art. 3. Valentia hic p. 1. §. 4.*

15 But more correctly Aragon affirms it: 2. 2. quaest. 25. art. 1. ad ult. Tanner disp. 2 q. 2. dub. 2. n. 52. where he says it is the common opinion. Otherwise the foundation for finding acquired habits would vanish for us; and as to this, Meldula argues well, 3. disp. 6. quaest. 23. num. 589. since we find by clear experience that such habits are acquired. But those err, as I shall soon prove, who will that they are acquired by acts.

> *Rectius tamen affirmant Aragon: 2. 2. quaest. 25. art. 1. ad ult. Tanner. disp. 2 q. 2. dub. 2. n. 52. ubi ait, esse communem sententiam. Alioqui evanesceret nobis fundamentum inveniendi acquisitos habitus, et quoad hoc, bene arguit Meldula 3. disp. 6. quaest. 23. num. 589. cum liquido experimento inveniamus, sic habitus acquiri. Fallunt vero, ut mox probabo, volens, eos acquiri actibus.*

16 It can moreover be inquired, with Tanner, num. 64. Whether the habit and acts of charity, granted above, always differ in the formal object.

> *Potest autem inquiri cum Tannero num. 64. An habitus, et actus charitatis, concessi supra, differant semper in obiecto formali.*

17 I assert that natural and supernatural acts can indeed have the same material object, but the adequate formal object must always be distinct. So D. Bonaventure and the others cited above, as Tannerus notes, to whom Curielem adds, p. 1. quaest. 109. art. 3. For acts are specified by the object, or are known as specified by it: But the acts of natural friendship have as object the goodness of God as it is the end of nature; but the acts of supernatural charity have as object the goodness of God inasmuch as it is a supernatural end. *It is confirmed;* for acts bear an intrinsic order to the formal object. What is objected on this will easily collapse.

> *Assero, posse quidem actus naturales, et supernaturales habere idem obiectum materiale, attamen semper formale adaequatum esse distinctum. Ita D. Bonavent. et alii supra allegati, ut notat Tannerus, quibus addit Curielem p. 1. quaest. 109. art. 3. Nam actus specificantur ab obiecto, vel ab eo specificati agnoscuntur: At vero actus amicitiae naturalis habent pro obiecto bonitatem Dei, ut est finis naturae, Actus vero charitatis supernaturalis habent obiectum bonitatem Dei, quatenus est finis supernaturalis.* Confirmatur; *nam actus dunt intrinsecam ordinem ad formale obiectum. Ea, quae obiiciuntur, hinc facile ruent.*

18 As to the other question: Whether from supernatural acts a new habit of charity is acquired, distinct from the infused one; or whether that habit is perfected by those acts, with new degrees added: And indeed I shall inquire into the latter in quaest. 11.

> *Quoad alteram quaestionem: An actibus supernaturalibus acquiratur novus habitus charitatis, distinctus ab infuso: An vero ille per eos actus perficiatur, additis novis gradibus: Et quidem hoc secundum inquiram quaest. 11.*

19 As to the former part, some hold that from the acts of Faith, Hope, and Charity new habits are generated, which are not Theological virtues, since they are not infused by God; yet they are Theological, because they are concerned immediately with God. So the Nominalists, and Scotus in 3.

dist. 23. and 26. whom his disciples follow, Arretinus disp. 27. art. 6. Poncius disp. 26. quaest. 2. Mastrius disp. 6. quaest. 23. and other Scotists.

> *Quoad priorem partem censent aliqui, ex actibus Fidei, Spei, et Charitatis generari novos habitus, qui non sunt virtutes Theologicae, cum non sint a Deo infusi; esse tamen Theologicos, quia circa Deum immediate versantur. Ita Nominales, et Scotus in 3. dist. 23. et 26. quem sequuntur discipuli, Arretinus disp. 27. art. 6. Poncius disp. 26. quaest. 2. Mastrius disp. 6. quaest. 23. et alii Scotistae.*

20 The same think Aversa quaest. 55. sect. 7. Coninch. lib. 1. de virtutibus, disp. 7. dub. 3. Oviedo 1. 2. tract. 3. controv. 2. p. 4.

> *Idem sentiunt Aversa quaest. 55. sect. 7. Coninch. lib. 1. de virtutibus, disp. 7. dub. 3. Oviedo 1. 2. tract. 3. controv. 2. p. 4.*

21 The second opinion denies that an acquired Charity is given. So D. Thomas 1. 2. quaest. 51. art. 4. ad 3. and the Thomists. This seems to be the opinion of D. Bonaventure 3. dist. 27. quaest. 3. in corpore, and in the de septem Itineribus AEternitatis, Itinere 4. cap. 3. at the end, where he always persists, that from the acts of the supernatural habit of charity one indeed advances in the perfection of the same habit, but no new one is produced; but that habits produced anew are from natural acts.

> *Secunda sententia negat, dari Charitatem acquisitam. Ita D. Thom. 1. 2. quaest. 51. art. 4. ad 3. et Thomistae. Haec videtur sententia D. Bonav. 3. dist. 27. quaest. 3. in corpore, et de septem Itineribus AEternitatis, Itinere 4. cap. 3. ad finem, ubi semper persistit, ex actibus habitus supernaturalis charitatis proficere quidem in perfectione eiusdem habitus, non tamen novum produci; sed habitus de novo productos esse ex naturalitate.*

22 The same think Vasquez p. 2. disp. 79. cap. 10. Caspens. de charitate, dist. 2. sect. 2. and commonly, as Tanner relates, disp. 2. quaest. 2. dubio 4.

> *Idem sentiunt Vasquez p. 2. disp. 79. cap. 10. Caspens. de charitate, dist. 2. sect. 2. et communiter, ut refert Tanner. disp. 2. quaest. 2. dubio 4.*

23 I assert with this opinion, that no acquired habit of Charity is given.

> *Assero cum hac sententia, non dari habitum Charitatis acquisitum.*

24 *It is proved.* Either that habit, acquired from the acts of the infused habit, would be of the same species as the infused habit, or of a diverse one. Not the first, because an infused habit is such that it cannot be made by nature: Nor the second, because a habit is made from acts of the same species.

> Probatur. *Vel is habitus, acquisitus ex actibus infusi habitus, esset eiusdem speciei cum habitu infuso, vel diversae. Non primum, quia habitus infusus talis est, ut per naturam fieri non possit: Neque secundum, quia habitus fit ex actibus eiusdem speciei.*

25 *I urge:* Either this habit, acquired from the acts of the infused virtue, would be natural, or supernatural; not the first, because it would not be of the same species as the acts from which it is obtained; but a natural habit is of the same species as the acts from which it is generated. Nor the second, because otherwise it would not be made from our acts.

> Urgeo: *Vel hic habitus, acquisitus ex actibus virtutis infusae, esset naturalis, vel supernaturalis; non primum, quia non esset eiusdem speciei, cuius sunt actus, e quibus comparatur; habitus autem naturalis est eiusdem speciei cum actibus, ex quibus generatur. Neque secundum, quia alioqui ex actibus nostris non fieret.*

26 Mastrius answers, that it would be a natural habit, because the acts of these virtues are supernatural only as regards the manner, not the substance.

> Respondet Mastrius, *fore habitum naturalem, quia actus harum virtutum sunt supernaturales tantum, quoad modum, non quoad substantiam.*

27 But this answer was refuted in disp. 1. quaest. 27.

> *Sed haec responsio revulsa est disp. 1. quaest. 27.*

28 *You will object,* because a Catholic, accustomed to elicit acts of faith and charity, acquires facility in believing; but this does not come from the infused habit, because it would produce the same effect in a Neophyte. Next it is proved, because a heretic, after the supernatural habit is lost, retains the same facility regarding those things which he still believes: Therefore from a habit acquired by supernatural acts. The same argument holds for Hope and Charity; for the same heretic experiences himself prompt to love and to hope.

> Obiicies, *quia Catholicus, assuetus elicere actus fidei, et charitatis, acquirit facilitatem credendi; sed haec non provenit ex habitu infuso, quia eundem effectum produceret in Neophyto. Deinde probatur, quia haereticus, post amissum habitum supernaturalem, retinet eandem facilitatem circa illa, quae adhuc credit: Ergo ex habitu acquisito per actus supernaturales. Idem argumentum viget de Spe, et Charitate; nam idem haereticus se promptum experitur ad amandum, et sperandum.*

29 S. Thomas answers, dist. 27. cit. *from D. Augustine in the book de spiritu, et anima, near the beginning, that by the acts of the infused virtue the infused habit is perfected and increased by God, but no new one is acquired.* So the other Thomists also answer. And indeed, as it has its origin from God, so it is increased by God, as D. Bonaventure teaches, 1. dist. 17. p. 2. quaest. 2. Therefore by supernatural acts the increase of charity is measured out to man, as D. Augustine teaches, epist. 106. cited by S. Bonaventure, fundamentum 1. and I shall show in quaest. 11. That something of facility remains in the heretic; *it is answered* that this is done through the acts of the natural order, which are usually elicited together with the supernatural ones.

> Respondet S. Doct. *dist. 27. cit.* ex D. August. in lib. de spiritu, et anima, circa principium per actus virtutis infusae perfici, et augeri a Deo habitum infusum, non vero novum acquiri. *Sic respondent etiam alii Thomistae. Ita vero ut sicut a Deo habet ortum; ita a Deo augeatur, ut docet D. Bonavent. 1. dist. 17. p. 2. quaest. 2. Itaque actibus supernaturalibus metetur homo augmentum charitatis, ut docet D. August. epist. 106. apud S. Bonavent. fundamento 1. et ostendam quaest. 11. Quod vero maneat aliquid facilitatis in haeretico;* Respondetur *id fieri per actus ordinis naturalis, qui simul elici solent cum supernaturalibus.*

Question X: Whether charity can be formless

1 I assert that Charity is never formless.

> ***An Charitas possit esse informis.***
>
> *Assero, Charitatem nunquam esse informem.*

2 *It is proved by St. Bonaventure.* A virtue which makes a man beloved of God, and just and perfect, is always formed: such is Charity: Therefore. The minor is proved from John 14: *He that loveth me, shall be loved of my Father.* Colossians 3: *Above all these things have charity, which is the bond of perfection.* First Corinthians 13, where the perfections of charity are described, and without it the remaining virtues

are counted as nothing, as if without form. Therefore the form of the virtues cannot be formless: Charity is the form of the virtues, from what was said in question 8. Therefore.

> Probatur a D. Bonavent. *Virtus; quae dilectum facit Deo, et iustum, ac perfectum, semper est formata: Talis est Charitas: Ergo. Minor probatur Ioan. 14.* Qui diligit me, diligetur a Patre meo. *Coloss. 3.* Super omnia haec charitatem habete, quod est vinculum perfectionis. *Prima Cor. 13. ubi perfectiones charitatis describuntur, et sine ea reliquae virtutes nihili pendentur, tanquam sine forma. Igitur forma virtutum non potest esse informis: Charitas est forma virtutum ex dictis quaest. 8. Ergo.*

3 *It is proved secondly.* That virtue by which a man is perfectly converted to God, loving Him above all things and keeping His law, cannot be formless: such is charity, which is *the end of the Law*, First to Timothy 1, *the bond of perfection*, Colossians 3. The same is said in Matthew 22 and Luke 10: *Thou shalt love the Lord thy God, etc. And thy neighbor as thyself: on these two commandments dependeth the whole law; this do, and thou shalt live.*

> Probatur secundo. *Ea virtus, qua perfecte conversus homo in Deum, illum diligit super omnia, observando eius legem, non potest esse informis: Talis est charitas, quae est* finis Legis*, prima ad Timot. 1.* Vinculum perfectionis*, Coloss. 3. Idem Matth. 22. et Lucae 10. dicitur:* Diliges Dominum Deum tuum, etc. Et proximum, sicut te ipsum: hoc fac, et vives.

4 *It is proved thirdly from the Saintly Doctor.* That virtue which is opposed to every mortal sin is always formed; such is Charity: Therefore. The major is evident. The minor is proved first from St. Augustine, de libero arbitrio, cap. 3, where it is said that every sin arises from concupiscence. Then it is proved from the Saintly Doctor, from St. Augustine, 14 de civitate Dei, cap. 18, where he says: that every affection arises from love, and the city of the devil is built up from disordered love; but the city of God from right love.

> Probatur tertio a S. Doct. *Virtus illa, quae omni peccato opponitur lethali, semper est formata; talis est Charitas: Ergo. Maior est evidens. Minor probatur primo ex D. August. de lib. arbitr. cap. 3. ubi dicitur, omne peccatum esse ex libidine. Deinde probatur a S. Doct. ex D. August. 14. de civit. cap. 18. ubi ait: Quod omnis affectio oritur ex amore, et civitas diaboli ex amore inordinato aedificatur; civitas autem Dei ex recto amore.*

5 That which he objects to himself, the Saintly Doctor easily resolves from the doctrine brought forward, drawn from the nature of charity, which either is sanctifying grace; or, if distinct, as is more certain, it always stands together with it, and accordingly, although there can be Fear, Faith, Hope, and the other virtues, it does not therefore follow that there can be Charity, which is the form and perfection of the virtues. Wherefore it implies a contradiction to have charity and to be impious.

> *Ea vero, quae sibi obiicit, S. Doct. facile solvit ex doctrina allata, sumpta ex natura charitatis, quae vel est gratia sanctificans; vel si distincta, ut certius est, cum ea semper stat, atque adeo, licet possint esse Timor, Fides, Spes, et aliae virtutes; non ideo potest esse et Charitas, quae est forma, et perfectio virtutum. Quare implicat, habere charitatem, et esse impium.*

6 From all these questions we have that Charity is supernaturally infused, and cannot be had by the powers of nature. For so it is said in *Romans 5*: *The charity of God is poured forth in our hearts;* or *infused*, as Cyprian signifies in *libro de exhortatione ad Martyrium, cap. 9*, and as the Council of Trent understands and defines, *session 6, cap. 9*, and in other places above.

> *Ex his omnibus quaestionibus habemus, Charitatem esse supernaturaliter infusam, neque viribus naturae haberi posse. Sic enim* Rom. 5. *dicitur :* Charitas Dei diffusa est in cordibus nostris : *vel* infusa*, ut significat Cyprianus* lib. de

exhortatione ad Martyrium, cap. 9. *et intelligit, ac definit Concilium Trident.* sess. 6. cap. 9. *et aliis locis supra.*

7 The REASON of St. Bonaventure is formed from all the questions brought forward, especially from this one, thus: That virtue which infallibly raises to a supernatural end, and to supernatural friendship with God, is an infused supernatural virtue, or entity; such is Charity, from what has been said: Therefore. That it is from God as efficient cause, the Scriptures testify, *Romans 5, 2 Timothy 1, First John 3 and 4.*

RATIO D. Bonavent. ex omnibus allatis qq. *praecipue ex ista, sic formatur : Illa virtus, quae infallibiliter elevat ad finem supernaturalem, et ad Dei amicitiam supernaturalem, est virtus, seu entitas supernaturalis infusa; Talis est Charitas, ex dictis : Ergo. Eam vero esse a Deo efficiente testantur Scripturae* Rom. 5. 2. Timot. 1. Prima Ioan. 3. et 4.

Question XI: Whether charity increases, and how

1 IOVINIANUS established by this heresy that there is no augmentation of charity, but that all are equal in merits and all in reward; which error I refuted in *prima parte, Tract. 1. disput. 11, and prima secunda, Tract. de Gratia, disput. 4.* Thus also I expelled, as infected, the Sectarians.

IOVINIANUS haeresi hac statuit, nullum esse augmentum charitatis, sed omnes meritis, omnesque praemio esse aequales, cuius errorem repuli prima parte Tract. 1. disput. 11. et prima secunda, Tract. de Gratia, disput. 4. *Sic etiam Sectarios infectatus explosi.*

2 OTHERS with St. Bonaventure said that Charity is increased by another diverse one succeeding, as days are said to grow, not by addition to the days, for instance of April, but by others of May succeeding.

ALII apud D. Bonav. dixere, augeri Charitatem per aliam diversam succedentem, sicuti dicuntur crescere dies, non per additionem ad dies, puta Aprilis, sed per alios succedentes Maii.

3 Others said that charity is increased, but by a deeper rooting alone in the subject. Thus the Thomists with St. Thomas here, and Valencia *quaest. 1. p. 3.*

Alii dixere, augeri charitatem, sed per maiorem solam radicationem in subiecto. Ita Thomistae cum D. Thom. hic, Valentia quaest. 1. p. 3.

4 The TRUE opinion of the Theologians, however, is that charity is increased by the addition of degrees: to this Cajetan tries to reduce St. Thomas.

VERA tamen sententia Theologorum est, augeri charitatem per additionem graduum : Ad hanc conatur Caietanus reducere D. Thomam.

5 St. Bonaventure observes, however, in *quaest. 5.* that augmentation is a passion of quantity, which is twofold: one of bulk, the other of virtue, from St. Augustine *libro de quantitate animae, cap. 3.* In spiritual things, indeed, that is virtue which in bodily things is bulk. Increment is also given in qualities according to the intension of degrees, as in heat up to the eighth; and in this way the question is raised about the augmentation of charity: whether it is increased according to intension and virtue, which is truly a physical augmentation, by which other forms also grow. But a moral augmentation can also be given, by which the subject, growing morally in the order of merit,

meritoriously causes such an augmentation; and in this sense St. Augustine spoke, *epist. 106, apud D. Bonav.: Charity merits to be increased, that, when increased, it may merit to be perfected.*

> *ADVERTIT autem* quaest. 5. *S. Bonavent. augmentum esse passionem quantitatis, quae duplex est; alia molis, alia virtutis, ex D. August.* lib. de quantitate animae, cap. 3. *In spiritualibus vero id est virtus, quod in corporalibus moles. Datur etiam incrementum in qualitatibus secundum intensionem graduum, ut in calore usque ad octavum, et hoc modo quaeritur de augmento charitatis: An augeatur secundum intensionem, et virtutem, quod sane augmentum est physicum, quo aliae etiam formae crescunt. Dari vero potest etiam augmentum morale, quo moraliter in ratione meriti crescens subiectum meritorie causet tale augmentum, et hoc sensu locutus est D. August.* epist. 106. apud D. Bonav. Charitas meretur augeri, ut aucta mereatur perfici.

6 Secondly, the Saintly Doctor observes, in the *following question*, that some said charity is increased by the sole diminution of the contrary concupiscence: but he himself asserts outright that it is increased by the intension of itself; otherwise it could not have been increased either in the Angels or in innocent man.

> *ADVERTIT secundo, S. Doct.* quaest. sequenti, *aliquos dixisse, augeri charitatem per diminutionem solam contrariae cupiditatis: Sed omnino ipse asserit, eam augeri per intensionem ipsius; alioqui, neque in Angelis, neque in homine innocente potuisset augeri.*

7 I ASSERT first that Charity is intensified substantially and meritoriously.

> *ASSERO primo, Charitatem intendi substantialiter, et meritorie.*

8 It is PROVED first by St. Bonaventure with the argument of St. Augustine *epist. 106,* which the Council of Trent uses, *sess. 6. de Iustificatione cap. 10.* The increment of charity is made by merit in Charity itself, which the just man has on the way, and it is perfected in the fatherland: but this is the true physical Charity, poured forth in our hearts: therefore. This argument supposes first that we can merit the increment of charity, which is proved *from 4. ad Ephes.: Let us grow in charity. Philip. 1: This I pray, that your charity may more and more abound; and first Thessal. 3: May the Lord multiply you, and make you abound in charity. Apoc. 1: He that is just, let him be justified still. Eccles. 18: Fear not to be justified even to death. Prima Cor. 9: He will increase the growths of the fruits of your justice.* Whence St. Augustine above: *Grace merits to be increased, that, when increased, it may merit to be perfected.* And St. Gregory, *homil. 15. in Evang.: Every virtue is increased, as it were, by certain degrees; and thus, by the increments of merits, it is led to the summit.* Finally *Iacob. 2: You see that a man is justified by works, and not by faith only.*

> *PROBATUR primo a D. Bonav. argumento D. August.* epist. 106. *quo utitur Concilium Trident.* sess. 6. de Iustificatione cap. 10. *Incrementum charitatis fit per meritum in Charitate ipsa, quam habet iustus in via, et perficitur in patria : Sed haec est vera Charitas physica, diffusa in cordibus nostris : ergo. Hoc argumentum supponit primo, nos posse mereri incrementum charitatis, quod probatur* ex 4. ad Ephes. Crescamus in charitate. Philip. 1. Hoc oro, ut charitas vestra magis abundet, et prima Thessal. 3. Vos Dominus multiplicet, et abundare faciat in charitate. Apoc. 1. Qui iustus est, iustificetur adhuc. Eccles. 18. Ne verearis usque ad mortem iustificari. Prima Cor. 9. Augebit incrementa frugum iustitiae vestrae. *Unde D. August. supra :* Gratia meretur augeri, ut aucta mereatur perfici. *Et D. Gregorius,* homil. 15. in Evang. Unaquaque virtus, quasi quibusdam gradibus augetur; et sic per incrementa meritorum ad summum perducitur. *Tandem* Iacob. 2. Videtis quod ex operibus iustificatur homo, et non ex fide tantum.

9 Next, the argument supposes that the augmentation of the same charity is brought about, which the cited passages of Scripture prove; and therefore the Church prays: *Grant us, O Lord, the increase of*

faith, hope, and Charity; and the philosophical reason is at hand, for intension is the addition of a new degree, or of virtue, to the same thing, as Aristotle teaches *1. de Gener. text. 31,* and St. Bonaventure observes *quaest. 2. fund. 2.*

> *DEINDE supponit argumentum, fieri augmentum eiusdem charitatis, quod probant loca scripturarum allata, et ideo orat Ecclesia :* Da nobis Domine, fidei, spei, et Charitatis augmentum; *et ratio philosophica adest, nam intensio, est additio novi gradus, vel virtutis ad idem, ut docet Aristoteles* 1. de Gener. text. 31. *et advertit S. Bonavent.* quaest. 2. fund. 2.

10 THIRDLY it supposes that the same charity is perfected in the fatherland,[1] which is asserted in *prima Cor. 13: Charity never falleth away.* And therefore the Apostle says, *prima Corinth. 15,* speaking of merit and reward, to which it corresponds: *One is the brightness of the sun, another the brightness of the moon, another of the stars. For star differeth from star in brightness: so also is the resurrection of the dead. It is sown in corruption, it shall rise in incorruption. It is sown in ignominy, it shall rise in glory.*

1 Editor's note: the print/OCR reads 'eandem chastatem perfici in patria'; 'chastatem' (chastity) contradicts the context, which is entirely about charity (1 Cor. 13 is quoted immediately after); rendered as 'charitatem' (charity).

> *TERTIO supponit, eandem charitatem perfici in patria, quod asseritur* prima Cor. 13. Charitas nunquam excidit. *Et ideo ait Apostolus* prima Corinth. 15. *loquens de merito, et praemio, illi respondente :* Alia claritas solis, Alia claritas Lunae, alia stellarum. Stella enim a stella differt in claritate : sic et resurrectio mortuorum. Seminatur in corruptione, surget in incorruptione. Seminatur in ignobilitate, surget in gloria.

11 The MINOR is of faith, proved in prima secunda, *Tract. de Gratia, disp. 3.* This argument is strengthened also by the other foundations of the Seraphic Doctor.

> *MINOR est de fide probata prima secunda,* Tract. de Gratia, disp. 3. *Hoc argumentum caeteris etiam fundamentis Seraphici roboratur.*

12 THE SECOND foundation, therefore, is: Every motion from lesser to greater, the thing remaining, is an augmentation: but Charity, remaining essentially the same that it is on the way, is increased in the fatherland: Therefore. The major is evident. The minor is proved *from 1. Cor. 13: Charity never falleth away.*

> *SECUNDUM ergo fundamentum est: Omnis motus a minori ad maius, re manente, est augmentum : Sed Charitas manens eadem essentialiter, quae in via, augetur in patria : Ergo. Maior est evidens. Minor probatur* ex 1. Cor. 13. Charitas nunquam excidit.

13 THE THIRD foundation. To the quantity of the charity of the way there corresponds the reward of glory and of the charity of the fatherland; but in the fatherland the rewards will be unequal, as I showed *from prima Cor. 15.* Therefore.

> *TERTIUM fundamentum. Quantitati charitatis viae respondet praemium gloriae, et charitatis patriae; sed in patria erunt praemia inaequalia, ut ostendi* ex prima Cor. 15. *Ergo.*

14 THE FOURTH. A being which is not the highest can be made better: Charity is not the highest good; otherwise it would be the same in each individual, and accordingly would have equal effects in all and each, which is false; for in one just man it works more and higher things than in another. Nor is it the highest, that it could be, since it is the perfection by which a man is formally constituted on the way toward the ultimate term of the fatherland. Whence the Saintly Doctor forms the argument thus, which St. Thomas also uses, *art. 4.* That perfection by which a man is formally constituted on

the way toward a term can be increased; but Charity is that perfection by which a man is constituted on the way toward beatitude, which is the ultimate term: Therefore. The major is evident; for it belongs above all to a wayfarer that he be able to advance on the way. The minor is proved by St. Bonaventure *quaest. 2. fundamento 3,* because Charity is as it were a *Light, growing from the dawn of grace to the most brilliant noon of glory.* Therefore *Proverb. 4: The path of the just, as a shining light, goeth forward, and groweth even to the perfect day.* Valencia uses the same reason *disp. 3. quaest. 2. p. 3.*

> *QUARTUM. Ens, quod non est summum, potest meliorari : Charitas non est summum bonum, alioqui esset in singulis idem; atque adeo haberet in omnibus, et singulis, aequales effectus, quod est falsum; nam in uno iusto plura, et altiora operatur, quam in alio. Neque est summam, quod possit esse, cum sit perfectio, per quam homo constituitur formaliter in via ad ultimum terminum patriae. Ex quo sic format S. Doct. argumentum, quo utitur etiam D. Thom.* art. 4. *Illa perfectio, per quam homo constituitur formaliter in via ad terminum, potest augeri; sed Charitas est illa perfectio, per quam homo in via constituitur ad beatitudinem, quae est ultimus terminus: Ergo. Maior est evidens; nam ad viatorem maxime pertinet, ut in via progredi queat. Minor probatur a D. Bonavent.* quaest. 2. fundamento 3. *quia Charitas est quasi* Lux, crescens ab aurora gratiae ad meridiem praeclarissimam gloriae. *Ideo* Proverb. 4. Iustorum semita, quasi Lux splendens, procedit, et crescit usque ad perfectum diem. *Eadem ratione utitur Valentia* disp. 3. quaest. 2. p. 3.

15 I ASSERT secondly that this augmentation is physically from God.

> *ASSERO secundo, hoc augmentum physice esse a Deo.*

16 *IT IS PROVED* IT IS PROVED by St. Bonaventure, quaest. 2, fundamento 4, and his reply. A thing is increased by the same by which it is produced: but charity is infused by God: Therefore. The major is proved, because the same virtue is capable of acting upon the essence, and upon the degrees of the essence, and its accidents; the minor is proved from Romans 5: *The charity of God is poured forth in our hearts by the Holy Ghost, who is given to us.* Second Timothy 1: *God hath given us the spirit of love;* first John 3: *Behold what manner of charity God hath given us, that we should be called, and be, the sons of God;* and cap. 4: *Charity is of God.* Cajetan uses this argument on art. 6 of St. Thomas, and Valencia, disput. 3, quaest. 2, p. 3, assert. 7, where he discusses: whether, at least by God's absolute power, man could be, at least instrumentally, the physical cause of the augmentation of charity: and indeed he himself asserts it, thinking that charity is not created. But this was exploded in p. 1, Tract. 3, disputation 1, where I showed that infused habits are created.

> PROBATUR *a D. Bonavent. quaest. 2. fundamento 4. et corpore. Ab eodem res augetur, a quo producitur: Sed chatitas infunditur a Deo: Ergo. Maior probatur, quia eadem est virtus potens in essentiam, et in gradus essentiae, et accidentia eius, Minor probatur Rom. 5.* Charitas Dei diffusa est in cordibus nostris per Spiritum Sanctum, qui datus est nobis. *Secunda Timoth. 1.* Dedit nobis Deus spiritum dilectionis, *prima Ioan. 3.* Videte qualem charitatem dedit nobis Deus, ut filii Dei nominemur, et simus, *et cap. 4.* Charitas ex Deo est. *Hoc argumento utuntur Caietanus ad art. 6. D. Thom. et Valentia disput. 3. quaest. 2. p. 3. assert. 7. ubi discutit: An saltem absoluta Dei potentia posset homo, saltem instrumentaliter, esse causa physica augmenti charitatis: Et quidem ipse id asserit, putans, charitatem non creari. Sed hoc explosum est p. 1. Tract. 3. disputatione 1. ubi ostendi, habitus infusos creari.*

17 *You will object* first. Every form is unchangeable, consisting in something indivisible.

> Obiicies *primo. Omnis forma est invariabilis, consistens in indivisibili.*

18 The Saintly Doctor *answers* that this is true as to universal essences, and even singular ones as to what is essential, but not by reason of the subject, against Scotus, 1. dist. 17, quaestione 4. The Saintly Doctor does not will that the form be changed essentially in subjects, but by a certain substantial perfection of the individual, as is clear in the rational soul; but he wills that it be varied accidentally by intensive degrees per se.

> Respondet *S. Doct. verum esse quoad essentias universales, et etiam singulares quoad essentialia, non autem ratione subiecti, contra Scotum 1. dist. 17. quaestione 4. Non vult S. Doctor, formam in subiectis essentialiter mutari, sed quadam substatiali individui perfectione, ut patet de anima rationali; accidentalem vero gradibus intensivis per se vult variari.*

19 *You will object* secondly. Simplicity does not admit magnitude.

> Obiicies *secundo. Simplicitas non admittit magnitudinem.*

20 He *answers* that it does not admit magnitude of bulk; but of virtue.

> Respondet*, non admittere magnitudinem molis; sed virtutis.*

21 *You will object* thirdly. Augmentation in bodily things is according to accident, from 5 *Phys.* t. 8.

> Obiicies *tertio. Augmentum in corporalibus est secundum accidens ex 5.* Phys. *t. 8.*

22 The Saintly Doctor *answers* that quantity is accidental to the how-much; but the augmentation of quantity is substantial to it; for it is made from its own entity by degrees, which in moral virtue are essential.

> Respondet *S. Doct. quantitatem esse quanto accidentalem; at quantitatis augmentum sibi substantiale esse; fit enim ex propria entitate per gradus, qui in virtute morali essentiales sunt.*

23 He *answers* secondly that the term of augmentation in bodily things is a quantity perfect per se; but per accidens it is increased also by the addition of substance, unless it comes about by rarefaction or protension; for when quantity is increased, the subject also is increased, in which it may be, although the formal term of augmentation is the quantity itself; so therefore in spiritual things the quantity of virtue is increased in Charity, which is indeed an accident, but one consubstantial with that form; as the third degree of heat, and the following ones, according to which it is intensified.

> Respondet *secundo, terminum augmenti in corporeis esse quantitatem perfectam per se; at per accidens augeri etiam additione substantiae, nisi fiat per rarefactionem, vel protensionem; cum enim augetur quantitas, augetur et subiectum, in quo illa sit, licet terminus formalis augmentationis sit ipsa quantitas; sic igitur in spiritualibus augetur quantitas virtutis in Charitate, quae est accidens quidem, sed tamen est illi formae consubstantialis; sicuti calori tertius gradus, et sequentes, secundum quos intenditur.*

24 *You will object* fourthly. If Charity is increased substantially, it is changed substantially; but *Charity never falleth away,* from prima Cor. 13. Therefore.

> Obiicies *quarto. Si Charitas substantialiter augetur, mutatur substantialiter, sed:* Charitas nunquam excidit, *ex prima Cor. 13. Ergo.*

25 The *answer is made* that Charity remains with respect to its being of itself; yet it is simply increased by degrees.

> Respondetur*, Charitatem manere respectu esse sui; simpliciter tamen augeri per gradus.*

26 *You will object* first, to prove that charity is increased by itself, because it is more powerful than fire; but fire by its own heat increases itself by combustion: Therefore.

> Obiicies *primo, ad probandum, charitatem augeri a seipsa, quia potentior est, quam ignis; sed ignis suo calore seipsum auget combustione: Ergo.*

27 The Saintly Doctor *answers* that Charity is not active as to creation.

> Respondet *S. Doct. Charitatem non esse activam ad creationem.*

28 *You will object* secondly, with St. Thomas, to prove that it is not increased by the addition of degrees, because it is simple.

> Obiicies *secundo cum D. Thom. ad probandum, eam non augeri per additionem graduum, quia est simplex.*

29 The Saintly Doctor *answers* that Charity has degrees of perfection, and therefore can be increased; nor do degrees according to intension repugn to a quality, even if it be a simple quality, for thus also heat is intensified. In the same way the Saintly Doctor answers in 2. dist. 27. art. 2. quaest. 2. ad 1.

> Respondet *S. Doct. Charitatem habere gradus perfectionis, ideo posse augeri; neque qualitati repugnant gradus secundum intensionem, etiamsi sit simplex qualitas, sic enim etiam calor intenditur. Eodem modo respondet S. Doct. in 2. dist. 27. art. 2. quaest. 2. ad 1.*

30 *You will say:* The point has a quantity of virtue, and yet cannot be increased.

> Dices: *Punctum habet quantitatem virtutis, nec tamen augeri potest.*

31 The Saintly Doctor *answers* that this happens because the point is complete in an indivisible of its genus, whence nothing can be united to it so as to be increased, because it is essentially such.

> Respondet *S. Doct. id evenire, quia punctum est in suo genere indivisibili completum, unde nihil ei potest uniri, ut augeatur, quia essentialiter est tale.*

32 NEXT he answers that the point is indivisible in the genus of quantity of bulk; but in the genus of quantity of virtue, no perfection is indivisible simply, except the Divine. Moreover, the point is an act, imperfect in the genus of quantity, which is not perfect in act; but only terminative with respect to lines; therefore it has not an infinite active power, but passive; whence it cannot produce lines, but terminate them; wherefore it is not compared to the Divine virtue, nor can it be augmented, as Charity can.

> *DEINDE respondet, punctum esse in genere quantitatis molis indivisibile; at in genere quantitatis virtutis, nulla perfectio est indivisibilis simpliciter, praeter Divinam. Praeterea punctum est actus, in genere quantitatis imperfectus, qui non est perfectus in actu; sed solum terminativus respectu linearum; ideo non habet potentiam infinitam activam, sed passivam; unde nequit lineas producere, sed terminare; quare non comparatur virtuti Divinae, nec potest augmentari, sicut Charitas.*

33 *You will object* secondly. Every addition implies composition, and this induces a diminution of virtue: Therefore, the greater the addition, the feebler charity becomes; and the feebler, the less.

> Obiicies *secundo. Omnis additio dicit compositionem, et haec diminutionem virtutis inducit: Ergo quanto maior sit additio, tanto impotentior fit charitas; et quanto impotentior, tanto minor.*

34 The Saintly Doctor *answers* first that as much as is added of formal parts to anything, so much is added of act and virtue; otherwise a lesser fire would be more powerful than a greater; and a syrup composed of many things would be feebler than one of its ingredients. Therefore charity is increased according to the degrees of the form.

> Respondet *S. Doct. primo, quantum additur de partibus formalibus alicui, tantum addi de actu, et virtute, alioqui minor ignis esset potentior, quam maior; et Sirupus compositus ex multis, esset impotentior, quam unum ex ingredientibus illius. Itaque charitas augetur secundum gradus formae.*

35 He *answers* secondly that increased Charity is not more composite, but more simple; for things stand in a contrary way in the quantity of bulk and in the quantity of virtue; for in the quantity of bulk the simplest is the least and weakest, as the point; and therefore in that genus approach to simplicity is diminution; but recession from the simplicity of the point is by addition: but in the how-much of virtue, the simplest is the greatest, namely God; therefore approach to simplicity is by addition; for the more degrees of perfection a creature has, the more it approaches the perfection, and accordingly the simplicity, of God: thus the Soul and the Angel excel the other creatures in the imitation of God, and yet do not exclude the simplicity of quantity. Therefore also charity, the more perfect, the more like to God.

> Respondet *secundo, Charitatem augmentatam non esse magis compositam, sed magis simplicem; contrario enim modo se habet res in quantitate molis, et in quantitate virtutis; in quantitate enim molis simplicissimum est minimum, et debilissimum, ut punctus; et ideo in hoc genere accessus ad simplicitatem est diminutio; recessus vero a simplicitate puncti est per additionem: at in quanto virtutis, simplicissimum est maximum, nempe Deus, ideo accessus ad simplicitatem, est per additionem; quanto enim creatura plures gradus habet perfectionis, tanto magis ad Dei perfectionem, atque adeo simplicitatem accedit: Sic Anima, et Angelus praecellunt in Dei imitatione reliquis creaturis, neque tamen excludunt simplicitatem quantitatis. Ideo et charitas, quo perfectior, eo similior Deo.*

36 *You will object* thirdly. If some degree is added to charity; either it is charity, or it is not. If not: Therefore it does not increase it. If the first: Therefore the first charity, with respect to the incoming charity, is material: Or if they do not stand thus, one will not be made, because one is not made out of many, unless one be as matter; the other, as act.

> Obiicies *tertio. Si additur charitati aliquis gradus; vel is est charitas, vel non. Si non: Ergo non auget illam. Si primum: Ergo charitas prima, respectu charitatis advenientis, est materialis: Vel si non sic se habent, non fiet unum, quia non fit unum ex pluribus, nisi unum sit ut materia; alterum, ut actus.*

37 The Saintly Doctor *answers* that the imperfect stands in the manner of the material with respect to a more perfect degree; thus heat as four stands with respect to itself intensified as eight; and in this way charity as four stands as in potency to the eighth degree, nor is there any inconvenience.

> Respondet *S. Doct. Imperfectum se habere ad modum materialis, respectu gradus perfectioris, sic calor ut quatuor, se habet, respectu sui, ut octo intensi; et hoc modo charitas ut quatuor se habet, ut in potentia ad octavum gradum, nec est ullum inconveniens.*

38 ¶ From this the argument of Valencia *assert. 4.* is resolved, by which he strives to prove that charity is not increased by the addition of some degree of charity, otherwise there would be several charities: for by those degrees one intensified quality is made; as from several degrees of heat one heat is made as four, or as eight.

¶ *Ex quo resolvitur argumentum Valentia* assert. 4. *quo nititur probare, charitatem non augeri per additionem alicuius gradus charitatis, alioqui essent plures charitates: Nam illis gradibus fit una qualitas intensa; sicut e pluribus gradibus caloris fit unus calor ut quatuor, vel ut octo.*

39 ¶ But what he himself teaches, *assert. 5.* that the augmentation of charity is made by a certain mode of perfection actualizing the subject; I confess to be unintelligible to me, because a natural virtue always acts with its whole self in the same subject: ergo, remaining the same, it always does the same: Therefore the just man is not apt to elicit more perfect acts, even if he grows in charity, as the Saintly Doctor argued in quaestione 1, fundamento 5. For the greatness of the effect comes from the greatness of the virtue; and the greatness of the virtue from the greatness of the essence. For either that virtue is the essence itself, or not. If the first: Therefore, the virtue being increased, the essence is increased. If the second: Either that virtue has an essence from which it flows, or not; if it has one; either it is the essence itself of charity, or another; if the essence itself of charity: Therefore, the virtue being increased, charity must have been increased; but if it has another essence, I ask about it: whether it is charity or not; and then it will be necessary either to go on to infinity, or to arrive at some new entity of charity, which may be the cause of that virtue.

¶ *Quod vero ipse docet* assert. 5. *augmentum fieri charitatis per quemdam modum perfectionis in subiecto actuando; fateor mihi inintelligibile esse, quia virtus naturalis agit semper tota in eodem subiecto: ergo manens eadem, semper facit idem: Ergo iustus non est aptus perfectiores actus elicere, quamvis crescat in charitate, ut arguebat S. Doct. quaestione 1. fundamento 5. Nam maioritas effectus venit ex maioritate virtutis; et maioritas virtutis ex maioritate essentiae. Vel enim illa virtus est ipsa essentia, vel non. Si primum: Ergo aucta virtute augetur essentia. Si secundum: Vel illa virtus habet essentiam a qua fluat, vel non; si habet; vel est ipsa essentia charitatis, vel alia; Si ipsa essentia charitatis: Ergo aucta virtute, oportet, auctam esse charitatem; si vero habet aliam essentiam. Quaero de illa: An sit charitas, necne; et tunc oportebit, vel abire in infinitum, vel devenire ad aliquem novam charitatis entitatem, quae sit causa illius virtutis.*

40 It is confirmed by St. Bonaventure *fundamento 1, and quaest. 2, fundamento 4,* because the moral act by which that charity is increased is new, from St. Augustine *epist. 106.* Likewise the physical act of God influencing: Therefore a new entity of Charity is produced.

Confirmatur a D. Bonav. fundamento 1. et quaest. 2. fundamento 4. *quia actio moralis, qua augetur illa charitas, est nova ex D. August.* epist. 106. *Similiter actio Physica Dei influentis: Ergo nova entitas Charitatis producitur.*

41 Valencia answers that it is enough if a new effect, formally distinct, accede to the new act. Thus to a new local motion a new mode accedes.

Respondet Valentia, satis esse, si novae actioni adveniat novus effectus formaliter distinctus. Sic novo motui locali, novus modus advenit.

42 Against this, first, because he equivocates: for that place, or *Ubi*, is an entity making in itself a new predicament, while with respect to the located thing it is a mode. Therefore let him concede to me that a new entity accedes to charity, which, since it is a virtue, must also accede with the new entity of Charity; and not a solitary new mode in the subject, without a new addition made to charity.

Contra primo, quia aequivocat: nam locus ille, seu Ubi *est entitas in se faciens novum praedicamentum, isto respectu locati sit modus. Igitur concedat mihi, novam entitatem advenire charitati, quae cum sit virtus, oportet ut et cum nova entitate Charitatis adveniat; non autem novus modus solitarius in subiecto, absque nova additione facta charitati.*

43 Therefore let there be the third Assertion, and proved, that the augmentation of charity is made by a newly added degree of charity. It is common to the Philosophers, and to almost all the Theologians.

> *Igitur sit Assertio tertia, probataque, augmentum charitatis fieri per novum additum gradum charitatis. Est communis Philosophis, et Theologis fere omnibus.*

44 Here many things are disputed by the Doctors. First: whether grace and charity are increased by whatever works of whatever Virtues; but of this I treated in t. 2, *Tract. de Gratia, disp. 4. quaest. 4.* Next: whether by every work, or act, the remission and the augmentation of charity are acquired together. Of this I treated *loc. cit. quaest. 12.* Thirdly: whether this augmentation accedes immediately. Of this I discoursed *there, disp. 3, from quaest. 2, against Scotus; and it is* the common opinion of the Theologians, according to Turrianus *disp. 68. dub. 4.* Therefore the Council of Trent, *sess. 6. cap. 10.* defines that the justified, by the observance of the commandments, grow in justice itself by the grace of God received: and therefore it says that the Church prays: *Grant us the increase of faith, Hope, and Charity.* And indeed the arguments brought forward above show that this augmentation is made immediately after meritorious acts, as it were through moral causes, upon whose operation God physically infuses charity. Therefore, on account of the authority of the Council of Trent, Mastrius asserts, in 2. *disputatione 7. numero 359,* that the opposing opinion cannot be sustained, and he reprehends Faber.

> *Hic multa disputantur a Doctoribus. Primo: An quibuscumque operibus quorumcumque Virtutum augeatur gratia, et charitas; Sed de hoc egi t.* 2. Tract. de Gratia, disp. 4. quaest. 4. *Deinde: An quolibet opere, seu actu remissio acquiratur augmentum charitatis. De hoc egi* loc. cit. quaest. 12. *Tertio: An hoc augmentum illico adveniat. De hoc disserui* ibi, disp. 3. a quaest. 2. contra Scotum; et est *sententia communis Theologorum apud Turrianum* disp. 68. dub. 4. *Ideo Concil. Trident.* sess. 6. cap. 10. *definit, Iustificatos, per observationem mandatorum, crescere in ipsa iustitia per gratiam Dei acceptam: Et ideo ait, Ecclesiam orare:* Da nobis fidei, Spei, et Charitatis augmentum. *Et sane argumenta supra allata ostendunt, hoc augmentum fieri statim post actus meritorios, tanquam per causas morales, ad quarum operationem Deus physice infundit charitatem. Ideo propter authoritatem Concilii Tridentini, Mastrius* 2. disputatione 7. numero 359. *oppositam sententiam non posse sustineri, asserit, et reprehendit Fabrum.*

45 *You will say:* If the augmentation is conferred immediately after the first instant: Therefore, if the act of charity is continued for some time, in which there are infinite instants, it will be increased to infinity.

> *Dices: Si statim confertur post primum instans augmentum: Ergo si continuetur actus charitatis per aliquod tempus, in quo sunt instantia infinita, augebitur in infinitum.*

46 It is *answered* with Suarez *opusc. de revivisc. merit. disp. 2. sect. 5,* Caspensis *disp. 2. sect. 6, from St. Bonaventure dist. 17. quaest. ult.* that the augmentation is finite, because it is not reckoned according to duration by the division of time and of the act into aliquot parts; but according to the succession, or instantaneousness, of the work, in a physical manner; and works are done in a finite time; and according to the instants of the equal parts in which there is the operation; for as to the aliquot parts, to which finite things correspond, there are infinite instants, to which the aliquot parts of acts correspond; but they are not measured in this way, but according to a scarcely determined time.

> *Respondetur cum Suarez* opusc. de revivisc. merit. disp. 2. sect. 5. *Caspensi* disp. 2. sect. 6. ex D. Bonavent. dist. 17. quaest. ult. *augmentum esse finitum, quia non computatur secundum durationem per divisionem temporis, et actus in partes aliquotas; sed secundum successionem, vel instantaneitatem operis, modo physico; fiunt autem opera tempore finito; et secundum instantia partium aequalium, in quibus est operatio; nam quoad partes aliquotas, quibus*

respondent finita, sunt infinitae, quibus respondent partes aliquotae actuum; sed hoc pacto non mensurantur, sed secundum tempus vix determinatum.

47 From what has been said also, *Disp. de merito, in the questions cited, especially 8, and from what is said here,* that question lies resolved: whether the augmentation of Charity, of merit, and of glory grows from the inequality of the works which are commanded by Charity; so that, if charity, the same as four, commands two acts, one of Temperance, the other of Faith, the merit is increased from the mere inequality of these works, even though the commanding charity is equal.

Ex dictis etiam Disp. de merito, quaestionibus allegatis maxime 8. et ex dictis hic *resoluta iacet illa quaestio: An augmentum Charitatis, meriti, et gloriae, crescat ex inaequalitate operum, quae imperantur a Charitate; ita ut, si charitas, eadem ut quatuor, imperet duos actus; alterum Temperantiae; alterum Fidei, augeatur meritum ex mera inaequalitate horum operum; cum tamen charitas imperans sit aequalis.*

48 And indeed the opinion of Bannes is false, *quaest. 25. art. 6. dub. 5,* saying that it grows only unto an accidental reward. But the true opinion is that of Victoria *relect. de augmento charit. num. 11,* Valencia *disput. 3. quaest. 2. p. 3,* and Caspensis *sect. 7, after St. Thom. p. 2. quaest. 114. art. 4. ad 2,* that merit grows substantially.

Et quidem falsa est opinio Bannes quaest. 25. art. 6. dub. 5. *dicens, crescere solum ad praemium accidentale. Vera est autem sententia Victoriae* relect. de augmento charit. num. 11. *Valentia* disput. 3. quaest. 2. p. 3. *et Caspensis* sect. 7. post D. Thom. p. 2. quaest. 114. art. 4. ad 2. *crescere meritum substantialiter.*

49 It is proved from the said cited passages. As simply corresponds to simply, so more to more: but merit simply is had from the acts of the other virtues: Therefore also its augmentation. Therefore in the Council of Nicaea, in which the heresy of Jovinian was condemned, excluding the inequality of merits, when the Pontiff had condemned it, he writes to Ambrose, Bishop of Milan, and to the others, *epist. 81: The rustic, that is, the howling of wolves, is he who maintains no grace of virginity, no order of chastity, abolishing for different persons the degrees of different merits, as if there were one palm, and the titles of rewards did not abound.* Here he beats back Jovinian, who wished conjugal continence from unlawful things to be as meritorious as virginity, which is against the Apostle, *prima Corinth. 7: He that joineth his virgin in marriage doth well: and he that giveth her not in marriage doth better,* which words the Council adduces, and subjoins: *Better is virginity, by which the inheritance of the heavenly kingdom is acquired, and the succession of heavenly merits is found.* By which it is shown that he speaks of the reward, and of essential merit: for he names virginity simply better, as the Saintly Doctor also observes, *in 4. dist. 31. quaest. 1.*

Probatur ex dictis locis citatis. Sicut se habet simpliciter ad simpliciter; ita magis ad magis: sed meritum simpliciter habetur ex actibus aliarum virtutum: Ergo et augmentum. Ideo in Concilio Thelensi, in quo haeresis Ioviniani damnata est, excludens inaequalitatem meritorum, cum Pontifex eam damnasset, scribit Episcopo Mediolanensi Ambrosio, et aliis, epist. 81. Agrestis, idest, Luporum ululatus est, nullam virginitatis gratiam, nullam castitatis ordinem servare, diversis diversorum gradus abrogare meritorum, quasi una sit palma, et non abundent tituli praemiorum. *Retundit hic Iovinianum, qui volebat, ita meritoriam esse coniugalem continentiam ab illicitis, sicuti virginitatem, quod est contra Apostolum,* prima Corinth. 7. Qui iungit virginem suam, benefacit: et qui non iungit, melius facit, *quae verba adducit Concilium, et subdit:* Melior virginitas, per quam regni caelestis haereditas acquisita, et caelestium meritorum reperta successio. *Quo ostenditur, loqui de praemio, et merito essentiali: nam virginitatem simpliciter meliorem nominat, ut advertit etiam S. Doct.* in 4. dist. 31. quaest. 1.

50 This is also expressed in those words *Matth. 19: There are eunuchs who have castrated themselves for the kingdom of heaven,* which St. Jerome uses, *lib. 1. cont. Iovinianum.* The same St. Bonaventure uses *in Diaeta, titulo 6. capite 2.*

> *Id etiam exprimitur illis verbis* Matth. 19. Sunt qui seipsos castraverunt propter regnum caelorum, *quo utitur D. Hieron.* lib. 1. cont. Iovinianum. *Eodem utitur D. Bonavent.* in Diaeta, titulo 6. capite 2.

51 The same is proved by St. Bonaventure *ad 21. Lucae,* by the example of that Widow, who, one mite cast into the Gazophylacium, pleased God more than those who were throwing in whole gold coins; but this was done because she cast in of her want: Therefore merit grows from the force of the work, as St. Gregory, homil. 5 in Evang., and Beda upon those words expound.

> *Idem probatur a D. Bonavent.* ad 21. Lucae, exemplo illius Viduae, quae uno minuto demisso in Gazophylacium, plus Deo placuit, quam illi, qui integros aureos iaciebant; hoc autem factum est, quia de sua penuria misit: Ergo ex vi operis crescit meritum, ut exponunt S. Gregorius homil. 5. in Evang. et Beda ad ea verba.

52 Bannes answers that she prevailed by a greater charity: it is confirmed by him from St. Gregory *loc. cit., and* the Glossa *Interlin. on this passage, and St. Vincent, serm. 4. in septuag.,* saying that God weighs, not how much is offered, but from how much affection, as St. Bonaventure relates on that passage.

> *Respondet Bannes, eam praevaluisse ex maiori charitate: Confirmatur ab eo ex D. Gregorio* loc. cit. et *Glossa* Interlin. ad hunc locum, et D. Vincentio serm. 4. in septuag. dicentibus, Perpendere Deum, non quantum offertur, sed ex quanto affectu, ut refert S. Bonavent. ad eum locum.

53 But it teems with equivocation: for they wish to say that God regards not only that which is given, but rather with what affection, which indeed is not only from charity, but from the object of that virtue. Therefore Christ says *Matth. 10: Whosoever shall give a cup of cold water to one of the least of these, shall not lose his reward,* as the Saintly Doctor observes on that passage of *Luca,* where he brings forward other passages of Scripture proving that even the affection of the other virtues pertains to essential merit. Thus 66. *Isaia: Upon whom shall I look, except upon the poor, and the contrite of heart, and trembling at my words. Psalm. 101: He hath regarded the prayer of the humble. And Eccl. 35: Do not the tears of the widow go down to the cheek? for from the cheek they go up even to heaven. And Tobiae 4: If thou have but little, be studious to impart even a little gladly.*

> *Sed aequivoco scatet: Volunt enim dicere, Deum non respicere solum id, quod datur; sed magis quo affectu, qui quidem est, non solum ex charitate, sed ex obiecto illius virtutis. Ideo ait Christus* Matth. 10. Qui dederit uni ex minimis meis calicem aquae frigidae, non perdet mercedem, *ut observat ad eum locum* Luca S. Doct. *ubi alia affert Scripturae loca probantia, etiam affectum aliarum virtutum esse ad meritum essentiale. Sic 66.* Isaia: Ad quem respiciam nisi ad pauperculum, et contritum corde, et trementem sermones meos. Psalm. 101. Respexit in orationem humilium. Et Eccl. 35. Nonne lachrymae viduae ad maxillam descendunt: a maxilla enim ascendunt usque ad caelum. Et Tobiae 4. Si exiguum tibi fuerit, etiam exiguum libenter impertiri stude.

[Page 102 of the 1676 edition is missing from the only scan of this volume available to us, and therefore from this text. It held the end of Question XI and the heading and beginning of Question XII; the heading is supplied from the printed index.]

Question XII: Whether charity can be increased without limit

1 Thou shalt love the Lord thy God with thy whole heart, and with thy whole soul, and with thy whole strength; but this precept is fulfilled with perfect execution only in the fatherland. Therefore it

must be granted that it is then fulfilled completely when there is no other capacity in the heart; otherwise it would not be said *with the whole heart*. Nor is it true that a more intense quality makes the nature of the subject more disposed beyond its capacity; but within its limits. Therefore, if some subject is apt to receive so much heat as 4, it will not be able for 5 to accede. Thus therefore neither does the supernatural disposition dilate the power of capacity to infinity, but unto a limited term.

> *Diliges Dominum Deum tuum ex toto corde tuo, ex tota anima tua, ex tota virtute, hoc vero praeceptum perfecta executione solum in patria impletur. Igitur oportet dari, ut tunc complete impleatur, quando non est alia capacitas in corde, alioqui non diceretur* in toto corde. *Neque est verum, qualitatem intensiorem reddere magis dispositam naturam subiecti ultra eius capacitatem; sed intra limites eius. Itaque, si aliquod subiectum est aptum recipere tantum calorem ut 4. non poterit advenire ut 5. Sic igitur neque supernaturalis dispositio dilatat potentiam capacitatis in infinitum, sed usque ad terminum limitatum.*

2 It is PROVED secondly by the Saintly Doctor. What in bodily things is bulk, that in spiritual things is virtue, and they stand proportionally, as St. Augustine teaches *de quantitate animae, cap. 3.* but in the quantity of bulk, by reason of the subject, the whole augmentation has a certain fixed state, because, as Aristotle says, 2 *de anima, textu 41: Of all things constituted by nature there is a term, and a ratio, of magnitude and of augmentation:* Therefore similarly in the quantity of virtue. Gallus uses this reason *3. dist. 13. quaest. 1. cap. 3,* and the author of the controversiae, Sotus *contr. 10, secunda Pars.*

> *PROBATUR secundo a S. Doctore. Quod est in corporeis moles, hoc est in spiritualibus virtus, et proportionaliter se habent ut docet D. Augustinus* de quantitate animae, cap. 3. *sed in quantitate molis ratione subiecti totum augmentum habet certum statum, quia, ut ait Aristoteles* 2. de anima, textu 41. Omnium natura constantium terminus est, et ratio magnitudinis, et augmenti: *Ergo similiter in quantitate virtutis. Hac ratione utuntur Gallus* 3. dist. 13. quaest. 1. cap. 3. *et author controvers. Sotus* contr. 10. secunda, Parti.

3 But the reason is taken in both genera also from the finitude of perfection; for as the quantity of bulk is finite according to the natural and ordinary course, so also grace, which is a participation of God. Therefore it is said *Sap. 11: Thou hast ordered all things in number, measure, and weight.* Thus Scotus also argues. For it is a finite participation of the infinite; otherwise heat could be infinite. By which the response of Mastrius is refuted, *disp. 10. Phys. quaest. 4. n. 65: That the fire of hell can grow on the part of the receptive subject.*

> *Ratio autem sumitur in utroque genere etiam ex finitate perfectionis; Sicuti enim quantitas molis est finita secundum cursum naturalem ordinarium, ita et gratia, quae est participatio Dei. Ideo ait* Sap. 11. Omnia in numero, mensura, et pondere disposuisti. *Sic arguit etiam Scotus. Est enim participatio finita infiniti, alioqui calor esse posset infinitus. Quo refellitur Mastrii responsio* disp. 10. Phys. quaest. 4. n. 65. Ignem inferni crescere posse e parte subiecti receptivi.

4 Cajetan answers that the reason is not the same concerning natural things and supernatural things: for heat, for example, is a participation of the infinite, not with formal congruence; but Charity is with formal congruence; for God is formally Charity, but heat is not formally God. Further, concerning natural things Aristotle indeed says, 2 *Animae* text. 41: *Of natural things also the augmentation has a state.*[2]

[2] Editor's note: the print/OCR reads 'Omnium naturalium etiam statum augmentum'; kept as printed because both the scan transcription and the OCR dump agree, though the Aristotle quotation (2 *Animae* text. 41) appears garbled in the 1655 print itself.

Respondet Caietanus, non esse parem rationem de naturalibus, et supernaturalibus: Nam calor, v. g. est participatio infiniti, non cum convenientia formali; Charitas autem est cum convenientia formali; nam Deus formaliter est Charitas, non autem formaliter est calor. Porro de naturalibus quidem ait Aristoteles 2. Animae *text. 41.* Omnium naturalium etiam statum augmentum.

5 BUT this response is cold; for it seems to suppose that Charity, by which we are perfected, is God himself, and not a created habit, which is an error. But suppose that God is formally Charity; nevertheless he himself is not that Charity by which we are perfected by habit, or act. Whence the parity runs, that since Charity is a created participation of God, it has a finite and terminated perfection. But that the object of love is infinite makes nothing, as the Saintly Doctor observes *ad ultimum;* for the object is God, infinite, with whom our created Charity is not commensurate.

SED haec responsio frigida est; nam videtur supponere, Charitatem, qua perficimur, esse ipsum Deum, non autem habitum creatum, quod est error. Esto autem Deus sit formaliter Charitas, attamen ipse non est illa Charitas, qua nos perficimur habitu, vel actu. Unde currit paritas, quod cum Charitas sit participatio creata Dei, habeat finitam, et terminatam perfectionem. Quod vero obiectum amoris sit infinitum, nil facit, ut observat S. Doctor ad ultimum; *nam obiectum est Deus infinitus, cui non commensuratur Charitas nostra creata.*

6 Caspensis answers that the habit is not varied by the multiplication of the parts continuing it, and participating the same nature, but by the diversity of the essential degrees, of which the quiddity and the species of it consist; and this has more place in acts, which regard an infinite object. Mastrius answers the same *loco citato, Scrin 3. disp. 2. quaest. 3. art. 1.*

Respondet Caspensis; non variari habitum ex multiplicatione partium continuantium, atque eamdem naturam participantium, sed ex diversitate graduum essentialium, e quibus constat quidditas, et species illius, et hoc magis locum habet in actibus, qui respiciunt obiectum infinitum. Idem respondet Mastrius loco citato Scrin 3. disp. 2. quaest. 3. art. 1.

7 BUT this response is frivolous: for in accidental beings the degrees of intension are substantial, for example in heat eight degrees signify the summit of the perfection of heat, nor can it ascend to nine; for the virtue arises from the essence, nor does it transcend it. Therefore the degrees of Charity, since they arise from a finite essence, must be finite, as the Saintly Doctor argues; for an effect is not nobler than its cause. But although acts regard an infinite object, nevertheless they regard it, as the habit also does, according to their own capacity, and virtue, which is created; and accordingly from a finite potency they have a finite intension. This argument, however, is not to the taste of the Saintly Doctor, as I said *p. p. Tract. 5. disp. 8. quaest. 5.*

SED haec responsio frivola est: Nam in entibus accidentalibus gradus intensionis sunt substantiales, v. g. in calore octo gradus dicunt summam perfectionem caloris, neque potest ad novem ascendere; nam virtus oritur ex essentia, nec eam transcendit. Itaque gradus Charitatis, cum ex essentia finita oriantur, debent esse finiti, ut arguit S. Doctor; non enim est effectus nobilior sua causa. Quamvis vero actus respiciant obiectum infinitum, illud tamen respiciunt, sicuti et habitus, secundum suam capacitatem, et virtutem, quae creata est; atque adeo a potentia finita habent finitam intensionem. Hoc tamen argumentum non est ad quadrum S. Doctoris, ut dixi p. p. Tract. 5. disp. 8. quaest. 5.

8 It is PROVED thirdly. That is perfect to which in its genus no addition is possible: but there is given a perfect Charity in the fatherland: Therefore. The major is Aristotle's, *primo caeli, textu 12.* The minor is proved from prima *Corinth. 13: When that which is perfect shall come, that which is in part shall be done away;* but this perfect, he says, is Charity.

PROBATUR tertio. Perfectum est, cui in suo genere non est possibilis additio: sed datur Charitas perfecta in patria: Ergo. Maior est Aristotelis primo caeli, textu 12. *Minor probatur ex prima* Corinth. 13. Cum advenerit quod perfectum est, evacuabitur, quod ex parte est; *hoc autem perfectum, ait, esse Charitatem.*

9 It is PROVED fourthly by the Saintly Doctor. The more perfect anything is among creatures, the more it is joined to an end: but Charity is perfect: Therefore; but if it were augmentable to infinity, it would have no end.

PROBATUR quarto a S. Doctore. Quanto aliqua res perfectior est inter creaturas, tanto fini coniungitur: sed Charitas est perfecta: Ergo; at si esset in infinitum augmentabilis, non haberet finem.

10 St. Thomas ANSWERS that Charity has an end, but in the other life. Yet this does not resolve it, because an end, which is a terminus, must be given to each finite thing in itself.

RESPONDET D. Thomas, Charitatem habere finem, sed in alia vita. Hoc tamen non solvit, quia finis, qui est terminus, debet dari cuique finito in se.

11 They have ONE reason only, taken from the infinity of God the agent, and from the part of the object, which is infinitely lovable.

UNICAM rationem habent, sumptam ex infinitate agentis Dei, et ex parte obiecti, quod est infinite amabile.

12 BUT these are worn away by St. Bonaventure. For although the object be infinitely lovable, nevertheless the power of the creature is finite; whence, as it is infinitely intelligible, nevertheless the intelligibility is limited by reason of the created intellective power; so also in our matter. But that the principal agent is infinite makes nothing; otherwise all the effects of God would be infinite; but they are limited by their own capacity; for God does not act as much as he can act, as the Saintly Doctor observes.

SED haec atteruntur a S. Bonavent. Nam licet obiectum sit infinite amabile, tamen potentia creaturae est finita; unde, sicuti est infinite intelligibile, attamen ratione potentiae creatae intellectivae limitatur intelligibilitas; ita etiam in re nostra. Quod vero agens principale sit infinitum, nihil facit, alioqui omnes effectus Dei essent infiniti, sed limitantur ex propria capacitate; non enim Deus agit, quantum potest agere, ut observat S. Doctor.

Question XIII: Whether, and how, charity in this life is perfect

1 IT IS CERTAIN, as the holy Doctor says *dist. 17, last question, that there are some perfect in Charity, even in the wayfaring state.* That perfection is twofold, as D. Bonaventure teaches *3. dist. 30, question 2.* One is of necessity, which excludes mortal sin, by observing the law: the other of supererogation, of which *Matth. 19. If thou wilt be perfect, go, etc.* But the perfection of this life is that in Charity of which the latter speaks, *Ioan. 3, not one that excludes even venial sins;* for this is the perfection of the fatherland, while this other is that of the way, of Christ, and of his sweetest mother, as S. Bonaventure indicates *loco cit.* and the Council of Milevis defines *cap. 6, 7, and 8.* and the Council of Trent *session 6, cap. 11 and can. 13.* Hence D. Augustine *Lib. 1. de doct. Christ. cap. 39.* concludes that there is no perfection in the way equal to the perfection of some blessed soul. Therefore in this life there is perfect charity, as D. Augustine says above, and D. Bernard *serm. 2. de S. Michaële,* when, the passions having been tamed, the soul is found expedite for the acts of the virtues. The Charity of the way is divided into the Charity of Beginners, of the Proficient, and of the Perfect. See D. Thom. *art. 8.*

CERTUM est, ut ait S. Doctor dist. 17. quaest. ultima, dari aliquos in Charitate perfectos, etiam in via. *Ea vero perfectio est duplex, ut docet D. Bonavent.* 3. dist. 30. quaest. 2. *Alia necessitatis, quae excludit peccatum mortale, observando legem: alia supererogationis, de qua* Matth. 19. Si vis perfectus esse, vade, etc. *Ea autem est huius vitae perfectio in Charitate, de qua secunda,* Ioan. 3. non quae excludat etiam venialia; *haec enim est perfectio patriae, et in via, Christi, et dulcissimae matris, ut indicat S. Bonavent.* loco cit. *et definit Concilium Milevit.* cap. 6. 7. et 8. *et Tridentinum* sess. 6. cap. 11. et can. 13. *Unde D. Augustinus* Lib. 1. de doct. Christ. cap. 39. *concludit, nullam esse perfectionem in via, quae sit aequalis cum perfectione alicuius beati. Igitur in hac vita est perfecta charitas, ut ait D. August. supra, et D. Bernardus* serm. 2. de S. Michaële, *quando edomitis passionibus expedita invenitur anima ad actus virtutum. Dividitur Charitas viae in Charitatem Incipientium, Proficientium, et Perfectorum. Vide D. Thom.* art. 8.

2 IT IS PROVED by D. Bonaventure *primo, dist. 27. part. 2. quaest. 2.* Forms are intensified by approach to their term and by the removal of the admixture of the contrary, from Aristotle *3. Top. cap. 4. and 3. Phys. text 19.* but as concupiscence diminishes, Charity in the way is increased and perfected, from D. Augustine *Lib. 83. qq. question 36. and in Enchir. last chapter; which is 121.* For the fervor of Charity is intensified, which leads to perfection, although the degrees of Charity themselves would also be increased even if concupiscence were not present, as is evident in the Angels, and in Adam innocent, in whom Charity would have been increased *confess. cap. 29. He loves thee less who loves something with thee which he does not love for thy sake.*

PROBATUR a D. Bonavent. primo, dist. 27. part. 2. quaest. 2. *Formae intenduntur per accessum ad terminum, et impermixtionem contrarii, ex Aristotele* 3. Top. cap. 4. et 3. Phys. textu 19. *sed quo minuitur concupiscentia, edaugetur, et perficitur Charitas in via, ex D. Augustino* Lib. 83. qq. quaest. 36. et in Enchir. cap. penultimo; quod est 121. *intenditur enim fervor Charitatis, qui ad perfectionem deducit, licet et gradus ipsi Charitatis augeantur, etiamsi non adesset concupiscentia, sicut patet in Angelis, et in Adamo innocente, in quibus aucta esset Charitas* confess. cap. 29. Minus te amat, qui aliquid tecum amat, quod non propter te amat.

[Page 104 of the 1676 edition is missing from the only scan of this volume available to us, and therefore from this text. It held the end of Question XIII and the heading and beginning of Question XIV; the heading is supplied from the printed index.]

Question XIV: Whether charity can be diminished

1 The holy Doctor *answers,* Charity is diminished as to fervor. And although by venial sin one disposes oneself to the ruin of Charity; yet God does not on that demerit, congruously, diminish charity; just as he increases it from the disposition of good acts, because God is more prone to show mercy than to punish. Hence the following objection is solved.

Respondet *S. Doctor, minui Charitatem quoad fervorem. Quamvis autem per veniale peccatum se disponat ad ruinam Charitatis; tamen non minuit Deus ex hoc demerito congruo charitatem; sicut auget ex dispositione actuum bonorum, quia pronior est Deus ad miserendum, quam ad puniendum. Hinc solvitur sequens obiectio.*

2 You *object* secondly. As man advances while profiting, so he falls back; but by progress Charity is increased: Therefore while he falls back, it is diminished.

Obiicies *secundo. Sicut homo progreditur proficiens, ita retrocedit; sed per profectum augetur Charitas: Ergo dum retrocedit, minuitur.*

3 The holy Doctor *answers,* from what has been said, that man in falling back is only weakened as to fervor, because Charity is not destroyed except by the mortal contrary; while he profits, he ascends as

to the degrees of Charity meritoriously. Moreover God is more prone to bestow graces than to inflict punishments.

> Respondet *S. Doctor, ex dictis, hominem retrocedendo solum debilitari quoad fervorem, quia Charitas non destruitur, nisi a mortali contrario, dum autem proficit, ascendit quoad gradus Charitatis meritorie. Deinde pronior est Deus ad gratias, quam ad poenas immittendas.*

4 You *object* thirdly. That which is the cause of its own weakening in the term is the cause of diminution in the way; but the will in aversion is the cause of the destruction of Charity: Therefore also in disposition it is the cause of diminution.

> Obiicies *tertio. Id, quod est causa suae debilitationis in termino, est causa diminutionis in via; sed arbitrium in aversione est causa destructionis Charitatis: Ergo et in dispositione est causa diminutionis.*

5 The holy Doctor *answers,* by denying the Major: for a substantial form is destroyed only in the term, and no part of it in the time of the dispositions.

> Respondet *S. Doctor, negando Maiorem: forma enim substantialis destruitur solum in termino, et nulla pars eius in tempore dispositionum.*

6 He *answers secondly,* that the Major is true when the disposition and the term are of the same rational character; but in our case the term is mortal sin; the disposition, however, is venial.

> Respondet *secundo, Maiorem esse veram, quando dispositio, et terminus sunt eiusdem rationis; at in casu nostro, terminus est peccatum mortale; dispositio autem est veniale.*

7 He *answers thirdly,* that Charity depends on the Divine influence and acceptance; and thus God increases it, accepting the works; nor does he impute venial sins to this penalty.

> Respondet *tertio, Charitatem pendere a Divina influentia, et acceptatione; et ita auget, acceptans opera; neque venialia ad hanc poenam imputat.*

8 You *object* fourthly. Opposites naturally come to be about the same thing; but charity is increased: Therefore it is also diminished.

> Obiicies *quarto. Opposita nata sunt fieri circa idem; sed charitas augetur: Ergo et minuitur.*

9 The holy Doctor *answers,* granting the Major, unless one be present by nature and the other not: increase is in Charity by nature, with the acceptance of God added; but diminution comes only from our own will: Therefore.

> Respondet *S. Doctor, Maiorem veram, nisi alterum insit per naturam, alterum non sit: augmentum inest ex natura Charitati, addita Dei acceptatione; diminutio autem ex nostro arbitrio tantum venit: Ergo.*

10 You *object* fifthly. Things that are separable can be separated; but the first degrees of Charity were without the degrees added by increase: Therefore.

> Obiicies *quinto. Quae sunt separabilia, possunt separari; sed primi gradus Charitatis erant sine gradibus additis per augmentum: Ergo.*

11 The holy Doctor *answers,* that there is nothing to separate them, and therefore they cannot be separated; for neither can we do it, who do not physically influence the habit of Charity; nor yet God, who does not influence it except to destruction, and indeed with man first turning himself away.

> Respondet *S. Doctor, nihil esse quod eos separet, ideo nequeunt separari; non enim nos id possumus, qui non influimus physice in Charitatis habitum; neque etiam Deus, qui non influit nisi ad destructionem, et quidem homine se prius avertente.*

Question XV: Whether charity can be lost, and how

1 Of old there was the error of the Jovinians, who said that Charity and grace, once had, cannot be lost. So reports D. Jerome *Lib. 1 [contra Iovinianum] and 1 against the same.*

> ***An Charitas corrumpi queat, et quomodo.***
>
> *Fuit antiquitus error Ioviniani dicentis, charitatem, et gratiam semel habitam, amitti non posse. Sic refert D. Hieronymus* Lib. 1. et 1. contra eundem.

2 In that error was also Pelagius, as is clear from D. Augustine *Lib. de haeresibus, cap. 88.* Likewise the Beghards and Beguines, as is clear from the Clementine, *Ad nostram.* Wycliffe, as Vega reports *Lib. 12 super Concilium, cap. 22.* Finally Calvin, who devoured nearly all heresies, swallowed this one too *Lib. 3 Instit. cap. 4.* Bellarmine reports and refutes them *Lib. 3 de Iustific. cap. 14.* Bouetius *demonstr. 2 Symb. 2 art. 3.* Valencia *1. 2 disp. 3 q. 2 puncto 4.* S. Bonaventure calls this error madness.

> *In eo errore fuit etiam Pelagius, ut constat ex D. Augustino* Lib. de haeresibus, cap. 88. *Similiter Beguardi, et Beguinae, ut constat ex Clementina,* Ad nostram. *Vuicleph, ut refert Vega* Lib. 12. super Concilium, cap. 22. *Tandem Calvinus, qui omnes fere devoravit haereses, hanc quoque deglutivit* Lib. 3. Instit. cap. 4. *eos refert, et refellit Bellarminus* Lib. 3. de Iustific. cap. 14. *Bouetius* demonst. 2. Symb. 2. art. 3. *Valentia* 1. 2. disp. 3. quaest. 2. puncto 4. *Hunc errorem S. Bonaventura vocat insaniam.*

3 Yet the true and Catholic de fide teaching is that a just man can fall from Charity.

> *Vera tamen, et Catholica de fide sententia est, posse iustum cadere a Charitate.*

4 *It is proved* by D. Bonaventure first by examples recounted many times in Scripture.

> Probatur *a D. Bonavent. primo exemplis in Scriptura pluries enarratis.*

5 For first Adam and Eve, established in grace, sinned most grievously; whence the sin of Adam found death *Rom. 5. By one man sin entered into this world, and by sin death.*

> *Primo enim Adam, et Eva, in gratia constituti, gravissime peccarunt; unde peccatum Adae mortem invenit* Rom. 5. Per unum hominem peccatum intravit in mundum, et per peccatum mors.

6 Next Saul was just; for so you have *1 Reg. 9. Saul was elect and good: and there was not among the sons of Israel a man better than he.* The same is intimated *cap. 15 and 16,* and adduced by D. Augustine *Lib. 2 ad Simplicianum, quaest. 1.* Cyprian *Lib. 1 epist. 5.* Whence you see Calvin lying, who denies it.

> *Deinde Saul erat iustus; Sic enim habes primo* Reg. 9. Erat Saul electus, et bonus: et non erat vir de filiis Israel melior illo. *Idiplum insinuatur* cap. 15. et 16. *et afferunt D. Augustinus* Lib. 2. ad Simplicianum, quaest. 1. *Cyprianus* Lib. 1. epist. 5. *Ex quo vides mentiri Calvinum, id negantem.*

7 Accordingly David was so just that of him it was said, *Act. 13. I have found David the man after my own heart, who shall do all my wills.* This testimony was taken from *1 Reg. 16.* But who will deny that he sinned gravely by the homicide of Urias and adultery with Bethsabee? Surely his penitential Psalms openly testify to his repentance, which presupposes sin.

Proinde David adeo iustus erat, ut de eo dictum sit, Act. 13. Inveni David virum secundum cor meum, qui faciet omnes voluntates meas. *Sumptum est autem hoc testimonium ex* primo Reg. 16. *At eum graviter peccasse homicidio Uriae, et adulterio cum Bethsabea, quis negabit? Sane Psalmi eius poenitentiales aperte testantur poenitentiam ipsius, quae peccatum supponit.*

8 The son of David also, Solomon, was just; for of him *2 Reg. 7.* the Lord says: *I will be to him a Father, and he shall be to me a son;* and *cap. 12. And he called his name Solomon, and the Lord loved him. And he sent by the hand of Nathan the prophet, and called his name, Beloved of the Lord, because the Lord loved him.* He was the son of David, a holy man, from which Calvin and Peter Martyr infer that he was holy. But that this man in old age fell from justice, Scripture testifies *3 Reg. 11.* where his Idolatries are enumerated, and his filthy loves with forbidden women *Exodi 34,* and he is proclaimed condemned by many holy Fathers, whom Serlogus reports in the *Antilogiae of the Canticle,* Pineda *de rebus Salomonis,* and others. Hear D. Augustine *Lib. 22 cont. Faustum, cap. 88. What shall I say of Solomon? Whom holy Scripture vehemently charges and condemns; and it commemorates nothing at all of his repentance or of God's indulgence toward him.*

Filius etiam Davidis Salomon erat iustus, de eo enim 2. Reg. 7. *ait Dominus:* Ego ero illi in Patrem, et ipse erit mihi in filium, et cap. 12. Et vocavit nomen eius Salomon, et Dominus dilexit eum. Misitque in manu Nathan prophetae, et vocavit nomen eius, Amabilis Domino, eo quod eum Dominus diligeret. *Davidis viri sancti erat filius, ex quo inferunt Calvinus, et Petrus Martyr, fuisse sanctum. Hunc autem virum in senectute a iustitia excidisse, testatur Scriptura* 3. Reg. 11. *ubi Idolatriae eius recensentur, et spurci amores in foeminas vetitas* Exodi 34. et *a pluribus SS. PP. damnatus conclamatur, quos referunt Serlogus in* Antilogiarum Cant. *Pineda* de rebus Salomonis, *et alii. Audi D. Augustinum* Lib. 22. cont. Faustum, cap. 88. De Salomone quid dicam? Quem vehementer arguit sancta Scriptura, atque condemnat; nihilque de poenitentia eius, vel in eum indulgentia Dei, omnino commemorat.

9 Let us come to the just of the New Testament. Peter without doubt was just, of whom *Matth. 16. Blessed art thou Simon Bar-Iona.* And *Ioan. 13. He who is washed, needeth not but to wash his feet, etc. And you are clean, but not all.* For he knew who was about to betray him. Therefore he acclaims all the Apostles as just, Judas excepted; and yet he sinned lethally, denying Christ, as he notes from D. Augustine *tract. 66 in Ioan.* S. Bonaventure *ad eum locum,* and the Magdeburgenses confess it *Centur. 1 Lib. 2 cap. 10.*

Veniamus ad iustos novi testamenti, Petrus sine dubio iustus erat, de quo Matth. 16. Beatus es Simon Bar-Iona. *Et* Ioan. 13. Qui lotus est, non indiget, nisi ut lavet pedes, etc. Et vos mundi estis, sed non omnes. *Sciebat enim quis esset eum traditurus. Ideo omnes Apostolos iustos acclamat, Iuda excepto; et tamen lethaliter peccavit, negando Christum, ut notat ex D. Augustino* tract. 66. in Ioan. *S. Bonavent.* ad eum locum, *et fatentur Magdeburgenses* Centur. 1. Lib. 2. cap. 10.

10 Iudas therefore was previously just, as D. Jerome shows *Lib. 3 adversus Pelagianos,* from those words of the Lord, *Ioan. 17. Father, those whom thou hast given me I have kept, and none of them is lost but the son of perdition,* as S. Bonaventure saw *in his commentary.*

Ivdas igitur fuit antea iustus, ut ostendit D. Hieron. Lib. 3. adversus Pelagianos, *ex illis verbis Domini,* Ioan. 17. Pater quos dedisti mihi custodivi, et nemo ex eis periit, nisi filius perditionis, *ut vidit S. Bonau.* in commentario.

11 Similarly the other Apostles, whom I showed above to be just, doubted in faith, as it is had *in Mark and Luke, last chapter.*

> *Similiter alii Apostoli, quos supra iustos ostendi, dubitaverunt in fide, ut habetur.* Marci, et Lucae ultimo.

12 Some disciples also *Ioannis 6. went back and left Christ.*

> *Aliqui etiam discipuli* Ioannis 6. retro abeuntes, Christum dereliquerunt.

13 *It is proved* secondly by S. Thomas from the testimonies of Scripture asserting it. *Prima Corinth. 10. He who thinks himself to stand, let him take heed lest he fall. Ezech. 18. When the just man shall turn himself away from his justice and do iniquity, he shall die in it. The same is had in chapter 33.* Bouer adds these.

> Probatur *secundo a S. Doctore testimoniis Scripturarum, id asserentibus*. Prima Corinth. 10. Qui se existimat stare, videat ne cadat. Ezech. 18. Cum averterit se iustus a iustitia sua, et fecerit iniquitatem, morietur in illa. Idem habetur capite 33. *Subsumit Bouer.*

14 By yourselves justice stands in Faith alone: Therefore it also is lost. *Lucae 8. For that on the rock, who when they hear the word with joy receive it; but these have no roots, for they believe for a while, and in time of temptation fall away.* To which passage S. Thomas adds *Deuter. 32.* of the people: *He forsook God his saviour.* And *Oseae 7. Woe to them, for they have departed from me. Ioan. 15. Every branch in me not bearing fruit, he will take it away.* Where S. Bonaventure observes that these branches were once living, and are taken away because the graces of God are lacking, contrary to the warning *Heb. 12.* and are taken away stripped of grace and cast into the fire, as D. Augustine expounds *tract. 81.*

> *Per vos iustitia stat in sola Fide: Ergo et haec amittitur.* Lucae 8. Nam quod super petram, qui cum gaudio suscipiunt verbum, sed hi radices non habent, sed ad tempus credunt, et in tempore tentationis recedunt. *Ad quem locum S. Doctor addit id* Deuter. 32. *de populo:* Recessit a Deo salutari suo. *Et* Oseae 7. Vae eis, quoniam recesserunt a me. Ioan. 15. Omnem palmitem, in me non ferentem fructum, tollet eum. *Ubi observat S. Bonavent. palmites hos vivos aliquando fuisse, et tolli, quia desunt gratiae Dei contra monitum* Heb. 12. *tolli autem privatos gratia, et mitti in ignem, ut exponit D. Augustinus* tract. 81.

15 *Matth. 24. Iniquity shall abound, and the Charity of many shall grow cold. But he that shall persevere to the end, he shall be saved. Prima Cor. 9. I chastise my body, lest perhaps, when I have preached to others, I myself should become a reprobate. Galat. 5. You are made void of Christ, who are justified in the Law; you are fallen from grace. Prima Timot. first chapter. Some have suffered shipwreck concerning the faith. And cap. 4. In the last days some shall depart from the Faith; and cap. 6. Which some seeking after, have erred from the Faith. Heb. 6. It is impossible for those who were once illuminated, have tasted also the heavenly gift, and been made partakers of the Holy Spirit; have nevertheless tasted the good word of God and the powers of the world to come, and are fallen away, to be renewed again unto repentance. Apoc. 2. I have somewhat against thee: that thou hast left thy first Charity; be mindful from whence thou art fallen, etc.*

> Matth. 24. Abundabit iniquitas, refrigescet Charitas multorum. Qui autem perseveraverit usque finem, hic salvus erit. Prima Cor. 9. Castigo corpus meum, ne forte cum aliis praedicavero, ipse reprobus efficiar. Galat. 5. Evacuati estis a Christo, qui in Lege iustificamini, a gratia excidistis. Prima Timot. primo. Quidam circa fidem naufragaverunt. Et cap. 4. In novissimis diebus discedent quidam a Fide; et cap. 6. Quam quidam appetentes, erraverunt a Fide. Heb. 6. Impossibile est, eos, qui semel illuminati sunt, gustaverunt etiam donum caeleste, et participes facti sunt Spiritus sancti; gustaverunt nihilominus bonum Dei verbum, virtutesque saeculi venturi, et prolapsi sunt, renovari iterum ad poenitentiam. Apoc. 2. Habeo adversum te pauca: quod Charitatem primam reliquisti; memor esto unde excideris, etc.

16 *It is PROVED thirdly* from the definition of the Church. In the Council of Vienne, as is had in the Clementine *cis*; of Trent *sess. 6 cap. 12 and 13 and can. 23.* where it is said: *If anyone shall say that a man once justified cannot sin again, nor lose grace, and therefore that he who falls and sins was never truly justified; let him be anathema.*

> PROBATUR tertio *ex definitione Ecclesiae. In Conciliis Vien. ut habetur in Clement.* cis. *Tridentino* sess. 6. cap. 12. et 13. et can. 23. *ubi dicitur:* Si quis dixerit, hominem semel iustificatum, amplius peccare non posse, neque gratiam amittere, atque ideo eum, qui labitur, et peccat, nunquam vere fuisse iustificatum; anathema sit.

17 *It is PROVED fourthly* by S. Thomas from the authorities of the Fathers which the Master reports. To these add the holy Augustine *Lib. de corrept. et gratia, cap. 13 and Lib. de praedest. Sanctorum, cap. 14.* Cyprian *Lib. de Lapsis,* Ambrose *exhort. ad Poenit.* Jerome *Lib. 2 contra Iovinianum,* Gregory *lib. 1 moral. c. 42 and lib. 30 cap. 32.* Chrysostom *homil. 24 in Matth.*

> PROBATUR quarto *a S. Doctore authoritatibus Patrum, quas refert Magister. His adde SS. Augustinum* Lib. de corrept. et gratia, cap. 13. et Lib. de praedest. Sanctorum, cap. 14. *Cyprianum* Lib. de Lapsis*, Ambros.* exhort. ad Poenit. *Hieron.* Lib. 2. contra Iovinianam*, Gregor.* lib. 1. moral. c. 42. et lib. 30. cap. 32. *Chrysost.* homil. 24. in Matth.

18 *It is PROVED fifthly* by S. Thomas: It is certain that baptized infants are justified and enriched with grace and Charity, and yet many in adult age sin gravely, even by falling away from the Faith. The major is conceded also by the Lutherans; indeed Calvin, Peter Martyr, and Bucer assert it even without baptism, as Bellarmine reports, who presses this argument.

> PROBATUR quinto *a S. Doctore: Certum est, parvulos baptizatos iustificari, et ditari gratia et Charitate, et tamen multi in aetate adulta peccant graviter, etiam deficiendo a Fide. Maior conceditur etiam a Lutheranis, imo sine baptismo id asserunt Calvinus, Petrus Martyr, Bucerus, ut refert Bellarminus, qui hanc rationem urget.*

19 But who will say that all of them are predestinated and impeccable? Yet if all baptized in infancy are predestinated and cannot perish, by what reasoning do we cry all the baptized children of Antichrist and miserably fallen?

> *Quis autem dicet, eos omnes esse praedestinatos, et impeccabiles? At si omnes baptizati in infantia praedestinati sunt, et perire non possunt, qua ratione nos omnes baptizatos, filios clamant Antechristi, et misere elapsos?*

20 *It is PROVED sixthly.* It is easier to fall away from Charity than to make progress; and to fall than to rise; it is easier also to lose Charity than faith; because when Faith is lost, Charity is lost, but not the reverse; but it is possible for a man who has not Charity to acquire it: it is possible also for a man having Faith to fall away from the Faith: Therefore it is easier for one having Charity to fall from it.

> PROBATUR sexto. *Facilius est deficere a Charitate, quam proficere; et cadere, quam resurgere; facilius est etiam perdere Charitatem, quam fidem; quia perdita Fide, perditur Charitas, sed non e contra; sed possibile est, hominem, qui non habet charitatem, eam acquirere: possibile est etiam, hominem habentem Fidem, a Fide deficere: Ergo facilius est, habentem Charitatem ab ea cadere.*

21 *It is PROVED seventhly* by S. Thomas: The state of the way is such that free will is free for good and for evil, which is clear from so many precepts, exhortations, promises for good works, threats against sins, with which the whole of Scripture is filled for the present state; all of which would be in vain if man could not fall and did not have liberty toward either.

PROBATUR septimo *a S. Doctore: Status viae est talis, ut liberum arbitrium ad bonum, et ad malum sit liberum, quod constat ex tot praeceptis, exhortationibus, promissis pro bonis operibus, minis peccatorum, quibus tota referta est Scriptura pro statu praesenti; quae omnia essent frustra, si non posset homo cadere, et ad utrumque libertatem haberet.*

22 *The heretics OBJECT* with many authorities, Cant. 8. *Many waters cannot extinguish Charity.*

OBIICIUNT *haeretici multas authoritates, Cant. 8.* Aquae multae non potuerunt extinguere Charitatem.

23 *S. Thomas responds in the Diaeta, tit. 5 cap. 2.* that Charity is that fire of which *Lucae 12. I am come to cast fire on the earth, and what will I, if it be kindled?* and it is kindled by our will cooperating, as S. Thomas observes ad *12 Lucae*. And so Charity is not extinguished so long as we do not will it to be extinguished. Water indeed that is natural extinguishes fire naturally; but waters that are not natural, among which tribulations also are reckoned, do not extinguish Charity. S. Ambrose *Lib. 1 de Iacob cap. 7.* and Gregory to this passage understand tribulations by these waters: *for Charity endureth all things,* from *prima Cor. 13*.

Respondet S. Doctor in Diaeta, tit. 5. cap. 2. *Charitatem esse ignem illum, de quo* Lucae 12. Ignem veni mittere in terram, et quid volo, nisi ut accendatur? *accenditur autem arbitrio nostro cooperante, ut observat S. Doctor ad 12.* Lucae. *Itaque Charitas non extinguitur quamdiu nos nolumus eam extingui. Aqua sane naturalis, naturaliter extinguit ignem; sed aquae non naturales, inter quas etiam tribulationes computantur, non extinguunt Charitatem. Per has autem aquas intelligunt tribulationes S. Ambrosius* Lib. 1. de Iacob cap. 7. *Gregorius ad hunc locum:* Charitas enim omnia suffert, *ex* prima Cor. 13.

24 *They OBJECT secondly* with Ioan. 4. *Whoever shall drink of this water shall not thirst forever; but there shall be made in him a fountain of water springing up unto life eternal.*

OBIICIUNT secundo *id Ioan. 4.* Qui biberit ex aqua hac, non sitiet in aeternum; sed fiet in eo fons aquae salientis in vitam aeternam.

25 *S. Thomas responds to this passage* that he who, drinking of this water, rests in it forever, does not thirst for the waters of concupiscence; and while he refuses the waters of the concupiscence of Egypt, he does not lose these waters: *For they that drink me shall yet thirst*. Eccl. 24, says the Wise Man. Therefore if beside the precious fountain of spiritual goods, which when had are ever more dear, standing in them we hold our lips greedily, as St. Augustine says *Lib. 1 de doct. Christiana, cap. 38.* and Gregory *homil. 36 in Evang.* and ever drink greedily, he will give perennial waters. See also collation 21 of S. Bonaventure on *cap. 4 Ioannis*, where he treats of it admirably.

Respondet S. Doctor ad hunc locum; *illum, qui bibens ex aqua hac, semper in ea quiescit, non sitire aquas concupiscentiae; et dum renuit aquas AEgypti concupiscentiae, non amittere aquas istas:* Qui enim bibunt me, adhuc sitient. *Eccl. 24. ait Sapiens. Igitur si iuxta pretiosum fontem bonorum spiritualium, quae habita semper Chariora sunt, stantes in eis labia avide teneamus, ut ait Sancti, Augustinus* Lib. 1. de doct. Christiana, cap. 38. *et Gregorius* homil. 36. in Evang. *semperque avide biberimus; perennes dabit aquas. Vide etiam collationem 21. S. Bonav. in* cap. 4. Ioannis, *ubi egregie differit.*

26 *They OBJECT thirdly* with Rom. 8. *For I am sure that neither death, nor life, etc. shall be able to separate us from the Charity of God.*

OBIICIUNT tertio *id Rom. 8.* Certus sum enim, quia neque mors, neque vita, etc. poterit nos separare a Charitate Dei.

27 *S. Thomas responds in the Diaeta, tit. 5 cap. 2, and de sex alis Seraphim, cap. 2 and 7 and 8, and de septem Itineribus AEternitatis, dist. 6 and Itinere 4 dist. 5 art. 2.* with D. Augustine *Lib. de moribus Ecclesiae, cap. 11.* that the power of Charity is here expressed, that if it burn in us it makes us undaunted against all tribulations; provided however that we wish to be constant, as Bellarmine also says; and therefore Augustine warns in the same place that Charity can be lost in the way.

> Respondet S. Doctor in Diaeta, tit. 5. cap. 2. et de sex alis Seraphim, cap. 2. et 7. et 8. et de septem Itineribus AEternitatis, dist. 6. et Itinere 4. dist. 5. art. 2. *cum D. Augustino* Lib. de moribus Ecclesiae, cap. 11. *hic exprimi virtutem Charitatis, ut si ardeat in nobis, reddat nos intrepidos contra omnes tribulationes; si tamen nos constantes esse velimus, ut ait etiam Bellarminus; ideo enim ibidem S. Augustinus monet, posse Charitatem in via amitti.*

28 *S. Thomas responds secondly de septem Itineribus AEternitatis, Itinere 4 dist. 5, and in the little work on the Incendium amoris, cap. 2.* that the Apostle speaks with a certain vehemence of resolve, inflamed in prayer, and promising to himself a certain moral security from the grace of God.

> Respondet secundo *S. Doctor* de septem Itineribus AEternitatis, Itinere 4. dist. 5. et opusculo Incendii amoris, cap. 2. *loqui Apostolum ex quadam vehementia propositi, in oratione accensi, et Dei gratia moralem quandam securitatem sibi promittentis.*

29 *They OBJECT fourthly* with prima Corinrh. 13. *Charity never falleth away.*

> OBIICIUNT quarto *id prima Corinrh. 13.* Charitas nunquam excidit.

30 *S. Thomas responds 3 dist. 31 art. 3 quaest. 1.* that it does not fall away of itself, because both in this life and in the future it has its place, as the Gloss says: but in contrast to Faith and Hope, which cease from their entity; the Apostle does not will, however, that no one fall from Charity. S. Thomas also refers to the responses of the Master.

> Respondet S. Doctor 3. dist. 31. art. 3. quaest. 1. *eam ex se non excidere, quia et in hac vita, et in futura locum suum habet, ut ait Glossa: ad oppositum sane Fidei, et Spei, quae ex sua entitate cessant; non vult autem Apostolus, nullum a Charitate excidere. Remittit S. Doctor etiam ad responsiones Magistri.*

31 *They OBJECT fifthly*, prima Ioan. 3. *Whoever is born of God sinneth not: for his seed abideth in him, and he cannot sin; because he is born of God.*

> OBIICIUNT quinto*, prima Ioan. 3.* Qui natus est ex Deo, peccatum non facit: quoniam semen illius in eo manet, et non potest peccare; quoniam ex Deo natus est.

32 *It is answered* from D. Augustine *tract. 5 in epist. Ioan.* Jerome *Lib. 1 adversus Pelag. and Lib. 2 contra Iovinianum*, that while grace abides in us, preserving us in the state of sons of God, we cannot sin; for on that supposition Charity abides, which is contrary to aversion from God: This response is also D. Bonaventure's *ad tertium*.

> Respondetur *ex D. Augustino* tract. 5. in epist. Ioan. *Hieronymo* Lib. 1. adversus Pelag. et Lib. 2. contra Iovinianum*, manente gratia in nobis, in esse filiorum Dei conservante, nos peccare non posse; nam ex suppositione manet Charitas, contraria aversioni a Deo: Haec responsio est etiam D. Bonaventurae* ad tertium.

33 *They also ADD* the presumptuous saying attributed to Augustine *epist. 111. Charity which can be deserted was never true.*

> Addunt *etiam, dictum praesumptum Augustini* epist. 111. Charitas, quae deseri potest, nunquam vera fuit.

34 *It is answered*, that this is not D. Augustine's.

> Respondetur, *illud non esse D. Augustini.*

35 *S. Thomas responds secondly 3 dist. 31 dub. 1.* that the major is true, that is, with respect to the accomplishment of the End, whence it is rather called vain, or void of the end of Faith.

> Respondet secundo *S. Doctor* 3. dist. 31. dub. 1. *maiorem esse veram, idest quo ad confectionem Finis, unde potius dicitur vana, seu fine Fide.*

36 *You OBJECT first*, Charity is stronger than natural love; but the latter unites indissolubly: Therefore.

> OBIICIES primo, *Fortior est Charitas amore naturali; sed hic unit indissolubiliter: Ergo.*

37 *S. Thomas responds*, that Charity is not more noble than natural love in indissolubility, but in object and term and supernatural end.

> Respondet *S. Doctor, Charitatem non esse nobiliorem amore naturali in indissolubilitate, sed in obiecto, et termino, ac fine supernaturali.*

38 *You OBJECT secondly.* A weaker cannot expel a stronger with more force; but Charity is strong as death: Therefore.

> Obiicies *secundo. Non potest validius ab infirmiori expelli; sed Charitas est fortis, ut mors: Ergo.*

39 *S. Thomas responds*; that Charity is not expelled in combat by sin, but fails from the demerit of the sinner and God refusing influx.

> Respondet *S. Doctor; non pelli Charitatem in pugna a peccato, sed deficere ex demerito peccantis, et Deo negante influxum.*

40 *You OBJECT thirdly;* Because sin arises either from love or from perverse fear, from D. Bernard *Lib. de diligendo Deo, cap. 8.* but one having Charity admits neither a perverse fear that depresses, nor a love that wrongly inflames: Therefore.

> Obiicies *tertio; Quia peccatum oritur, vel ex amore, vel ex timore pravo, ex D. Bernardo* Lib. de diligendo Deo, cap. 8. *sed habens Charitatem non admittit, aut timorem prave deprimentem, aut amorem male incendentem: Ergo.*

41 *S. Thomas responds*, that these evil affections are not actually in the composite sense together with Charity prior in time to sin; yet they can be induced previously in origin and expel Charity; for free will, made straight by Charity, can be curved by cupidity.

> Respondet *S. Doctor, hos malos affectus non esse actu in sensu composito cum Charitate prius tempore peccato; possunt tamen induci prius origine, et expellere Charitatem; nam liberum arbitrium, rectum a Charitate, potest cupiditate incurvari.*

42 *You OBJECT fourthly:* The will follows the predominant affection; but this is Charity: Therefore.

> Obiicies *quarto: Arbitrium sequitur affectionem praedominantem; sed haec est Charitas: Ergo.*

43 *It is answered*, that the will follows the affection actually predominant, but not the habit; therefore, although Charity predominate by habit, nevertheless an act can arise that turns the will away, while man established in grace forgets God and thinks on the things of the world.

Respondetur, *arbitrium sequi affectionem actu praedominantem, non autem habitu; ideo, licet praedominetur habitu Charitas, tamen potest actus insurgere avertens arbitrium, dum homo in gratia constitutus, Dei obliviscitur, et cogitat, quae sunt mundi.*

44 *You OBJECT fifthly.* One having Charity has Christ for foundation, and the Holy Spirit for aid.

Obiicies *quinto. Habens Charitatem, habet Christum pro fundamento, et Spiritum sanctum pro adiutorio.*

45 *It is answered*, that Christ sustains only those willing, and the Holy Spirit aids those cooperating. But how mortal sin destroys Charity, physically or morally, was disputed *prima secundae, Tract. de Peccato, disp. 1 quaest. 6.* where I showed that grace and sin are opposed morally, not physically, with D. Bonaventure *in the places there adduced*, and *in 3 dist. 31 a. 1, Scotus in 4 dist. 16 quaest. 2 against the Thomists.*

Respondetur, *Christum sustentare solum volentes, et Spiritum sanctum adiuvare cooperantes. Quomodo vero peccatum mortale destruat Charitatem, physice, an moraliter, disputatum est* prima secundae, Tract. de Peccato, disp. 1. quaest. 6. *ubi ostendi, gratiam, et peccatum opponi moraliter, non physice, cum D. Bonavent.* locis ibi adductis, *et* in 3. dist. 31. a. 1. Scoto in 4. dist. 16. quaest. 2. contra Thomistas.

46 *It is proved* also by D. Bonaventure to the second. Man does not attain the effective production of Charity, because he cannot attain creation: Therefore neither annihilation. For every agent, as it acts from a subject, so it resolves its effect into a subject.

Probatur *etiam a D. Bonavent. ad secundum. Homo non attingit effective productionem Charitatis, eo quod nequit attingere creationem: Ergo neque annihilationem. Omne enim agens, sicuti agit e subiecto, ita in subiecto resolvit.*

47 *Whence* the response of Calpensis fell, taken from the corruption of natural forms, insofar as something which did not produce a form can destroy it by producing something contrary to it. This response, I say, is vain; because sin is not a formal entity able to expel Charity; but it is a privation: And if it were a form, it would not have annihilative virtue, just as it has not creative virtue.

Unde *ruit responsio Calpensis, sumpta ex corruptione formarum naturalium, quatenus potest aliquid, quod non produxit formam, eam destruere, producendo aliquid ei contrarium. Hoc inquam responsum vanum est; quia peccatum non est entitas formalis, potens expellere Charitatem; sed est privatio: Et si esset forma, non haberet virtutem annihilativam, sicuti non habet creativam.*

Question XVI: What is the proximate subject of charity

1 I assert with D. Bonaventure, passim, that it is the will. All subscribe to this assertion.

Quaenam sit subiectum Charitatis proximum.

Assero cum D. Bonavent. passim, esse voluntatem. Omnes subscribunt huic asserto.

2 *It is proved* by S. Thomas *in 2 Sent. dist. 26 q. 5, and in 3 dist. 23 q. 2, and dist. 27 q. 1 and following.* A habit is in some power as in a subject, in which is the act whose principle is the habit itself together with the power: but the act of love is in the will: Therefore also the habit of Charity, which is the principle of the act. The minor is proved: for the love of Charity is an appetite, which is borne toward the highest good, known by the intellect.

Probatur *a S. Doctore* in 2. dist. 26. quaest. 5. et in 3. dist. 23. quaest. 2. et dist. 27. quaest. 1. et sequentibus. *Habitus est in aliqua potentia, tanquam in subiecto, in qua est actus, cuius principium est ipse habitus*

una cum potentia: sed actus dilectionis est in voluntate: Ergo et habitus Charitatis, qui est principium actus. Minor probatur: nam dilectio Charitatis est appetitus, qui fertur in summum bonum, intellectu cognitum.

3 But S. Thomas teaches that it is in the concupiscible part, as Hope is in the Irascible; and Faith in the rational, as has often been said *disput. 1.*

Docet vero S. Doctor, eam esse in parte concupiscibili, sicuti in Irascibili est Spes; et in rationali Fides, ut saepe dictum est disput. 1.

4 He does not will, however, that it be in the sensitive concupiscible, which alone D. Thomas seems to acknowledge: but in the concupiscible of the rational appetite, which certainly is not lacking the powers and faculties by which it excels the sensitive, as *Aragon. q. 24 a. 1, Tannetus disp. 2 q. 2 dub. 3* note; *of these I treated in prima secundae, Tract. 5, which is on Grace, disp. 2 q. 4.*

Non vult autem, esse in Concupiscibili sensitiva, quam solam videtur agnoscere D. Thomas: sed in concupiscibili appetitus rationalis, qui profecto non caret viribus, et potentiis, quibus praecellit sensitivis, ut notant Aragon. quaest. 24. art. 1. Tannetus disp. 2. quaest. 2. dub. 3. De his egi prima secundae, Tract. 5. qui de Gratia, disp. 2. quaest. 4.

Question XVII: Whether God alone is to be loved out of charity, or the neighbor also

1 There are two precepts of Charity: *Thou shalt love the Lord thy God with thy whole heart, etc. And thy neighbor as thyself, Deut. 6. Matth. 22.* Therefore the love of neighbor is included in the object of Charity. Hence John *1, cap. 4: This commandment we have from God: that he who loves God should love also his brother.*

An solus Deus ex Charitate diligendus sit; an etiam proximus.

Duo praecepta Charitatis sunt: Diliges Dominum Deum tuum ex toto corde tuo, etc. Et proximum, sicut te ipsum, Deuter. 6. Matth. 22. *Itaque amor proximi includitur in obiecto Charitatis. Ideo Ioannes* prima, cap. 4. Hoc mandatum habemus a Deo: ut qui diligit Deum, diligat et fratrem suum.

2 He *distinguishes* the ways in which the acts regard the neighbor together with God: either as distinct objects terminating, or as the one, namely God, being the object and the ultimate end; while the neighbor is the object as a means loved for the sake of the end.

Distinguit *autem, quibus modis actus respiciant proximum simul cum Deo, vel ut obiecta distincta terminantia, vel ut alter, nempe Deus, sit obiectum, et finis ultimus; proximus vero sit obiectum, tanquam medium amatum in finem.*

3 If God is loved as the object and the other as the ultimate end, then one and the same motion and act can tend to both, because by the same motion we will the end and the means as such ordered to it. And thus we love the neighbor by willing to God this good, namely the neighbor; and therefore what is given to the neighbor is said to be given to God, *Matth. 25.* Therefore, since we love the neighbor in order to God, that he may be in God; under one aspect we love God and the neighbor, and so with one act, as St. Thomas and St. Bonaventure say *in the arguments in the first place.*

Si est in unum, tanquam in obiectum, et in alterum, ut finem ultimum; sic potest uno, et eodem motu, et actu tendere in utrumque, quia eodem motu volumus finem, et media, ut talia ad eum. Sic autem diligimus proximum, volendo Deo hoc bonum, scilicet proximum, et ideo id etiam, quod datur proximo, dicitur datum Deo Matth. 25. *Cum igitur diligamus proximum in ordine ad Deum, ut in Deo sit; sub una ratione diligimus Deum, et proximum, atque adeo uno actu, ut ait D. Thom. et D. Bonavent.* in argumentis primo loco.

4 But if God and the neighbor are considered precisely as two objects terminating love, he distinguishes further: for to love is to will a good; but the good can be a twofold object of Charity: that which is willed, and the one to whom it is willed. If therefore God is compared with the neighbor uniformly, as the one to whom we will a good; then by one motion he is borne toward God, by another toward the neighbor, because they are loved as distinct termini, and one is more intense, the other more remiss; and thus two precepts require this. But if they are compared non-uniformly, so that the neighbor is the good that is desired, and God is the one to whom the good is desired, then with one act he loves the neighbor, and with that very act loves God.

> *Quod si considerentur Deus, et proximus praecise, ut sunt duo obiecta, terminantia amorem, sic distinguit adhuc: Diligere enim, est velle bonum; potest autem bonum duplex esse obiectum Charitatis, et id, quod est volitum, et is, cui est volitum. Si igitur comparetur Deus cum proximo uniformiter, tanquam is, cui volumus bonum; sic alio motu fertur in Deum; alio in Proximum, quia amantur ut termini distincti, et unus est intensior, alter remissior; et ita duo praecepta exigunt; si autem comparentur difformiter, ut proximus sit bonum, quod optat, et Deus sit is, cui optatur bonum, sic uno actu amat Proximum; cumque amat Deo.*

5 The Saintly Doctor asserts, therefore, first that God and the neighbor are loved by two acts, as material termini.

> *Asserit igitur primo S. Doctor, duobus actibus amari Deum, et proximum, ut terminos materiales.*

6 This is *proved* by the Saintly Doctor first: Motions are numbered by subject, time, and terminus or object; but the terminus or object of the love of God is one thing, and that of the love of the neighbor another: Therefore. The major is Aristotle's *5 Phys. text 38*. The minor is clear from what has been said.

> Probatur *a S. Doctore primo: Motus numerantur subiecto, tempore, et termino, sive obiecto; sed alius est terminus, sive obiectum dilectionis Dei; alius dilectionis Proximi: Ergo. Maior est Aristotelis* 5. Phys. textu 38. *Minor patet ex dictis.*

7 It is *proved* second by the Saintly Doctor: What presupposes diverse considerations is also sought by diverse acts; but we cannot with one act foreknow God and the neighbor as precise termini: nor love them. The major is proved from 2 *Top. cap. 4, in the declaration of locus 33*.

> Probatur *secundo a S. Doctore: Quod diversas considerationes praeexigit; diversis etiam actibus appetitur; sed non possumus uno actu praecognoscere Deum, et Proximum, ut terminos praecisos: neque amare. Maior probatur ex 2.* Top. cap. 4. in declarat. loci 33.

8 *It is PROVED third by the Saintly Doctor.* The same motion cannot at once be more intense and more remiss; but the motion of love toward God is more intense than toward the neighbor: Therefore it is one and another.

> PROBATUR tertio a S. Doctore. *Idem non potest esse motus simul intensior, et remissior; sed motus dilectionis in Deum est intensior, quam in proximum: Ergo est alius, et alius.*

9 *It is PROVED fourth by the Saintly Doctor:* Peter and Paul are more conformed in the reason of a lovable object than Paul and God; but one motion of love cannot be toward Peter and Paul: Therefore.

> PROBATUR quarto a S. Doctore, *magis conformatur in ratione obiecti diligibilis Petrus, et Paulus, quam Paulus, et Deus; sed non potest unus motus dilectionis esse in Petrum, et Paulum: Ergo.*

10 *It is PROVED fifth by the Saintly Doctor.* The precept regards the use and act of the virtue, but there are two precepts of Charity: Therefore.

> PROBATUR quinto a S. Doctore. *Praeceptum respicit usum, et actum virtutis, sed duo sunt praecepta Charitatis: Ergo.*

11 He ASSERTS second, that there is one act toward God and the neighbor in the first way, as toward the means and the end, and as toward the good, Q. d. est Bonum, Cui.

> *ASSERIT secundo, unum esse actum in Deum, et proximum primo modo, tanquam in medium, et finem, et tanquam in bonum, Q. d est Bonum, Cui.*

12 It is *PROVED by the Saintly Doctor first.* The motion toward the end and toward the medium as such ordered to it is the same, because a motion is not numbered according to the difference of the medium but of the extremity; but the motion of Charity is toward God as toward the end, and toward the neighbor as the medium: Therefore.

> PROBATUR a S. Doctore primo. *Idem est motus in finem, et medium, ut tale est ad illum, quia motus non numeratur secundum differentiam medii, sed extremi; sed motus Charitatis est in Deum, tanquam in finem; et in proximum, ut medium: Ergo.*

13 *It is PROVED second by the Saintly Doct.* Where there is one beloved, there is one act of love; for a motion is specified by its object, at least as regards us; but in the neighbor nothing is loved except God, by the act of Charity: Therefore.

> PROBATUR secundo a S. Doct. *Ubi est unum dilectum, ibi unus actus dilectionis; nam motus specificatur ab obiecto, saltem quo ad nos; sed in proximo non diligitur, nisi Deus, per actum Charitatis: Ergo.*

14 BUT if you should say that to love the neighbor in himself on account of a rational nature like ours, or on account of his virtues, is not an act of Charity, as *St. Bonaventure notes, this dist. 27. art. 2. quest. 2, and dist. 9. art. 2. quest. 4; St. Thomas 2. 2. quest. 109. art. 3. ad 2; Vasquez Lib. 1. de adorat. disp. 6. cap. 2, and Lib. 3. disp. 1. cap. 6; Caspensis de Charitate, disp. 3. sect. 1.* The same hold *Turrianus, Coninchius, and Arriaga, apud Mastrium disp. 6. quest. 22, of whom I shall treat in quest. 29.*

> *SI autem dicas, diligi proximum in seipso ob naturam rationalem nobis similem, vel ob eius virtutes, non est actus Charitatis, ut notat* D. Bonavent. hac dist. 27. art. 2. quaest. 2. et dist. 9. art. 2. quaest. 4. D. Thom. 2. 2. quaest. 109. art. 3. ad 2. Vasquez Lib. 1. de adorat. disp. 6. cap. 2. et Lib. 3. disp. 1. cap. 6. Caspensis de Charitate, disp. 3. sect. 1. *Idem sentiunt* Turrianus, Coninchius, et Arriaga apud Mastrium disp. 6. quaest. 22. de quo agam quaest. 29.

15 *It is PROVED third:* As the image of St. Peter is venerated in order to St. Peter with one act, as *Damascene says Lib. 4. de Fide, cap. 17,* because the honor of the image passes to the prototype; so too the love of the neighbor is referred to God; and hence there is one act by which God and the neighbor are loved, as referred to God the prototype.

> PROBATUR tertio; *Sicut adoratur imago D. Petri in ordine ad D. Petrum uno actu, ut ait* Damascenus Lib. 4. de Fide, cap. 17. *quia honor imaginis transit ad prototypum; Sic etiam dilectio proximi refertur ad Deum; atque adeo unus est actus, quo diligitur Deus, et proximus, ut ad Deum prototypum.*

16 In this, however, there is a disparity, because honor is not terminated in any way upon the image, but passes wholly to St. Peter; whereas the neighbor in some way terminates the act of love, and in

this sense he is commanded to be loved by a distinct precept; even though in the said way, as end and medium, etc., they are loved by one act.

> *In hoc tamen est disparitas, quia honor non terminatur ullo modo ad imaginem; sed totus transit ad D. Petrum; at proximus aliquo modo terminat actum amoris, et hoc sensu, diverso praecepto iubetur amare; esto modo dicto, ut finis, et medium, etc. uno actu amentur.*

17 *It is PROVED fourth:* Where one thing is for the sake of another, there is only one; but the neighbor is loved for the sake of God: Therefore by one love. This, however, is true in such a way that they can also be the object of love as two termini.

> PROBATUR quarto: *Ubi unum propter aliud, ibi est unum tantum; sed proximus diligitur propter Deum: Ergo una dilectione. Hoc tamen verum est, ita ut etiam tanquam duo termini, possint esse obiectum amoris.*

18 *It is PROVED fifth,* because although there are several Divine persons, nevertheless they are loved by one love, because there is one objective reason of goodness: Similarly there is one reason of the highest goodness, on account of which God and the neighbor are loved.

> PROBATUR quinto, *quia tametsi sint plures Divinae personae; tamen una amantur dilectione, quia una est ratio obiectiva bonitatis: Similiter una est ratio summae bonitatis, propter quam amatur Deus, et proximus.*

19 He NOTES, however, that the reason in this case is diverse, because the terminating goodness of the neighbor and of God is not altogether the same, in the way in which the goodness of the three persons is, communicating in one essence; whence it stands in a different manner; and because from the diversity of comparisons arises the diversity of acts, while from the unity of the principal motivating reason arises the unity of the habit. Hence it is that the act by which God and the neighbor are loved is one, although the motions are one and another.

> *ADVERTIT tamen, diversam esse in hoc rationem, quia non est eadem omnino terminativa bonitas proximi et Dei, eo modo, quo est bonitas trium personarum, communicantium in una essentia; unde differenti modo se habet; et quia ex diversitate comparationum consurgit diversitas actuum; ex unitate vero rationis principalis motivae exurgit unitas habitus; hinc est, ut actus, quo amatur Deus, et proximus, unus sit, licet motus alius, et alius.*

Question XVIII: Whether charity is to be loved out of charity

1 I ASSERT that not only God, who is Charity, but also the habit and act of Charity are willed and loved by the very act of Charity itself.

> *ASSERO, non solum Deum, qui idest Charitas, sed etiam habitum, et actum Charitatis esse volitum, et amatum ipso actu Charitatis.*

2 *It is PROVED by St. Bonavent. first,* from *St. Augustine 8. de Trinitate, chapter 7,* on which St. Thomas also relies.

> PROBATUR a D. Bonavent. primo, *ex* D. Augustino 8. de Trinitate, capite 7. *quo nititur etiam D. Thom.*

3 *It is PROVED second by the same argument* that St. Thomas uses. The object of the will is universal good. Therefore whatever falls under the aspect of good can be the object of the will and of its acts; and because the very willing of good is a certain good, the will, which is perfected when it reflects upon itself, can will this good; but that very willing of this good is supernatural, because it is willed in order to a supernatural friendship with God, while we wish this good of Charity to all; and

similarly in ourselves, while we love love itself; indeed, we refer that love by Charity to the Divine friendship, and to God in himself, as *Tannerus notes, disput. 2. quest. 3. dub. 1.*

> PROBATUR secundo eodem argumento, *quo utitur D. Thom. Voluntatis obiectum est bonum universale. Igitur quidquid sub ratione boni cadit, potest esse obiectum voluntatis, et actuum eius, et quia ipsum velle bonum, est quoddam bonum, potest voluntas, quae perficitur, dum supra se reflectitur, velle hoc bonum; at ipsam velle hoc bonum, est supernaturale, quia est volitum in ordine ad amicitiam supernaturalem cum Deo, dum omnibus optamus hoc bonum Charitatis; et similiter in nobis, dum ipsum amorem amamus; sane referimus illum Charitate ad Divinam amicitiam, atque ad Deum in se, ut notat* Tannerus disput. 2. quaest. 3. dub. 1.

4 *It is PROVED third.* We love our neighbor because we see him to have Charity: Therefore also Charity itself, on account of which we love that neighbor; because on account of which a thing is such, that thing is more so. But we love these by Charity because they are in order to God to be loved in himself.

> PROBATUR tertio. *Amamus proximum, quia videmus, eum habere Charitatem: Ergo et ipsam Charitatem, propter quam amamus ipsum proximum; quia propter quod, unumquodque tale, et illud magis; diligimus autem haec Charitate, quia sunt in ordine ad Deum in se amandum.*

5 You OBJECT first from St. Augustine *Lib. 1. de doctrina Christiana, cap. 23: There are only four things lovable by Charity: God, ourselves, our neighbor, and the neighbor's body.*

> *OBIICIES primo ex D. Augustino* Lib. 1. de doctrina Christiana, cap. 23. Quatuor tantum sunt amabilia Charitate, Deus, nos ipsi, proximus, et corpus proximi.

6 The Saintly Doctor answers that St. Augustine speaks of things to be loved with the love of friendship, that is, of those to whom good is wished; thus also St. Thomas.

> *RESPONDET S. Doctor, S. Augustinum loqui de amandis, amore amicitiae, quibus nempe optatur bonum; ita etiam D. Thomas.*

7 You OBJECT second. Charity is loved either with the love of concupiscence or of friendship; not of friendship, for this is between likes; not of concupiscence, because this concerns things not possessed.

> *OBIICIES secundo. Vel amatur Charitas amore concupiscentiae, vel amicitiae; Non amicitiae, nam haec est inter similes: Non concupiscentiae, quia haec est de rebus non habitis.*

8 It is ANSWERED that there is complacency in the Charity possessed. Moreover, spiritual love of the good, and its possession, excites to desiring while it refreshes; and it refreshes while it excites, as *St. Gregory says, homil. 36. in Evang.* and *St. Augustine Lib. 1. de doctrina Christiana, cap. 38.*; and the Saintly Doctor runs on to those words *Ioan. 4: He who drinks of the water that I will give him, etc.*

> *RESPONDETUR, Charitatis habitae esse complacentiam. Deinde spiritualis dilectio boni, eiusque possessio excitat ad desiderandum, dum reficit; et reficit, dum excitat, ut dicit* S. Gregorius, homil. 36. in Evang. *et* D. Augustinus Lib. 1. de doctrina Christiana, cap. 38. *et discurrit S. Doctor ad ea verba* Ioan. 4. Qui biberit ex aqua, quam ego dabo ei, etc.

9 You OBJECT third. As Faith is related to believing, and hope to hoping, so Charity to loving; but no one having Faith believes Faith, because, as *St. Augustine says, 13. de Trinitate, cap. 1: believing, he knows*

that he believes, and sees that he believes; but credence is of things not seen; similarly no one hopes hope itself, but has it: Therefore neither does he love Charity.

> *OBIICIES tertio. Sicut se habet Fides ad credere; spes ad sperare; ita Charitas ad diligere, sed nullus habens Fidem, credit Fidem, quia ut dicit* D. Augustinus 13. de Trinitate, cap. 1. credens, scit se credere, et videt se credere; *credulitas autem est de non visis; similiter autem nullus sperat spem ipsam, sed eam habet: Ergo nec diligit Charitatem.*

10 The Saintly Doctor answers that the act of Faith declares imperfection, and likewise the act of Hope; whence, if either habit were reflected upon itself, it would diminish from the reason of a habit: Wherefore he who believes credence does not have it; and hope likewise; but love is a perfect act, like knowledge. Hence as he knows perfectly who knows that he knows, so he loves perfectly who loves the love with which he loves.

> *RESPONDET S. Doctor, actum Fidei dicere imperfectionem, similiter et actum Spei; unde, si uterque habitus reflecteretur, diminueret de ratione habitus: Quare qui credit credulitatem, non habet eam; et spem similiter; Sed dilectio est actus perfectus, sicut scientia. Unde sicut perfecte scit, qui scit se scire, ita perfecte diligit, qui amat dilectionem, qua diligit.*

11 You OBJECT fourth. If Charity loves Charity, either she loves it by another love or by herself. If by another: Therefore that one too by another, and so on to infinity; if by the same: dem. *Contra:* No special form reflects upon itself unless it is among the first intensions, such as unity, truth, goodness; hence it is not said: whiteness whitens: Therefore neither: beloved love is.

> *OBIICIES quarto. Si diligit Charitas Charitatem, vel eam diligit alia dilectione, vel se ipsa. Si alia: Ergo et illa per aliam, et sic in infinitum; si eadem: dem:* Contra: *Nulla forma specialis super se ipsam reflectitur, nisi sit e primis intensionibus, sicut unitas, veritas, bonitas; unde non dicitur: albedo albat: Ergo nec: dilectio dilecta est.*

12 *St. Bonaventure answers:* to love with the same habit, but by another act. To the point about reflection he answers that reflection sometimes comes from nature, and thus it is in universals; sometimes it comes from the reason of that in which it is; and thus it is in forms which are in potencies born to convert upon themselves, and insofar as they are converted upon themselves; and because the cognitive potency knows itself, and the will is an instrument moving itself; therefore by science one knows his science, and by Charity he loves himself, as loving that very love.

> Respondet *S. Bonavent. diligere eodem habitu, sed per alium actum. Ad id de reflexione, respondet, reflexionem aliquando venire ex natura, et sic est in generalibus; aliquando venire ratione eius, in quo est; et sic est in formis, quae sunt in potentiis, natis supra se converti, et in quantum supra se convertuntur; et quia potentia cognitiva se ipsam cognoscit, et voluntas est instrumentum, seipsam movens; ideo per scientiam scit aliquis suam scientiam, et per Charitatem, se, ut ipsam, diligit.*

Question XIX: Whether all gratuitous gifts are to be loved out of charity

1 The *first* opinion, found in St. Bonaventure, is that these gifts are not loved by an elicited act of Charity; for Charity does not love our own advantage, as a natural affection does, but is poured out toward another, as St. Gregory says *homil. 17. in Evang.*; and because our spiritual advantage is placed in these gifts, which order us to beatitude; therefore the love of such gifts is elicited by natural love, but commanded by Charity, whose office it is to command our acts, that they may be rightly moved toward their ends.

> An omnia dona gratuita sint C*HARITATE* diligenda.

> Prima *opinio apud D. Bonavent. est, haec dona non esse amata actu Charitatis elicito; Charitas enim non amat proprium commodum, ut affectus naturalis, sed in alterum protenditur, ut ait D. Gregorius* homil. 17. in Evang. *et quia commodum nostrum spirituale reponitur in hisce donis, quae nos ordinant ad beatitudinem; ideo amor talium donorum est a dilectione naturali elicitive; sed a Charitate imperative, cuius est imperare actibus nostris, ut recte moveantur in suos fines.*

2 The Saintly Doctor attacks this view; For Charity tends also to our own beatitude, that we may enjoy God. Then, because although it belongs to nature to seek the advantages of the body, yet to love spiritual gifts belongs to gratuitous love.

> *Hunc modum impugnat S. Doctor; Nam Charitas tendit etiam in propriam beatitudinem, ut Deo fruatur. Deinde, quia licet naturae sit quaerere commoda corporis; tamen spiritualia dona amare est dilectionis gratuitae.*

3 The *second* opinion is that, since good is the object of Charity, and the act receives its species from the object, the intensity of the act of loving varies according to the reason of good: But something is called good in a twofold way: in one way concretively, because it is ordered to beatitude as to an end. In another way abstractively, because it is that by which one is ordered to the end. Therefore the gratuitous gifts are not called good in the first way but in the second; because by them we are directed to beatitude. Hence they are more called goodnesses than goods, and more reasons for loving than lovable things; therefore these are not properly to be loved out of Charity, but rather the recipients of the gifts are loved out of Charity. And since an accident together with its subject constitutes one thing, therefore loves are not multiplied toward these gifts so as to be distinct from the loves by which men are loved.

> Secunda *opinio est, quod cum bonum sit obiectum Charitatis, et actus recipiat speciem ab obiecto, intensio actus diligendi variatur secundum rationem boni: Bonum autem dicitur aliquid dupliciter: Uno modo concretive, quia est ordinatum ad beatitudinem, ut finem. Alio modo abstractive, quia est id, quo ordinatur ad finem. Dona igitur gratuita non dicuntur bona primo modo, sed secundo; quia illis dirigimur nos ad beatitudinem. Ideo magis dicuntur bonitates, quam bona, et magis rationes diligendi, quam diligibilia; ideo haec non sunt proprie ex Charitate diligenda, sed potius Charitate diliguntur susceptivi donorum. Quoniam vero accidens cum suo subiecto unum constituit, ideo non multiplicantur dilectiones ad haec dona, quae sint distinctae a dilectionibus, quibus amantur homines.*

4 *Against* this the Saintly Doctor argues: For even God, who is the highest goodness, falls among the things to be loved out of Charity.

> Contra *arguit S. Doctor: Nam etiam Deus, qui est bonitas summa, compatatur inter diligenda ex Charitate.*

5 *Then:* On account of which a thing is such, that thing is more such; but spiritual gifts are goods on account of which men are loved: Therefore much more are they themselves to be loved, as St. Thomas also argues *art.* 2.

> Deinde: *Propter quod, unumquodque tale, et illud magis tale; sed dona spiritualia sunt bona propter quae homines diliguntur: Ergo multo fortius ipsa diligenda sunt, ut arguit etiam D. Thom.* art. 2.

6 He *asserts,* therefore, that spiritual gifts are loved by Charity; yet not with friendship, because for those gifts no good is wished; but with the love of concupiscence, insofar as they are goods for us toward union with God. For thus the Saints sigh out of Charity for the gifts of heaven.

> Asserit *igitur, dona spiritualia diligi Charitate; non tamen amicitia, quia eis donis non desideratur bonum; sed amore concupiscentiae, quatenus nobis bona sunt ad unionem cum Deo. Sic enim Sancti ex Charitate dona coelestia suspirant.*

7 It is *proved* first by St. Bonaventure from St. Augustine *8. de Trinitate, cap. 7, where he says: He who loves his neighbor, it follows that he loves also that very love.*

> Probatur *primo a D. Bonavent. ex D. Augustino* 8. de Trinitate, cap. 7. ubi ait: Qui diligit proximum, consequens est, ut etiam ipsam dilectionem diligat.

8 *Second* it is proved by St. Bonaventure. That which orders to beatitude is to be loved out of Charity; such are these gifts: Therefore.

> Secundo *probatur a S. Bonavent. Id, quod ordinat ad beatitudinem, est Charitate diligendum; talia sunt haec dona: Ergo.*

9 *Third* it is proved. Such gifts are to be expected and asked of God; and he who loves them merits by loving: but the chief meritorious love is the love of Charity: Therefore.

> Tertio *probatur. Talia dona sunt a Deo expectanda, et petenda; et qui illa diligit, diligendo meretur: sed praecipua dilectio meritoria, est dilectio Charitatis: Ergo.*

10 Nevertheless he concludes that these means are loved by Charity secondarily, as the Saintly Doctor explains, *quest. 6.*

> *Colligit tamen, secundario amari Charitate haec media, ut explicat S. Doctor,* quaest. 6.

11 *Fourth.* As gratuitous love is related to the gifts of grace, so natural love to the gifts of nature. But these are loved with natural love: Therefore.

> Quarto. *Sicut se habet dilectio gratuita ad dona gratiae; ita dilectio naturalis ad dona naturae. Sed haec amantur amore naturali: Ergo.*

12 You *object* first. No creature lacking reason is to be loved out of Charity, because it does not communicate in life with us.

> Obiicies *primo. Nulla creatura ratione carens, est amanda Charitate, quia non communicat in vita nobiscum.*

13 It is *answered* that it is true that such creatures are not loved with the love of friendship, but of concupiscence.

> Respondetur, *verum esse, tales creaturas non diligi amore amicitiae; sed concupiscentiae.*

14 You *object* second: To love is to will good to someone; but we do not will good to these gifts.

> Obiicies *secundo: Diligere est velle alicui bonum; his autem donis non volumus bonum.*

15 It is *answered* that this is true of the love of friendship; but the love of concupiscence is rather to desire a good.

> Respondetur, *verum esse de dilectione amicitiae; amor vero concupiscentiae est potius bonum desiderare.*

16 You *object* third. Only the beatifiable are lovable by Charity, inasmuch as they can communicate with us in supernatural life.

> Obiicies *tertio. Sola beatificabilia sunt Charitate amabilia, quippe quae possunt communicare nobiscum in vita supernaturali.*

17 It is *answered* that this is conceded of the love of friendship, and St. Augustine enumerates only these *Lib. primo de doctrina Christiana, capite 23*.

> Respondetur, *hoc concedi de dilectione amicitiae, et haec sola enumerat D. Augustinus* Lib. primo de doctrina Christiana, capite 23.

Question XX: Whether irrational creatures are to be loved out of charity

1 In two ways, as St. Bonaventure says, something can be loved out of Charity: First, elicited by the proper act upon the proper object. Second, commanded, when it commands other virtues their acts. Therefore he teaches that irrational creatures can be loved by Charity commanding natural piety, but not by a proper elicited act. The reason, which St. Thomas also uses, is that Charity is a certain supernatural friendship; but friendship is borne toward a friend to whom we wish good, as toward an end; and we cannot properly will good to brutes, since they are incapable, as Aristotle teaches 2 *Physic. tex. 59*. Then, friendship implies a communication in goods; and if it is supernatural, in supernatural goods; but man does not communicate with irrational creatures in the good life, which is the communication of friends, from Aristotle 8 *Eth. cap. 3. and 4.* much less does he communicate in the goods of eternal life, by which communication supernatural friendship is sustained.

> An irrationalia ex C*HARITATE* sint diligenda.
>
> *Duobus modis, ut ait S. Bonavent. potest aliquid ex Charitate diligi: Primo elicitive per actum proprium in proprium obiectum. Secundo imperative, dum imperat aliis virtutibus actus earum. Igitur docet, posse Charitate, imperante pietati naturali, diligi irrationalia: non autem actu elicito proprio. Ratio est, qua utitur etiam D. Thom. quia Charitas est amicitia quaedam supernaturalis; Amicitia autem fertur in amicum, cui volumus bonum, tanquam in finem; at brutis non possumus velle bonum proprie, cum sint incapacia, ut docet Aristoteles 2.* Physic. tex. 59. *Deinde amicitia dicit communicationem in bonis; et si est superna, in bonis supernis; at homo non communicat cum irrationalibus in bona vita, quae est amicorum communicatio, ex Aristotele 8.* Eth. cap. 3. et 4. *multo minus communicat in bonis vitae aeternae; qua communicatione nititur amicitia superna.*

2 In another way also the Saintly Doctor opens and expounds his meaning. In a threefold way something can be loved out of Charity: First, as object and end; and in this way God is loved. Second, as a loved object, not as an end, and in this way the neighbor is loved; because we wish him the highest good. Third, something can be loved out of Charity, not as an end or beloved object, nor on its own account, but on account of another; and in this way irrational creatures are loved, inasmuch as God is loved in them, in the manner in which someone who loves a friend also loves his dog, as *Tannerus notes, disp. 2. quest. 3. dub. 1.* Therefore the love of Charity, which is friendship toward God, extends to the neighbor as the children of God; just as the friendship by which I love Peter extends also to his son; yet not to his flesh. But if you should ask what virtue elicits that love in creatures, the Saintly Doctor answers that it is a certain natural piety, by which, considering all Creatures as the works of God, it rises to praises and love of God, as St. P. Francis wonderfully exhibited; for the more one returns to natural uprightness, the more from the very creatures he is raised up to God the maker.

> *Alio etiam modo sensum suum aperit, et exponit S. Doctor. Tripliciter potest aliquid diligi ex Charitate: Primo ut obiectum, et finis; et hoc pacto diligitur Deus. Secundo ut obiectum dilectum, non ut finis, et hoc modo diligitur proximus; quia ei volumus summum bonum. Tertio diligi potest aliquid ex charitate; non ut finis, vel obiectum amatum, neque intuitu ipsius, sed alterius; et hoc modo irrationalia diliguntur, quatenus in illis diligitur Deus ad modum, quo*

aliquis diligens amicum, etiam canem eius diligit, ut notat Tannerus disp. 2. quaest. 3. dub. 1. *Igitur amor Charitatis, qui est amicitia ad Deum, extenditur ad proximum, tanquam filios Dei; sicut amicitia, qua diligo Petrum, extenditur etiam ad eius filium; non tamen ad eius carnem. Si autem quaeras; quae virtus amorem istum eliciat in creaturas. Respondet S. Doctor esse pietatem quandam naturalem, qua Creaturas omnes considerans ut opera Dei, in Deum consurgit laudibus, et amore, ut mirifice praestitit S. P. Franciscus; quanto enim aliquis ad rectitudinem revertitur naturalem, tanto magis ex ipsis creaturis erigitur in Deum opificem.*

3 I ASSERT therefore that irrational creatures are not loved by Charity.

ASSERO igitur, irrationalia non diligi Charitate.

4 It is PROVED by the Saintly Doctor, first from St. Augustine *Lib. 1. de doctrina Christiana, cap. 33.* where he teaches that only those things are loved out of Charity which, by a certain society, are referred with us to God, as man and angel, or our own body.

PROBATUR a S. Doctore, primo ex D. Augustino Lib. 1. de doctrina Christiana, cap. 33. *ubi docet, ea sola ex Charitate diligi, quae nobiscum societate quadam referuntur in Deum, ut homo, et Angelus, vel corpus nostrum.*

5 It is PROVED second. Only those can be loved out of Charity which communicate in the object of Charity, which is the uncreated good, namely God. For Charity is a Theological virtue: Therefore only those can be loved by Charity which are able to enjoy the beatific object: But irrational creatures are not such: Therefore.

PROBATUR secundo. Ea sola diligi possunt ex Charitate, quae communicant in obiecto Charitatis, quod est bonum increatum, seu Deus. Charitas enim est virtus Theologica: Igitur ea sola Charitate diligi possunt, quae frui valent obiecto beatifico: Talia autem non sunt irrationalia: Ergo.

6 It is PROVED third by the Saintly Doctor. Charity is the bond of perfection; but irrational creatures cannot be bound to us by the virtues: Therefore.

PROBATUR tertio a S. Doctore. Charitas est vinculum perfectionis; sed irrationalia nequeunt nobiscum virtutibus necti: Ergo.

7 It is PROVED fourth by the Saintly Doctor. The love of Charity is a friendship of the superior order to natural friendship; but this cannot be between us and irrational creatures: Therefore. The minor is proved, because for the love of friendship it is required first that we wish good to a friend; but for good to be able to be willed to him, he must be able to use that good; but irrational creatures have no dominion over good; whence Aristotle says *2. Phys. textu 39.* that for this reason we do not say of such things that anything happens to them well or ill, except by similitude. Second, because every friendship is founded upon some likeness of life; for nothing is so proper to friendship as a good life, as the Philosopher says *Lib. 8. Eth. cap. 3. and 4.*; but irrational creatures cannot communicate with us in life.

PROBATUR quarto a S. Doctore Amor Charitatis est ordinis superioris amicitia naturali; sed haec non potest esse inter nos, et irrationalia: Ergo. Minor probatur, quia ad amorem amicitiae requiritur primo ut amico velimus bonum; ut autem possit ei esse volitum bonum, oportet ut possit uti illo bono; irrationalia vero non habent dominium in bonum; unde ait Aristoteles 2. Phys. textu 39. *quod ideo huiusmodi rebus non dicimus, aliquid bene, vel male contingere, nisi secundum similitudinem. Secundo, quia omnis amicitia fundatur in aliqua similitudine vitae; nihil enim proprium est adeo amicitiae, sicut bona vita, ut ait Philosophus* Lib. 8. Eth. cap. 3. et 4. *creaturae autem irrationales nequeunt nobiscum in vita communicare.*

8 It is PROVED fifth. Only those are to be loved by Charity which are included in the two precepts; but irrational creatures are not included in them, because they are neither neighbor nor God: Therefore.

> *PROBATUR quinto. Ea sola diligenda sunt Charitate, quae includuntur duobus praeceptis; sed irrationalia non includuntur in eis, quia non sunt proximus, nec Deus: Ergo.*

9 You OBJECT first. Charity makes us conformed to God; but God loves all the things that he made *Sap. 11.* Therefore.

> *OBIICIES primo. Charitas facit nos Deo conformes; sed Deus diligit omnia; quae fecit* Sap. 11. *Ergo.*

10 The Saintly Doctor answers that God loves creatures not by Charity, willing them eternal good, but they are only the object of his natural love; but Charity wills the highest good.

> *RESPONDET S. Doctor, Deum diligere creaturas, non Charitate, volendo eis bonum aeternum, sed solum esse ipsarum naturale; Charitas autem vult summum bonum.*

11 Nor does Charity conform our wills to the divine will, because in God there is one most simple love, which is borne toward diverse things; but we cannot imitate him in simplicity; rather we are borne by several loves: indeed by Charity toward rational creatures, to whom the highest good can be willed; but by piety toward irrational ones, because Charity is only toward those who communicate with God, as St. Augustine says *tract. 65. in Ioannem.*

> *Neque Charitas conformat voluntates nostras voluntati divinae, quia in Deo est unus amor simplicissimus, qui ad diversa fertur; non possumus autem imitari in simplicitate; sed pluribus amoribus ferimur; Charitate quidem in rationalia, quibus potest esse volitum summum bonum; pietate vero in irrationalia, quia Charitas est solum ad communicantia cum Deo, ut ait S. Augustinus* tract. 65. in Ioannem.

12 You OBJECT second. As Faith is related to believing God the Creator of rational and irrational creatures, so also to loving: Therefore we can also love irrational creatures, as ordered to God, by Charity.

> *OBIICIES secundo. Sicut se habet Fides ad credendum Deum Creatorem rationalium, et irrationalium, ita et ad amandum: Ergo possumus etiam irrationalia, ut ordinata in Deum, diligere Charitate.*

13 The Saintly Doctor answers that the reason is not parallel, for Faith regards God not only as end but also as beginning; therefore it believes him the maker even of irrational creatures; but Charity regards God only as end and good; and because irrational creatures do not tend with rational ones by the same reason to the highest good, therefore they are not loved by Charity.

> *RESPONDET S. Doctor, non esse parem rationem, nam Fides respicit Deum, non modo, ut finem, sed etiam ut principium; ideo credit eum conditorem etiam irrationalium; Charitas vero respicit Deum solummodo, ut finem, et bonum; et quia creaturae irrationales cum rationalibus non tendunt eadem ratione in summum bonum, ideo non diliguntur Charitate.*

14 You OBJECT third. Rational creatures are to be loved out of Charity because they are like God; But irrational creatures also are like God: Therefore.

> *OBIICIES tertio. Creaturae rationales diligendae sunt ex Charitate, quia Deo sunt similes; At vero etiam irrationales sunt Deo similes: Ergo.*

15 The Saintly Doctor answers that not any likeness whatsoever makes something an object lovable by Charity, but that which renders it capable, as St. August. says *14. de Trinit. cap. 3.* For Charity wishes the highest good to the beloved; but we do not enjoy this except through knowledge and love, which are in those only that have the reason of the Divine image.

> *RESPONDET S. Doctor, non quamlibet assimilationem facere aliquid obiectum diligibile ex Charitate; sed eam, quae reddit capacem, ut ait D. August.* 14. de Trinit. cap. 3. *Charitas enim optat summum bonum amato; hoc autem non fruimur, nisi per cognitionem, et amorem, quae in iis tantum sunt, quae habent rationem Divinae imaginis.*

16 You OBJECT fourth. Virtue and vice are about the same; but toward irrational creatures there can be a depraved love contrary to Charity: Therefore also Charity.

> *OBIICIES quarto. Virtus, et vitium sunt circa idem; sed circa irrationalia potest esse amor pravus, contrarius Charitati: Ergo et Charitas.*

17 The Saintly Doctor answers that although virtue and vice are about the same subject, they are not about the same object; for more is required for virtue than for vice. Then the argument fails, because although Charity is a special love, yet it is not necessary that Charity itself and every special opposite vice be about that same object. Therefore, although cupidity is about temporal goods, it does not follow that the virtue of Charity is about them; and therefore it is not necessary that these temporal things be loved by Charity, but that they be dispensed by the rules of liberality and retained with moderation.

> *RESPONDET S. Doctor, quod licet virtus, et vitium sint circa idem subiectum; non sunt tamen circa idem obiectum; plura enim exiguntur ad virtutem, quam ad vitium. Deinde deficit argumentum, quia licet Charitas sit amor specialis; tamen non est necesse, ut circa illud idem obiectum sit Charitas ipsa, et omne vitium speciale oppositum. Ideo, licet cupiditas sit circa bona temporalia, non oportet quod circa illa sit virtus Charitatis; et ideo non oportet, haec temporalia Charitate amari, sed ex liberalitatis regulis dispensari, et moderate retineri.*

18 You OBJECT fifth. Meritorious love is out of Charity; but someone loves riches so that he may make alms from them: Therefore he loves them out of Charity.

> *OBIICIES quinto. Amor meritorius est ex Charitate; sed aliquis amat divitias, ut faciat ex eis eleemosynas: Ergo eas amat ex Charitate.*

19 The Saintly Doctor answers that that act is meritorious even if it is only from Charity commanding. Then, when one loves temporal things in order to serve God, he directs his love to God; nevertheless the affection of Charity is not extended to all, as has been said.

> *RESPONDET S. Doctor, actum illum esse meritorium, etiamsi sit a Charitate solum imperante. Deinde, cum quis diligit temporalia ad serviendum Deo, dirigit suum amorem in Deum; non tamen affectus Charitate extenditur ad omnes, ut dictum est.*

Question XXI: Whether a man ought to love himself out of charity

1 I ASSERT that the love of oneself is also included in the precept of Charity.

> ***An homo debeat seipsum ex CHARITATE diligere.***
>
> *ASSERO, Charitatis praecepto includi etiam sui dilectionem.*

2 It is PROVED by the Saintly Doctors; for in the precept of the love of neighbor it is said: *thou shalt love him as thyself;* but we love our neighbor out of Charity: therefore by the same Charity also ourselves, as St. Aug. observes *serm. 3. post Pentecost.* and the Saintly Doct. *dist. 28. q. 6. ad 2.*

> *PROBATUR a SS. Doctoribus; nam in praecepto dilectionis proximi habetur:* diliges eum, sicut te ipsum; *sed proximum ex Charitate diligimus: ergo eadem Charitate etiam nos ipsos, ut observat etiam D. Aug.* serm. 3. post Pentecost. *et S. Doct.* dist. 28. q. 6. ad 2.

3 It is PROVED second by the Saintly Doctor, because to love God with the whole heart, with the whole soul, and with the whole mind is to love oneself. Therefore it is said *Lucae 10.* after the precepts of Charity have been handed down: *Do this, and thou shalt live.*

> *PROBATUR secundo a S. Doctore, quia diligere Deum ex toto corde, ex tota anima, et ex tota mente, est seipsum diligere. Ideo dicitur* Lucae 10. *post tradita praecepta Charitatis:* Hoc fac, et vives.

4 That a special precept need not have been handed down, the Saintly Doctor admonishes, because from natural inclination we are sufficiently inclined toward ourselves: *For no man ever hated his own flesh.* Ephes. 5. Therefore a third commandment was not necessary, as St. Augustine says *Lib. 1. de doctrina Christiana, cap. 24.*

> *Non oportuisse autem speciale praeceptum tradere admonet S. Doctor, quia ex naturali propensione satis ad nos inclinamur:* Nemo enim unquam carnem suam odio habuit. *Ephes. 5. Ideo non oportuit tertium mandatum, ut ait D. Augustinus* Lib. 1. de doctrina Christiana, cap. 24.

5 Yet the Saintly Doctor NOTES, *dist. 28. quest. 5. in the body, and quest. 6. there,* that since Charity, properly speaking, is friendship, we can speak of Charity in a twofold way: in one way under the common aspect of friendship; and in this sense friendship toward oneself is not had, because friendship implies the union of several, as D. Dionysius says *cap. 4. de divin. nominibus, part. 2.*; but toward oneself for each one there is unity, which is more powerful than union with another. Therefore with *a more sublime love* than friendship we love ourselves; for as unity is the principle of union, so the love by which one loves himself is the form and root of friendship. For we have friendship toward others in this, that we bear ourselves toward them as toward ourselves; for it is said in *9. Eth. cap. 8. that the things of friendship which are toward another come from those which are toward oneself.* In another way we can speak of Charity as it is the friendship of man with God principally,[1] and in consequence toward the things that are God's, among which is also man himself, who has Charity; and thus among the other things that he loves out of Charity, as pertaining to God, he loves also himself out of Charity. Thus Tannerus also discusses it *disp. 2. quest. 3. dub. 1.*

[1] Editor's note: the print reads 'de Charitate, pto vt est amicitia' — a defective letterform (apparently broken 'r' in 'pro'); rendered 'prout est' (insofar as it is).

> *ADVERTIT vero S. Doctor,* dist. 28. quaest. 5. in corpore, et quaest. 6. ibidem, *quod cum Charitas, proprie dicta, sit amicitia; dupliciter possumus loqui de Charitate; uno modo sub ratione communi amicitiae; et hoc sensu non habetur amicitia ad seipsum, quia amicitia dicit unionem plurium, ut ait D. Dionysius* cap. 4. de divin. nominibus, part. 2. *unicuique autem ad seipsum est unitas, quae est potior unione cum alio. Igitur* amore sublimiori, *quam amicitia, diligimus nos ipsos; sicut enim unitas est principium unionis; ita amor, quo quis diligit se ipsum, est forma, et radix amicitiae. In hoc enim amicitiam habemus ad alios, quod ad eos nos habemus, sicut ad nos ipsos; dicitur enim in* 9. Eth. cap. 8. quod amicabilia, quae sunt ad alterum, veniunt ex his, quae sunt ad seipsum. *Alio modo possumus loqui de Charitate, prout est amicitia hominis cum Deo principaliter, et ex consequenti ad ea, quae sunt Dei,*

inter quae etiam est ipse homo, qui Charitatem habet; et sic inter caetera, quae ex Charitate diligit, quasi ad Deum pertinentia, etiam se ipsum ex Charitate diligit. Sic discutit etiam Tannerus disp. 2. quaest. 3. dub. 1.

6 From these understand what St. Gregory means *homil. 27. in Evang. that Charity cannot be had as less than between two;* whence he infers that Charity is not had toward oneself; clearly in the reason of friendship, as the Saintly Doctors expound it.

Ex quibus intellige, quid velit D. Gregorius homil. 27. in Evang. quod Charitas minus quam inter duos haberi non potest; *unde infert, ad seipsum non haberi Charitatem; in ratione sane amicitiae, ut exponunt Sancti Doctores.*

Question XXII: Whether a man ought to love his own body out of charity

1 I ASSERT that it is so. It is the common opinion of the Theologians.

An homo debeat corpus suum ex Charitate diligere.

ASSERO, ita esse. Est communis sententia Theologorum.

2 *It is proved* first by D. Bonaventure, from *Ephes. 5: Husbands ought to love their wives as their own bodies; but wives are to be loved out of Charity: Therefore also bodies.*

Probatur *a D. Bonavent. primo, ex* 5. Ephes. Viri debent diligere uxores suas, sicut corpora sua, sed uxores sunt diligendae ex Charitate: Ergo et corpora.

3 *It is proved* secondly by the Holy Doctors from D. Augustine, *Book 1. of de doctrina Christiana, chapter 23.*

Probatur *secundo a SS. DD. ex D. Augustino* Lib. 1. de doctrina Christiana, capite 23.

4 *It is proved* thirdly by S. Bonaventure: everything beatifiable is lovable out of Charity: such are bodies: *Therefore.*

Probatur *tertio a S. Bonav. omne beatificabile est Charitate diligibile: Talia sunt corpora:* Ergo.

5 *It is proved* fourthly by S. Thomas. In the order of Charity kinsfolk are to be preferred to strangers, as Ambrose teaches in the *Cam. Gloss on ch. 2;* but kinship exists only on the part of bodies: Therefore, since our bodies are above all joined to us for this reason, they are to be loved out of Charity.

Probatur *quarto a S. Doctore. In ordine Charitatis consanguinei sunt praeferendi extraneis, ut docet Ambrosius in* Glossa Cam. 2. *sed consanguinitas non est nisi ex parte corporum: Ergo cum maxime sint nobis hac ratione coniuncta corpora nostra, sunt Charitate diligenda.*

6 *It is explained* by S. Thomas, *in corpore.* Charity is a weight inclining toward the highest good and perfect beatitude, and consequently makes us love everything lovable. Thus God must first be loved as blessed by essence: then the Spirits as beatifiable by participation: lastly bodies as beatifiable by the overflowing from the soul. So also Tannerus *disp. 2. quaest. 3. dub. 1.*

Explicatur *a S. Doctore,* in corpore. *Charitas est pondus inclinans ad summum bonum, et perfectam beatitudinem, atque adeo facit, ut diligamus omne beabile. Sic igitur amandus Deus primo beatus per essentiam: Deinde Spiritus per participationem beabiles: ultimo corpora beabilia per redundantiam ex anima. Ita etiam Tannerus* disp. 2. quaest. 3. dub. 1.

7 *You will object* first, *Ioan. 12: He who loves his life shall lose it;* but there it is understood as meaning animation unto life.

Obiicies *primo* Ioan. 12. Qui amat animam suam, perdet eam; *sumitur autem ibi, prout dicit animationem ad vitam.*

8 S. Bonaventure and D. Thomas answer that Christ urges us to hate the carnal life, not as meaning natural life, which is good, coming from God, and therefore to be loved: hence it is not lawful to kill oneself; but to hate the carnal life, as meaning the life fostered by the fire of concupiscence.

Respondet *S. Bonavent. et D. Thom. Christum hortari ad odiendam vitam carnalem, non prout dicit naturalem vitam, quae est a Deo bona, atque ideo amanda: Unde non licet interficere seipsum; sed ad odiendam vitam carnalem, ut dicit vitam, concupiscentiae igne foventem.*

9 *You will object* secondly. That which impedes beatitude is not to be loved out of Charity: such is the body, *Galat. 5: The flesh concupisceth against the spirit.* And *Rom. 7: I see another law in my members, fighting against the law of my mind, etc.* Whence he said: *Who shall deliver me from the body of this death?*

Obiicies *secundo. Id, quod impedit beatitudinem, non est Charitate diligendum: tale est corpus,* Galat. 5. Caro concupiscit adversus spiritum. *Et* Rom. 7. Sentio aliam legem in membris meis, repugnantem legi mentis, etc. *Unde dicebat:* Quis me liberabit de corpore mortis huius.

10 The Holy Doctors answer that the Apostle does not reject bodily life as it is natural; for it is not an impediment to salvation for that reason, but on account of concupiscence arising from sin.

Respondent *SS. DD. Apostolum non refugere vitam corporalem, ut est naturalis; neque enim ea est impedimentum ad salutem tali ratione, sed propter concupiscentiam ortam ex peccato.*

11 *You will object* thirdly. *Charity never falleth away, 1 Corinth. 13;* therefore the things that are to be loved out of Charity do not fall away; but bodies fall: Therefore.

Obiicies *tertio.* Charitas nunquam excidit, prima Corinth. 13. *ergo quae diligenda sunt ex Charitate, non excidunt; sed corpora cadunt: Ergo.*

12 S. Thomas answers that bodies are destined for perpetual incorruption in beatitude: hence, although now they are sown in corruption, yet they shall rise in glory; and consequently they are to be loved out of Charity.

Respondet *S. Doct. corpora ad perpetuam incorruptionem in beatitudine destinata esse: Unde, quamvis nunc seminentur in corruptione; tamen resurgent in gloria; atque adeo diligenda sunt Charitate.*

13 *You will object* fourthly. That which makes lovable out of Charity is communication in the image of God: But bodies do not have the Divine image: Therefore.

Obiicies *quarto. Id, quod facit diligibile ex Charitate, est communicatio in imagine Dei: Sed corpora non habent imaginem Divinam: Ergo.*

14 S. Thomas answers that of themselves they are indeed lovable by reason of the image and the capacity for God; hence bodies, because they participate in the image and beatitude only by reason of union, are therefore to be loved secondarily.

Respondet *S. Doct. per se quidem ea diligibilia esse ratione imaginis, et capacitatis Dei; unde corpora, quia solum participant, ratione unionis, imaginem, et beatitudinem, ideo secundario diligenda sunt.*

Question XXIII: Whether sinners are to be loved out of charity

1 The holy Doctors distinguish in sinners the nature by which they were created to the image of God, capable of beatitude; and according to this they say they are to be loved out of Charity; on the other side they see in them faults, on account of which they lack the free likeness of God, and are turned away from God, hateful, as Tannerus also admonishes, *disp. 2. quaest. 3. dub. 1.*

> ***An peccatores sint ex Charitate diligendi.***
>
> *Distinguunt Sancti Doctores in peccatoribus naturam, qua creati sunt ad Dei imaginem, capaces beatitudinis, et secundum hanc, Charitate amandos dicunt; ex altera parte vident in eis culpas, ob quas Dei similitudine gratuita carent, et sunt a Deo aversi, odibiles, ut admonet etiam Tannerus* disp. 2. quaest. 3. dub. 1.

2 They assert, therefore, that sinners are to be loved out of Charity by reason of nature.

> *Asservnt igitur, peccatores ratione naturae amandos Charitate.*

3 *It is proved* by S. Thomas, first from *Matth. 5,* where Christ commands his holy disciples: *Love your enemies;* but the enemies of the just are the impious.

> Probatur *a S. Doct. primo ex* Matth. 5. *ubi discipulis suis sanctis praecipit Christus:* Diligite inimicos vestros; *inimici autem iustorum sunt impii.*

4 *Secondly.* All the predestined are to be loved out of Charity; but among these many, according to present justice, are wicked, as I showed *quaest. 15.* Therefore.

> Secvndo. *Omnes praedestinati sunt Charitate amandi; sed ex his multi secundum praesentem iustitiam sunt pravi, ut ostendi* quaest. 15. *Ergo.*

5 *Thirdly.* All are to be loved for whom we ought to pray; but prayer is commanded even for sinners, *Matth. 5: Pray for them that calumniate you:* Therefore they are to be loved. The major is clear, because Christ places one of the effects of Charitable love: *Pray for them that persecute, etc.*

> Tertio. *Omnes sunt diligendi, pro quibus orandum; sed pro peccatoribus etiam orandum praecipit* Matth. 5. Orate pro calumniantibus vos: *Ergo sunt amandi. Maior patet, quia unum ex effectibus dilectionis Charitativae ponit Christus:* Orate pro persequentibus, etc.

6 *Fourthly.* Our Charity ought to be conformed to the Charity of Christ; but Christ loved the impious, and prayed for those crucifying him, *Lucae 23: Father, forgive them: for they know not what they do. Rom. 5: But God commendeth his Charity towards us: because when as yet we were sinners, Christ died for us.*

> Qvarto. *Nostra Charitas debet Charitati Christi conformari; sed impios dilexit Christus, oravitque pro crucifigentibus,* Lucae 23. Pater, ignosce illis: non enim sciunt quid faciunt. Rom. 5. Commendat autem Charitatem suam Deus: quoniam cum adhuc peccatores essemus, Christus pro nobis mortuus est.

7 The arguments to the contrary prove only that sinners are to be hated, insofar as they are such.

> *Argumenta in contrarium solum probant, odiendos peccatores, quatenus tales sunt.*

8 Furthermore it is objected. Charity is the bond of unity: Therefore only those are to be loved who are of the unity of the mystical body; but some wicked are not of the unity of the mystical body of the Church, as infidels and heretics; the other impious are dead members.

Porro obiicitur. Charitas est vinculum unitatis: Ergo illi soli sunt diligendi, qui sunt de unitate corporis mystici; sed aliqui mali non sunt de unitate corporis mystici Ecclesiae, ut infideles, et haeretici; caeteri vero impii sunt membra mortua.

9 S. Thomas answers that Charity is the bond of perfection and of unity subjectively in the just man, but is terminated toward those who can be of the unity, as toward its object. And so it is not necessary that Charity put both extremes actually united; but it suffices that it put the subject, in which it is, in act, the other being in habit; as science puts the knower in act, but the knowable in habit.

Respondet *S. Doctor, Charitatem esse vinculum perfectionis, et unitatis subiective in iusto; terminari vero ad eos, qui possunt esse de unitate, tanquam ad obiectum. Itaque non est necesse, ut Charitas ponat utraque extrema actu unita; sed sufficit, ut ponat in actu subiectum, in quo est alterum in habitu; sicut scientia ponit scientem in actu; scibile vero in habitu.*

10 From these things it is also gathered, by the same reasoning, that insofar as sinners are men capable of beatitude, even if they are impious, they can love themselves out of Charity; but if they love iniquity, they hate their own soul, *Psal. 10.* See D. Thom. *art. 7.*

Ex his etiam colligitur, eadem ratione, quatenus peccatores sunt homines capaces beatitudinis, etiamsi impii sint, posse seipsos diligere ex Charitate; si autem diligunt iniquitatem, odio habent animam suam Psal. 10. *Vide D. Thom.* art. 7.

Question XXIV: Whether it is necessary to love enemies out of charity

1 By the name of enemy is understood one who hates iniquitously, as S. Thomas notes; for one who troubles us for a just cause is not to be reckoned an enemy, even if he is so reckoned according to the opinion of the vulgar, as the Apostle said, *Galat. 4: Am I become your enemy, because I tell you the truth?*

Nomine inimici intelligitur odiens inique, ut advertit S. Doctor; nam qui iusta de causa nobis esset molestus, non esset censendus inimicus, etiamsi secundum opinionem vulgi talis censeatur, ut dicebat Apostolus, Galat. 4. Inimicus factus sum vobis, verum dicens.

2 The first opinion with the Master, which D. Bonaventure also reports, is that enemies are indeed necessarily to be loved when begging pardon, penitent, and prompt to make satisfaction; but that enemies formally reduplicatively are not to be loved, and that to love these is only of perfection.

Prima opinio apud Magistrum, quam refert etiam D. Bonavent. est, necessario quidem inimicos diligendos, petentes veniam, poenitentes, et ad satisfactiones promptos; non autem inimicos formaliter reduplicative, sed hos diligere esse tantum perfectionis.

3 Yet the true opinion is, and the common one, that enemies, as enemies, or the impious, are not to be loved; nevertheless in the state of enmity they are not to be excluded from the neighbor, loved by the elicited acts of Charity, by which we should will them the supernatural good of beatitude; not however that by imperated acts we should will them transient temporal goods, but it suffices not to rejoice in their evils, according to that, *Proverb. 24: Rejoice not when thy enemy shall fall, and Eccles. 8: Be not glad over thy dead enemy.* So the Holy Doctors with the Holy Fathers and Theologians commonly, as Valencia reports *disp. 3. quaest. 3. p. 2.* Caspensis *disp. 3. sect. 2.* Tannerus *disp. 2 quaest. 3. dub. 1.*

Vera tamen sententia est, et communis, inimicos, ut inimicos, seu impios, non esse diligendos; attamen in statu inimicitiae non esse excludendos a proximo, dilecto actibus elicitis Charitatis, quibus velimus eis bonum supernaturale

beatitudinis; non tamen, ut actibus imperatis velimus eis bona temporalia transitoria, sed sufficit non gaudere de malis eorum, iuxta id Proverb. 24. Cum ceciderit inimicus tuus, ne gaudeas, et Eccles. 8. Noli de mortuo inimico tuo gaudere. *Ita SS. D. D. cum SS. PP. et Theologis communiter, ut referunt Valentia* disp. 3. quaest. 3. p. 2. *Caspensis* disp. 3. sect. 2. *Tannerus* disp. 2 quaest. 3. dub. 1.

4 I assert first, that it cannot be denied without prejudice to the Faith that the precept of loving enemies exists in the Evangelical Law.

Assero primo, non posse negari sine praeiudicio Fidei, in lege Evangelica praeceptum diligendi inimicos, extare.

5 IT IS PROVED by S. Thomas, first from those places where we are commanded to love the neighbor, *Deuter. 6. Matth. 22;* for so S. August. notes in *Psal. 118.* and on Christian discipline, and *serm. 59. de Tempore, and 221.*

PROBATUR a S. Doct. primo ex illis locis, ubi praecipimur diligere proximum, Deuter. 6. Matth. 22. *sic enim advertit S. August. in* Psal. 118. *et de disciplina christiana, et* serm. 59. de Tempore, et 221.

6 SECONDLY it is proved by S. Thomas, from the reason that Christ adduces for loving enemies: *For if you love them that love you, what reward shall you have,* where the Gloss: *None from heaven.* Then thus: Charity cannot be without reward in the heavens; but those loving friends, and not enemies, will not be rewarded in heaven: Therefore they do not have Charity. Where note that that proof has force not only as regards the love of friends and the exclusion of enemies, as if they were to be rewarded for other works, and for the state of grace, in the way that the just are to be rewarded with eternal life for saying an idle word, even if not for that word; but the force is that no reward is simply to be expected from that exclusion of enemies; for if you take only the love of friends without the exclusion of enemies, it is a meritorious act, as I shall show in the *following quaest.*

SECUNDO probatur a S. Doctore, ex ratione, quam affert Christus diligendi inimicos: Si enim dilexeritis eos, qui vos diligunt, quam mercedem habebitis, *ubi Glossa:* Nullam de caelo. *Tunc sic: Charitas non potest esse sine praemio in caelis; sed diligentes amicos, et non inimicos, non praemiabuntur in caelo: Ergo Charitatem non habent. Ubi nota, vim habere probationem illam, non modo quantum quoad amorem amicorum, et exclusionem inimicorum, quasi praemiandi sint ob alia opera, et pro statu gratiae, quo pacto praemiandi sunt vita aeterna iusti dicentes verbum otiosum, etiamsi non ob illud verbum; sed vis est, nullum praemium simpliciter expectandum ex illa exclusione inimicorum; nam si solam dilectionem amicorum accipias sine exclusione inimicorum, est actus meritorius, ut ostendam* quaest. sequenti.

7 THEREFORE it is proved thirdly by S. Thomas, from the precept of Christ, *Matth. 5: But I say to you, love your enemies.* Where the Interlinear Gloss: *It does not suffice not to hate.*

IGITUR probatur tertio a S. Doctore, ex praecepto Christi, Matth. 5. Ego autem dico vobis, diligite inimicos vestros. *Ubi Glossa Interlin.* Non sufficit non odisse.

8 It is PROVED fourthly by S. Thom. that what is necessary for the remission of sins is a precept; but to spare enemies, and not exclude them from the object of Charity, is so necessary: Therefore. The major is evident. The minor is proved by S. Thomas from *Matth. 6: If you will forgive men their offences: your heavenly Father will also forgive you your offences. But if you will not forgive men: neither will your Father forgive you your offences.* And in *Matth. 18.* he commands us to forgive injuries *unto seventy times seven, that is, always,* as D. Augustine observes; for the septenary number is the sign of universality, because in seven days the universe was created; the eleventh number is the sign of transgression, because it

transgresses the tenth, in which the Decalogue, the law of Charity, is described; but seven times eleven makes seventy-seven, which is the number of universality, removing the imperfection of the former number. He infers here also a most powerful motive; for Lamech is marked out seventy-seven times of malediction in *Genesi 4*. Lamech signifies the humbled one; but the sin of Lamech is the sin of the whole human race; and after the fall there run out 77 generations unto the Advent of Christ, as is had in *Lucae 3*. Therefore he means to say that it is commanded us to remit all sins committed against us; just as Christ remitted all our sins committed against his majesty, nay more, expiated them with the blood of the Son. Whence he infers the word of the Apostle, *250: And be ye kind one to another; forgiving one another, as God hath forgiven you in Christ*. D. Augustine observes this. Hence in the same *cap. 18. Matth.* is brought the parable of the servant, who, unwilling to forgive a small debt to his fellow-servant, when nevertheless a debt of ten thousand talents had been forgiven him — which sums to a hundred and twenty millions of gold, in the Persian reckoning — was condemned to perpetual prison.

> *PROBATUR quarto a S. Doct. id, quod necessarium est ad remissionem peccatorum, est praeceptum; sed parcere inimicis, eosque non excludere ab obiecto Charitatis, est ita necessarium: Ergo. Maior est evidens. Minor probatur a S. Doct. ex* Matth 6. Si dimiseritis hominibus peccata eorum: dimittet et vobis Pater vester caelestis delicta vestra. Si autem non dimiseritis hominibus: nec Pater vester dimittet vobis peccata vestra. *Et* Matth. 18. *praecipit, ut dimittamus iniurias* usque septuagies septies, idest semper*, ut observat D. August. nam numerus septenarius est signum universitatis, quia septem diebus creatum est universum; numerus undecimus est signum transgressionis, quia transgreditur decimum, in quo Decalogus, lex Charitatis, describitur; septies autem undecim facit septuagies septies, qui est numerus universitatis, auferens imperfectionem prioris numeri. Infert hic etiam praepotens motivum; nam Lamech septuagies septies maledictionis indicantur* Genesi 4. *Lamech significat humiliatum; peccatum vero Lamech, peccatum totius generis humani; post lapsum vero excurrunt 77. generationes usque ad Adventum Christi, ut habetur* Lucae 3. *Igitur vult dicere, praeceptum esse nobis remittere omnia peccata contra nos patrata; sicuti et Christus omnia peccata nostra, contra suam maiestatem patrata, remisit, imo et sanguine filii expiavit. Unde infert id Apostoli.* 250 Donantes vobismetipsis, sicut Deus in Christo donavit vobis. *Id observat D. Augustinus. Hinc eo* cap. 18. Matth. *affertur parabola servi, qui nolens dimittere exile debitum conservo, cum tamen sibi dimissum esset debitum decem millium talentorum, quae summant centum et viginti milliones auri, more Persico, damnatus est carcere perpetuo.*

9 It is PROVED fifthly by S. Thomas. The flesh is more an enemy to man than any enemy whatsoever; but *no man ever hated his own flesh. Ephes. 5.* Therefore.

> *PROBATUR quinto a S. Doct. Plus inimica est caro homini, quam inimicus quicumque; sed* nemo unquam carnem suam odio habuit. Ephes. 5. *Ergo.*

10 It is PROVED sixthly by S. Thomas. Where there is the reason of the object of Charity, there also the act of Charity is to be terminated; but the object of Charity is the neighbor, insofar as he is communicable of eternal life with us, and in this all our enemies also concur; and for that reason they are neighbors, as Valencia also teaches, *loco cit*. Therefore.

> *PROBATUR sexto a S. Doct. Ubi est ratio obiecti Charitatis, ibi est etiam actus Charitatis terminandus; sed obiectum Charitatis est proximus, quatenus est communicabilis ei vita aeterna nobiscum, et in hac omnes etiam inimici nostri conveniunt; et ob id proximi sunt, ut docet etiam Valentia* loco cit. *Ergo.*

11 From these many deduce that this is a precept of nature, which pressed also in the time of the old law. Therefore *Exodi 23: If thou meet thy enemy's ox or his ass going astray, bring it back to him; if thou see the*

ass of him that hateth thee lie under a burden, thou shalt not pass by, but shalt lift him up with him; Levit. 19: Seek not revenge, nor be mindful of the injury of thy citizens.

> *Ex quibus deducunt multi, hoc esse praeceptum naturae, quod urgebat etiam tempore legis veteris. Ideo* Exodi 23. si occurreris bovi inimici tui, seu asino erranti, reduc ad eum, si videris asinum odientis te iacere sub onere, non pertransibis, sed sublevabis eum eo Levit. 19. Non quaeras ultionem; neque memor eris iniuriae concivium tuorum.

12 The RATIO is taken from what is said by D. Bonaventure; for we are bound by the law of nature to love the neighbor, as is had in *Deuter. 6. Matth. 22.* But the enemy is also a neighbor.

> *RATIO sumitur ex dictis a D. Bonavent. nam tenemur iure naturae diligere proximum, ut habetur* Deuter. 6. Matth. 22. *Proximus autem est etiam inimicus.*

13 However, this PRECEPT does not bind to having an act of Charity singularly toward enemies; but only generally toward all, and enemies are not to be excluded from it; so the Priest prays: *memento, Domine, and of all those present;* may he not exclude the enemy assisting. Similarly not from common benefits in necessity, spiritual or temporal. Moreover, to benefit enemies outside necessity is a work of counsel and of signal perfection, as D. Augustine teaches, *in Enchir, cap. 73,* as Caspensis notes, and I shall say in *quaest. 25.*

> *PRAECEPTUM autem hoc non ligat ad habendum actum Charitatis singulatim in hostes; sed solum generalem ad omnes, et ab eis non excludendus hostes, verum Sacerdos orat;* memento Domine, et omnium circumstantium; *non excludat inimicum assistentem. Similiter neque a beneficiis communibus in necessitate spirituali, vel temporali. Caeterum benefacere hostibus extra necessitatem, est opus consilii, et egregiae perfectionis, ut docet D. Augustinus* in Enchir, cap. 73. *ut notat Caspensis, et dicam* quaest. 25.

14 QUOAD the act, indeed, or the affect of love, it is a precept, as the same S. Augustine teaches, *Lib. 1. de doctrina Christiana, cap. 22,* and *Tract. 8. in primam Ioan.,* and other Fathers with Valencia. Therefore Christ says: *love your enemies, etc. that you may be the children of your Father who is in heaven;* Therefore this is necessary for the filiation of adoption, without which no one enters into the inheritance of the kingdom of heaven. Whence Christ says, *Matth. 5: Unless your justice abound more than that of the Scribes and Pharisees, you shall not enter into the kingdom of heaven.* And among the doctrines and false traditions of the Pharisees was this: *Thou shalt love thy neighbour, and shalt hate thy enemy.* Therefore, that we may be able to enter into the kingdom of heaven, he says: *Love your enemies, that you may be the children of your Father.* From which it is deduced that this is necessary, and consequently a precept, as S. Thomas argues, on the second and 4th foundation. Therefore the Apostle says, *Rom. 12: If thy enemy be hungry, give him to eat: if he thirst, give him to drink: for, doing this, thou shalt heap coals of fire upon his head* — coals of Charity, surely, according to Ambrose, Augustine, Bede, and D. Thomas, not of eternal punishment, according to Chrysostom with Tannerus, *disput. 2. quaest. 3. dub. 1.*

> *QUOAD actum vero, seu affectum dilectionis, est praeceptum, ut docet idem S. Augustinus* Lib. 1. de doctrina Christiana, cap. 22. *et* Tract. 8. in primam Ioan. *et alii Patres apud Valentiam. Ideo Christus ait:* diligite inimicos vestros, etc. ut sitis filii patris vestri, qui in caelis est; *Ergo hoc est necessarium ad filiationem adoptionis, sine qua nemo ingreditur haereditatem regni coelorum. Unde ait Christus,* Matth. 5. Nisi abundaverit iustitia vestra plusquam Scribarum, et Pharisaeorum, non intrabitis in regnum caelorum. *Inter doctrinas autem, et traditiones falsas Pharisaeorum, erat hoc:* Diliges proximum tuum, et odio habebis inimicum tuum. *Propterea, ut possimus ingredi regnum coelorum, ait:* Diligite inimicos vestros, ut sitis filii Patris vestri. *Ex quo*

deducitur, necessarium esse hoc, atque adeo praeceptum, ut arguit S. Doctor, fundamento secundo, et 4. Ideo ait Apostolus Rom. 12. Si inimicus tuus esurierit, ciba illum: si sitierit potum da illi: hoc enim faciens, carbones ignis congeres super caput eius*, Charitatis utique, carbones, iuxta Ambrosium, Augustinum, Bedam, et D. Thomam, non supplicii aeterni, iuxta Chrysostomum apud Tannerum* disput. 2. quaest. 3. dub. 1.

15 *You will OBJECT first, Matth. 5: You have heard that it was said to them of old: Thou shalt love thy neighbor, and shalt hate thy enemy:* Therefore the ancient Law of God is kept whole, even if the enemy were hated. It is confirmed, because the moral Law is contained in the ten precepts, and in it there is no mention of loving the enemy. Therefore the Gloss on 3. Reg. 7: *Hiram made a molten sea of ten cubits.* The Gloss there: *By the ten precepts in the law, the Lord expressed all things that we ought to do.*

OBIICIES primo Matth. 5. Audistis, quia dictum est antiquis: Diliges proximum, et odio habebis inimicum tuum: *Ergo Lex Dei integra antiqua servata est, etiamsi odio haberetur inimicus. Confirmatur, quia in decem praeceptis Lex moralis continetur, et in ea non fit mentio inimici diligendi. Ideo Glossa ad id 3. Reg. 7.* Fecit Hiram mare fusile decem cubitorum. *Glossa ibi:* Decem praeceptis in lege, omnia, quae facere debemus, Dominus expressit.

16 S. Thomas answers first that the law did not command this, but that the Pharisees deduced it by way of opposition, because in *Leuit. 19.* it was said: *Thou shalt love thy neighbour,* or as our version has it: *friend;* for the Hebrew רֵעַ rea signifies companion or friend; but by friend they understood a companion from the stock of Abraham and Jacob, as if the other nations were to be hated and destroyed, because it is said, *Deutet. 25: Thou shalt blot out his name under heaven. Beware thou forget not,* as Maldonatus glosses: *But they were deceived,* because, although it said certain nations were to be destroyed, yet not all; nay rather, to be loved, since they were to be joined in one wall by the corner stone, as is said in *Isaie 28. Ephes. 2. Prima Petri 2. Psalm. 117.* See Molanus on that place, Cornelius a Lapide, and other expositors. And so the place is interpreted in this way by the Imperfect *homil. 13. in Matth.*, ascribed to Chrysostom, and others, whom Tostatus follows, *quaest. 344.* S. Thom. *3. dist. 30. art. 1.* Valencia *disp. 3. quaest. 3. puncto 2,* where he calls it the perverse tradition of the Pharisees; and Cornelius a Lapide, observing that in the ancient law it was only permitted to kill for justice, but not to hate. For thus also the Judge kills the guilty. Therefore Caspensis *num. 11.* calls it the wicked interpretation of the Pharisees. So also Tannerus *disp. 2. quaest. 3. dub. 1.*

RESPONDet S. Doctor primo*, hoc non praecepisse legem, sed id deduxisse Pharisaeos ex opposito, quia* Leuit. 19. *dictum erat:* Diliges proximum*, vel ut noster vertit:* amicum*, Hebraeus enim* רֵעַ *rea significat socium, vel amicum; per amicum autem intelligebant socium ex genere Abrahae, et Iacob, quasi caeterae gentes essent odio habendae, et delendae, quia dicitur* Deutet. 25. Delebis nomen eius sub caelo. Caue ne obliuiscaris*, ut glossat Maldonatus:* At decepti *sunt, quia, licet quasdam gentes delendas diceret; tamen non omnes; imo diligendas,quippe essent in unum parietem lapide angulari sociandae, ut dicitur* Isaie 28. Ephes. 2. Prima Petri 2. Psalm. 117. *Vide Molanum ad eum locum, Cornelium a Lapide, aliosque expositores. Itaque hoc pacto interpretari sunt locum istum, Imperfectus* homil. 13. in Matth. *Chrysostomo adscriptus, et alii, quos sequuntur Tostatus* quaest. 344. *S. Thom.* 3. dist. 30. art. 1. *Valentia* disp. 3. quaest. 3. puncto 2. *ubi eam vocat perversam traditionem Pharisaeorum, atque Cornelius a Lapide, observantes, in lege antiqua solum concessum ad iustitiam occidere, non autem odio habere. Sic enim et Iudex occidit reos. Ideo Caspensis* num. 11. *vocat eam pravam interpretationem Pharisaeorum. Sic etiam Tannerus* disp. 2. quaest. 3. dub. 1.

17 THEN S. Thomas answers, and with him Tannerus, that hatred was conceded, or permitted, of old to the law as regards its effects, as has been said; but not the affect of hatred; and indeed as to effect

he conceded it not toward private adversaries, but toward the idolatrous Chanaanites, the warring enemies of the Church. And so those who are said to be enemies above in *Exodi 23. Leuit 19.* were private enemies, but friends as regards the Republic. From which it follows that it was so conceded by the law; but that Christ corrected that law and issued the new precept of the Gospel, as Legislator, and that indeed a perfect one. So with an incredible consensus nearly the ancient Fathers: Irenaeus *Lib. 4. cap. 22.* Tertullianus *Lib. de Patientia*, Clemens Alex. *lib. 6. strom.* Hilarius *can. in Matth. 4.* Epiph. *in Ptolemaitas, haeresi 31.* Basil. *homil. in Psalm. 14.* Chrysostomus *homil. 16. in Matth.* Auctor imperf. *homil. 11.* Ambrosius *serm. 5. in Psalm. 118.* Hieronymus *epist. ad Heroniam, de Monogamia*, Theophylac. and Euthym. on this place, whom Maldonatus adduces and follows, *in cap. 5. Matth. num. 21.* But this exposition fits better for proving that Christ came in the Gospel not only as a good messenger, but also enacted Laws as Legislator, against the heretical Pelagians, of whom Hieronymus *Lib. primo*, and against the sectaries of our time. Therefore he corrects the law, and wills that the name of neighbor be extended to all, since they communicate in the capacity for God and Beatitude, as Hieronymus, Augustinus, Theophylac. and others expound, with Cornelius a Lapide.

> DEINDE respondet S. Doctor, *et cum eo Tannerus, concessum, seu permissum antiquitus legi odium, quoad effectus, ut dictum est; non autem affectum odii; et sane quoad effectum concessit, non in adversarios privatos, sed in Idolatras Chananaeos, inimicos pugnaces Ecclesiae. Itaque illi, qui* Exodi 23. Leuit 19. *supra dicuntur inimici, erant inimici privati, sed amici quoad Rempublicam. Ex quibus sequitur, ita lege concessum fuisse; eam vero legem Christum correxisse, et novum Euangelii praeceptum edidisse, ut Legislatorem, et illud sane perfectum. Ita incredibili consensu fere antiqui Patres, Irenaeus* Lib. 4. cap. 22. *Tertullianus* Lib. de Patientia, *Clemens Alex.* lib. 6. strom. *Hilarius* can. in Matth. 4. *Epiph.* in Ptolemaitas, haeresi 31. *Basil.* homil. in Psalm. 14. *Chrysostomus* homil. 16. in Matth. *Auctor imperf.* homil. 11. *Ambrosius* serm. 5. in Psalm. 118. *Hieronymus* epist. ad Heroniam, de Monogamia, *Theophylac. et Euthym. ad hunc locum, quos allegat, et sequitur Maldonatus* in cap. 5. Matth. num. 21. *magis autem quadrat haec expositio ad probandum, Christum in Euangelio venisse, non ut bonum tantum nuncium, sed etiam Leges sanxisse, ut Legislatorem contra haereticos Pelagianos, de quibus Hieronymus* Lib. primo, *et sectarios nostri temporis. Igitur legem corrigit, et vult, nomen proximi extendi ad omnes, quippe communicantes in capacitate Dei, et Beatitudinis, ut exponunt Hieronymus, Augustinus, Theophylac. et alii apud Cornelium a Lapide.*

18 And this is the first fundamental reason of D. Bonav., by which he shows that enemies are to be loved, because according to the Law and interpretation of Christ, enemies also are included in the neighbor.

> *Et haec est prima ratio fundamentalis D. Bonav. qua ostendit, inimicos diligendos, quia iuxta Christi Legem, et interpretationem, in proximo includuntur etiam inimici.*

19 *You will OBJECT secondly from the Gloss on Lucae 6: Love your enemies,* which says it belongs to the perfect.

> OBIICIES secundo ex Glossa ad id Lucae 6. Diligite inimicos vestros, *quae dicit, esse perfectorum.*

20 S. Thomas answers that to love with elicited affect is a precept; but with imperated works of affect, outside necessity, it belongs to perfection, and thus the Gloss speaks.

> RESPONDet S. Doctor, *diligere affectu elicito esse praeceptum; affectu vero, imperante opera, extra necessitatem, perfectionis esse, et ita loqui Glossam.*

21 *You will OBJECT thirdly.* To love enemies is a thing of wonder, as the Gloss says on *Psalm. 118: Reuela oculos meos; et considerabo mirabilia de lege tua.*

OBIICIES tertio. *Diligere hostes est mirabile, ut ait Glossa ad id* Psalm. 118. Reuela oculos meos; et considerabo mirabilia de lege tua.

22 S. Thomas answers that to love enemies belongs among the marvels which the world admires as most arduous to be commanded by Divine law; yet they can be done with the aid of grace and Charity, and with these marvels the Gloss includes loving enemies, but not with miracles, which are of grace freely given.

RESPONDet S. Doctor, *diligere hostes esse ex mirabilibus, quae tanquam maxime ardua mundus admiratur praecipi lege Divina; possunt tamen fieri gratia adiuvante, et Charitate, et cum his mirabilibus includit Glossa diligere hostes, non autem cum miraculis, quae sunt gratia gratis data.*

23 *You will OBJECT fourthly from D. Ambrose with the Master dist. 29: it suffices not to hate the enemy.*

OBIICIES quarto ex D. Ambrosio apud Magistrum dist. 29. sufficit non odisse hostem.

24 S. Thomas answers that that authority is truncated, for he says: *it suffices, if we love simply, and do not hate.*

RESPONDet S. Doctor, *authoritatem illam esse truncatam, ait enim:* sufficit, si simpliciter diligimus, et non odio habemus.

25 S. Thomas hands down remedies for hatred, *de profectu religiosi, cap. 29,* namely, to fear the vengeance of God, who does not remit the sins of him who hates, *Matth. 18.* To overcome evil by good, *Rom. 12.* See S. Thomas.

Remedia odii tradit S. Doctor, de profectu religiosi, cap. 29. *nempe timere vindictam Dei, qui non remittit odienti peccata* Matth. 18. *Vincere in bono malum* Rom. 12. *Vide S. Doctorem.*

Question XXV: Whether we are bound to show the effects of charity toward enemies, and which

1 IT IS TO BE ASSERTED that it is a precept to love the enemy not only in affect, but also in effects.

An teneamur CHARITATIS effectus in hostes ostendere, et quosnam.

ASSERENDUM, praeceptum esse, non solum affectu hostem diligere, sed etiam effectibus.

2 *It is PROVED by D. Bonaventure, first from the old testament, Exodi 23: If thou see the ass of him that hateth thee lie under a burden, thou shalt not pass by, but shalt lift him up with him. Prouerb. 25: If thy enemy be hungry, give him to eat: if he thirst, give him drink.* But these commandments were given to all the Israelites.

PROBATUR a D. Bonauent. primo ex veteri testamento, Exodi 23. si videris, Asinum odientis te, iacere sub onere, non pertransibis, sed sublevabis cum eo. Prouerb. 25. si esurierit inimicus tuus, ciba illum: si sitit, potum da illi. *Haec autem mandata omnibus data sunt Israelitis.*

3 *It is PROVED secondly by S. Thomas, and S. Thom. from 5. Matth., where by the same precept it is enjoined: Love your enemies, and do good to them that hate you; and pray for them that persecute and calumniate you,* Where the Gloss: *The Church does three things: she loves, benefits, and prays: Therefore he who does not benefit enemies, and does not pray for them, is not a living member of the Church.*

PROBATUR secundo a S. Doctore, et S. Thom. ex 5. Matth. ubi eodem praecepto iniungitur: Diligite inimicos vestros, et benefacite his, qui oderunt vos; et orate pro persequentibus et calumniantibus vos,

Ubi Glossa: Ecclesia tria facit, diligit, benefacit, et orat: Ergo non est membrum viuum Ecclesiae is, qui non benefacit inimicis, et non orat pro eis.

4 *It is PROVED thirdly by S. Thomas. Where there is true Charity, there are its effects, just as where there is fire, there is the heating of the matter applied to it; but the effects of Charity are works shown forth for good, as is said in Ioan. 15: You are my friends, if you do the things that I command you, where Gregory, homil. 30. in Euang.: The proof of love is the showing forth of the work: Therefore; otherwise the love will be feigned.*

PROBATUR tertio a S. Doctore. Ubi est vera Charitas, ibi effectus eius, sicuti ubi est ignis, ibi calefactio materiae applicitae, sed effectus Charitatis sunt opera exhibita ad bonum, ut dicitur Ioan. 15. Vos amici mei estis, si feceritis quae eo praecipio vobis, ubi Gregorius homil. 30. in Euang. Probatio dilectionis, exhibitio est operis: Ergo; alioqui erit dilectio ficta.

5 *It is PROVED fourthly by S. Thomas: Our flesh is more an enemy to us than any enemy whatsoever; but we are bound to preserve it, as is said in Ephes. 5. Therefore.*

PROBATUR quarto a S. Doctore: Inimicior est caro nostra quouis inimico; sed hanc tenemur conservare, ut dicitur Ephes. 5. Ergo.

6 It is PROVED fifthly: To withhold the effects of Charity is an effect of hatred and of vengeance, which is contrary to Charity; but we are bound not to take vengeance, *Leuit. 19. Rom. 12.* Therefore we are bound not to withhold the effects of Charity.

PROBATUR quinto: Subtrahere effectus Charitatis, est effectus odii, et vindictae contrariae Charitati; sed tenemur non ulcisci Leuit. 19. Rom. 12. *Ergo tenemur non subtrahere effectus Charitatis.*

7 But S. Thomas OBSERVES in corpore that this precept presses in the necessity of the enemy, which he proves with that, *prima Ioan. 3: He that shall see his brother in necessity, and shall shut up his bowels from him: how doth the Charity of God abide in him? And he closes: My little children, let us not love in word, nor in tongue, but in deed, and in truth.*

OBSERVAT autem in corpore, S. Doctor, hoc praeceptum urgere in necessitate inimici, quod probat illo prima Ioan. 3. Si quis viderit fratrem suum necessitatem habere, et clauserit viscera sua ab eo: quomodo Charitas Dei manet in eo? Et claudit: Filioli mei, non diligamus verbo et lingua, sed opere, et veritate.

8 THEREFORE it is a precept in case of necessity to succor the enemy, especially in spiritual things, as I showed in the preceding quaest., from D. Augustine.

ITAQUE praeceptum est in casu necessitatis subvenire, maxime in spiritualibus, inimico, ut ostendi quaest. praecedenti, ex D. Augustino.

9 BECAUSE, however, here there is a twofold precept — one negative, not to hear, nor deny, the signs of love; the other affirmative, to show these signs — you must know that the negative, of not hating, etc., binds always. Therefore in *Matth. 18.* he is delivered to the tormentor who has not forgiven the injury. So *Nauar. cap. 14. num. 25.* Lorca 2.2. *sect. 3. disp. 25. num. 33.* Valencia *disp. 3. quaest. 3. punct. 2.* Suarez *disp. 5. sect. 5 num. 9.* Tannerus *disp. 2. quaest. 3. dub. 1.* Coninchez *disp. 24. dub. 6. num. 82.* Caspensis *disp 3 sect. 2.* Fagundez on the first precept of the Decalogue *Lib. 1. cap 28. num. 9.* with D. Bonaventure here, and in the preceding quaest. But insofar as it is affirmative, although it may seem not to bind to eliciting any internal act of love, nevertheless per accidens it often binds by reason of

avoiding scandal. Whence you ought to bear yourself toward the enemy so as not to show signs of enmity, which is left to the judgment of the prudent to determine; yet some rules are handed down.

> *QUIA vero hic est duplex praeceptum; alterum negativum, non audiendi, nec negandi, signa amoris: alterum affirmativum, haec signa ostendendi; scire debes, negativum, non odiendi, etc. ad semper obligare, Ideo* Matth. 18. *traditur tortori, qui non remiserit iniurias. Ita* Nauar. cap. 14. num. 25. *Lorca* 2.2. sect. 3. disp. 25. num. 33. *Valentia* disp. 3. quaest. 3. punct. 2. *Suarez* disp. 5. sect. 5 num. 9. *Tannerus* disp. 2. quaest. 3. dub. 1. *Coninchez* disp. 24. dub. 6. num. 82. *Caspensis* disp 3 sect. 2. *Fagundez in primum praeceptum Decalogi* Lib. 1. cap 28. num. 9. *cum D. Bonavent. hic, et quaest. praecedenti. Quatenus vero affirmativum est, licet videatur non obligare ad aliquem actum amoris internum eliciendum; per accidens tamen saepe obligar ratione scandali vitandi. Unde cum inimico ita te gerere debes, ut non ostendas signa inimicitiae, quod prudentis iudicio relinquitur videndum; sed tamen aliquas regulas tradunt.*

10 FIRST, when you pour out general prayers, do not exclude the enemy; for otherwise you do not bear yourself rightly in the Church, and you show yourself a dead member of the Church, which prays for all, as S. Thomas has it, *fundamento secundo.*

> *PRIMO cum orationes fundis generales, non excludas hostem; aliter enim te in Ecclesia non recte geris, et ostendis, te membrum mortuum Ecclesiae, quae pro omnibus orat, ut habet S. Doctor* fundamento secundo.

11 WHEN you bestow alms on a needy community, you ought not to exclude a needy enemy. So Syluester *V. Charitas, num. 3. §. 5.* Toletus *Lib. 4. summa, cap. 10.* Nauar. *summa Latina, cap. 25.* Fagundez *numero 10.*

> *CUM eleemosynas communitati indigenti largiris, non debes excludere inimicum egenum. Ita Syluester* V. Charitas, num. 3. §. 5. *Toletus* Lib. 4. summa, cap. 10. *Nauar.* summa Latina, cap. 25. *Fagundez* numero 10.

12 SIMILARLY, when you stand in the circle, you ought to address the enemy in common, and to salute him who greets you as he meets you. Hence S. Thomas, *de profectu religiosi, cap. 28. says: let them examine how they would minister food to a hungry enemy, if they deny salutation, especially if he seeks it.* Whence he gathers that such a one will not keep that: *Rom. 12. and prouerb. 25: If thy enemy be hungry, give him to eat.* So also D. Thom. 2. 2. *quaest. 25. art. 9.* and the expositors, and Suarez *disp. 5. de Charitate, sect. 5. n. 7.* Valencia *disp. 3. quaest. 3. puncto 3* toward the end, *vers. 3.* Coninch. *disp. 24. dub. 6. from num. 85.* Fagundez *loco cit.* who gathers two things from this: The first is, that it is mortal to deny these signs of Charity. So also Suarez *num. 7.* The second, that it is then a sin of scandal when alms and the other things are altogether public; for then necessity presses. But you are not bound per se to be the first to salute; not to return a salutation, however, is per se only venial, as Caspensis says, *num. 15.*, unless scandal be present. Bassaeus adds, *V. Charitas, num. 14.*, and notable contempt, where he says the circumstances are to be observed, especially if the condition be gravely unequal, and he does not so quickly condemn it as mortal. So Diana *part. 2. tract. 1. resol. 62.*

> *SIMILITER cum in circulo stas, alloqui communiter inimicum, et salutare eum obvium debes salutantem. Hinc S. Doctor* de profectu religiosi, cap. 28. dicit: examinent hi, quomodo esurienti inimico cibum ministrarent, si salutationem negant, maxime si affectet eam. *Unde colligit, hunc non servaturum illud:* Rom. 12. et prouerb. 25. Si esurierit inimicus tuus, ciba illum. *Ita etiam D. Thom.* 2. 2. quaest. 25. art. 9. *et expositores, et Suarez* disp. 5. de Charitate, sect. 5. n. 7. *Valentia* disp. 3. quaest. 3. puncto 3 *ad finem* vers. 3. *Coninch.* disp. 24. dub. 6. a num. 85. *Fagundez* loco cit. *qui duo hinc colligit: Primum est, esse mortale haec signa Charitatis negare. Ita etiam Suarez* num. 7. *Secundum, tunc esse peccatum scandali, quando omnino eleemosyna, et alia sunt publica; tunc enim necessitas urget. Non teneris autem primus esse ad salutandum per se; non resalutare vero, per se est solum veniale,*

ut ait Caspensis num. 15. *nisi scandalum adsit. Addit Bassaeus* V. Charitas, num. 14. *et notabilis contemptus, ubi circumstantias ait observandas, maxime si dispar sit graviter conditio, neque ita cito mortale damnat. Sic Diana* part. 2. tract. 1. resol. 62.

13 But the SIGNS of special love on any occasion of opportunity are only of perfection. So Fagundez *num. 11.* Coletus *Lib. 4. summa, cap. 10.* Caspensis *loco citato,* with D. Bonaventure *in corpore.* Nay, Nauar. adds, *loco cit.*, and Caietanus, *art 9.*, that even one reconciled with an enemy is not bound to show him first the services shown in the time of friendship; nay, it can even be necessary to abstain sometimes, if the familiarity is harmful, as Tannerus says, *disp. 2. quaest. 3. dub. 1. num 9.*

SIGNA vero specialis amoris in quavis opportunitate sunt tantum perfectionis. Ita Fagundez num. 11. *Coletus* Lib. 4. summa, cap. 10. *Caspensis* loco citato, *cum D. Bonavent.* in corpore. *Imo addit Nauar.* loco cit. *et Caietanus* art 9. *etiam reconciliatum cum inimico, non teneri ei prima obsequia, tempore amicitiae exhibita, exhibere; Imo potest esse necessarium, abstinere aliquando, si familiaritas sit nociua, ut ait Tannerus* disp. 2. quaest. 3. dub. 1. num 9.

14 We are bound also under mortal sin, to enemies begging pardon, to remit the injury, as regards hatred, and as regards the fault committed against us; but not as regards the satisfaction due, nor as regards the action we have against them in judgment. So the Doctors commonly with D. Thom. here; so Caietanus and Aragon. *ibi,* Toletus *Lib. 4. summae, cap. 10.* Syluester *V. Charitas, num. 4. §. 6.* Angelus *verbo iniuria, num. 6.* Nauar. *summa Latina, cap. 14. num. 25.* Tannerus *num. 8.* So *Lucae 17: If thy enemy return to thee, saying: It repenteth me: forgive him.* Whence S. Thomas observes, in his commentary, from Bede in the Gloss, that it is not commanded to forgive the sinner indiscriminately, but the penitent. Therefore he adds: *and if he sin against thee seven times in a day, and seven times in a day be converted unto thee, saying: It repenteth me; forgive him:* But he shows this elegantly thus: We are commanded to love the enemy, and to spare him, that we may be merciful, as the heavenly Father is merciful, and so may be his sons regenerated. But he himself spares the penitent, not the obstinate, *Ezech. 33: The wickedness of the wicked shall not hurt him, in what day soever he shall be converted.* Whence the Gloss of Bede on this place of Luke: *We are commanded to grant pardon otherwise to a brother asking, otherwise to an enemy persecuting: to the brother by granting remission we communicate, with the fellowship of Charity. To the persecutor wishing us evil, or, if he can, doing it, let us do with good will what we can, and this, by the example of Christ, Lucae 23: Father, forgive them; for they know not what they do. By the example of David, Psalm. 7: If I have rendered to them that repaid me evils, etc. and Act. 7, the example of Stephen: Lord, lay not this sin to their charge.* So S. Bonaventura.

TENEMUR etiam sub mortali, inimicis veniam petentibus iniuriam remittere, quantum ad odium, et quantum ad culpam in nos commissam; non vero quantum ad debitam satisfactionem, nec quantum ad actionem, quam erga illos habemus in iudicio. Ita communiter Doctores cum D. Thom. hic, sic Caietanus et Aragon. ibi, *Toletus* Lib. 4. summae, cap. 10. *Syluester* V. Charitas, num. 4. §. 6. *Angelus* verbo iniuria, num. 6. *Nauar.* summa Latina, cap. 14. num. 25. *Tannerus* num. 8. *Sic* Lucae 17. Si inimicus tuus reversus fuerit ad te dicens: poenitet me: dimitte illi. *Unde observat S. Doctor, in commentario, ex Beda in Glossa, Non iuberi passim peccanti, sed poenitenti dimittere. Ideo subdit:* et si septies in die peccaverit in te, et septies in die conversus fuerit ad te, dicens: poenitet me; dimitte illi: *Hoc autem eleganter ostendit sic: Praecipimur diligere inimicum, eique parcere, ut simus misericordes, sicut et Pater coelestis misericors est, et ita eius filii simus regenerati. Ipse autem poenitenti parcit non obstinato* Ezech. 33. Impietas impii non nocebit ei, in quacumque die conversus fuerit. *Unde Glossa Bedae in hunc locum Lucae:* Aliter fratri petenti, aliter inimico persequenti veniam dare praecipimur, fratri concessa remissione, socia Charitate communicamus. Persecutori malum nobis volenti, vel si potest, nobis facienti, bona voluntate faciamus, quod possumus, et hoc, exemplo Christi, Lucae 23. Pater ignosce illis; non enim sciunt quid

faciunt. Exemplo Dauidis Psalm. 7. Si reddidi retribuentibus mihi mala, etc. et Act. 7. exemplo Stephani: Domine ne statuas illis hoc peccatum. *Haec S. Bonaventura.*

15 Yet we are not bound to remit satisfaction; nay, Nauar. adds, *in summa Latina, cap. 14. num. 25.*, that sometimes some cannot be remitted even if they wish, as is had in *cap. Parochianos, de sent. excom. in verb. satisfaciant:* such is a son of a family, a servant, etc. So also Tannerus *num. 10.* with others.

Non tenemur tamen satisfactionem remittere, imo addit Nauar. in summa Latina, cap. 14. num. 25. *aliquando non posse aliquas remittere, etiamsi velint, ut habetur* cap. Parochianos, de sent. excom. in verb. satisfaciant: *talis est filiusfamilias, servus, etc. Ita etiam Tannerus* num. 10. *cum aliis.*

16 But when the injury is equal in time, gravity, and the other circumstances, let a mutual compensation be made, as Lessius says, *Tom. 1. Lib. 1. cap. 11. dub. 25. num. 133.*, against Nauar. *summa Latina, cap. 18. num 47.* and Caietanum, 2. 2. *quaest. 26. art. 2.*, who do not admit compensation, but wrongly; for it is given also in money and in other temporal goods: Therefore also in reputation. It is certain, indeed, that the one who offended first is bound to ask pardon first. But if one began, and the other gravely transgressed, the latter is bound to ask first. So Syluester in *Rosa aurea, cap. 56.*; yet always attend to the quality of the persons, as Fagundez notes, *num. 13.*

QUANDO autem est aequalis tempore, gravitate, et caeteris circumstantiis iniuria, fiat recompensatio mutua, ut ait Lessius Tom. 1. Lib. 1. cap. 11. dub. 25. num. 133. *contra Nauar.* summa Latina, cap. 18. num 47. *et Caietanum 2. 2.* quaest. 26. art. 2. *qui non admittunt compensationem, sed male; nam datur etiam in pecunia, et aliis bonis temporalibus: Ergo et in fama. Certum est vero, primum offendentem teneri primo veniam petere. Si vero unus incepit, et alter graviter excessit, tenetur iste primus petere. Ita Syluester in* Rosa aurea, cap. 56. *semper tamen attendas ad qualitatem personarum, ut notat Fagundez* num. 13.

17 But the ARGUMENTS to the contrary are solved by D. Bonaventure with this distinction: to be bound in necessity, and with the conditions given above; but outside necessity, it is asserted to be of perfection by the *Gloss on 5. Matth.* and by D. Augustine, *cap. 73. Enchir,* who *cap. 24. says: But whosoever does not forgive from the heart him that begs, and asks, or is penitent, let him by no means think that his sins are forgiven him by the Lord.* So D. Bonavent. *dist. 30.*

ARGUMENTA vero in contrarium solvuntur a D. Bonavent. hac distinctione, teneri in necessitate, et datis conditionibus supra; extra vero necessitatem, perfectionis asseritur a Glossa ad 5. Matth. a *D. Augustino* cap. 73. Enchir, *qui* cap. 24. ait: Quisquis autem roganti, et petenti, seu poenitenti, non ex corde dimittit, nullo modo existimet a Domino sua peccata dimitti. *Ita D. Bonavent.* dist. 30.

18 *He OBJECTS* still. It is natural that the enemy not be loved, but assailed.

OBIICIT *adhuc. Naturale est, ut inimicus non ametur, sed impugnetur.*

19 *He answers*, that nature indeed proceeds in necessary agents, as the hot against the cold; but enmity against men is against our nature; nay, even against the sociable nature of beasts of the same species. I will add: Grant that I am not bound to remit satisfaction in judgment, as I said, save where there is grave loss to the injured party; yet remission is to be urged, especially if he is to be punished by death, mutilation, etc., whence nothing accrues to the injured party. I do not refuse that, if the infamy must be washed away, satisfaction is to be sought, etc. Sylvest. verb. *Charitas*, quaest. 6. Malder. 2. 2. quaest. 25. art. 9. Filliuc. tract. 28. num. 25. Sylvius 2. 2. loc. cit. Laym. lib. 2. tract. 3. cap. 4. Tanner.

himself, disp. 2. quaest. 3. dub. 1. num. 11. Bassaeus verb. *Charitas*, num. 16. who admonish us to beware of vengeance palliated by justice.

> RESPONDET, *naturam in necessario agentibus, esto, procedere, ut calidum contra frigidum; at inimicitia contra homines, est contra naturam nostram; Imo et bestiarum eiusdem speciei sociabilem. Addam: Esto non tenear satisfactionem in iudicio remittere, ut dixi, praeciso gravi laesoris damno; tamen suadenda remissio, maxime si puniendus sit morte, mutilatione, etc. unde nihil laeso provenit. Non abnuo, si infamia sit eluenda, satisfactionem petendam etc. Sylvest. verb.* Charitas, *quaest. 6. Malder. 2. 2. quaest. 25. art. 9. Filliuc. tract. 28. num. 25. Sylvius 2. 2. loc. cit. Laym. lib. 2. tract. 3. cap. 4. Tanner. ipse disp. 2. quaest. 3. dub. 1. num. 11. Bassaeus verb.* Charitas, *num. 16. qui monent, ut vindictam, iustitia palliatam, caveamus.*

Question XXVI: Whether angels are to be loved out of charity

[1] I ASSERT that the Angels are to be loved out of Charity. *It is PROVED* by S. Thomas, ad 2., and D. Thom. in corpore. The friendship of charity is founded in the communication of eternal beatitude, in the participation of which we communicate with the Angels: for it is said, *Matth. 22: that in the resurrection men shall be as the Angels, in heaven.* Wherefore, although they differ in nature, by which natural friendship is constituted; they are nevertheless, according to supernatural things, toward the same end, and toward the same Good. And therefore they live together with us in eternal life, which is enough for supernatural friendship; just as natural fellowship is proper to friends according to nature, as Aristotle teaches, 8. *Eth. cap. 5.* The others use this same reasoning, as you will see in Tannerus, disp. 2. quaest. 3. dub. 1.

> *ASSERO, Angelos ex Charitate esse diligendos.* PROBATUR *a S. Doct. ad 2. et D. Thom. in corpore. Amicitia charitatis fundatur in communicatione beatitudinis aeternae, in cuius participatione communicamus cum Angelis: Dicitur enim* Matth. 22. In resurrectione futuros Homines, sicut Angelos, in caelo. *Quapropter, licet natura differant, qua constituitur amicitia secundum naturam; sunt tamen secundum supernaturalia ad eundem finem, et ad idem Bonum. Et ideo convivunt nobiscum in vita aeterna, quod satis est ad amicitiam supernaturalem; sicuti convictus naturalis est proprius amicorum secundum naturam, ut docet Aristoteles 8.* Eth. cap. 5. *Hac ratione utuntur caeteri, ut videbis apud Tannerum disp. 2. quaest. 3. dub. 1.*

Question XXVII: Whether demons, and the damned, are to be loved out of charity

[1] I ASSERT that demons are not to be loved with charity. *It is proved* first by D. Bonaventure. Only those who are ordered to the same end of supernatural life are to be loved with Charity; but demons are not orderable to eternal life with us: Therefore. The major is certain: for where we have *Thou shalt love thy neighbor as thyself*, it is expressed that only those are to be loved with Charity who can, like us, communicate in the same good that we wish for ourselves, as D. Augustine indicates, cited by the Master dist. 28. Note, however, that this is not expressly found in St. Augustine.

> *ASSERO, daemones non esse charitate diligendos.* PROBATUR *a D. Bonav. primo. Illi tantum, qui sunt ordinati ad eundem finem vitae supernaturalem, sunt Charitate diligendi; sed daemones non sunt ordinabiles ad vitam aeternam nobiscum: Ergo. Maior est certa: nam ubi habetur:* Diliges proximum sicut teipsum, *exprimitur, eos solos diligendos Charitate, qui possunt, sicut et nos, in eodem bono communicare, quod nobis optamus, ut indicat D. August. apud Magistrum dist. 28. Adverte tamen, id expresse non haberi in D. Augustino.*

[2] *It is proved* second by the Holy Doctor from that passage *Luke 10* where Christ recites the Precepts: *Thou shalt love the Lord thy God with thy whole heart: and thy neighbor as thyself.* But when Christ was asked,

And who is my neighbor? He concludes: *He who showed mercy upon him*, namely upon the wounded man. Where the Gloss says: *The neighbor is he upon whom mercy is bestowed, or who bestows it:* But demons are not such: Therefore.

> PROBATUR *secundo a S. Doct. ex illo* Lucae 10. *ubi Christus profert Praecepta:* Diliges Dominum Deum tuum ex toto corde tuo: et proximum sicut te ipsum. *Interrogatus autem Christus:* Et quis est meus proximus? *Concludit:* Qui fecit misericordiam cum illo, *vulnerato scilicet. Ubi Glossa:* Proximus est is, cui impenditur, vel qui impendit misericordiam: *Sed daemones non sunt tales: Ergo.*

3 Maldonatus, moreover, OBSERVES on *Matthew 5* that here neighbor is designated not according to the ancient law, which declared only Jews to be neighbor, and therefore excluded the gentiles; but in the Evangelic manner, *where there is no distinction of Jew or Greek:* Hence that foreign Samaritan is neighbor to the man who fell among robbers, whom he helped with deeds; for he was not only neighbor to him, but also presented himself with him as Neighbor.

> *OBSERVAT autem Maldonatus ad 5.* Matthaei*, hic designari proximum, non iuxta legem antiquam, quae solos Iudaeos proximum declarabat, et ideo gentes excludebat; sed modo Evangelico,* ubi non est distinctio Iudaei, neque Graeci: *Ideo Samaritanus ille extraneus, est proximus illi, qui incidit in latrones, quem adiuvit operibus, hic enim non solum fuit illi proximus, sed etiam se cum illo ut Proximus exhibuit.*

4 Neighbor, moreover, is called by MANY NAMES in Scripture. First, by kinship, *Psalm 37. My friends and my neighbors drew near against me, and stood. Psalm 34. As though a neighbor, and as though our brother, so I pleased.* Second, by Religion, *Ecclesiasticus 15. He will exalt him among his neighbors*, and in this sense the ancient law spoke, at least according to the understanding of the Jews, not including enemies, that is, Pagans. Third, by communication in nature and in the supreme end; and thus man is neighbor to man, and the good Angel is neighbor, as D. Augustine teaches, *book 1. de doctrina Christiana, cap. 30.* Last, neighbor is said by proof from effects, and thus even that foreign Samaritan, who showed mercy, is truly neighbor, as Christ says. This from St. Bonaventure *on that text of Luke.*

> *MULTIPLICITER autem in Scriptura vocatur Proximus. Primo, cognatione,* Psal. 37. Amici mei, et proximi mei adversum me appropinquaverunt, et steterunt. Psal. 34. Quasi proximum, et quasi fratrem nostrum sic complacebam. *Secundo Religione,* Eccles. 15. Exaltabit illum apud proximos suos*, et hoc sensu loquebatur Lex antiqua, saltem secundum Iudaeorum intelligentiam, non includens inimicos, idest, Paganos. Tertio communicatione in natura, et fine supremo; et sic hominis homo, et Angelus bonus est proximus, ut docet D. August.* lib. 1. de doctrina Christiana, cap. 30. *Ultimo dicitur proximus probatione ex effectibus, et sic etiam extraneus ille Samaritanus, qui fecit misericordiam, est vere proximus, ut Christus ait. Haec S. Bonav.* ad eum Lucae textum.

5 *It is proved* third by the Holy Doctor, because Charity is borne toward those like us, either because they are just and communicate in spiritual life, or because they can be just and capable of glory, as D. Augustine says, 8. *de Trinit. cap. 6.* But demons are not such: Therefore.

> PROBATUR *tertio a S. Doct. quia Charitas fertur in similes, vel quia iusti sunt, et communicant in vita spirituali, vel quia possunt esse iusti, et habiles ad gloriam, ut ait D. August. 8.* de Trinit. cap. 6. *Sed daemones non sunt tales: Ergo.*

6 *It is proved* fourth by the Holy Doctor. The Church militant is a Sister conformed to the Church triumphant, and is therefore so called: *Descending from heaven, Apocalypse 21.* But the triumphant Court does not love demons: Therefore.

> PROBATUR *quarto a S. Doct. Ecclesia militans est Soror conformis triumphanti, quae ideo dicitur:* Descendens de caelo, Apoc. 21. *Sed Curia triumphans daemones non diligit: Ergo.*

7 *It is proved* fifth, because Charity does not comprehend those who are eternally separated from the Charity of Christ. Other authors use these arguments; see Tanner *disp. 2. quaest. 3. dub. 1.*

> PROBATUR *quinto, quia Charitas non comprehendit eos, qui in aeternum sunt a Charitate Christi separati. His mediis utuntur alii, Vide Tannerum* disp. 2. quaest. 3. dub. 1.

8 Almost all the ARGUMENTS to the contrary are solved by the Holy Doctor, granting that for natural friendship conformity in nature and in companionship suffices: But Charity means a supernatural friendship, for which demons are not fit.

> *ARGUMENTA in contrarium fere omnia solvit S. Doct. concedens, ad amicitiam naturalem sufficere conformitatem in natura, et convictu: Sed Charitas dicit amicitiam supernaturalem, ad quam Daemones non sunt idonei.*

9 *You will say* first: Demons benefit us toward merit and glory: Therefore they are to be loved with Charity.

> Dices *primo: Daemones nobis prosunt ad meritum, et gloriam: Ergo Charitate sunt diligendi.*

10 *The Holy Doctor REPLIES*: they benefit us against their own intention; therefore they contribute nothing to this.

> RESPONDET *S. Doct. proficere nobis contra intentum; ideo nihil faciunt ad hoc.*

11 *You will say* second: demons contribute to the honor of God and to justice being exalted: Therefore, since Charity loves God's honor, we ought also to love demons.

> Dices *secundo; daemones conferunt ad Dei honorem, et iustitiam exaltandam: Ergo, cum Charitas Dei honorem diligat, debemus etiam daemones diligere.*

12 *The Holy Doctor REPLIES*: this is true at most of that which contributes of itself by its own ordination. Therefore demons are indeed matter of the Divine justice worthy of praise, inasmuch as they are punished and forever deprived of beatitude; and hence we rise up to the praise of God; yet they are not objects of Charity, which requires an ordination in itself to beatitude, or at least as a means, such as the gifts of grace are.

> RESPONDET *S. Doct. id verum esse ad summum de eo, quod per se confert ex sui ordinatione. Igitur daemones sunt quidem materia Divinae iustitiae laudandae, quatenus puniti, et in aeternum privati beatitudine; et hinc nos ad Dei laudem insurgimus; non tamen sunt obiectum Charitatis, quod exigit ordinationem in se ad beatitudinem, aut ad minus, ut medium, sicuti sunt dona gratiae.*

Question XXVIII: Whether it is fitting that four things to be loved out of charity are enumerated

1 D. AUGUSTINE, *lib. 1. de doctrina Christiana, c. 23.*, enumerates four things to be loved with Charity. One above us, that is, God; one, which we ourselves are; a third next to us, that is, the Neighbor; a fourth below us, that is, our Body.

> *D. AUGUSTINUS* lib. 1. de doctrina Christiana, c. 23. *quatuor enumerat Charitate diligenda. Unum supra nos, idest Deum; Unum, quod nos sumus; tertium iuxta nos, idest, Proximum; Quartum infra nos, idest, Corpus nostrum.*

2 The SUFFICIENCY is taken from the very nature of Charity; for since this is a supernatural friendship, consisting in the communication of beatific life, in that communication there intervenes

first God, the cause of beatitude and the end to which we wish all good things. Second, others to whom we wish this good of beatitude, in which we may communicate: and these either communicate and participate directly, and they are Man and Angel; and this includes ourselves, and souls, and Angels, who are neighbors: or they participate indirectly by redundancy, and these are our bodies. So also D. Thomas *loc. cit.*, where see Malderus, Sylvius, and Tanner *disp. 2. quaest. 3. dub. 1.* Laym. *lib. 2. tract. 3. cap. 3.* Filliucius, *tract. 28. num. 8.* with Richard *3. dist. 28. art. 1.*

> *SUFFICIENTIA autem sumitur ex ipsius Charitatis natura; cum enim haec sit amicitia supernaturalis, consistens in communicatione vitae beatae, in qua quidem communicatione intervenit primo Deus, causa beatitudinis, et finis, cui omnia volumus bona. Secundo alii, quibus volumus bonum hoc beatitudinis, in quo communicemus: Et hi vel communicant, et participant directe, et sunt Homo, et Angelus; et hoc includit nos ipsos, et animas, et Angelos, qui sunt proximi: Vel participant indirecte per redundantiam, et haec sunt corpora nostra. Sic etiam D. Thomas* loc. cit. *ubi Malder. Sylvius, et Tanner.* disp. 2. quaest. 3. dub. 1. *Laym.* lib. 2. tract. 3. cap. 3. *Filliucius,* tract. 28. num. 8. *cum Richard.* 3. dist. 28. art. 1.

3 The sufficiency of things to be loved is also taken from COMPARISON with the one loving; for the one loving either has respect to that which is above himself, namely God; or to himself; or to his companions next to him, or to that which is below him; and in this way not only are the lovable objects enumerated, but also the order of love.

> *SUMITUR etiam sufficientia diligendorum ex comparatione ad diligentem; nam diligens, aut habet respectum ad id, quod est supra se, nempe Deum; Vel ad se; vel ad consocios iuxta se, vel ad id, quod infra se; et hoc pacto non solum obiecta diligibilia recensentur, sed etiam ordo dilectionis.*

4 *You will OBJECT* first: Things of the same species make one; but we and our neighbor are such: Therefore.

> OBIICIES *primo, Quae sunt eiusdem speciei, faciunt unum; sed nos, et proximus sumus tales: Ergo.*

5 *The Holy Doctor REPLIES*: they are one by nature, yet Charity first moves us on account of ourselves toward beatitude; then it regards the neighbor in order to beatitude; for the neighbor is less pertaining to us.

> RESPONDet *S. Doct. esse unum natura, tamen primo Charitatem movere nos propter nosmet ad beatitudinem: deinde respicere proximum in ordine ad beatitudinem; nam proximus est minus pertinens ad nos.*

6 *You will OBJECT* second: Scripture enumerates sufficiently the things to be loved, God and neighbor.

> OBIICIES *secundo. Scriptura satis enumerat diligibilia, Deum, et proximum.*

7 *The Holy Doctor REPLIES*: in these precepts we ourselves are included as to soul and body, as I showed *quaest. 21. and 22.*

> RESPONDet *S. Doct. in his praeceptis includi nos quoad animam, et corpus, ut ostendi* quaest. 21. et 22.

8 *You will OBJECT* third: Nothing is blessed besides three: God by essence, the soul by influence, and the body by redundancy, which are only three.

> OBIICIES *tertio. Nihil est beatum, praeter tria, Deus per essentiam, animus per influentiam, et corpus per redundantiam, quae sunt tantum tria.*

9 *St. Bonaventure REPLIES*: Charity regards its objects in an ordered way. For it is most orderly: hence it regards first ourselves, then those placed next to us.

> RESPONDet *S. Bonav. Charitatem sua obiecta respicere ordinate. Est enim ordinatissima: ideo respicit primo nos, deinde quae iuxta nos sunt posita.*

10 *You will OBJECT* fourth: D. Ambrose, in the *Gloss* on that Canticle 2, *He set charity in order within me*, enumerates six things to be loved: God, ourselves, Parents, sons and Brothers, Domestics, and Enemies.

> OBIICIES *quarto. D. Ambr. in* Gloss. *in id Cant.* 2. Ordinavit in me charitatem, *sex recenset diligibilia: Deum, Nos ipsos, Parentes, filios et Fratres, Domesticos, ac Inimicos.*

11 *The Holy Doctor REPLIES*: Ambrose distinguishes the neighbor by an accidental distinction, according as he is joined to us; but D. Augustine distinguishes according to the order of Charity in itself; hence it is considered according to the principal differences of good. See the Holy Doctor also *dist. 29. dub. 3. litt.*

> RESPONDet *S. Doct. Ambrosium distinctione accidentali distinguere proximum, prout nobis coniunctus est; at D. August. distinguit iuxta ordinem Charitatis secundum se; ideo attenditur secundum differentias principales boni. Vide S. Doct. etiam* dist. 29. dub. 3. litt.

12 *You will OBJECT* fifth: As our own body is to be loved, so also the neighbor's: If therefore our soul and the soul of the neighbor distinguish two members: Therefore also the bodies.

> OBIICIES *quinto. Sicut diligendum est corpus nostrum; ita et proximi: Si ergo animus noster, et animus proximi distinguunt duo membra: Ergo et corpora.*

13 *The Holy Doctor REPLIES*: our bodies and those of our neighbors are below us in the same order; hence they constitute one; but our soul and the soul of the neighbor are related in a different manner, because one is intrinsic, the other extrinsic, in the account of charity.

> RESPONDet *S. Doct. corpora nostra, et proximorum, esse infra nos in eodem ordine; unde unum constituunt; animum vero nostrum, et animum proximi diverso modo se habere, quia unus est intrinsecus, alter extrinsecus in ratione charitatis.*

14 *You will OBJECT* sixth: That which is against us is also to be loved out of charity.

> OBIICIES *sexto. Ex charitate diligendum est etiam id, quod est contra nos.*

15 *It is REPLIED*: that it is contained in the neighbor, who nevertheless is not loved as against us by reason of fault, but as next to us by reason of communication in the beatific life.

> RESPONDetur, *contineri id in proximo, qui tamen non diligitur, ut contra nos ratione culpae; sed ut iuxta nos ratione communicationis in vita beata.*

Question XXIX: Whether God, and the neighbor, are loved with the same habit of charity

1 NOTE that neighbor is said of us by reason of the identity of nature, coordinated to the blessed life.

> *NOTA, proximum dici nobis ratione identitatis naturae, coordinatae ad beatam vitam.*

2 This question is also proposed by the Moderns under another title: Whether the motive of Charity toward God and toward neighbor is the same.

> *HAEC quaestio alio etiam titulo a Modernis proponitur: An idem sit motivum Charitatis Dei, et proximi.*

3 The FIRST opinion is that the motives of the charity of God and of neighbor are diverse, such that the motive for loving God is His uncreated goodness; but the motive for loving neighbor is his supernatural perfection of sanctity, virtue, etc.

> *PRIMA opinio est, diversa esse motiva charitatis Dei, et proximi, ita, ut motivum diligendi Deum, sit increata eius bonitas; motivum vero diligendi proximum, sit eius supernaturalis perfectio sanctitatis, virtutis, etc.*

4 In favor of this are cited by Mastrius Vasquez, Caspensis, and other more recent authors, adducing D. Bonaventure. That author, however, having proposed the title *disp. 6. quaest. 22. of the third part*: Whether the motive of Charity toward God and toward neighbor is the same, proceeds thus.

> *Pro hac citantur a Mastrio Vasquez, Caspensis, et alii recentiores, adducentes D. Bonaventuram. Ille autem author, proposito titulo* disp. 6. quaest. 22. tertiae partis*: An idem sit motivum Charitatis Dei, et proximi, sic prosequitur.*

5 The FIRST opinion denies, and teaches, that the motive of the charity of God is His very uncreated goodness; but the motive of Charity, by which the neighbor is loved with the love of friendship, is the very supernatural goodness of the neighbor. For in two ways (says this opinion) can the neighbor be honestly loved: First on account of God's goodness alone, that is, from the desire of the divine good, because the good conferred upon the neighbor is in a certain way God's good, from the words of Christ, Matth. 25. *As long as you did it to one of these my least brethren, you did it to me*; and this love manifestly pertains to the Theological virtue of Charity. In the other way the neighbor can be loved, either on account of the rational nature which he has like ours, or on account of the sanctity of morals; in which love, since the formal object differs far from the formal object of Charity, he asserts it is not an elicited act of the Theological virtue, but of another inferior one. So Vasquez, Turrianus, Caspensis, Coninck, Arriaga, and other Recentiores, citing in their favor D. Thomas, D. Bonaventure, Richard, Durandus, and other older authors.

> *PRIMA sententia negat, docetque, motivum charitatis Dei esse ipsam increatam bonitatem: motivum vero Charitatis, quo proximus amore amicitiae diligitur, esse bonitatem ipsam supernaturalem proximi. Duobus enim modis (inquit haec sententia) potest proximus honeste diligi: Primo propter solam Dei bonitatem, idest ex desiderio divini boni, quia bonum, collatum in proximum, est quodammodo bonum Dei, ex verbis Christi, Matth. 25.* Quamdiu fecistis uni ex fratribus meis minimis, mihi fecistis*, atque haec dilectio manifeste pertinet ad Theologicam virtutem Charitatis. Alio modo potest diligi proximus, vel propter naturam rationalem, quam habet nostrae similem, vel propter morum sanctitatem, in qua dilectione, quoniam formale obiectum longe differt a formali obiecto Charitatis, asserit, illam non esse actum elicitum Theologicae virtutis; sed alterius inferioris. Ita Vasquez, Turrianus, Caspensis, Coninchius, Arriaga, et alii Recentiores pro se citantes D. Thomam, D. Bonaventuram, Richardum, Durandum, et alios antiquiores.*

6 These Doctors indeed ADMIT two motives of love, namely of God and of neighbor, yet they say one is the motive of that love which is Charity, as is clear from D. Bonaventure, adduced by these Doctors; indeed by Mastrius himself *num. 569. and* by Caspensis *disp. 3. de Charitate, sect. 1. num. 3.*, where the same is asserted as by Vasquez *lib. 1. de ador. disp. 6. cap. 2. and lib. 3. disp. 1. cap. 6.*; and certainly the words of D. Bonaventure in *3. dist. 9. art. 2. quaest. 4.*, where he is adduced by these, are in favor of the second opinion, to be reported shortly: For the Holy Doctor does not acknowledge those two habits, nor does he say one word about either of them.

HI vero Doctores duo quidem dilectionis motiva fatentur, Dei, scilicet et proximi, unum tamen dicunt esse motivum eius dilectionis, quae est Charitas, ut constat ex D. Bonav. allegato a Doctoribus his; imo ab ipso Mastrio num. 569. et *Caspensi* disp. 3. de Charitate, sect. 1. num. 3. *ubi idem asserit cum Vasquez* lib. 1. de ador. disp. 6. cap. 2. et lib. 3. disp. 1. cap. 6. et *sane verba D. Bonav. in* 3. dist. 9. art. 2. quaest. 4. *ubi ab his adducitur, sunt pro secunda sententia mox referenda: Neque enim S. Doct. illos duos habitus agnoscit, nec unum de illis verbulum dicit.*

7 Therefore Mastrius errs in reporting that these doctors deny there to be the same motive of the Charity of God and of neighbor, but posit two: Indeed he himself betrays his own error, while he says that these Doctors posit indeed two motives of the love of neighbor, one to be the goods of the neighbor; the other to be God, as the end; and that the former motive is not of Charity, but of an inferior virtue of love.

Fallitur igitur Mastrius referens, hos doctores negare, esse idem motivum Charitatis Dei, et proximi, sed ponere duos: Imo ipse suum errorem detegit, dum ait, hos Doctores ponere quidem duo motiva dilectionis proximi, alterum, esse bona proximi; alterum esse Deum, ut finem; et prius motivum non esse Charitatis, sed inferioris virtutis dilectionis.

8 The SECOND opinion, therefore, is that there is one motive by which God and neighbor are loved, namely uncreated goodness. So D. Bonaventure *loc. cit.* D. Thom. 2. 2. *quaest. 105. art. 3. ad 1.* Vasquez, Caspensis, Turtianus, Durandus, Richardus, Valencia, Suarez, Maldetus, Sylvius, whom Amicus adduces and follows *disp. 24. sect. 3.* The same think Lorca, Tannerus, Mastrius, adducing others, and among the rest Scotus *3. dist. 18. quaest. unica,* and all the Scotists. The same thinks D. Bonaventure *dist. 27. art. 1. quaest. 2. and art. 2. quaest. 3. in corpore.*

SECUNDA igitur sententia est, unum esse motivum, quo diligitur Deus, et proximus, scilicet bonitatem increatam. Ita D. Bonav. loc. cit. *D. Thom.* 2. 2. quaest. 105. art. 3. ad 1. *Vasquez, Caspensis, Turtianus, Durandus, Richardus, Valentia, Suarez, Maldetus, Sylvius, quos adducit, et sequitur Amicus* disp. 24. sect. 3. *Idem sentiunt Lorca, Tannerus, Mastrius, alios allegans, et inter caeteros Scotum* 3. dist. 18. quaest. unica*, et omnes Scotistas. Idem sentit D. Bonav.* dist. 27. art. 1. quaest. 2. et art. 2. quaest. 3. in corpore.

9 ¶ I SUPPOSE, which I distinguished in *quaest. 17.*, with D. Bonaventure, from which question some could have deduced that there are two motives of the Charity of God and of neighbor; but there he wills that there are two loves by reason of the material objects on account of which two precepts also are given: yet he asserts one motive, and one act of charity, and one habit, although there be given another habit of virtue, by which we love the neighbor on account of his likeness to us in nature, and on account of his sanctity: and in this is the true difference between the first and second opinion; for the first admits one motive of charity; nevertheless it posits another habit, by which the neighbor is loved by ordination to his perfections, as I said; which habit they do not call charity; but the Authors of the second opinion deny it altogether.

¶ *SYPPONO, quae distinxi* quaest. 17. *cum D. Bonav. ex qua quaestione nonnulli deducere potuerunt, duo esse motiva Charitatis Dei, et proximi; sed ibi vult, esse duos amores ratione materialium obiectorum, propter quae, duo etiam praecepta traduntur: at vero unum motivum asseverat, atque unum actum charitatis, unumque habitum, tametsi detur alius habitus virtutis, quo diligamus proximum propter similitudinem eius nobiscum in natura, et propter eius sanctitatem: et in hoc est differentia vera inter primam, et secundam sententiam; prima enim admittit unum motivum charitatis; attamen ponit alium habitum, quo ametur proximus per ordinem ad suas perfectiones, ut dixi; quem habitum, non charitatem vocant illi; Authores vero secundae sententiae eum omnino negant.*

10 ¶ I ASSERT first, that there is one habit of Charity, and one formal act of it toward God and neighbor.

> ¶ *ASSERO primo, unum esse habitum Charitatis, unumque actum formalem eius in Deum, et proximum.*

11 *It is proved by D. Bonaventure first, dist. 27. quaest. 2., by the arguments related in quaest. 6: where I showed this ex professo.*

> PROBATUR a D. Bonav. primo dist. 27. quaest. 2. argumentis, relatis quaest. 6: ubi id ex professo ostendi.

12 *It is proved second* from the Fathers, who define the same charity to be of God and of neighbor. So D. August. *8. de Trinit. cap. 8. and serm. de Dominica post Ascensionem. Bernardus serm. de coena Domini, Beda in 5. ad Romanos*, cited by Mastrius *num. 565.*

> PROBATUR secundo *ex PP. qui eandem charitatem esse definiunt Dei, et proximi. Ita D. August.* 8. de Trinit. cap. 8. et serm. de Dominica post Ascensionem. Bernardus serm. de coena Domini, Beda in 5. ad Romanos, *apud Mastrium* num. 565.

13 I ADD D. Gregory *homil. 38.*, cited by D. Bonaventure *lib. 2. Pharetrae, cap. 25: If anyone loves anyone, but does not love him for God's sake, he has not Charity; but he simulates that he has it, or thinks so: But Charity is true, when the friend is loved both in God, and the enemy is loved for God.* In these words he seems not only to assert one habit of Charity, but even to exclude every other habit of virtue by which we might love the neighbor on account of supernatural things.

> *ADDO D. Gregorium* homil. 38. *apud D. Bonav.* lib. 2. Pharetrae, cap. 25: Si quis quemlibet amat, sed propter Deum non amat, Charitatem non habet; sed habere se simulat, sive putat: Charitas autem vera est, cum et in Deo diligitur amicus, et propter Deum diligitur inimicus. *His verbis non solum unum habitum Charitatis asserere videtur, sed etiam excludere omnem alium virtutis habitum, quo proximum ob supernaturalia diligamus.*

14 For other Fathers see the same place. The authorities cited by Mastrius, however, seem to prove only the former point.

> *Alios Patres vide ibidem. Authoritates vero apud Mastrium, illud primum tantum probare videntur.*

15 *It is proved third by the Holy Doctor, by the places alleged.* Where there is the same formal object, there is one habit: but there is one formal object of charity: Therefore. The major is proved: for habits are specified by objects, certainly formal ones, as Aristotle teaches, alleged in *quaestione 6.* The minor is proved; for where there is the same motive, there is the same formal object; but in the Charity of God and of neighbor there is the same motive: Therefore. The minor is proved by D. Bonaventure, because in the neighbor nothing is loved but God, as D. Augustine says, adduced by the *second argument, dist. 26. art. 2. quaest. 2.*

> PROBATUR tertio a S. Doct. allegatis locis. *Ubi est idem obiectum formale, ibi unus habitus: sed unum est obiectum formale charitatis: Ergo. Maior probatur: nam habitus ab obiectis specificantur, sane formalibus, ut docet Aristoteles, allegatus* quaestione 6. *Minor probatur; nam ubi est idem motivum, ibi idem obiectum formale; sed in Charitate Dei, et proximi est idem motivum: Ergo. Minor probatur a D. Bonav. quia in proximo non diligitur, nisi Deus, ut ait D. August. adductus* argumento secundo, dist. 26. art. 2. quaest. 2.

16 THEN the Minor is proved by D. Bonaventure. When one thing is on account of another, there is one motive, and therefore one movement: But charity loves the neighbor on account of God: Therefore. The minor is proved third. When one thing is loved principally, then there is one love; but in the love of the neighbor God is principally loved: Therefore. This is the argument of D. Bonaventure *dist. 9. art. 2. quaest. 4. ad 3. and dist. 27. art. 1. quaest. 2. in corpore*, which Mastrius attributes to Scotus *num. 568.* The assumption is proved; because what is principally intended principally moves.

> *DEINDE probatur Minor a D. Bonaven. Quando unum est propter aliud, ibi unum motivum, atque unus ideo motus: Sed charitas diligit proximum propter Deum: Ergo. Probatur tertio minor. Quando unum est principaliter dilectum, tunc una est dilectio; sed in dilectione proximi principaliter dilectus est Deus: Ergo. Hoc est argumentum D. Bonav.* dist. 9. art. 2. quaest. 4. ad 3. et dist. 27. art. 1. quaest. 2. in corpore*, quod Scoto attribuit Mastrius* num. 568. *Probatur assumptum; quia, quod principaliter intenditur, principaliter movet.*

17 From these I see that the Seraphic Doctor admits indeed several material objects of charity, namely the divine goodness and created sanctity; but nevertheless the completed act, when created perfection is reduced to its end, without which direction the act of love of neighbor, by which his perfection, even supernatural, is loved, is not an act of a perfect virtue. And therefore with D. Gregory, alleged above, he denies that without this direction it is an act of virtue. I think this is what the Apostle willed, when he says: *He who loves his neighbor has fulfilled the law, Rom. 13.*; and John used to say: *Little children, love one another*, and preached nothing else. But when asked why he commended only this, he replied: *Because, if this be done, it suffices.* But certainly if a perfect love terminating in the perfections of man were granted, it certainly would not suffice for the observance of the Divine law, because God, who is principally commanded to be loved, would not be loved by it.

> *Ex his video, Seraphicum admittere quidem plura obiecta materialia charitatis, nempe divinam bonitatem, et creatam sanctitatem; sed tamen completi actum, dum creata perfectio reducitur in suum finem, sine qua directione non est virtutis perfectae actus ille dilectionis proximi, qua diligitur eius perfectio, etiam supernaturalis. Et propterea a D. Gregorio, supra allatus, sine hac directione negat, esse actum virtutis. Id arbitror voluisse Apostolum, cum ait:* Qui diligit proximum, legem implevit, Rom. 13. *et Ioannes dicere solebat:* Filioli diligite alterutrum*, et nihil aliud praedicabat. Interrogatus vero: Cur id solum commendaret, Respondit:* Quia, si hoc fiat, sufficit. *At sane si daretur dilectio perfecta terminans in hominis perfectiones, ea certe non sufficeret ad legis Divinae observantiam, quia non diligeretur per eam Deus, qui principaliter diligendus praecipitur.*

18 St. Bonaventure observes this acutely, *3. dist. 37. dub. 2. litt.*, and with him Mastrius *num. 569.* The Holy Doctor also indicates the same, *dist. 23. quaest. 1. ad 1.* Hence he argues from the foundation of *1. quaest., to be cited shortly:* When one thing is on account of another, then there is one only; but the love of neighbor, in order to be perfect, is on account of God: Therefore it is one with the love of God. Mastrius ascribes this argument to Scotus *num. 570.*

> *ID acute observat S. Bonav.* 3. dist. 37. dub. 2. litt. *et cum eo Mastrius* num. 569. *Idipsum etiam indicat S. Doct.* dist. 23. quaest. 1. ad 1. *Hinc arguit fundamento* 1. quaest. mox citandae: *Quando unum est propter aliud, tunc unum tantum; sed amor proximi, ut sit perfectus, est propter Deum: Ergo unus cum Dei amore. Hoc argumentum Scoto adscribit Mastrius* num. 570.

19 *It is proved fourth by D. Bonavent. dist. 27. art. 2. quaest. 3. in corpore.* The same object specifies the direct and the collative, or reflex act, even if it concur to the direct act immediately and directly; but to the reflex act only mediately and indirectly; the Reason is, because the principal specificative is

always that which is principally intended, whether it concur directly and immediately to the act, or indirectly and mediately: But that which is principally intended in the act of Charity is the goodness of God, in whatever way He is loved, whether directly or reflexly: Therefore the ultimate specification is always taken from it; for the principal act is specified by that on account of which it principally is, and is principally intended. The major is evident, because what is principally intended principally moves, and inflows into the very species of the act. The minor, in the act of love of the first mode, is clear enough; because what moves uniquely is the uncreated goodness: But of the act of love of the second mode it is proved, because then, although charity directly and immediately moves to loving the neighbor on account of his intrinsic goodness; yet it does not move on account of that absolutely, but respectively, inasmuch as it is a singular participation of the uncreated goodness: Therefore also in that second mode, although the uncreated goodness of God itself moves to that act mediately, and indirectly, or terminatively, and in an oblique manner, nevertheless it principally moves. Mastrius ascribes this argument of D. Bonaventure to Scotus *num. 568.*, although *in the following number* he reports D. Bonaventure teaching the same in *3. dist. 9. quaest. ultima: But* this argument in D. Bonav. *is dist. 27. loc. cit.*, which Amicus also uses.

> PROBATUR quarto a D. Bonavent. dist. 27. art. 2. quaest. 3. in corpore. *Idem obiectum specificat actum directum, et collativum, seu reflexum, etiamsi ad directum immediate, et directe concurrat; ad reflexum vero mediate solum, et indirecte; Ratio est, quia semper principale specificativum est id, quod principaliter intenditur, sive directe, et immediate; sive indirecte, et mediate ad actum concurrat: Sed quod actu Charitatis principaliter intenditur, est bonitas Dei, quocumque modo diligatur, sive directe, sive reflexe: Ergo semper ab illa sumitur ultima specificatio; ab illo enim actus principalis specificatur, propter quod principaliter est, et principaliter intenditur. Maior patet, quia, quod principaliter intenditur, principaliter movet, et influit in ipsam speciem actus. Minor in actu dilectionis proximi satis liquet primo modo; quia, quod unice movet, est bonitas increata: De actu vero dilectionis secundo modo probatur, quia tunc, licet charitas directe et immediate moveat ad diligendum proximum propter intrinsecam ipsius bonitatem; non tamen movet propter illam absolute, sed respective, ut nimirum singularis est participatio bonitatis increatae: Ergo etiam illo secundo modo, licet mediate, et indirecte, sive terminative, et in obliquo moveat ad illum actum bonitas ipsa increata Dei, adhuc tamen principaliter movet. Hoc argumentum D. Bonaventurae, Scoto adscribit Mastrius* num. 568. *licet* numero sequenti *referat D. Bonaventuram idem docentem in* 3. dist. 9. quaest. ultima: Sed *argumentum hoc in D. Bonav.* est dist. 27. loc. cit. *quo utitur etiam Amicus.*

20 Amicus and Mastrius, however, ADMIT that the charity of neighbor is terminated in God de facto; yet God could have instituted another habit of charity, by which we would love the neighbor in himself, independently of God, just as the saints are venerated with Dulia on account of their perfections.

> *ADVERTUNT autem Amicus, et Mastrius, charitatem proximi terminari ad Deum de facto; potuisse tamen Deum alium habitum charitatis condere, quo diligeremus proximum in se, independenter a Deo, quemadmodum, et sancti Dulia coluntur ob suas perfectiones.*

21 *Arriaga REPLIES* that Scripture and the Fathers only will that the habit of the love of God be connected with the habit by which the neighbor is loved; whether the neighbor be a material or a formal object.

> RESPONDET *Arriaga, Scripturam, et Patres solum velle, habitum dilectionis Dei esse connexum cum habitu, quo diligitur proximus; sive proximus sit obiectum materiale, sive formale.*

22 ¶ AGAINST: for the holy Fathers exclude other loves, as is clear from D. Gregory; and the love of neighbor is called the complement of the law, which would not be true, if the love of neighbor were not one with the love of God.

> ¶ *CONTRA: nam Sancti Patres excludunt alios amores, ut patet ex D. Gregorio; et amor proximi dicitur complementum legis, quod non esset verum, si amor proximi non esset unus cum Dei amore.*

23 *He REPLIES second* that, even if Scripture says: *He who loves his neighbor has fulfilled the law;* yet it does not follow that even the love of God proceeds from one habit; otherwise it would have to be inferred that no other supernatural habit distinct from charity exists; for he who loves God is chaste, is just, is patient, as is said *first Corinth. 13*. This argument is taken from D. Bonav. *3. dist. 33. quaest. 1. and dist. 37., the first argument to the contrary.*

> RESPONDET secundo, *etiamsi dicat Scriptura:* Qui diligit proximum, legem implevit; *tamen non sequi, ab uno habitu procedere etiam amorem Dei; alioqui deberet inferri, nullum alium habitum supernaturalem esse a charitate distinctum; nam qui diligit Deum, castus est, iustus est, patiens est, ut dicitur* prima Corinth. 13. *Hoc argumentum sumptum est e D Bonav.* 3. dist. 33. quaest. 1. et dist. 37. argumento primo ad oppositum.

24 But this evasion is precluded, as Mastrius saw *num. 573.* For first we do not deduce the unity of the habit of Charity from this text alone *Rom. 13.*, but from *first Corinth. 13.*, where Paul posits one charity, just as one faith, and hope; but these are each of one species: Therefore. An argument I used in *quaest. 6.* with D. Bonaventure *dist. 27. quaest. 2.*, taken from the unity of the object; because just as there is one first truth by which faith is unified, so there is one first and ultimate goodness, which is the object of charity. That other habits besides charity are necessary, is so; because charity exacts other acts only which are not acts of Charity, as the Holy Doctor notes *dist. 33. loc. cit. ad 1.*; but the charity of God and of neighbor elicits both acts as its own.

> *Sed haec evasio praecluditur, ut vidit Mastrius* num. 573. *Primo enim non educimus unitatem habitus Charitatis ex hoc solo* Rom. 13. *sed ex* prima Corinth. 13. *ubi Paulus unam charitatem ponit, sicuti unam fidem, et spem; sed hae sunt singulae speciei: Ergo. Quo argumento usus sum* quaest. 6. *cum D. Bonav.* dist. 27. quaest. 2. *sumpto ex unitate obiecti; quia sicut una est prima veritas, qua unificatur fides; ita una est bonitas prima, atque ultima, quae est obiectum charitatis. Quod vero necessarii sint alii habitus praeter charitatem, est; quia charitas alios actus solum impetat, qui non sunt actus Charitatis, ut notat S. Doct.* dist. 33. loc. cit. ad 1. *sed charitas Dei, et proximi elicit, tanquam proprios, utriusque actus.*

25 *You will OBJECT* first. Either the created goodness of the neighbor is the formal object of charity, or only the material object. If the first, I have my intent; if the second: Therefore supernatural goodness is not an honest good, because it cannot terminate the appetite, but is only a useful goodness, which is loved on account of others.

> Obiicies *primo. Vel bonitas creata proximi est obiectum formale charitatis, vel solum materiale. Si primum, habeo intentum; si secundum: Ergo bonitas supernaturalis non est bonum honestum, quia non potest terminare appetitum, sed est bonitas tantum utilis, quae amatur propter alios.*

26 D. Bonaventure *through the whole of the third question, art. 2. dist. 27. REPLIES* that the goodness of the neighbor is an honest and terminative object of the act of Charity; yet it does not terminate the act ultimately, which, since it has for its principal object the Divine goodness, as its ultimate formal object, continues and advances toward it, even if created goodness be terminative of the act and affection of charity subordinately; but the specificative reason is taken from the ultimate to which the

act tends and is terminated, and to which the object of created goodness is subordinated: From which it is clear that two virtues of charity are not necessary: one Theological; the other moral, because those two goodnesses are so related that one is ordered to the other; and where there is one on account of another, there is one only; even if that which is ordered to the other be terminative, it terminates less principally. With this doctrine they answer the argument of Amicus *loc. cit.* and Mastrius *num. 576.*, who attribute it to Scotus *3. dist. 31. quaest. un. §. Sed adhuc*, who drew it from D. Bonaventure *loc. cit.* I add, however, that Scotus in *dist. 28. quaest. un. ad argumenta* asserts that the goodness of the neighbor moves no more than a straw, which Arias benignly explains *dist. 28. art. 1.* as meaning: not to move as principal cause.

> Respondet *D. Bonav.* tota quaestione tertia, art. 2. dist. 27. *bonitatem proximi esse obiectum honestum, et terminativum actus Charitatis; non tamen ultimo terminare actum, qui cum habeat pro obiecto principali Divinam bonitatem, tanquam obiectum formale ultimum, pergit, ac progreditur ad illam, etiamsi bonitas creata subalterne sit terminativa actus, et affectus charitatis; ratio autem specificativa sumitur ab ultimo, ad quod tendit, et terminatur actus, et ad quod obiectum bonitatis creatae subordinatur: Ex quo patet, non esse necessarias duas virtutes charitatis: alteram Theologicam; alteram moralem, quia duae illae bonitates ita se habent, ut una ad alteram ordinetur; et ubi est unum propter alterum, ibi unum tantum; etsi illud, quod ad alterum ordinatur, sit terminativum, minus tamen principaliter terminat. Hac doctrina respondent argumento Amicus* loc. cit. *et Mastrius* num. 576. *qui eam attribuunt Scoto* 3. dist. 31. quaest. un. §. Sed adhuc*, qui eam hausit e D. Bonav.* loc. cit. *Addo tamen, Scotum* dist. 28. quaest. un. ad argumenta*, asserere, bonitatem proximi nihilo plus movere, quam festucam, quod benigne explicat Arriinus* dist. 28. art. 1. *intelligi, non movere, ut causam principalem.*

27 *You will say.* When I give alms, the act is terminated ultimately in that object out of piety toward the neighbor, and does not ascend to God, and in this way it is an act of virtue: Therefore there is a distinct habit: Therefore, etc.

> Dices. *Quando do eleemosynam, actus ultimo terminatur ad obiectum illud ex pietate in proximum, et non ascendit in Deum, et tali pacto est actus virtutis: Idco est habitus distinctus: Ergo, etc.*

28 *It is ANSWERED*, by denying the parity; for the habit of charity, being Theological, tends ultimately to God, nor is any other habit of charity known in Scripture and the Fathers.

> Respondetur*, negando paritatem; nam habitus charitatis, utpote Theologicus, tendit ultimo in Deum, nec est alius cognitus habitus charitatis apud Scripturam, et Patres.*

29 *You will OBJECT* second. If the motivating reason of the charity of the neighbor is the goodness of God, it follows that Charity is not a friendship properly so called of ours toward the neighbor: for according to Aristotle *8. Eth.* friendship is for the sake of the friend; for he loves the friend out of complacency in the friend himself.

> Obiicies *secundo. Si ratio motiva charitatis proximi est bonitas Dei, sequitur, Charitatem non esse amicitiam proprie dictam nostram ad proximum: nam secundum Aristotelem* 8. Eth. *amicitia est gratia amici; diligit enim amicum ex complacentia ipsius amici.*

30 *It is ANSWERED* from D. Bonaventure that the *argument alleged* would hold, if I granted that created goodness does not terminate the affection; but we say it does terminate it; yet so that it be ordered to the ultimate end, which is not against the reason of friendship: nor does Aristotle exclude that friendship be ordered to the ultimate end.

Respondetur *ex D. Bonav.* quaest. cit. argumentum *valiturum, si concederem, bonitatem creatam non terminare affectum; at dicimus, terminare; ita tamen, ut ad ultimum finem ordinetur, quod non est contra rationem amicitiae: neque Aristoteles excludit, amicitiam ordinari ad finem ultimum.*

31 *You will OBJECT* third. Two created honesties and goodnesses differ less than created goodness and uncreated goodness: but created goodness is twofold, the object of diverse virtues: Therefore. The major is evident, because created things are all finite; but created differs from uncreated as finite from infinite. It is taken from D. Bonaventure *fund. 4.*

Obiicies *tertio. Minus distant duae honestates, et bonitates creatae, quam bonitas creata, et increata: at bonitas creata duplex, est obiectum diversarum virtutum: Ergo. Maior patet, quia creatae sunt finitae omnes; at creata ab increata differt, ut finitum ab infinito. Sumitur ex D. Bonav.* fund. 4.

32 *It is ANSWERED* from D. Bonaventure *in corpore*, by denying the consequence; because although in the account of material object they differ more; yet in the account of formal object they do not differ more; because one moves by reason of the other, which is principal and ultimate, namely the goodness of God. Hence also various habits of created goodnesses are given, because the other, for instance of justice, is not ordered to the goodness of temperance; but the created goodness of the neighbor is loved in order to God, who alone is ultimately intended, as the Good in the Theological virtue. Mastrius subscribes, *num. 580.*

Respondetur *ex D. Bonav.* in corpore*, negando consequentiam, quia licet in ratione materiali obiecti magis differant; tamen in ratione obiecti formalis non differunt magis; quia unum movet ratione alterius principalis ultimi, quod est bonitas Dei. Unde etiam dantur varii habitus bonitatum creatarum, quia altera, puta iustitiae, non ordinatur ad bonitatem temperantiae; at bonitas creata proximi amatur in ordine ad Deum, qui solus ultimo intenditur, ut Bonum in virtute Theologica. Subscribit Mastrius,* num. 580.

33 *You will OBJECT* fourth. Human friendship tends ultimately to the good of the friend: Therefore also supernatural friendship.

Obiicies *quarto. Amicitia humana tendit ultimo ad bonum amici: Ergo et supernaturalis.*

34 *The Holy Doctor REPLIES, dist. 28. passim*, by denying the consequence; because the charity which is now given is a participation of that Charity by which God loves us on account of Himself, and is ordered to beatitude, and to supernatural life in God.

Respondet *S. Doct.* dist. 28. passim*, negando consequentiam; quia charitas, quae nunc datur, est participatio illius Charitatis, qua Deus nos diligit propter se, et ordinatur ad beatitudinem, et vitam supernaturalem in Deo.*

35 *You will OBJECT* fifth. Divine excellence differs less from created excellence than Divine goodness from created goodness; but for venerating the divine excellence Latria is given, which is a cult distinct from Dulia, by which created excellence is venerated: Therefore. Arriaga extracted this argument from D. Bonaventure *ad 3.*, where, denying the parity in the cult of images, he concedes (as it seems) that the parity holds in the cult of the Saints and of God, namely that as they terminate different cults, so also God and the neighbor terminate different loves, and that most of all because charity immediately regards the goodnesses, created and uncreated; but Religion immediately regards not the excellences but their cult, whence the minor seems the reason of distinguishing.

Obiicies *quinto. Minus differt excellentia Divina ab excellentia creata, quam bonitas Divina a bonitate creata; sed ad colendam excellentiam divinam datur Latria, quae est cultus diversus a Dulia, quo colitur excellentia creata: Ergo. Hoc*

argumentum exiraxit Arriaga e D. Bonav. ad 3. *ubi de cultu imaginum negans paritatem, concedit (ut videtur) de cultu Sanctorum, et Dei valere paritatem, quod sicuti terminant diversos cultus, ita et Deus, et proximus diversos amores, eo vel maxime, quod charitas immediate respicit bonitates, creatam, et increatam; Religio vero respicit immediate, non excellentias, sed earum cultum, unde minor videtur ratio distinguendi.*

36 *It is ANSWERED* with Amicus and Mastrius, from the argument of D. Bonaventure, that it can be inferred that it is not repugnant for such a diverse habit to be given; nevertheless that the one which now exists is terminative indeed toward two goodnesses, yet so that the created be ordered to the uncreated. I add from D. Bonaventure, better: that charity indeed is terminated in two distinct objects, God and the neighbor; Yet, because charity has for its object the good, which is the end; therefore in charity this must be received, and so Charity does not rest in created goodness, which is not the ultimate end, but orders it to the ultimate Uncreated; but religion does not regard God and the Saints under the account of good, but according to the excellences, of which one is not subordinated in the account of object, but only in the account of good; and this is the solution of D. Bonaventure *in corpore, where he embraces all the arguments*.

Respondetur *cum Amico, et Mastrio ex argumento D. Bonav. posse inferri, non repugnare dari talem habitum diversum; attamen illum, qui nunc est, esse terminativum sane ad duas bonitates, ita tamen, ut creata ad increatam ordinetur. Addo ego ex D. Bonav. melius, terminari sane charitatem ad duo obiecta distincta, Deum, et proximum; Attamen, quia charitas habet pro obiecto bonum, quod est finis; ideo hunc in charitate recipiendum, atque adeo Charitatem non sistere in bonitate creata, quae non est ultimus finis, sed eam ordinare ad ultimam Increatam; at religionem non respicere Deum, et Sanctos sub ratione boni, sed secundum excellentias, quarum altera in ratione obiecti non subordinatur, sed solum in ratione boni; et haec est solutio D. Bonav.* in corpore, ubi omnia complectitur argumenta.

37 *You will OBJECT* sixth. Acts specifically diverse require diverse habits; but the acts of charity toward God and toward neighbor are diverse: Therefore. The minor is proved *in the foundations of D. Bonaventure*: because the acts of love toward God are on account of themselves; but those of love of the neighbor, on account of God. Similarly the acts of love toward God are of a diverse species in appetition.

Obiicies *sexto. Actus specie diversi, diversos requirunt habitus; sed actus charitatis in Deum, et proximum, sunt diversi: Ergo. Minor probatur* in fundamentis D. Bonav. *quia actus amoris in Deum sunt propter se; at amoris proximi, propter Deum. Similiter actus amoris in Deum sunt speciei diversae in appetatione.*

38 *Mastrius REPLIES* that the major is true in acquired habits, because they are generated from acts of the same account, but not of infused ones.

Respondet *Mastrius, Maiorem in habitibus acquisitis esse veram, quia ex actibus eiusdem rationis gignuntur, non de infusis.*

39 *It is ANSWERED second* from D. Bonaventure *in corpore*, that this is true of acts terminatively ending in diverse objects; but the act of the charity of God and of neighbor tends toward the one goodness of God.

Respondetur *secundo ex D. Bonav.* in corpore*, verum de actibus ultimo terminantibus ad diversa obiecta; actus vero charitatis Dei, et proximi ad unam Dei bonitatem tendit.*

Question XXX: Whether there is order in charity

1 I ASSERT that the objects to be loved are in a certain order from the will.

> Utrum in CHARITATE sit ordo.
>
> *ASSERO, obiecta diligenda esse ordine quodam a voluntate.*

2 *IT IS PROVED* first by the Holy Doctors from 2 Kings, *Ordinavit in me charitatem* [He ordered charity in me].

> PROBATUR *a SS. Doctoribus primo ex 2. Cantic.* Ordinavit in me charitatem.

3 Next it is proved by St. Bonaventure from St. Augustine, *book I of de doctrina Christiana, cap. 23,* where he says: *God, who is above us, is to be loved first;* yet he did not say this, speaking of being loved first in time; but in the order of excellence and estimation.

> *Deinde probatur a S. Bonav. ex D. August.* lib. I. de doctrina Christiana, cap. 23. *ubi ait:* Primo diligendus est Deus, qui est supra nos; *non dixit autem hoc, loquens, prius tempore diligendum; sed ordine excellentiae, et aestimationis.*

4 THIRDLY from St. Ambrose in the Gloss brought forward on the words of the Canticles: *First God is to be loved, second we ourselves, third parents, then children, after them the household, who, if they are good, are to be preferred to wicked children.*

> *TERTIO ex D. Ambrosio in Glossa ad verba Canticorum adducta:* Primo Deus diligendus est, secundo nos ipsi, tertio parentes, inde filii, post domestici, qui si boni sunt, malis filiis praeponendi sunt.

5 *IT IS PROVED* fourthly by the Holy Doctor. Prior and posterior is according to relation to some principle, from Aristotle *5 Metaph. t. 16.* and to an end. Now order includes in itself some mode of prior and posterior; whence it is necessary that, where there is some principle and some end, there also be some order: but Charity tends to rectify the will toward God as toward a principle and supreme end, in the communication of which the friendship of Charity is founded; and therefore it is necessary that in those things which are loved by charity some order be attended to according to relation to the principle, which is God, who is also the supreme good, which is beatitude. St. Thomas also uses this argument. It is proved more fully by St. Bonaventure in *2 dist. 35 art. 2 quest. 1.* On this the others rely, with Tanner *disput. 2 quest. 3 dub. 2.*

> PROBATUR *quarto a S. Doct. Prius, et posterius est secundum relationem ad aliquid principium, ex Aristotele* 5. Metaph. t. 16. *et ad finem. Ordo autem includit in se aliquem modum prioris, et posterioris; unde oportet, ut, ubi est aliquod principium, et aliquis finis, sit etiam aliquis ordo: Charitas autem tendit ad rectificandam voluntatem in Deum, ut in principium, finemque supremum, in cuius communicatione amicitia Charitatis fundatur, et ideo oportet, in his, quae charitate diliguntur, attendi aliquem ordinem secundum relationem ad principium, quod est Deus, qui est etiam summum bonum, quod est beatitudo. Hoc argumento utitur etiam D. Thom. Maior probatur a D. Bonav. in* 2. dist. 35. art. 2. quaest. 1. *His nituntur alii, cum Tannero* disput. 2. quaest. 3. dub. 2.

6 *IT IS PROVED* fifthly by the Holy Doctor. One habit tends to one principal object, and to other things by order toward it: but Charity is one habit, having for its principal object the divine goodness, from what was said in *q. 19.* Therefore the other things loved are regarded as ordered toward it; and thus the principal object is God, to be loved first; then the rest. He repeats the same *in the body, and ad 2.*

PROBATUR *quinto a S. Doct. unus habitus tendit in unum obiectum principale, et in alia per ordinem ad illud: Sed Charitas est unus habitus, habens pro obiecto principali divinam bonitatem, ex dictis* q. 19. *Ergo caetera amata respiciunt, ut ordinata ad illud; atque adeo principalius obiectum est Deus, primo amandus; deinde caetera. Idem repetit* in corpore, et ad 2.

7 *IT IS PROVED* sixthly by the Holy Doctor. Order is owed more to deliberative love than to natural love; but natural love is ordered with respect to the things lovable: Therefore.

PROBATUR *sexto a S. Doctore magis debetur ordo amori deliberativo, quam naturali; sed naturalis est ordinatus respectu diligibilium: Ergo.*

8 *IT IS PROVED* seventhly. A bond rightly connecting many things to an end ought to bind them in order to the same end: but *Charity is the bond of perfection, from 3 ad Colossenses and from St. Dionysius cap. 4 of de Divinis nominibus,* and it binds many things together, being a most liberal love, embracing many diverse things to be gathered in the end: Therefore it unites them in order.

PROBATUR *septimo. Vinculum, multa recte connectens ad finem, debet ea ordinate colligare ad eundem finem: Sed* Charitas est vinculum perfectionis ex 3. ad Coloss. et ex D. Dion. cap. 4. de Divin. nominibus, *eaque multa colligans, cum sit amor maxime liberalis, complectens multa diversa in fine colliganda: Ergo ea unit ordinate.*

9 *IT IS PROVED* eighthly by the Holy Doctor. What weight is in bodies, love is in spirits, from St. Augustine *book 13 of Confessions cap. 9, and book 21 of de civitate Dei cap. 28, and 6 of de Trinitate cap. 10.* But weight ought to be well balanced: Therefore also love.

PROBATUR *octavo a S. Doct. Quod est pondus in corporibus, est amor in spiritibus, ex D. August.* lib. 13. confess. cap. 9. et lib. 21. de civit. cap. 28. et 6. de Trinitate, cap. 10. *Sed pondus debet esse bene libratum: Ergo et amor.*

10 You will OBJECT first. Where there is order, there is distinction; but charity with respect to diverse things is one: Therefore it is not ordered.

OBIICIES primo. Ubi ordo, ibi distinctio; sed charitas respectu diversorum est una: Ergo non ordinata.

11 St. Doctor RESPONDS that order in a habit is attended to in relation to the object; and although charity is not multiple in itself, it nevertheless has many material objects and many acts, by reason of which there are many precepts.

RESPONDEt S. Doct. ordinem in habitu attendi in ordine ad obiectum; quamvis autem charitas non sit multiplex in se, habet tamen multa obiecta materialia, et multos actus, ratione quorum sunt multa praecepta.

12 You will OBJECT secondly. Where there is order, there is proportion; but among things lovable there is no proportion; for between the created and the uncreated there is none: Therefore.

OBIICIES secundo. Ubi est ordo, ibi proportio; sed inter diligibilia non est proportio; creati enim ad increatum nulla est proportio: Ergo.

13 St. Doctor RESPONDS that proportion is twofold. One is proportion properly so called, which is the commensuration of things of the same genus, and in this sense the major is false. Secondly, proportion is said broadly, and is any relation which is attended to according to the convenience of analogy; and in this way there is a proportion of created good to the uncreated, and also an order according to the ratio of primitiveness and causality; for the end is more worthy than those things which are toward the end, and in this respect order is attended to in Charity.

RESPONDEt S. Doctor, quod proportio est duplex. Alia proprie dicta, quae est commensuratio rerum eiusdem generis, et hoc sensu falsa est maior. Secundo, proportio dicitur large, et est quaecumque habitudo, quae attenditur secundum convenientiam analogiae; et hoc modo datur proportio boni creati ad increatum, et etiam ordo secundum rationem primitatis, et causalitatis; finis enim dignior est his, quae ad finem, et quantum ad hoc, attenditur ordo in Charitate.

14 You will OBJECT thirdly. Order pertains to cognition, because it belongs to the wise to order: Therefore if order is not placed in cognition with respect to things to be known, much less ought it to be placed in Charity with respect to things to be loved. If you say that order is in the sciences. Against this: for charity follows the cognition of faith; but in its objects there is no order: Therefore.

OBIICIES tertio. Ordo spectat ad cognitionem, quia sapientis est ordinare: Ergo si non ponitur ordo in cognitione respectu cognoscendorum, multo minus debet poni in Charitate respectu diligendorum. Si dicas, quod ordo est in scientiis. Contra: nam charitas sequitur cognitionem fidei; sed in huius obiectis non est ordo: Ergo.

15 St. Doctor RESPONDS that there are two kinds of order. The first is of parts in a whole, and of things in the universe: and indeed to order belongs to the intellect. The other is the order of things toward an end, and this is from the will, which tends toward the good, and thus toward the end; and such is the order of Charity.

RESPONDEt S. Doct. duplicem esse ordinem: Primus est partium in toto, et rerum in universo: Et quidem ordinare est intellectus. Alter est ordo rerum in finem, et hic est a voluntate, quae tendit in bonum, atque adeo in finem, et talis est ordo Charitatis.

16 He RESPONDS secondly that order in habits is attended to in relation to the objects; and because the Supreme Goodness by essence, with respect to the other things lovable, which are participative, is deservedly to be esteemed of more worth; and among those things lovable some participate more or less of goodness, as body less than spirit: hence it is that the love of charity ought to be ordered according to these. For thus also among things knowable there is order: first are the first principles, in which there is the greater evidence of truth; then the knowledge of conclusions follows; and so the assumption can be denied. Nor is it the same with faith; for all the articles are compared equally to the First Truth, from whose revelation all are believed uniformly.

RESPONDEt secundo, ordinem in habitibus attendi per ordinem ad obiecta, quia vero Summa Bonitas per essentiam respectu aliorum diligibilium, quae sunt participantia, pluris merito aestimanda est, et ex eis diligibilibus aliqua plus, vel minus participat de bonitate, ut corpus minus, quam spiritus: hinc est, ut charitatis amor secundum haec sit ordinandus. Sic enim etiam in cognoscibilibus est ordo, ut prius sint prima principia, in quibus est maior veritatis evidentia; deinde scientia conclusionum subsequatur; et ita potest negari assumptum. Nec est simile de fide; omnes enim articuli ad primam veritatem aeque comparantur, ex cuius revelatione omnes uniformiter creduntur.

17 You will OBJECT fourthly. Just as in faith there is one ratio of believing, namely the supreme truth; so in Charity there is one ratio of loving, which is the supreme goodness: but from the fact that the Truth, which is the ratio of believing, is one, Faith is one, assenting equally to all the articles: therefore from the fact that there is one ratio of loving, charity is one, having itself in the same way toward all things lovable.

OBIICIES quarto. Sicuti in fide est una ratio credendi, scilicet summa veritas; ita in Charitate una ratio diligendi, quae est summa bonitas: Sed ex eo, quod una est Veritas, quae est ratio credendi, una est Fides omnibus articulis aequaliter affentiens: ergo ex eo, quod est una ratio diligendi, una est charitas, eodem modo se habens ad omnia diligibilia.

18 St. Doctor RESPONDS that the ratio is dissimilar, for in Charity the objects terminating the affection are unequal, even if all are reduced to one.

> *RESPONDEt S. Doct. disparem esse rationem, nam in Charitate inaequalia sunt obiecta terminantia affectum, esto omnia ad unum reducantur.*

19 You will OBJECT fifthly. Charity is one habit, naturally inclining to the good: therefore equally; for the same thing, always remaining the same, does the same.

> *OBIICIES quinto. Charitas est habitus unus, naturaliter inclinans ad bonum: ergo aequaliter; nam idem, semper manens idem, facit idem.*

20 St. Doctor RESPONDS that one thing always does the same given an equal disposition in natural objects; otherwise it acts diversely. Thus the sun illumines crystal more than stone; but the will is a potency acting by election, which is ruled by charity, and is itself also moved; it does not, however, remain always the same. Moreover it regards objects lovable in a diverse manner and degree.

> *RESPONDEt S. Doct. unum semper facere idem, data pari dispositione in obiectis naturalibus; alioqui diverse operatur. Sic Sol magis illuminat chrystallum, quam lapidem; at voluntas est potentia operans ex electione, quae regitur a charitate, quaeque et ipsa movetur; non autem manet eadem semper. Praeterea respicit obiecta, diverso modo, et gradu amabilia.*

21 You will OBJECT sixthly. If order is attended to in Charity, it is attended to either with respect to the habit or with respect to the act; not with respect to the habit, which is altogether one: if with respect to the act: then it is not ordered in a baptized infant, or in one sleeping, who have no act. Therefore I ask, what is attended to in the order of charity? and why is order attended to in it more than in the other virtues, since every virtue is ordered love, as St. Augustine says in *de moribus Ecclesiae?* And again, since about every good there are mode, species, and order, why is charity rather said to be ordered than moderated?

> *OBIICIES sexto. Si ordo attenditur in Charitate, aut attenditur penes habitum, aut penes actum; non quoad habitum, qui est omnino unus: Si quoad actum: Ergo non est ordinata in infante baptizato, vel in dormiente, qui non habent actum. Igitur quaero, quid attenditur in ordine charitatis? et cur attenditur magis in ipsa, quam in alia virtute ordo, cum omnis virtus sit amor ordinatus, ut ait D. August.* de moribus Ecclesiae? *Et rursus, cum circa omne bonum sit modus, species, et ordo, cur potius charitas dicitur ordinata, quam modificata?*

22 St. Doctor RESPONDS that order is attended to in the habit, in relation to the objects. Charity is therefore chiefly said to be ordered, because it is the weight whose it is to balance, and the bond of perfection, whose it is to gather all things in order.

> *Respondet S. Doct. attendi ordinem in habitu, in ordine ad obiecta. Praecipue igitur dicitur charitas ordinata, quia est pondus, cuius est librare; et vinculum perfectionis, cuius est omnia ordinate colligere.*

Question XXXI: Whether God is to be loved more than the neighbor

1 I ASSERT first that the habit of Charity is borne principally and more toward God.

> ***Utrum DEUS sit magis diligendus, quam proximus.***
>
> *ASSERO primo, habitum Charitatis principalius, et magis ferri in Deum.*

2 IT IS PROVED by St. Bonaventure first, because thus God commands, Matth. 22. *This is the first and greatest commandment*. You have the same in *Matth. 10. Lucae 14*.

> *PROBATUR a D. Bonav. primo, quia sic Deus praecipit, Matth. 22.* Haec est primum, et maximum mandatum. *Idem habes* Matth. 10. Lucae 14.

3 SECONDLY. The cause is prior to its effect; but the love of God is the cause of the love of neighbor: for man loves his neighbor precisely because he loves God, whose image he is, and whom God commands to be loved.

> *SECUNDO. Causa est prior suo effectu; sed dilectio Dei est causa dilectionis proximi: Ideo enim homo diligit proximum, quia diligit Deum, cuius est imago, et quem Deus iubet diligi.*

4 THIRDLY, because friendship principally and first regards that which has the ratio of an end, in which is found that good upon whose communication it is founded, and which is the cause of that good: but God is such a good, toward which the neighbor also is ordered, and is that from which that communication is derived in the supernatural life of beatitude, in which the perfect friendship of charity consists: Therefore. St. Thomas uses the same reason, which St. Bonaventure rubs up again, more in the body. And Tannerus disp. 2 quest. 3 dub. 2 num. 21. and the rest.

> *TERTIO, quia amicitia principalius, et prius respicit id, quod habet rationem finis, in quo invenitur illud bonum, super cuius communicatione fundatur, et est causa illius boni: Sed Deus est tale bonum, ad quod ordinatur et proximus, et est illud, a quo derivatur illa communicatio in vita supernaturali beatitudinis, in qua consistit amicitia charitatis perfecta: Ergo. Eadem ratione utitur etiam D. Thom. quam refricat S. Bonav. magis in corpore. Et Tannerus disp. 2. quaest. 3. dub. 2. num. 21. et caeteri.*

5 FINALLY: Love inclines first to that toward which it inclines more ardently, because the affection follows the greater inclination; but the love of Charity inclines more ardently to the loving of God than of one's neighbor: Therefore.

> *TANDEM: Amor inclinat prius ad illud, ad quod inclinat ardentius, quia affectus sequitur maiorem inclinationem; sed Charitatis amor, ardentius inclinat ad amandum Deum, quam proximum: Ergo.*

6 I ASSERT secondly. Charity as to exercise is first borne toward the neighbor, as the more imperfect act, so that through the active life it may rise to the perfect love of God, and to the contemplative; for he who wishes to be a perfect lover of God ought first to exercise himself in the love of neighbor; as he who wishes to be a good contemplative ought first to be a good active, as St. Gregory teaches. And in sign of this thing, the Holy Spirit was given twice. *First on earth, Ioan. 20. Second from heaven, Act. 2.* Because the love of charity must first be exercised in those things which we see, that we may be carried up through the love of visible things to the love of invisible ones; and according to this way proceed the reasons to be brought forward below: This is St. Bonaventure's.

> *ASSERO secundo. Charitas quoad exercitium prius fertur in proximum, tanquam actus imperfectior, ut per activam exurgat ad perfectum Dei amorem, et in contemplativam; qui enim vult esse perfectus amator Dei, prius debet se exercere in amore proximi; sicut qui vult esse contemplativus bonus, prius debet esse bonus activus, ut docet D. Gregorius. Et in huius rei signum, bis datus est Spiritus Sanctus.* Primo in terra, Ioan. 20. Secundo de caelo, Act. 2. *Quia prius oportet amorem charitatis exerceri in his, quae videmus, ut per amorem visibilium in amorem invisibilium rapiamur, et secundum hanc viam procedunt rationes infra afferendae: Haec D. Bonaventura.*

7 It is THEREFORE proved first. The destruction of one is destructive of the other, and its position is the position of the other: but the destruction of charity for one's neighbor is destructive of the charity of God, as Ioan. argues, prima, cap. 4. *He who does not love his brother, whom he sees; how can he love God, whom he does not see?* But that thing to which the position or destruction of the other consequently follows must be prior to it; and this is according to disposition, as St. Thomas also says *ad primum*.

> *PROBATUR ergo primo. Destructio unius, est destructiva alterius, et positio eius, est positio alterius: Sed destructio Charitatis proximi, est destructiva charitatis Dei, ut arguit Ioan. prima, cap. 4.* Qui non diligit fratrem suum, quem videt; Deum, quem non videt, quomodo potest diligere? *Id autem, ad quod sequitur consequenter positio, vel destructio alterius, debet esse illo prius; hoc autem est secundum dispositionem, ut ait etiam D. Thom.* ad primum.

8 SECONDLY. *First that which is animal, then that which is spiritual follows, prima ad Corinthios 15.* but the love of neighbor is more sensible: Therefore it precedes.

> *SECUNDO.* Prius, quod animale est, deinde quod spirituale sequitur, prima Cor. 15. *sed dilectio proximi est sensibilior: Ergo praecedit.*

9 THIRDLY. The process is from the imperfect to the perfect, from the way to the terminus; but the love of God is more perfect, and the terminus toward which the love of neighbor tends: therefore.

> *TERTIO. Processus est ab imperfecto ad perfectum, a via ad terminum; sed dilectio Dei est perfectior, et terminus, ad quem dilectio proximi tendit: ergo.*

10 FOURTHLY. Action is prior to contemplation; but the love of neighbor is occupied with the active life; the love of God with the contemplative: Therefore.

> *QUARTO. Prior est actio contemplatione; sed dilectio proximi occupatur citea activam; Dilectio Dei circa contemplativam: Ergo.*

Question XXXII: Whether a man ought out of charity to love God more than himself

1 I ASSERT that he is so to be loved.

> ***Utrum homo debeat ex CHARITATE plus Deum diligere, quam se ipsum.***
>
> *ASSERO, ita diligendum.*

2 IT IS PROVED by St. Bonaventure first from *Deuter. 6. Matth. 22. Thou shalt love the Lord thy God with thy whole heart, and with thy whole soul, and with thy whole mind. This is the greatest and first commandment.* But the whole affection is commanded to be bestowed on no other: Therefore. The Holy Doctor proves the same on 14 Lucae, in these words: *If anyone comes to me, and does not hate father and mother, etc. and moreover his own soul also, he cannot be my disciple.*

> *PROBATUR a D. Bonav. primo ex* Deuter. 6. Matth. 22. Diliges Dominum Deum tuum ex toto corde tuo, et in tota anima tua, et in tota mente tua. Haec est maximum, et primum mandatum. *Nulli autem alii impendendus praecipitur totus affectus: Ergo. Idem probat S. Doct. ad 14. Lucae, illis verbis:* Si quis venit ad me, et non odit patrem, et matrem, etc. adhuc autem et animam suam, non potest meus esse discipulus.

3 NEXT it is proved from Sts. Augustine and Ambrose, who admonish that God is to be loved before all things, as I said in question 28.

> *DEINDE probatur ex SS. August. et Ambrosio, qui Deum prae omnibus diligendum monent, ut dixi quaestione 28.*

4 THIRDLY it is proved by the Holy Doctor. On account of which each thing is such, that is the more such; but on account of God we love ourselves and our neighbor; and he is rightly so to be loved, because he is the supreme good: Therefore we are bound more to love God himself. The major is *Aristotle: Primo post, cap. 3. et 2 Metaph. t. 4.*

> *TERTIO probatur a S. Doct. Propter quod unum quodque tale, et illud magis tale; sed propter Deum diligimus nos, et proximum; et iure ita diligendus est, quia summum bonum: Ergo magis tenemur diligere ipsum Deum. Maior est* Aristoteles: Primo post, cap. 3. et 2. Metaph. t. 4.

5 IT IS PROVED fourthly. The end is to be loved more than those things which are toward the end; but God is the end of all: Therefore. The major is *Aristotle's 2 Phys. text. 23.*

> *PROBATUR quarto. Finis est magis diligendus, quam ea, quae sunt ad finem; sed Deus est finis omnium: Ergo. Maior est* Aristotelis 2. Phys. text. 23.

6 IT IS PROVED fifthly in the body. Right reason dictates that the supreme good is to be loved more than the other goods; but God is the supreme Good: Therefore. *Scotus uses this argument, as I shall say in the following question.*

> *PROBATUR quinto in corpore. Ratio recta dictat, summum bonum esse magis diligendum, quam caetera bona; sed Deus est summum Bonum: Ergo.* Hoc argumento utitur Scotus, ut dicam quaestione sequenti.

7 You will OBJECT first. Perfection does not invert the order of its perfectible; but grace is the perfection of nature, which without grace loves itself more than God: Therefore grace, added, perfects but does not invert this order.

> *OBIICIES primo. Perfectio non invertit ordinem sui perfectibilis; sed gratia est perfectio naturae, quae sine gratia magis diligit seipsam, quam Deum: Ergo gratia addita perficit, non invertit hunc ordinem.*

8 The Holy Doctor RESPONDS that nature has two things, a primitive Esse, and the defect of corruption: therefore that which is primitive and of perfection is perfected; but that which has defect is corrected and amended. Therefore disordered self-love is of corrupted nature, and so is corrected by grace.

> *Respondet S. Doct. naturam duo habere, et Esse primitivum, et defectum corruptionis: Id igitur, quod est primitivum, et perfectionis, perficitur; id autem, quod habet defectus, corrigitur, et emendatur. Igitur amor proprius inordinatus, est naturae corruptae, ideo corrigitur a gratia.*

9 You will OBJECT secondly. Just as if you add equals to equals, they remain equal; so if you add unequals, they remain unequal; but the love of ourselves before the advent of grace outweighs the love of God: Therefore also after its advent: Therefore according to the order of Charity we ought to love ourselves more.

> *OBIICIES secundo. Sicut si aequalibus addas aequalia, manent aequalia; ita si addas inaequalia, manent inaequalia; sed amor nostri ante adventum gratiae praeponderat amori Dei: Ergo et post eius adventum: Ergo secundum ordinem Charitatis debemus diligere magis nos ipsos.*

10 The Holy Doctor RESPONDS that the Major is true if what is added as equal respect both equally; but charity respects the love of God more than that which is for oneself; hence at the advent of Charity the love of self is diminished and the love of God increased.

RESPONDet S. Doct. Maiorem veram, si aequale additum, aequaliter respiciat utrumque; at vero charitas magis respicit amorem Dei, quam illum, qui est in seipsum; unde in adventu Charitatis minuitur amor sui, et augetur amor Dei.

11 You will OBJECT thirdly. The affection of love follows cognition; but we know ourselves more than God: Therefore we also love ourselves more.

OBIICIES tertio. Amoris affectus sequitur cognitionem; sed magis nos cognoscimus, quam Deum: Ergo magis etiam diligimus.

12 The Holy Doctor RESPONDS that love follows cognition not only as to Charity, but also as to the greater perfection of goodness. Therefore, although we know ourselves more clearly than God; nevertheless we acknowledge that the goodness of God is greater and to be esteemed of more worth.

Respondet S. Doct. amorem sequi ad cognitionem, non solum quoad Charitatem, sed etiam quoad bonitatis perfectionem maiorem. Igitur, licet clarius cognoscamus nos ipsos, quam Deum; tamen agnoscimus, maiorem esse bonitatem Dei, et pluris aestimandam.

13 *You will object* fourthly. As much as anyone loves God, so much does he desire to enjoy God; and as much as he desires to enjoy God, so much does he desire his own beatitude; and as much as he desires his own beatitude, so much does he love himself: Therefore he loves himself as much as he loves God.

Obiicies *quarto. Quantum aliquis diligit Deum, tantum appetit frui Deo; et quantum appetit frui Deo, tantum appetit sui beatitudinem; et quantum appetit sui beatitudinem, tantum se diligit: Ergo tantum diligit seipsum, quantum diligit Deum.*

14 *He responds*, St. Doctor, that as to the affection of concupiscence one loves God as much as he desires to enjoy God; but as to the love of friendship he loves God more, because he orders his own goodness ultimately to God, as toward an end more lovable, namely the good by essence, toward which as toward a principle the good by participation is ordered: For indeed the love of concupiscence does not make a plurality with the love of ourselves; and therefore it does not follow that by that love we love God and ourselves equally: for to love ourselves out of charity is nothing other than to wish the supreme good for ourselves.

Respondet *S. Doct. affectu quidem concupiscentiae tantum aliquem diligere Deum, quantum cupit Deo frui; at amore amicitiae magis diligere Deum, quia et suam bonitatem ordinat ultimo in Deum, tanquam in finem magis amabilem, utpote bonum per essentiam, ad quod tanquam ad principium, ordinatur bonum per participationem: Enimvero amor concupiscentiae non facit pluralitatem cum amore nostri; et ideo non sequitur, quod eo amore aequaliter Deum, et nos diligimus: diligere enim nos ex charitate, non est aliud, quam summum bonum nobis optare.*

15 *Next* he responds that the Major can be denied; because one can desire to enjoy God for the sake of God himself, and therefore love God more than his own beatitude, and this is the order of Charity.

Deinde *respondet, negari posse Maiorem; quia potest quis optare frui Deo propter ipsum Deum, et ideo magis diligere Deum, quam suam beatitudinem, et hic est ordo Charitatis.*

16 *You will object* fifthly. When two things are finite, one can be intensified and the other remitted, and reduced to equality; but charity toward God and ourselves is finite: Therefore it can come about that the charity of God is remitted while the love of ourselves is intensified by Charity: Therefore, etc.

> Obiicies *quinto. Quando duo sunt finita, potest unum intendi, et alterum remitti, et ad aequalitatem redigi; sed charitas in Deum, et nos, est finita: Ergo potest fieri, ut charitas Dei remittatur, dum amor nostri intenditur a Charitate: Ergo, etc.*

17 *He responds*, St. Doctor, that these loves are finite; nevertheless by reason of the object the love of God is infinite, and for this reason it cannot be equalled. Nor indeed is it new that the finite should infinitely exceed another finite: for thus a line infinitely exceeds a point, and so a point can never arrive at being equal to a line; indeed many, and infinite points will never make any length of a line. Thus, therefore, are created goods with respect to the supreme good for the rational soul; and so infinitely many created goods will never be so lovable, because the Divine good, even as participable by me, will always be loved as the end; and thus it will never be equalled by the love of self, or of any creature whatsoever.

> Respondet *S. Doct. amores hos esse finitos; attamen ratione obiecti amorem Dei esse infinitum, et hac de causa non posse aequari. Neque vero est novum, quod finitum excedat infinite aliud finitum: Sic enim linea excedit punctum infinite, et ita nunquam punctum potest pervenire, ut sit lineae aequale, imo plurima, et infinita puncta nunquam facient aliquam lineae longitudinem. Ita igitur sunt bona creata respectu boni summi Animae rationalis; Itaque infinita bona creata nunquam ita amabilia erunt, quia semper bonum Divinum, etiam ut participabile mihi, semper diligetur, ut finis; atque adeo nunquam aequabitur illi amor sui, vel cuiuscumque creaturae.*

18 *You will object* sixthly. Love is a unitive force; but one cannot be united to anyone more than to oneself.

> Obiicies *sexto. Amor est vis unitiva; non potest autem quis uniri cuicumque, magis quam sibi ipsi.*

19 *He responds*, St. Doctor, first, that nothing is more united to us than ourselves according to nature; but not according to affection. Therefore God can be more adhering to us in love; and in this second way love is a unitive force by affection, not by nature.

> Respondet *S. Doct. primo, nihil magis esse unitum nobis, quam nos secundum naturam; at non secundum affectum. Itaque potest Deus esse nobis magis inhaerens amore; et hoc secundo modo amor est vis unitiva affectu, non natura.*

20 *He responds* secondly, that God is more intimate to us, and we depend more on him than on intrinsic principles, because God indwells nature and makes it blessed.

> Respondet *secundo, Deum nobis esse magis intimum, et ab eo nos magis pendere, quam a principiis intrinsecis, quia Deus naturae illabitur, eamque beat.*

Question XXXIII: Whether nature inclines more to loving God than to loving ourselves

1 *The first* opinion denies that we are naturally inclined to love God more than ourselves. So Coninck, disp. 24, doubt 3, alleging in favor of it St. Bonaventure, Giles, of Auxerre, and other older authors.

> Prima *sententia negat, nos naturaliter inclinari ad diligendum Deum, magis quam nos ipsos. Ita Coninchius disp. 24. dubio 3. pro hac allegans D. Bonaventuram, Gabrielem, Altisiodorensem, et alios antiquiores.*

2 *The second* opinion is that we are naturally inclined to love God more than ourselves. This opinion is explicitly held by St. Bonav. here, as we saw in the preceding question, and it is clear in the body, the foundations, and the replies to the arguments, where nothing clearer could be read; for he asserts, and repeats, that nature, as nature is, inclines more toward God, even though by reason of depravity and corruption it be pressed more by self-love. St. Thomas follows him here, and with him all

Thomists, Cajetan, Bannes, Aragon; Scotus 3 dist. 27, single question, § Istis igitur rationibus, whom all Scotists follow, per Mastrius in 3 disp. 6 quaest. 25; Casati, treatise on Charity, disp. 3 sect. 5; Valencia here p. 2; Vasquez in I-II, disp. 194; Tannerus disp. 2 quaest. 3 dub. 3, wrongly citing St. Bonaventure 3 dist. 25 to the contrary.

> Secunda *sententia est, naturaliter nos inclinari magis ad diligendum Deum, quam nos metipsos. Haec sententia est expressa D. Bonav. hic, ut vidimus quaest. praecedenti, et patet in corpore, fundamentis, et ad argumenta, ubi nihil clarius legi potest; Asserit enim, et replicat, naturam, ut natura est, magis inclinare in Deum, esto ratione depravationis, et corruptionis, amore proprio magis urgeatur. Eum sequitur D. Thom. hic, ubi omnes Thomistae, Caietanus, Bannes, Aragonius; Scotus 3. dist. 27. quaest. unica §. Istis igitur rationibus, quem omnes Scotistae sequuntur apud Mastrium in 3. disp. 6. quaest. 25. Caspensis tract. de Charitate, disp. 3. sect. 5. Valentia hic p. 2. Vasquez prima secundae, disp. 194. Tannerus disp. 2. quaest. 3. dub. 3. male in oppositum adducens D. Bonaventuram 3. dist. 25.*

3 *I assert*, with this opinion, that we are naturally inclined to love God more than ourselves.

> Assero *cum hac sententia, naturaliter nos inclinari ad amandum magis Deum, quam nosmetipsos.*

4 *Many* reasons are brought forward by many. And many refute them, so as to exalt their own.

> Multas *rationes multi adducunt. Multique eas refellunt, ut suas extollant.*

5 *The first* reason is that of St. Thomas in the body, which St. Bonaventure intimates in 3 dist. 29 dub. 1 litt. and in the Diet, title 5 cap. 5, and serm. 2 on the One Holy Doctor. Every part naturally loves the common good and the good of the whole more than the good proper to the part; but the good of any created thing is compared to the Divine good as the good of a part to the good of the whole: Therefore. For God is the highest good, by whose participation other things are good, and without whom there is no good, and hence he is every good, and the good of the whole universe. The major is proved by the example of the serpent, which, so that it may save its head, in which is life, exposes its parts to blows; and the hand naturally exposes itself so that the head, and consequently the whole, may be saved; and water ascends lest there be admitted into the nature of the universe the absurdity of a vacuum.

> Prima *ratio est D. Thomae in corpore, quam innuit S. Bonav. 3. dist. 29. dub. 1. litt. et in Dieta, titulo 5. cap. 5. et serm. 2. de uno Sancto Doctore. Omnis pars naturaliter amat magis bonum commune, et totius, quam proprium partis: sed bonum cuiuscumque rei creatae comparatur ad bonum Divinum, ut bonum partis ad bonum totius: Ergo. Deus enim est summum bonum, cuius participatione caetera sunt bona, et sine quo nullum est bonum, ac proinde est omne bonum, et totale universi. Maior probatur exemplo Serpentis, qui ut salvet caput, in quo est vita, partes exponit ictibus; et manus se naturaliter exponit, ut salvet caput, et totum consequenter; et aqua ascendit, ne admittat in natura universi inconveniens vacui.*

6 *Scotus* attacks this reason in § Istae rationes: for the examples by which the assumption is supported only show that the whole loves itself, or its principal parts, more than the less principal ones; for water does not ascend by its own form naturally to fill the vacuum, but is violently snatched by nature, which cares for the order of the universe; nor does the hand expose itself, but man exposes it: similarly the serpent exposes its more principal parts so that the head may be saved. Hence therefore you have only that God loves the good of the Universe more than that of a part; or that the good of a principal part is loved more than that of a less principal one; but you do not conclude that any part of the Universe loves the good of the whole more than its own.

Hanc *rationem impugnat Scotus §. Istae rationes: Nam exempla, quibus nititur assumptum, solum ostendunt, totum magis diligere seipsum, vel partes principales, quam minus principales; non enim aqua sua forma naturaliter ascendit ad replendum vacuum, sed violenter rapitur a natura, curante Universi ordinem; neque manus seipsam exponit; sed homo eam opponit: Similiter Serpens exponit partes principaliores, ut caput servet. Hinc igitur solum habes, quod Deus diligat bonum Universi, magis quam partis; vel bene, esse partis principalis, quam minus principalis; sed non colligis, quod aliqua pars Universi magis diligat bonum totius, quam sui.*

7 *Scotus adds*, even were this granted in the examples; nevertheless the case is disproportionate; for those parts, by saving the whole, save themselves, which are parts of it; but a creature is not any part of God, although it be his effect. So also Mastrius.

Addit *Scotus, esto in exemplis id concedatur; attamen dispar est ratio; nam partes illae salvando totum, servant se ipsas, quae illius sunt partes; at creatura non est aliqua pars Dei, licet sit effectus illius. Sic etiam Mastrius.*

8 *But* these things are frivolous. First indeed, the nature of a part is ordered to the whole as to an end; and therefore it appetizes the good of the whole more. That it is violent for the form of water to ascend, if no necessity of the whole universe urges, amounts to nothing; but if a vacuum is at hand, it is moved by a natural motion, as being formally a part; for it is not moved miraculously by God, nor attracted by another: for does the vacuum have an active power? But suppose the nature of the universe naturally operates thus. Acting therefore is most innate to the part, and likewise to each of the parts,[4], and thus it is natural to be acted upon; for the particular nature follows the common nature, which is its rule. Hence Aristotle says in 1 Phys. text. 78: Each thing is apt to be acted upon and moved as it naturally acts and moves.

[4] Editor's note: the print/OCR reads 'maximè innatum partiformiter etiam singulis partibus'; 'partiformiter' is not attested Latin and both witnesses agree on it, so it was rendered as 'and likewise to each of the parts' (likely for 'parti, formaliter').

Sed *haec frivola sunt. Primo quidem natura partis est ordinata ad totum, tanquam finem; atque ideo plus appetit bonum totius. Quod enim formae aquae sit violentum ascendere, si nulla urgeat totius universi necessitas, nihil facit; at si instet vacuum, movetur motu naturali, ut est formaliter pars; non enim a Deo miraculose movetur, neque ab alio attrahitur: Numquid enim vacuum habet virtutem activam? At esto universi natura hoc naturaliter operetur. Sic igitur agere est maxime innatum partiformiter etiam singulis partibus, sicque naturale est agi; natura enim particularis sequitur naturam communem, quae est sui regula. Ideo ait Aristoteles 1. Phys. text. 78. Unumquodque aptum est agi, et moveri, sicut naturaliter agitur, et movetur.*

9 *Nor* is it true that the cause for which a part in the world, or in a serpent, or in a man, exposes itself to danger is that, by preserving the whole, it preserves itself, which is a part of the whole, etc.; on the contrary it is the opposite: for it undergoes its own destruction and perishing, so that by its own destruction the whole may be saved. For what preservation of water is there in departing from its natural place against its inclination?[3]

[3] Editor's note: the print/OCR reads 'Quae enim conservatio aquae dicedere a loco naturali ad infensum?'; 'dicedere' is a corrupted form, rendered 'decedere' (to depart); 'ad infensum' left as printed (cf. 'against its inclination').

Neque *verum est, quod causa, ob quam pars in mundo, vel serpente, aut homine, se exponit discrimini, sit, quia conservando totum, conservat seipsam, quae est pars totius, etc. imo contrarium est: Nam sui destructionem, et interitum subit, ut sui destructione salvetur totum. Quae enim conservatio aquae decedere a loco naturali ad infensum?*

10 To the disproportion last alleged by Scotus, St. Bonaventure replies at ad 6. For although a creature is not a component part of God, nevertheless it depends on him more than a part on the whole, and more than on itself, such that upon the destruction of God there follows, by way of intrinsic connection of Creatures, annihilation. Moreover God is an intimate pervader, penetrating, containing, and hence more intimate to us than we ourselves are to ourselves.

> *Ad disparitatem ultimo allegatam a Scoto occurrit D. Bonav. ad 6. Nam licet creatura non sit pars componens Dei, tamen ab eo pendet magis quam pars a toto, et magis quam a se ipsa, ita ut ad destructionem Dei, sequatur per locum intrinsecum Creaturarum annihilatio. Est praeterea Deus intimus pervadens, illabens, continens, atque adeo magis intimus nobis, quam nosmetipsi nobis.*

11 Mastrius repeats the same things, adding that water is drawn to fill the vacuum, from Aristotle 4 de Caelo, text 34: for it is drawn by nature on account of the common good.

> *Mastrius eadem refricat, addens, aquam trahi ad replendum vacuum ex Aristotele 4. caeli, textu 34. Enim vero trahitur a natura ob bonum commune.*

12 Durandus attacks the reason of the Holy Doctors, because it does not follow that he who exposes himself to danger for another loves that other more than himself; for a friend exposes himself to danger for a friend, or for money, and yet loves himself more than the friend, or money. Similarly a good citizen exposes his life for the Republic, and yet does not love the Republic more than himself, because in that act he wills for himself a greater good, namely the good of virtue, which he would not wish to lack for the whole Republic. Hence Aristotle in 9 Eth. cap. 8 says that the serious man in these and similar acts loves himself most.

> *Durandus rationem SS. Doctorum oppugnat, quia non sequitur, eum, qui se exponit discrimini pro alio, magis diligere illum, quam se; nam et amicus pro amico, vel pecunia, se exponit discrimini, et tamen magis diligit se ipsum, quam amicum, vel pecuniam. Similiter bonus civis exponit vitam pro Republica, nec tamen magis amat Rempublicam; quam se, quia in eo actu vult sibi maius bonum, idest bonum virtutis, quo nollet carere pro universa Republica. Unde Aristoteles 9. Eth. cap. 8. ait, quod vir studiosus in his, et similibus actibus maxime diligit seipsum.*

13 Yet Durandus labors over equivocations, as Casati saw in num. 32; for the Holy Doctors intend that when a part is naturally exposed on account of the common good, as the adequate cause, the whole is loved more; but he who exposes himself to danger for a friend, or the Republic, or money, does not expose himself naturally, nor on account of the good of the friend, or of the Republic; much less for money, as is clear from the things said by Durandus himself. Therefore it is beside the point. Then, willing the non-Being of self for a friend, etc., he loves more him whose Being he wills, with the destruction of his own Being, as Scotus also notes.

> *Laborat tamen Durandus in aequivocis, ut vidit Caspensis num. 32. nam SS. DD. id intendunt, ut quando naturaliter exponitur pars ob bonum commune, tanquam causam adaequatam, ametur magis totum; at exponens se discrimini pro amico, vel Republica, aut pecunia, non se exponit naturaliter, nec ob bonum amici, aut Reipublicae; multo vero minus pecuniae, ut constat ex dictis ab ipso Durando. Idco non est ad rem. Deinde volens non Esse sui pro amico, etc. magis diligit eum, cuius vult Esse, cum destructione Esse proprii, ut advertit etiam Scotus.*

14 Mastrius adds, with St. Bonaventure at the end, that with God destroyed, the creature itself is not destroyed[2], not only formally, because it depends on God; but also eminently according to the being it has in God; but if God remained, the creature itself would remain in the cause, from which it could be reproduced, as the Friend also notes, disp. 29 sect. 3.

[2] Editor's note: the print reads 'etiam ipse ho non destruitur'; 'ho' rendered as 'hoc' (the creature), the print's letterform being defective.

> *Addit Mastrius cum D. Bonav. ad ultimum, quod destructo Deo, etiam ipse hoc non destruitur, non solum formaliter, quia pendet a Deo; sed etiam eminenter secundum esse, quod habet in Deo; at si maneret Deus, maneret et ipse in causa, a qua posset reproduci, ut notat etiam Amicus disp. 29. sect. 3.*

[15] Hence therefore Scotus extracts another reason, which is St. Bonaventure's at the place cited. A valiant citizen ought, according to right reason, to expose himself to death on account of the good of the Republic, from Aristotle 9 Eth., because the public good ought to prevail over the private: Therefore much more ought man to love the Highest Good more than his own singular good; for it is incomparably greater than the common good of the Republic in respect of his own singular good.

> *Hinc igitur eruit Scotus aliam rationem, quae est D. Bonav. loc. cit. Fortis Politicus debet secundum rectam rationem se morti exponere ob Reipublicae bonum, ex Aristotele 9. Eth. quia bonum publicum debet praevalere privato: Ergo multo magis homo debet plus diligere Summum Bonum, quam bonum suum singulare; nam incomparabiliter est maius, quam bonum commune Reipublicae, respectu sui boni singularis.*

[16] But the objections of Durandus lie dissolved.

> *Oppositiones vero Durandi solutae iacent.*

[17] From these you have that also Scotus, who subtly divided the reason of St. Thomas, in which it was assumed that a part is exposed for the whole reasonably, at length fled to nearly the same middle term.

> *Ex quibus habes, etiam Scotum, qui subtiliter rationem D. Thomae dividit, in qua assumebat, exponi rationabiliter partem pro toto; tandem ad eundem fere medium terminum confugere.*

[18] ¶ It is proved thirdly by St. Bonaventure at ad 4. Rational nature loves beatitude supremely, from Aristotle and Augustine 13 de Trinitate cap. 5. But it does not love beatitude more than the beatifying object; rather it orders beatitude toward the Highest Good, God, by an ordered motion of friendship.

> *¶ Probatur tertio a D. Bonav. ad 4. Natura rationalis summe diligit beatitudinem ex Aristotele, et Augustino 13. de Trin. cap. 5. Sed non magis diligit beatitudinem, quam obiectum beatificans, imo beatitudinem ordinat ad Bonum summum Deum motu amicitiae ordinato.*

[19] From this also the hackneyed reply of Scotus lies rebuffed, which the Holy Doctor saw; namely, that from this it would follow that he loves himself more, for whom God is concupiscenced for fruition; for the love of concupiscence, by which I concupiscence a good for myself, presupposes the love of friendship, by which I love myself, and love God for my fruition.

> *Ex quo etiam detrita iacet responsio Scoti, quam S. Doct. vidit; nempe hinc sequi, maius dilectum se ipsum, cui concupiscitur Deus ad fruitionem; nam amor concupiscentiae, quo bonum mihi concupisco, supponit amorem amicitiae, quo me ipsum diligo, atque Deum ad mei fruitionem amo.*

[20] The Holy Doctor indeed replies that this comes about by the love of concupiscence; he warns, however, that this love of concupiscence does not make one number with the love of friendship of self, and thus one cannot properly be said to be prior to the other — which the P. also notes in his Treatise on the Angels, disput. 7 quaest. 2, where Scotus urged that the Angel first loved himself with the love of friendship, and afterwards wished glory for himself; while the love of beatitude is ordered

according to right reason toward the highest good and last end, God, and hence God is loved more than our fruition, if we follow reason. Add that with God taken away, beatitude is taken away from us.

> *Respondet vero S. Doct. amore concupiscentiae id evenire; monet tamen, hunc amorem concupiscentiae non facere numerum cum amore amicitiae sui, et ita non posse dici proprie unum altero priorem, quod etiam advertit P. t. Tract. de Angelis, disput. 7. quaest. 2. ubi Scotus urgebat, prius Angelum amasse se amore amicitiae, et postea optasse sibi gloriam; Amorem vero beatitudinis ordinati secundum rectam rationem ad summum bonum, et ultimum finem Deum, atque adeo plus amati Deum, quam nostram fruitionem, si rationem sequamur. Adde ablato Deo, tolli beatitudinem nobis.*

21 It is proved fourthly by St. Bonaventure in the foundations and the body, by his own proper reason, which the more recent authors commonly use, and which Mastrius declares proper to Scotus in num. 619. The reason of natural love follows the dictation of nature; but nature dictates that God is to be loved supremely above all things: Therefore. The major is certain; for the will depends on cognition, and natural volition on the natural light, as elicited volition on elicited cognition. The minor is proved: for ordered nature dictates ordered acts, but nature in itself is right and ordered: Therefore it dictates ordered acts of the will. It is confirmed by St. Bonaventure's minor to the third, because right reason dictates that what is truly the greater good is to be loved more, and that God is the highest good: Therefore he is to be loved above all things.

> *Probatur quarto a D. Bonav. in fundamentis, et corpore, ratione sua propria, quam usurpant communiter Recentiores, quamque propriam Scoti acclamat Mastrius num. 619. Ratio amoris naturalis sequitur dictamen naturae; sed naturae dictatur, Deum esse summe diligendum prae omnibus: Ergo. Maior est certa; nam voluntas dependet a cognitione, et volitio naturalis a lumine naturali, sicut volitio elicita a cognitione elicita. Minor probatur: Natura enim ordinata dictat actus ordinatos, sed natura secundum se est recta, et ordinata: Ergo dictat actus voluntatis ordinatos. Confirmatur a D. Bonav. Minor ad tertium, quia recta ratio dictat id, quod vere est maius bonum, esse magis amandum; et Deum esse summum bonum: Ergo suprat omnia amandum.*

22 It is confirmed secondly by St. Bonaventure at the first. Grace and charity do not disorder nature, but perfect it; but charity inclines to loving God above all things: Therefore nature too; otherwise, if nature inclined to loving self more, it would follow that charity does not perfect, but perverts nature.

> *Confirmatur secundo a D. Bonav. ad primum. Gratia et charitas non deordinat naturam, sed perficit; sed charitas inclinat ad Deum super omnia diligendum: Ergo et natura; alioqui si natura inclinaret ad diligendum magis se ipsum; sequeretur, charitatem non perficere, sed pervertere naturam.*

23 The whole reason is confirmed further, because nature is from God: Therefore it is good: Therefore its inclination too is from God. But it would be absurd for God to have instilled a disordered nature, since every effect tends to its cause: hence *All the Lord has worked for his own sake.*

> *Confirmatur adhuc tota ratio, quia natura est a Deo: Ergo bona: Ergo et eius inclinatio est a Deo. Absonum esset autem, Deum indidisse naturam inordinatam, cum omnis effectus ad suam causam tendat: dat:* Omnia autem propter semetipsum operatus est Dominus.

24 It is confirmed further: for things loved below another are for use, and what is loved above all things is to be enjoyed; such an object is God alone, who is the last end and highest good: Therefore. So argues the Holy Doctor in the body, and more broadly in the first dist. 1 art. 3 quaest. 1 and 2, from St. Augustine lib. 1 de doctrina Christiana cap. 4 and 33.

Confirmatur adhuc: Quae enim diliguntur infra aliud, sunt usui, et quod diligitur prae omnibus est fruibile; tale obiectum est solus Deus, qui est ultimus finis, et summum bonum: Ergo. Sic arguit S. D. in corpore, et latius in primo dist. 1. art. 3. quaest. 1. et 2. ex D. August. lib. 1. de doctrina Christiana, cap. 4. et 33.

25 It is confirmed further in the body. *God created all things in number, weight, and measure.* But charity is a weight, as I showed in quaest. 30, and a right weight, inasmuch as it is from God; and hence rightly balancing the affections according to the greater dignity of the objects.

Confirmatur adhuc in corpore. Deus creavit omnia in numero, pondere, et mensura. *Charitas autem est pondus, ut ostendi quaest. 30. et pondus rectum, utpote a Deo; atque adeo recte librans affectus, iuxta maiorem obiectorum dignitatem.*

26 Coninck replies that indeed an appreciative love of God above other things is dictated by nature, but not a more intense one; rather it is borne toward ourselves more strongly and vehemently, and in this sense he tries to reconcile the authors of both opinions.

Respondet Coninchius, aestimativum sane amorem Dei prae caeteris dictari a natura, non autem intensiorem, sed potius ferri in nos magis, ac vehementius, et hoc sensu conatur authores conciliare utriusque opinionis.

27 But our question concerns appreciative love, and the authors of the first opinion contend by their arguments that nature dictates an appreciative love of ourselves more than of God, as we shall see. From this you also have that the Seraphic Doctor was wrongly alleged for the first opinion, for this reason: because he asserts an appreciative love indeed of God, but not an intensive one, to be connatural, since sensible nature is borne more vehemently toward itself. If this love were the question, there would be no controversy.

At quaestio nostra est de amore aestimativo, et Authores prioris sententiae contendunt suis argumentis, naturam dictare amorem aestimativum nostri, magis, quam Dei, ut videbimus. Ex quo etiam habes, cum male allegasse Seraphicum pro priori sententia, ea de causa, quia amorem appretiativum quidem Dei, non autem intensivum, asserit connaturalem, eo quod natura sensibilis vehementius fertur in se. Quod si de hoc amore esset quaestio, nulla esset controversia.

28 *You will object first*. The whole reason for loving is congeniality; for the ratio of good and of the congenial are convertible; but nothing is more congenial to any thing than its own proper being: Therefore nothing is more loved according to the inclination of nature. It is confirmed, because whatever nature loves, it loves as united and conjoined to itself, as is gathered from Aristotle in the Elenchi cap. 2: *The good lovable is proper to each thing:* Therefore the more conjoined and one it is to itself, the more it is loved; but a creature is more united than God, since it is united to itself by identity, whereas God by the causality of efficiency. It is confirmed from Aristotle 9 Eth.: *Friendly things toward another are taken from friendly things toward self:* Therefore natural love toward God comes from natural love of ourselves: Therefore a creature naturally loves itself more than God.

Obiicies primo. Tota ratio diligendi est convenientia; ratio namque boni, et convenientis convertuntur; sed nihil est convenientius unicuique rei, quam suum proprium esse: Ergo nihil magis diligitur secundum inclinationem naturae. Confirmatur, quia quidquid natura amat, amat ut sibi unitum, et coniunctum, ut sumitur ex Aristotele, Elenchorum, cap. 2. Amabile bonum unicuique proprium: *Ergo quo magis coniunctum, et unum est, sibi magis amatur; at creatura est magis unita, quam Deus; cum ipsa sit sibi unita per identitatem; Deus autem per causalitatem efficientiae. Confirmatur ex Aristotele 9. Eth.* Amicabilia ad alterum, sumuntur ex amicabilibus ad se: *Ergo amor naturalis in Deum venit ex naturali amore nostri: Ergo creatura naturaliter magis se amat, quam Deum.*

29 *Mastrius replies* in num. 631, from St. Bonaventure at the end, that the reason of congenial lovability is found prior and more perfectly in God, as in the universal good and origin of all good, as the Holy Doctor explains *in the body*; whence there is no good lovable except as it participates in divine goodness. To the confirmation he replies that, even were it more united to itself by identity, nevertheless God is still more united to it by power; for since the creature depends more wholly on God its principle than on itself, and is more sustained and conserved by God intimately penetrating, therefore God is more united to the creature than it is to itself by power.

> Respondet *Mastrius* num. 631. ex D. Bonav. ad ultimum, *rationem convenientiae amabilitatis prius, et perfectius reperiri in Deo, tanquam in bono universali, et totius boni origine, ut explicat S. Doct.* in corpore; *unde nullum est bonum amabile, nisi ut participat de divina bonitate. Ad confirmationem respondet, quod, esto sit sibi magis unita per identitatem; adhuc tamen Deus est ei magis unitus per virtutem; cum enim creatura magis a Deo suo principio tota pendeat, quam a seipsa, magisque sustentetur, et conservetur a Deo intime illabente; ideo magis est Deus homini unitus, quam ipse sibi virtute.*

30 *Scotus replies secondly* in dist. 27 at the title in the solution of the principal arguments, and Mastrius in num. 632, from the last words of St. Bonaventure at the end, that unity indeed moves the affection of love; nevertheless goodness is properly that which is lovable: but God is infinitely better than all.

> Respondet *secundo Scotus* dist. 27. tit. in solut. principalium, *et Mastrius* num. 632. ex ultimis verbis D. Bonav. ad ultimum, *unitatem quidem movere affectum amoris; attamen bonitatem esse proprie illam, quae est amabilis: Deus autem est omnibus melior infinite.*

31 *To the third confirmation* Aristotle speaks of friendship among equals, in which ordered self-love is the measure of love toward another; for friendship toward another becomes known when I seek for another things similar to those I seek for myself; but if the friendship is of the lesser toward the greatest, it is denied that self-love is the measure; whence with respect to a superior, especially God, it is a super-friendship, because he is the fountain of goodness, which is rather the reason that other things are loved. Aristotle indeed speaks of particular foreign goods. So also Tannerus disp. 2 quaest. 5 dub. 3 num. 48.

> Ad tertiam confirmationem *loquitur Aristot. de amicitia inter aequales, in qua amor sui ordinatus, est mensura amoris ad alterum; innotescit quippe amicitia ad alterum, quando appeto alteri similia his, quae mihi; sed si amicitia sit minoris ad maximum, negatur, quod amor sui sit mensura, unde respectu superioris, praesertim Dei, est superamicitia, eo quod est fons bonitatis, quae est potius ratio, ut alia amentur. Aristoteles vero loquitur de bonis alienis particulatibus. Ita et Tannetus* disp. 2. quaest. 5. dub. 3. num. 48.

32 *You will object secondly.* It is established by experience that we incline more toward ourselves than toward God; whence when the necessity of dying for Christ occurs, nature flees, as appeared in many martyrs, and even in Christ the Lord.

> Obiicies secundo. *Experimento constat, nos magis in nos ipsos inclinare, quam in Deum; unde quando evenit necessitas moriendi pro Christo, refugit natura, ut patuit in multis martyribus, et etiam in Christo Domino.*

33 *It is replied first* that that repugnance comes from sense; for *the spirit indeed is prompt, but the flesh is weak*, Matth. 26. Nor is it absurd to follow what Casati introduces: that sense naturally loves nature more than God; for this is not absurd, because sense is not capable of enjoying God. Hence it has neither the light nor the cognition of preferring God to itself. So also Tannerus.

> Respondetur primo, *repugnantiam illam venire ex sensu; nam* Spiritus quidem promptus est, caro autem infirma, *Matth. 26. Neque est absurdum id, quod inducit Caspensis sequi; quod sensus naturaliter amet magis naturam, quam Deum; hoc enim non est absurdum, quia sensus non est capax fruendi Deo. Unde nec lumen, nec cognitionem habet praeferendi Deum sibi. Ita etiam Tannerus.*

34 *Casati replies secondly*, from St. Bonaventure at the first, that this happens from a more vehement apprehension of one's own good, which is sensible; and therefore it moves nature more, weakened and depraved as it is.

> Respondet secundo *Caspensis ex D. Bonav.* ad primum, *id evenire ex apprehensione vehementiori boni proprii, quod est sensibile; et ideo magis movet naturam debilitatam, ac depravatam.*

35 *You will object thirdly.* If natural inclination were more toward God than toward us, grace would not be necessary for loving God above all things, which is against the Councils and the Fathers. Nor does Mastrius satisfy by saying that the Councils and Fathers speak of the state of fallen nature. For the contrary is the case, because St. Augustine in the Enchir. cap. 106 and the Council of Orange can. 19 assert the same of the state of innocence.

> Obiicies tertio. *Si inclinatio naturalis esset magis in Deum, quam in nos, non esset necessaria gratia ad diligendum Deum super omnia, quod est contra Concilia, et Patres. Nec satisfacit Mastrius dicens, Concilia, et Patres loqui de statu naturae lapsae. Contra enim est, quia D. August.* in Enchir. cap. 106. *et Concilium Arausican.* can. 19. *idem asserunt de statu innocentiae.*

36 *Mastrius replies* that it is true of supernatural love; but not of natural love, and that imperfect one by which nature strives toward God as a natural object, namely the Creator — an affection which is weakened in corrupted nature.

> Respondet *Mastrius, verum esse amore supernaturali; non autem naturali, et hoc imperfecto, quo eniteretur natura in Deum, ut naturale obiectum, puta Creator, quae affectio natura corrupta infirmatur.*

37 *You will object fourthly.* If this were true, man would never have sinned in the state of innocence, since nature would incline more toward God.

> Obiicies quarto. *Si id verum esset, nunquam homo in statu innocentiae peccasset, cum ad Deum natura magis propenderet.*

38 *It is replied* by denying the sequel; for a created object could be offered more vehemently and attract, as the Friend notes.

> Respondetur, *negando sequelam; quia potuit obiectum creatum vehementius offerri, et attrahere, ut notat Amicus.*

Question XXXIV: Whether a man ought to love himself more than his neighbor

1 It must be asserted. This is proved by the Holy Doctor first from the Saints, Augustine and Ambrose, who immediately after the love of God place the love of self, as we saw in *quaest. 28.*

> *Asserendum. Hoc probatur a S. Doct. primo e Sanctis, August. et Ambrosio, qui immediate post dilectionem Dei ponunt dilectionem sui, ut vidimus* quaest. 28.

2 Secondly, from Ecclus. 14: *He who is evil to himself, to whom will he be good?* Therefore one cannot orderly love one's neighbor unless one first loves oneself: for this reason in *Matth. 22* and *Deuter. 6* it

is said: *Thou shalt love thy neighbor as thyself.* Therefore the love of self is the exemplar of the love of neighbor: but the exemplar is superior to the exemplated.

> *Deinde ex 14. Eccl.* Qui sibi nequam est, cui alii bonus erit? *Ergo non potest aliquis ordinate diligere proximum, nisi prius diligat se: Ideo enim* Matth. 22. Deuter. 6. *dicitur:* Diliges proximum tuum, sicut te ipsum. *Ergo dilectio sui est exemplar dilectionis proximi: Exemplar autem est potius exemplato.*

3 Thirdly, from St. Augustine in the Enchir. cap. 76. See also Valencia disp. 3 quaest. 4 p. 3, Tanner disp. 2 q. 5 dub. 3.

> *Tertio ex D. August.* in Enchir. cap. 76. *Vide etiam Valentiam* disp. 3. quaest. 4. p. 3. *Tannet.* disp. 2. q. 5. dub. 3.

4 Fourthly. The order of charity is first toward the first principle and last end, which is the Highest Good; then toward the participants: Man therefore loves himself as a participant in that good; others indeed as Companions in the participation; and, the participants being equal, unity is preferable to union. St. Thomas uses the same middle.

> *Quarto. Ordo charitatis est prius in principium primum, et finem ultimum, qui est Summum Bonum; deinde in participantes: Homo igitur diligit se, ut participem illius boni; alios vero, ut Socios in participatione; data autem paritate participatis, unitas est potior unione. Eodem medio utitur D. Thomas.*

5 *It is confirmed first* by the Holy Doctor *in the body*, because a weight draws more the thing in which it is than that which is attached to it: but charity is a weight, as I showed in *quaest. 30.*

> Confirmatur primo *a S. Doct.* in corpore*, quia pondus magis trahit id, in quo est, quam id, quod ei adnectitur: Charitas autem est pondus, ut ostendi* quaest. 30.

6 *It is confirmed secondly.* Each thing appetizes perfection in itself more than in its like: Therefore we reasonably appetize that God be united to us more than to others like to us.

> Confirmatur secundo. *Unumquodque plus appetit perfectionem in se, quam in suo simili: Ergo rationabiliter magis appetimus, Deum nobis uniri, quam aliis nobis similibus.*

7 *It is confirmed thirdly* by the Holy Doctor and Valencia, because those are reproved and called fools who neglect their own salvation to procure that of another: *Matth. 16: What doth it profit a man, if he gain the whole world, and suffer the detrimment of his soul?*

> Confirmatur tertio *a S. Doct. et Valentia, quia illi reprehenduntur, ac stulti dicuntur, qui salutem propriam negligunt, ut procurent alienam,* Matth. 16. Quid prodest homini, si universum mundum lucretur; animae vero suae detrimentum patiatur.

8 Finally, if he ought to love each individual neighbor as himself: Therefore also another neighbor conjoined simultaneously double more, and four, quadruple, and so on to infinity. From this affection it follows that one cannot give one's life for the life of a friend to be saved; so Durand. 4 dist. 17 quaest. 6, Richard dist. 15 art. 3 quaest. 5, Gabriel dist. 16 quaest. 3 art. 1, Paludanus dist. 15 q. 3 art. 2, Bellarm. on good works lib. 3 cap. 8 tom. 3. Hence St. Augustine in lib. de mendacio cap. 6 says: *If anyone lose his bodily life for the bodily life of a friend, he does not love his neighbor as himself, but more than himself; which exceeds the rule of doctrine.*

> *Tandem, si singulos proximos deberet diligere, ut se ipsum: Ergo et alium proximum simul coniunctum duplo plus, et quatuor quadruplo, et sic in infinitum. Ex hac affectione sequitur, non posse aliquem dare vitam pro vita amici salvanda,*

ita Dutand. 4. dist. 17. quaest. 6. *Richard.* dist. 15. art. 3. quaest. 5. *Gabriel* dist. 16. quaest. 3. art. 1. *Paludanus* dist. 15. q. 3. art. 2. *Bellarm.* de bonis operibus, lib. 3. cap. 8. tom. 3. *Unde D. August.* lib. de mendacio, cap. 6. *ait:* Si quis vitam corporalem pro vita corporali amici perdat, non diligit proximum sicut seipsum, sed plus quam seipsum; quod doctrinae regulam excedit.

9 The reason is the one the Holy Doctor brings *in the body and at ad 2*, because love toward self is the measure of love toward neighbor; for it is said: *Thou shalt love thy neighbor as thyself*; but the measure is more perfect than the measured, as Scotus also says. Hence Hurtado defends this opinion tooth and nail in t. 2 disp. 114 sect. 4 § 42, where he lays down that it is a sin to die for the life of a neighbor.

Ratio est, quam affert S. Doct. in corpore, et ad 2. *quia amor erga seipsum, est mensura amoris erga proximum; Dicitur enim:* Diliges proximum, sicut teipsum: *mensura autem est perfectior mensurato, ut ait etiam Scotus. Ideo hanc sententiam mordicus tuetur Hurtadus* t. 2. disp. 114. sect. 4. §. 42. *ubi statuit, peccatum esse, mori pro vita proximi.*

10 Others however say that this is licit: Azorius tom. 2 lib. 2 cap. 3 quaestio 2, Soto on Justice lib. 5 quaest. 1 art. 6, Victoria relect. on homicide num. 25, Corduba lib. 1 quaest. 83 at ad 4, Tanner disp. 2 quaest. 5 dub. 4 num. 73, citing St. Thomas 3 dist. 29 quaest. 1 art. 5 at ad 3 and lib. 1 de regimine Principum, and here quaest. 26 art. 4 at ad 2, Bannes, Aragon, Valencia quaest. 4 p. 3. See below quaest. 35.

Alii tamen dicunt, id licere, Azorius tom. 2. lib. 2. cap. 3. quaestio 2. *Sotus* de Iustitia, lib. 5. quaest. 1. art. 6. *Victoria* relect. de homic. num. 25. *Corduba* lib. 1. quaest. 83. ad 4. *Tanner.* disp. 2. quaest. 5. dub. 4. num. 73. *adducens D. Thom.* 3. dist. 29. quaest. 1. art. 5. ad 3. et lib. 1. de regim. Princ. et hic quaest. 26. art. 4. ad 2. *Bannem, Aragonium, Valentiam* quaest. 4. p. 3. *Vide infra* quaest. 35.

11 Diana p. 5 tract. 4 resol. 28, with Faber on Restitution in 4 disp. 52 num. 41, Valencia tom. 3 disp. 3 quaest. IV p. III, Lorca II II quaest. XXVI art. V sect. III disp. XXVIII member III num. 55, say that it is sometimes licit to do this on account of some added cause; for instance if the friend is more useful, or if he is unjustly oppressed; and thus justice also is saved; and in this way it is a heroic work, says Lorca.

Diana p. 5. tract. 4. resol. 28. cum Fabro de Restitutione, in 4. disp. 52. num. 41. *Valentia* tom. 3. disp. 3. *quaest. IV. p. III. Lorca II. II. quaest. XXVI. art. V. sect. III. disp. XXVIII. membro III. num. 55. dicunt, licere aliquando ob additam aliquam causam id facere; puta si amicus sit utilior, vel si oppressus iniuste sit; et ita salvetur etiam iustitia; et hoc modo esse opus heroicum, ait Lorca.*

12 The Holy Doctor asserts it entirely in III dist. XXIX dub. I litt. With equality indeed given, the Holy Doctor wills that alms be given first to oneself. But he calls perfect heroic charity in dub. V, from St. Augustine tract. V on John, when one is ready to die for love of the brethren — a death not undergone precisely for them, but in order to God. Wherefore the act will be heroic by Charity. Hence in John XV it is said: *Greater love than this no man hath, that a man lay down his life for his friends.* So also Bass. v. Charity, num. 19, where he brings forward many.

Omnino asserit S. Doct. in III. dist. XXIX. dub. I. litt. Data vero aequalitate, vult S. Doct. eleemosynam sibi prius faciendam. Enim vero perfectam charitatem heroicam vocat dub. V. ex D. August. tract. V. in Ioan. si quis paratus sit mori pro amore fratrum, quae mors non subitur praecise pro illis, sed in ordine ad Deum. Quare actus erit Charitate heroicus. Ideo dicitur Ioan. XV. Maiorem hac dilectionem nemo habet, ut animam suam ponat quis pro amicis suis. *Sic, et Bass. v.* Charitas, *num. 19. ubi multos affert.*

13 Against this assent *you will object first*: *Charity seeketh not her own, I. Cor. XIII.*

> *Contra assensum Obiicies primo.* Charitas non quaerit, quae sua sunt I. Cor. XIII.

14 *It is replied* that seeking one's own good is forbidden as excluding the common; for that is lust. But to seek one's own good as such is not evil; for he himself in *Philip. the first desired to be dissolved and to be with Christ.* So also St. Thomas replies from St. Augustine, the third rule.

> Respondetur*, prohiberi quaerere bonum proprium, ut excludit commune; sic enim est libido. Quaerere autem suum bonum, ut sic, non est malum; ita enim et ipse,* Philip. primo, cupiebat dissolvi, et esse cum Christo. *Ita respondet etiam D. Thomas ex D. Augustino,* regula tertia.

15 *You will object* secondly from Matth. XXII, where we have: *Thou shalt love thy neighbor as thyself:* Therefore equally.

> Obiicies *secundo Matth. XXII. habetur:* Diliges proximum, sicut teipsum: *Ergo aequaliter.*

16 *The Holy Doctor replies* particularly that *as*, is not a mark of perfect equality, but of expressed likeness, which is attended to in this, that man love his neighbor toward that good toward which he loves himself, and that after his own salvation he ought to wish nothing more than that of another.

> Respondet *S. Doct. patriculam,* sicut*, non esse notam aequalitatis perfectae, sed expressae similitudinis, quae in hoc attenditur, ut homo diligat proximum ad illud bonum, ad quod diligit seipsum, et post salutem propriam nihil debet magis optare, quam alienam.*

17 *You will object* thirdly from St. Gregory, homil. XVII on the Gospels: *No one is said to have Charity toward himself, but toward another.*

> Obiicies *tertio ex D. Gregorio, homil. XVII. in Evang.* Nemo ad seipsum Charitatem habere dicitur, sed ad alterum.

18 *The Holy Doctor replies* that the sense is not to terminate Charity in oneself, but that it ought to be extended toward one's neighbor, for he who does not love remains in death. It is also replied that Charity is toward another insofar as it is friendship.

> Respondet *S. Doct. sensum esse, non terminare Charitatem in se, sed extendi debere ad proximum, qui enim non diligit, manet in morte. Respondetur etiam, Charitatem ad alterum esse, quatenus est amicitia.*

19 *You will object* fourthly. Liberality is attended to toward another. But charity is a liberal love: Therefore.

> Obiicies *quarto. Liberalitas attenditur ad alterum. Charitas autem est amor liberalis: Ergo.*

20 *He replies* that liberality is extended toward another, but nevertheless begins from oneself.

> Respondet*, Liberalitatem extendi ad alterum, sed tamen incipere a se.*

21 *You will object* fifthly. Charity, coming upon nature, inverts the order; and he who before loved himself more than God begins to love God more: Therefore it inverts also the love in order to neighbor, so that the latter be loved more.

> Obiicies *quinto. Charitas adveniens naturae, invertit ordinem; et qui prius amabat magis se, quam Deum, incipit amare magis Deum: Ergo invertit etiam amorem in ordine ad proximum, ut is magis ametur.*

22 *The Holy Doctor replies* that there is no variation of nature, that I should love myself before my neighbor; therefore it is not to be taken away by Charity, as vitious self-love is taken away.

> Respondet *S. Doct. non esse varietatem naturae, ut prius diligam me, quam proximum; ideo Charitate non est tollenda, sicut tollitur amor proprius vitiosus.*

23 *You will object* sixthly. Our charity ought to be conformed to the Charity of God, who loves our neighbors more, if they are better, than us. The assumption is *proved*: for he wills his honor; but the salvation of a hundred souls is more toward God's honor than my salvation: Therefore. For thus the Apostle in *Rom. IX desired to be an anathema for the brethren.*

> Obiicies *sexto. Charitas nostra debet Charitati Dei conformari, qui diligit magis proximos nostros, si sint meliores, quam nos.* Probatur *assumptum: Nam vult honorem suum: At salus centum animarum est magis ad Dei honorem, quam salus mea: Ergo. Sic enim Apostolus* Rom. IX. Cupiebat esse anathema pro fratribus.

24 *The Holy Doctor replies*, with St. Thomas, that the order of Charity is not attended to only by the magnitude of the good wished; but also on the part of the lover; just as the quantity of an action depends on the subject itself. Therefore, although the neighbor be better, nevertheless he does not preponderate, because Charity was given to me first for acting in its own subject, and this is the honor of God and his will expressed in the Scriptures. But what the Apostle desired, *to be an anathema*, understand for a time, or under a condition, should it be desirable, as St. Bonav. says *at the end*; or he desired separation from the fellowship of the members of Christ, as Chrysostom explains; or he desired death for the salvation of his neighbor, as Valencia notes disp. III quaest. IV punct. 3. Say the same of that saying of Moses, Deuter. XXXII: *Either forgive them*, etc. *or blot me out of thy book*; which Fusesius explains in lib. III cap. 9 as a filial exaggeration.

> Respondet *S. Doct. cum D. Thom. ordinem Charitatis non attendi penes magnitudinem boni optabilis tantum; sed ex parte etiam diligentis; sicut et quantitas actionis pendet ex ipso subiecto. Ideo, licet proximus sit melior; tamen non praeponderat, quia Charitas data est mihi prius ad operandum in subiecto suo, et hic est honor Dei, voluntasque eius in scripturis expressa. Quod vero Apostolus cupiebat,* esse anathema*, intellige ad tempus, vel sub conditione, si optabile foret, ut ait S. Bonav.* ad ultimum. *Vel optabat segregationem a membrorum Christi commercio, ut exponit Chrysostomus; vel optabat mortem pro salute proximi, ut notat Valentia disp. III. quaest. IV. punct. 3. Idem dic de illo Moysis effato, Deuter. XXXII.* Aut dimitte eis*, etc.* aut dele me de libro tuo; *quod per quandam exaggerationem filialem exponit Fusiensis lib. III. cap. 9.*

Question XXXV: Whether the eternal salvation of the neighbor is to be loved more than our own life

1 I assert that the Salvation of our neighbor is to be preferred to our life, from what was said in quaest. XXX, with the Holy Doctors and St. Augustine lib. I de doctrina Christiana cap. 27.

> *Assero, Salutem proximi esse praeferendam vitae nostrae, ex dictis quaest. XXX. cum SS. DD. ac D. August. lib. I. de doctr. Christi, cap. 27.*

2 *It is proved* secondly by St. Bonaventure here. That thing is more lovable by charity which is more consociable in supernatural beatitude: Such is the soul of the neighbor, participating immediately, while the body shares only by redundancy. Fusesius urges this with St. Thomas. This, however, holds in an unavoidable necessity, for instance, if an infant would perish without baptism should I not hasten, nor could I without danger to life; not if he, in an unjust war, would expose himself to the

combat; for that is avoidable. So St. Thomas at the place cited, where Sylvius, Malder. Arag. Nau. Mam. cap. 24 num. 10, Valent. disp. III quaest. IV p. III, Dian. p. V tract. XIII resol. 14, Tanner. disp. II q. III dub. n. 60, Filliuc. tract. XXVIII num. 35, and Bassaeus does not deny it v. *Charity*, num. 18.

> Probatur *secundo a D. Bonav. hic. Illud est magis diligibile charitate, quod est magis consociabile in beatitate superna: Talis est anima proximi immediate participans, cum corpus comparticipet sola redundantia. Id urget Fusiens. cum D. Thom. Hoc tamen est in necessitate inevitabili, puta, si infans sine baptismo periret, si ego non accurrerem, nec possem sine discrimine vitae; non si is, iniquo in bello, certamini se exponeret; ea enim est evitabilis. Ita D. Thom. loc. cit. ubi Sylvius, Malder. Arag. Nau. Mam. cap. 24. num. 10. Valent. disp. III. quaest. IV. p. III. Dian. p. V. tract. XIII. resol. 14. Tanner. disp. II. q. III. dub. n. 60. Filliuc. tract. XXVIII. num. 35. nec renuit Bassaeus v.* Charitas*, num. 18.*

3 Sancius nevertheless denies it, select. disp. X num. 9, who says with Sà num. 4 that we are held indeed not to inflict spiritual harm on our neighbor, nor to inflict it for the sake of preserving our body, but we are not held to prevent it; otherwise a pregnant mother would be held to allow herself to be cut open so that the infant could be baptized, which would otherwise perish without baptism; and he charges with indiscretion those Doctors who say, they would indeed, but would not do it.

> *Renvit tamen Sancius select. disp. X. num. 9. qui ait cum Sà num. 4. teneri nos quidem non inferre damnum spirituale proximo, nec inferre ob nostrum corpus servandum, sed non teneri impedire; alioqui teneretur mater gravida sinere se secari, ut baptizari queat infans, alioqui sine baptismo periturus, ac indiscretionis arguit eos Doctores, qui dicunt, sed non facerent.*

4 He excepts the case where one is bound by convention, for instance if one is a Pastor; or hired soldiers. He teaches this from St. Bonaventure on John X: *The good shepherd giveth his life for his sheep:* for both receive a stipend. So also Bonac. tract. II disp. III quaest. IV punct. 4, Sylvius cit., Laym. lib. II tract. III cap. 3, Reginald. lib. IV cap. 25 num. 356, 348 and 357, Chapeauvilla cap. I quaest. IV, Malder. loc. cit., Tab. v. *Bishop, quaest. V*, Tannerus cit. disp. IV n. 64, Filliuc. cit. num. 56, Dian. loc. cit. and resol. 33, Bassaeus loc. cit.

> *Excipit, si ex conventione teneat, puta si Parochus; si Navta conducti. Hoc docet ex D. Bonav. ad id Ioan. X.* Bonus Pastor animam suam dat pro ovibus suis: *Ideo enim uterque stipendia accipit. Sic et Bonac. tract. II. disp. III. quaest. IV. punct. 4. Sylvius cit. Laym. lib. II. tract. III. cap. 3. Reginald. lib. IV. cap. 25. num. 356. 348. et 357. Chapeauvilla cap. I. quaest. IV. Malder. loc. cit. Tab. v.* Episc. quaest. V. *Tannerus cit. disp. IV. n. 64. Filliuc. cit. num. 56. Dian. loc. cit. et resol. 33. Bassaeus loc. cit.*

Question XXXVI: Whether one neighbor is to be loved more than another

1 I assert it. It is proved by St. Thomas, because the order of love is attended to according to the principle of goodness. Therefore he who is more conjoined to a more lovable goodness is more lovable; but some neighbors are nearer to God, and to us, than others. The Holy Doctor uses this reason also at the place cited, and Valent. disp. III q. IV p. IV, Fusiens. lib. III c. 9, and others.

> *Assero. Probatur a D. Thom. quia ordo dilectionis attenditur iuxta principium bonitatis. Igitur qui magis bonitati amabiliori est coniunctus, est magis amabilis; aliqui autem proximi sunt aliis viciniores Deo, et nobis. Hac ratione utitur etiam S. D. loc. cit. et Valent. disp. III. q. IV. p. IV. Fusiens. lib. III. c. 9. et alii.*

2 First indeed, by a greater love objectively the better one is to be loved more. So St. Thomas art. 7. For he who is better is more conjoined with the principal object of charity, which is God, and has

more good in himself. We can nevertheless wish a greater good for another, for instance a kinsman, than that which another has.

> *Primo quidem dilectione maiori obiective melior magis est diligendus. Ita D. Thom. art. 7. Nam qui est melior, est magis coniunctus cum obiecto praecipuo charitatis, quod est Deus, et plus boni in se habet. Possumus tamen alteri, puta consanguineo, optare maius bonum illo, quod alius habet.*

3 Secondly. By a greater appreciative love, he is to be loved more who is more conjoined either to God, or to the one loving him, or to both: but if one be better, the other more conjoined to me, the latter is to be loved more as regards those goods by which he is conjoined to me; hence in I Tim. V: *If any man have not care of his own, and especially of those of his house, he hath denied the faith:* And it is the opinion of St. Augustine lib. I doct. Christ. c. 28.

> *Secvndo. Maiori dilectione appretiativa ille magis diligendus, qui vel Deo, vel diligenti ipsi, vel utrique est coniunctior: At si alter sit melior, alter mihi coniunctior, is diligendus magis quoad ea bona, quibus est mihi coniunctus; unde prima Timot. V.* Si quis suorum, maxime domesticorum, curam non habet, fidem negavit: *Et est sententia D. August. lib. I. doct. Christ. c. 28.*

4 *It is proved* also by the reason of St. Bonaventure brought forward in q. XXX. Every motion takes its intensity, and as it were its weight, by which it tends toward the term, from its own principle, especially from that from which it proceeds; therefore the motion of charity too is borne with a greater as-it-were weight toward that which is more conjoined to the principle from which that motion of love proceeds; namely to the one loving himself.

> Probatur *etiam ratione D. Bonav. allata q. XXX. Omnis motus accipit intentionem suam, et quasi pondus, quo tendit in terminum ex ipso sui principio, praecipue, a quo scilicet procedit; ergo et charitatis motus maiori quasi pondere fertur in illud, quod est coniunctius principio illi, a quo procedit is dilectionis motus; scilicet ipsi diligenti.*

5 Hence you have that those conjoined in all things are to be loved more than strangers, even if they be better, other things being equal; for as regards spiritual goods, those are to be loved more who are conjoined in grace, as spiritual sons, or spiritual parents.

> *Hinc habes, coniunctos quoad omnia, magis diligendos, quam extraneos, etiam si sint meliores, caeteris paribus; nam quoad bona spiritualia magis diligendi sunt, qui sunt coniuncti in gratia, ut filii spirituales, vel parentes spirituales.*

Question XXXVII: Whether a son is to be loved more than a father

1 *I assert* that parents are to be loved more by Charity, on the part of the lovable object, which is good. So St. Bonaventure here, and St. Thomas *quaest. 26 art. 9 and quaest. 31 art. 3 ad 4*, where *Valencia, Bannes, Aragon,* and *Tanner. disp. 2 quaest. 3 dub. 5, Fuliens. lib. 3 cap. 10.*

> Utrum magis debeat diligi Filius, quam Pater.
>
> Assero, *Parentes magis diligendos ex Charitate, ex parte obiecti amabilis, quod est bonum. Ita D. Bonav. hic, et D. Thom.* quaest. 26. art. 9. et quaest. 31. art. 3. ad 4. *Ubi* Valentia, Bannes, Aragon, *et* Tanner. disp. 2. quaest. 3. dub. 5. Fuliens. lib. 3. cap. 10.

2 *It is proved* by St. Bonaventure first, because after the worship of God, the honor of parents is straightway commanded in *Exodi 20*. Therefore as regards the honor owed and the obligation of assisting, parents are to be preferred.

> Probatur *a D. Bonav. primo, quia post cultum Dei, praecipitur statim honor parentum* Exodi 20. *Ergo quoad honorem debitum, et obligationem subveniendi, parentes sunt praeferendi.*

3 *Secondly* it is proved by the Holy Doctors from St. Ambrose, cited in *quaest. 13.*

> Secundo *probatur a SS. Doctoribus ex D. Ambrosio, allato* quaest. 13.

4 *Thirdly:* Where there is a greater dependence, and whence a greater good, and the origin of arriving at the highest good, in the enjoyment of which the consummation of Charity consists, there is the greater inclination toward it; but man depends more on his parents, from whom he has being ordered to the highest good, which they imitate of the first Principle and last End: Therefore. Hence *Aristot. 9 Eth. cap. 2* says: *Man more honorably assists his parents than his sons, and even himself.*

> Tertio: *Ubi est maior dependentia, et unde maius bonum, atque origo perveniendi ad summum bonum, in cuius fruitione stat consummatio Charitatis, ibi est ad illud maior inclinatio; sed homo magis pendet a parentibus, a quibus habet esse ordinatum ad summum bonum, quaeque imitantur primum Principium, et ultimum Finem: Ergo: Hinc* Aristot. 9. Eth. cap. 2. *ait:* Homo honestius subvenit parentibus, quam filiis, et sibi etiam ipsi.

5 *Fourthly* in the body, because we have more and more excellent goods from our parents: Therefore, on the part of the object of Charity, which is good, parents are to be loved more.

> Quarto *in corpore, quia plura, et praestantiora bona habemus a parentibus: Ergo ex parte obiecti Charitatis, quod est bonum, amandi sunt magis parentes.*

6 *I assert* secondly, on the part of the lover, that sons are to be loved more.

> Assero *secundo, ex parte diligentis magis amandos filios.*

7 *It is proved* by the Holy Doctors, because the son is a part of the father, and hence more intimate to the one loving *from 8 Eth. cap. 12*, and in him he is more conserved and expressed. And so the love holds itself, as the exceeding and the exceeded, under diverse rationes; yet so that grace inclines more toward parents; nature indeed, as regards the affection, toward sons — which is so clear that I wonder that Valencia disp. 3 quaest. 4 p. 5 said that Bonaventure was deceived, in which also Tannerus wrongly carps at the Holy Doctor.

> Probatur *a SS. Doctoribus, quia filius est pars patris, atque adeo magis intimus diligenti* ex 8. Eth. cap. 12. *et in eo magis conservatur, et exprimitur. Itaque diversa ratione dilectio se habet ut excedens, et excessum; ita tamen, ut gratia magis inclinet ad parentes; natura vero quoad affectum ad filios, quod adeo clarum est, ut mirer, Valentiam* disp. 3. quaest. 4. p. 5. *dixisse, Bonaventuram deceptum, in quo etiam Tannerus male carpit S. Doctorem.*

Question XXXVIII: Whether a man ought out of charity to love his mother more than his father

1 *I assert*, that the Father is to be loved more per se, on the side of the object and of the principle.

> Utrum homo debeat ex CHARITATE magis diligere Matrem, quam Patrem.
>
> Assero*, magis Patrem amandum per se ex parte obiecti, et principii.*

2 *It is proved* by St. Thomas, because charity follows ordered nature; but ordered nature is borne more toward its chief principle, from which it has its being, and to which it is more closely joined:

Therefore also grace. But the chief principle of nature is the Father: Therefore. Per accidens, however, more is often owed to the Mother, who loves more, and sometimes endures more in rearing her son.

> Probatur *a D. Thom. quia charitas sequitur naturam ordinatam; sed natura ordinata magis fertur in suum principium praecipuum, a quo habet esse, cuique magis est coniunctus: Ergo et gratia. Sed praecipuum principium naturae est Pater: Ergo. Per accidens vero plus saepe debetur Matri, quae magis amat, et aliquando plura patitur pro filio educando.*

Question XXXIX: Whether a man ought to love his spouse more than his parents, and children

1 *I assert.* In matters belonging to the economic order, and outside extreme necessity, the spouse is to be loved more. Because as regards the things that pertain to this class, the conjugal bond is closer, as is said *Matthew 19*: *And now they are no longer two, but one flesh*; and therefore *Genesis 2*: *Wherefore a man shall leave father and mother, and shall cleave to his wife.* So Aragoneus *art. 11.* Indeed Sà *on the word Charity, num. 3.* simply prefers the wife to the mother. In extreme necessity, however, parents take precedence, because a greater debt is owed to them, and there is a greater conjunction as regards absolute being, as Valentia notes *disp. 3. quaest. 4. p. 5.* and Bannes *on this article*, because the union with parents is one of substantial identity; with a spouse, however, from commixture. Valentia adds, with Cajetan *on this article*, that in extreme necessity the obligation of helping a son prevails. Tannerus adds *disp. 2. quaest. 3. dub. 5. num. 84.* that even in a grave necessity, which is not extreme, parents are rather to be helped than children.

> Utrum homo debeat magis diligere coniugem, quam parentes, et Filios.
>
> Assero. *In his, quae spectant ad Oeconomicam rationem, et extra necessitatem extremam, magis diligenda est coniux. Quia quoad ea, quae spectant ad hoc genus, arctior est coniunctio coniugalis, ut dicitur* Matth. 19. Itaque iam non sunt duo, sed una caro; *et ideo* Genesi 2. Propter hoc relinquet homo patrem, et matrem, et adhaerebit uxori suae. *Ita Aragoneus* art. 11. *Imo Sà* verbo Charitas, num. 3. *simpliciter uxorem Matri praefert. In extrema vero necessitate praevalent parentes, quia maius est debitum in eos, et maior coniunctio quoad esse absolute, ut notant Valentia* disp. 3. quaest. 4. p. 5. *et Bannes* ad hunc articulum*, quia unio cum parentibus est substantialis identitatis; cum coniuge vero ex commixtione. Addit Valentia cum Caietano* ad hunc articulum*, in extrema necessitate praevalere obligationem subveniendi filio. Addit Tannerus* disp. 2. quaest. 3. dub. 5. num. 84. *etiam in gravi, quae non sit extrema, magis subveniendum parentibus, quam filiis.*

2 From what has been said the Holy Doctor deduces that it is a graver sin to strike a mother than a spouse, on account of the reverence owed, and the dependence as upon a principle; therefore it is far more cruel, which is observed even among beasts more toward parents than toward those joined by the conjugal bond alone, against whom rage is kindled more than against one's begetters.

> *Ex dictis deducit S. Doct. maius esse peccatum percutere matrem, quam coniugem, ob reverentiam debitam, et dependentiam tanquam a principio; ideo crudelior est longe, quod etiam inter bestias magis servatur erga parentes, quam erga solum coniunctas copula, contra quas ita magis accenditur, quam contra genitores.*

3 *Although*, however, a greater penalty seems to have been imposed upon uxoricide; yet this, the Holy Doctor says, was done to restrain the impulses that often break out into uxoricide. Perversion among these loves is judged venial by Tanner. *disp. 2. quaest. 3. dub. 5. num. 83.* Bonacina *t. 2. disp. 3. quaest. 4. p. 4.* Filluc. *tract. 28. c. 2. q. 9.* because the distance is small and on either side the opinions are probable.

> Quamvis *autem maior poena uxoricidio videatur imposita; tamen hoc factum esse, ait S. Doct. ad movendos impetus, qui saepe ad uxoricidium irrumpunt. Perversionem inter horum amores venialem censent Tanner.* disp. 2. quaest. 3. dub. 5. num. 83. *Bonacina* t. 2. disp. 3. quaest. 4. p. 4. *Filluc.* tract. 28. c. 2. q. 9. *quia parva est distantia et utrinque sunt probabiles opiniones.*

Question XL: Whether the order of charity is considered in the affection, and in the effect

1 *I assert*, that the order of charity is to be observed with respect to both.

> An ordo CHARITATIS attendatur penes affectum, et effectum.
>
> Assero, *ordinem charitatis servandum quoad utrumque.*

2 *It is proved* by St. Bonaventure, first from 1 *John 3*: *Let us not love in word, nor in tongue, but in deed, and in truth.*

> Probatur *a D. Bonav. primo ex prima* Ioan. 3. Non diligamus verbo, neque lingua, sed opere, et veritate.

3 *Secondly* from St. Gregory *homil. 30. on the Gospels*: *The proof of love is the exhibition of work.*

> Secundo *ex D. Gregor.* homil. 30. in Evang. Probatio dilectionis exhibitio est operis.

4 *Thirdly. Let us work good toward all, especially toward the household of the faith*, exhorts the Apostle *Galatians 6*. Therefore, other things being equal, goods are rather to be bestowed upon relatives, as Valent. also notes *disp. 3. quaest. 4. p. 5.* So also a distinguished friend, from whom you have received outstanding benefits, is to be loved more than a kinsman not nearly so close. So Valentia *at the place cited;* yet not more than an intimate one, for instance a brother, etc.

> Tertio. Operemur bonum ad omnes, maxime ad domesticos fidei, *hortatur Apostolus* Galat. 6. *Sic igitur, data paritate, bona magis propinquis sunt exhibenda, ut notat etiam Valent.* disp. 3. quaest. 4. p. 5. *Sic et magis diligendus insignis amicus, a quo beneficia eximia acceperis, quam consanguineus, non valde propinquus. Ita Valentia* loco citato; *non tamen quam intimus, puta frater, etc.*

5 *You will say. Proverbs 18* says: *A man friendly in society shall be more a friend than a brother.*

> Dices. Proverb. 18. *dicitur:* Vir amicabilis ad societatem magis erit amicus, quam frater.

6 *He answers* — the Holy Doctor gives the answer in the text;[1] for he speaks of the affection of society, insofar as someone can take more delight in the conversation of a friend than of a brother, and as regards companionship it is more pleasant to converse with friends than in prayer with God. Yet the Holy Doctor says *ad secundum* that this is not tolerable in the servant of God who is religious, whose it is to taste and see how sweet the Lord is: But parents especially are to be preferred to all, as Aristotle has, 8 *Ethics, last chapter*, where he says: *To gods and parents there is not rendered an equal return.* But that charity has more regard for order in its own elicited acts than in those commanded, the Holy Doctor observes *ad 1.* With this affection I ought first to will eternal life for myself; then for my father, and others in due order, as Valentia also notes.

[1] Editor's note: the print/OCR reads '*Respondet* Respondet S. Doct. in textu haberi responsum' — the verb duplicated; rendered with a single 'Respondet' introducing the answer.

> Respondet *S. Doct. in textu haberi responsum; nam loquitur de affectu societatis, quatenus potest aliquis magis delectari conversatione amici, quam fratris, et quoad consuetudinem delectabilis est conversari cum amicis, quam in oratione cum Deo. Hoc tamen ait S. Doct.* ad secundum *non esse tolerabile in servo Dei religioso, cuius est gustare, et*

videre quam suavis est Dominus: Maxime vero genitores sunt omnibus praeferendi, ut habet Aristoteles 8. Eth. cap. ultimo*, ubi ait:* Diis, et parentibus non reddi aequalia. *Charitatem vero magis respicere ordinem in actibus suis propriis elicitis, quam in imperatis, observat S. Doct*. ad 1. *Hoc affectu debeo mihi prius velle vitam aeternam; deinde Patri, et aliis ordinate, ut notat etiam Valentia.*

7 But the imperative affection, by which we will and procure a temporal good, is not ordered so strictly.

Affectus vero imperatus, quo volumus bonum temporale, et procuramus, non est adeo severe ordinatus.

8 But if the benefit regards a particular person, then the aforesaid order is well observed, other things being equal.

Quod si beneficium respiciat personam singularem, tunc bene servatur ordo praedictus, caeteris paribus.

9 Yet if the benefit regards the common utility, this is rightly to be preferred to one's own utility. Therefore he gravely admonishes that dignities, ecclesiastical benefices, and the like are not to be given out of private affection to kinsmen, but to those who better serve the universal good of the Church or of the Republic; and these are reproached in Habakkuk 1: *Woe to him that buildeth Sion in bloods*, and Ezek. 44: *Let it suffice you, O house of Israel, that you bring in the uncircumcised into the sanctuary of God*. There are reproached those who confer ecclesiastical benefices rather on their own households than on others, as the Holy Doctor observes *in the last argument*. Hence in the answer he says that, as to these, the order of Charity is not to be observed by reason of union, but by reason of the object, which is an absolute good, or respectively a better one; and the common good is better than the private.

Verum si beneficium respiciat utilitatem communem, haec propriae utilitati merito est praeponenda. Ideo graviter monet, ut dignitates, beneficia Ecclesiastica, et caetera huiusmodi non dentur ex affectu privato consanguineis, sed iis, qui melius inserviant bono universali Ecclesiae, aut Reipublicae; et hi reprehenduntur Habacuc primo: Vae qui aedificat Sion in sanguinibus*, et Ezech. 44*. Sufficiat vobis domus Israel, qui introducitis incircumcisos in Sanctuarium Dei. *Ibi reprehenduntur, qui beneficia Ecclesiastica conferunt magis domesticis, quam aliis, ut observat S. Doct*. argumento ultimo. *Unde in responsione dicit, quantum ad haec non esse servandum ordinem Charitatis ratione unionis, sed ratione obiecti, quod est absolute bonum, vel respective melius; est autem melius bonum publicum, quam privatum.*

Question XLI: Whether the order of charity remains in heaven

1 The Seraphic Doctor reports twofold opinions on this matter. The first is, that the same order of Charity will remain entirely in the fatherland as is on the way.

Utrum ordo CHARITATIS maneat in patria.

Geminas hac de re opiniones refert Seraphicus. Prima est, eundem penitus ordinem Charitatis mansurum in patria, qui est in via.

2 The first reason is taken from the dictate of nature, which dictates that one ought first to love oneself, then one's neighbor, and among neighbors more those who are more closely joined. But glory will be the highest perfection of nature, not its destruction.

Ratio prima sumitur ex naturae dictamine, quae dictat, prius se diligendum, quam proximum, et inter proximos plus eos, qui sunt magis coniuncti. Gloria autem erit summa perfectio naturae, non illius destructio.

[3] The second reason is taken from the perfection of glory, which regards more him in whom it is, than other like and near persons; otherwise, if all things were common, there would be no reason why we should labor to attain a greater glory by our works.

> *Secunda ratio sumitur ex perfectione gloriae, quae magis respicit eum, in quo est, quam alios similes, et propinquos; alioqui si omnia essent communia; non est cur laboremus ad hoc, ut operibus maiorem gloriam adipiscamur.*

[4] The third reason is consequently taken from the order of divine justice, which orders that a man rejoice more in his own merits than in those of another, since one's own merits ought to be rewarded in the one who merits, not another's. This opinion, the Holy Doctor says, is that of very many.

> *Tertia ratio sumitur consequenter ex ordine divinae iustitiae, quae ordinat, ut plus de suis meritis gaudeat homo, quam de alienis, eo quod propria merita debent esse remunerata merenti, non aliena. Hanc opinionem plurimorum esse, ait S. Doctor.*

[5] The second opinion is, that charity can be considered either as regards the good, which is its object, and this is the order of Charity in itself and according to its intrinsic nature: then by reason of the subject, in which it is. As to the order of Charity in itself, it remains in the fatherland; for that is essential to Charity. Hence in the fatherland one will love above all the greatest good, and consequently in due order those things that are better.

> *Secunda sententia est, charitatem considerari posse, vel quoad bonum, quod est obiectum eius, qui ordo est Charitatis secundum se, et secundum intrinseca: Deinde ratione subiecti, in quo est. Quo ad ordinem Charitatis secundum se, manet in patria; ille enim est essentialis Charitati. Unde in patria maxime diliget maximum bonum, et consequenter ordinate ea, quae sunt meliora.*

[6] But that order which befits Charity by reason of the underlying nature will not remain in the fatherland, because it does not befit that state: For in the state of beatitude there will be perfect obedience of nature with respect to glory, perfect conformity of our will to the Divine will, and perfect also the overflow of common joy. Because there will be perfect obedience of nature with respect to glory, nature will then be perfectly conformed to glory itself, so that just as the body will become spiritual, inasmuch as it will obey the spirit in all things, although on the way the spirit is forced to condescend to the body; so nature will be conformed in all things to the order of glory and grace, which is considered according to the differences of good, although now grace condescends to the natural affection.

> *Ille vero ordo, qui convenit Charitati ratione naturae substratae, non manebit in patria, quia non competit illi statui: In statu namque beatitudinis perfecta erit obedientia naturae respectu gloriae, perfecta conformitas voluntatis nostrae ad voluntatem Divinam, perfecta etiam redundantia laetitiae communis. Quia perfecta erit obedientia naturae respectu gloriae, conformabitur tunc perfecte natura ipsi gloriae, ut sicut corpus efficietur spirituale, quatenus spiritui per omnia obtemperabit, quamvis in via cogatur spiritus corpori condescendere; sic natura per omnia conformabitur ordini gloriae, et gratiae, quae attenditur secundum differentias boni, quamvis nunc gratia condescendat affectui naturali.*

[7] Again, because there will be perfect conformity of our will to the divine will, we shall not love more that which is nearer to us; but that which is more pleasing and acceptable to God, and is better; for thus also God loves.

> *Rursus, quia erit perfecta conformitas voluntatis nostrae voluntati divinae, non magis diligemus illud, quod magis erit nobis propinquum; sed illud, quod plus erit Deo placitum, et acceptum, et erit melius; sic enim et Deus diligit.*

8 Moreover, because there will be a perfect overflow of common joy, he will rejoice as much in the good of his neighbor as in his own; yet not with prejudice to merit; for this will be an accidental joy from the overflow of perfect Charity.

> *Praeterea, quia ibi erit perfecta redundantia communis laetitiae, tantum gaudebit de bono proximi, quantum de suo; neque tamen erit cum praeiudicio meriti; nam haec erit laetitia accidentalis ex redundantia perfectae Charitatis.*

9 This is what St. Anselm says in Prosol. *cap. 25. In that perfect Charity of innumerable Angels and blessed men, where no one loves another less than himself, each will rejoice for the others singly no otherwise than for himself.* And this opinion is confirmed, because there the offices that look to [particular ties] will cease, the necessary provision will cease, and the succor owed to those more closely joined, especially those who are the principles of our being, and all things will be united in God, the Supreme Good of all.

> *Hoc est, quod ait D. Anselmus in Prosol.* cap. 25. In illa perfecta Charitate innumerabilium Angelorum, et hominum beatorum, ubi nullus minus alium, quam seipsum diligit, non aliter gaudebit quisque pro singulis aliis, quam pro seipso. *Et haec opinio confirmatur, quia ibi cessabunt officia spectantia, cessabit provisio necessaria, et subventio debita magis coniunctis, maxime qui sunt principia nostri esse, et omnia unientur in Deo, Summo omnium bono.*

10 This opinion, the Holy Doctor says, is also that of St. August. *lib. de vera religione*, and of Dionysius *de Divinis nominibus*, of St. Bernard *de diligendo Deo, cap. 7.* and it is evident from what has been said. St. Thomas follows it here, and his disciples, and Tanner. *Tom. 2. disp. 1. quaest. 4. dub. 1. et tom. 3. disp. 2. quaest. 3. dub. 5. num. 87.*

> *Hanc opinionem ait S. Doct. esse etiam D. August.* lib. de vera religione*, et Dionysii* de Divinis nominibus*, D. Bernardi* de diligendo Deo, cap. 7. *et patet ex dictis. Eam sequitur D. Thomas hic, et discipuli, ac Tanner.* Tom. 2. disp. 1. quaest. 4. dub. 1. et tom. 3. disp. 2. quaest. 3. dub. 5. num. 87.

11 *You will object first.* As grace is the perfection of nature, so also glory: Therefore as the natural order of love is preserved on the way with charity, so it will be in the fatherland.

> Obiicies primo. *Sicut gratia est perfectio naturae, ita et gloria: Ergo sicut ordo naturalis dilectionis salvatur in via cum charitate; ita erit in patria.*

12 *The Holy Doctor answers:* that the order of nature is preserved with the imperfections of the way removed, as I said, which, although they are compatible with the imperfect charity of the way, are not compatible with the consummated charity of the fatherland.

> Respondet S. Doct. *salvari ordinem naturae ablatis imperfectionibus viae, ut dixi, quae licet compatiantur Charitatem imperfectam viae, non tamen charitatem consummatam patriae.*

13 *You will object secondly.* Order is intrinsic to Charity, otherwise there will be no Charity: Therefore, the order of Charity being removed, charity will be taken away; just as, the mode of knowing in an enigma being removed, faith is evacuated.

> Obiicies secundo. *Ordo est intrinsecus Charitati, alioqui non erit Charitas: Ergo ablato ordine Charitatis, tolletur charitas; sicut ablato modo cognoscendi in aenigmate, evacuatur fides.*

14 *The Holy Doctor answers:* by denying the parity: For the mode by which faith knows befits it essentially; but this order of charity, as to many things, arises from the imperfection of the way and of

the subject for this state.

> Respondet S. Doct. *negando paritatem: Nam modus, quo cognoscit fides, convenit ei essentialiter; ordo vero iste charitatis quoad multa, evenit ratione imperfectionis viae, et subiecti pro hoc statu.*

15 *You will object thirdly.* If joy is common, and the non-Martyr there rejoices as much in the glory of the Martyr as the Martyr himself, to what end is the Martyr crowned for his martyrdom.

> Obiicies tertio. *Si gaudium est commune, et tantum gaudet ibi non Martyr de gloria Martyris, quantum ipse Martyr, quorsum Martyrio emeritus est Martyr.*

16 *The Holy Doctor answers:* that the matter of glory is indeed communicated to all; nevertheless he who is crowned has a more intense Charity, and will rejoice more, and in the Martyr has from martyrdom an increase of Charity, whereby he rejoices more.

> Respondet S. Doct. *materiam quidem gloriae omnibus communicari; attamen qui emeritus est, habet intensiorem Charitatem, et magis gaudebit, et in Martyre habet ex Martyrio augmentum Charitatis, qua magis gaudeat.*

17 *You will object fourthly.* If joy is common: Therefore you will rejoice in the salvation of all, even of those not converted by us; to what end then the Laurel of the Doctor for those converted by us?

> Obiicies quarto. *Si communis est laetitia: Ergo gaudebis de salute omnium, etiam non conversorum a nobis, ut quid ergo Laurea Doctoris pro conversis a nobis?*

18 *It is answered*, that this joy will be singular, by reason of a certain comeliness, which is a special matter of joy, which will be in the Doctor, even if it overflow unto the rejoicing-with of others, yet without prejudice to the intensity and comeliness in him who labored.

> Respondetur, *hoc gaudium fore singulare, ratione cuiusdam decoris, quod est specialis materia gaudii, quae erit in Doctore, etiamsi diffundatur, quo ad congaudium aliis, sine tamen praeiudicio intensionis, et decoris in eo, qui laboravit.*

19 But if you wish to follow the former opinion, the Holy Doctor teaches you to answer that these things are to be understood, other things being equal.

> *Si vero priorem sententiam sequi velis, respondere te docet S. Doctor, haec intelligenda, caeteris paribus.*

20 To the first; that we ought to love greater goods, say that, on the side of the object, this is true; but by reason of the unity, which is regarded by Charity, and by reason of union, the manner is altered.

> *Ad primum; quod debemus diligere maiora bona, dic, ex parte obiecti hoc verum; sed ratione unitatis, quae respicitur a Charitate, et ratione unionis, modum alterari.*

21 To that about conformity with the will of God, say that God does not love with a greater affection, though with a greater effect, as providence befits.

> *Ad illud de conformitate cum voluntate Dei, dic, Deum non diligere maiori affectu, licet maiori effectu, ut providentiam decet.*

22 To the reason from the perfection of glory, say that it does not prejudice the merits of each, which ought to be rewarded in his mind.

> *Ad rationem ex perfectione gloriae, dic, eam non praeiudicare meritis cuiusque, quae debent esse in mente remuneranda.*

Question XLII: Whether it is more proper to charity to love than to be loved

1 THE questions about the habit of Charity and about its order to its objects having been completed; there must now be treated of its acts.

> ***Utrum Charitatis sit magis proprium amare, quam amari.***
>
> *PERACTIS quaestionibus de Charitatis habitu, et ordine eius ad obiecta; agendum de actibus illius.*

2 I ASSERT, that it befits Charity more to love, than to be loved.

> *ASSERO, magis convenire Charitati amare, quam amari.*

3 IT IS PROVED by St. Thom., because to love is an act. But Charity, since it is a virtue, has its own act, which is to love, and accordingly the act of loving befits it; to be loved, however, befits it as the good toward which Charity itself is also moved.

> *PROBATUR a D. Thom. quia amare est actus. Charitas autem, cum sit virtus, habet suum actum, qui est amare, atque adeo ei competit actus amandi; amari autem convenit ei, ut est bonum, ad quod ipsa etiam Charitas movetur.*

Question XLIII: Whether love is the same as benevolence

1 ST. THOMAS ASSERTS that in dilection, as it is the act of Charity, benevolence is included; but dilection, or love, adds the union of affection.

> ***Utrum Amor sit idem, ac Benevolentia.***
>
> *ASSERIT S. Thomas, in dilectione, ut est actus Charitatis, includi benevolentiam; sed dilectio, sive amor, addit unionem affectus.*

2 IT IS PROVED, because benevolence properly is an act of the will, by which we will good to another, even without a union of affection presupposed toward him; but the love of Charity is an act of the will, by which we will good to someone, and it imports the union of the affection of the lover to the beloved, insofar namely as the lover esteems the beloved as one with himself, or as belonging to himself.

> *PROBATUR, quia benevolentia proprie est actus voluntatis, quo alteri bonum volumus, etiam non praesupposita unione affectus ad ipsum; amor vero Charitatis est actus voluntatis, quo alicui bonum volumus, importatque unionem affectus amantis ad amatum, in quantum scilicet amans aestimat amatum, ut unum sibi, vel ad se pertinens.*

Question XLIV: Whether God ought, and can, be loved in this life with the whole heart, the whole soul, the whole mind, and all one's strength

1 ALL the HERETICS of our time clamor that the divine law is impossible to man, even to the just. From this they further deduce that all works are mortal sins. Thus Luther, *Lib. de libertate Christiana*, and *in assert. art. 2. 31. 32. 36.* Calvin *Lib. 3. Instit. cap. 14. §. 9. et in Antidoto, sess. 6. cap. 11. et Lib. 2. Instit. cap. 7. §. 5.* he urges this especially concerning this precept of loving God with the whole heart, etc. Kemnitius follows *in Examine*, Philippus *de Locis et confessione Augustana.*

> ***An debeat, possitque DEUS in via amari ex toto corde, ex tota anima, ex tota mente, et omnibus viribus.***
>
> *HAERETICI omnes nostri temporis, legem divinam esse impossibilem homini, etiam iusto, conclamant. Hinc vero aliud deducunt, opera omnia esse peccata mortalia. Sic Lutherus,* Lib. de libertate Christiana, *et* in assert. art. 2. 31. 32. 36. *Calvinus* Lib. 3. Instit. cap. 14. §. 9. et in Antidoto, sess. 6. cap. 11. et Lib. 2. Instit. cap. 7. §. 5. *id*

maxime urget de hoc praecepto diligendi Deum ex toto corde, etc. Sequuntur Kemnitius in Examine, *Philippus* de Locis et confessione Augustana.

2 THE CATHOLIC Faith teaches that the Divine precepts, and especially this one of the love of God with the whole heart, are not impossible to observe.

CATHOLICA Fides docet, praecepta Divina, maxime vero hoc dilectionis Dei ex toto corde, non esse impossibilia observatu.

3 SINCE, however, I showed at length elsewhere that the Law of God is possible *prima secunda, Tract. de Legibus, disp. 1. quaest. 9. and that Liberty is defended with respect to it in Tract. de anima disput. 9. quaest. 3.* I shall now treat of this precept; and because in this consists the observance of the Law, it will stand proved concerning all.

QUONIAM vero Legem Dei possibilem late ostendi prima secunda, Tract. de Legibus, disp. 1. quaest. 9. et Libertatem ad eam defendi Tract. de anima disput. 9. quaest. 3. *nunc de hoc praecepto agam; et quia in hoc consistit Legis observantia, manebit probatum de omnibus.*

4 THEREFORE IT IS PROVED first by St. Bonavent., because: *This is the greatest, and first commandment, Matth. 22.* given to us by God on the way, and he commands the very manner: *With the whole heart, with the whole soul, etc.* Therefore it can be observed. For God would cruelly command under penalty of damnation that which is impossible. Wherefore the Holy Fathers condemn with anathema that proposition, that God commanded impossibilities, as St. Bonavent. notes *in fundamentis*, and the Council of Trent *sess. 6. cap. 11.* And this is the argument of St. John Chrysost. *Hom. 8. de Poenit.* where he says: *By no means accuse the Lord; he does not command impossibilities*, and of St. Augustine *Lib. de natura et gratia; cap. 69.* where he says: *By the very fact that it is most firmly believed that God, who is just and good, could not have commanded impossibilities; hence we are admonished what to do in easy things, and what to ask for in difficult ones. For all things become easy to Charity, to which alone Christ's burden is light.* The same is found in *Lib. de peccatorum meritis, cap. 3. et 6. et Lib. de gratia, et Lib. arbitrio, cap. 16.* as in Bellarmine *Lib. 5. de Iustificatione, cap. 10. et Lib. de monachis, cap. 13.* Indeed a tyrant would be worse and more cruel than all, if he commanded, under penalty of eternal damnation, even to his own friends, things that are impossible. Hence St. Augustine: *he would not damn a lazy servant, if he commanded things that could in no way be done.*

PROBATUR ergo primo a D. Bonavent. quia: Hoc est maximum, et primum mandatum, Matth. 22. *a Deo datum nobis in via, et modum ipsum imperat:* Ex toto corde, ex tota anima, etc. *Ergo potest observari. Crudeliter enim Deus sub poena damnationis praeciperet id, quod est impossibile. Quare SS. Patres propositionem illam anathemate damnant, Deum praecepisse impossibilia, ut advertit S. Bonavent.* in fundamentis, *et Concilium Trident.* sess. 6. cap. 11. *Estque argumentum S. Ioannis Chrysost.* Hom. 8. de Poenit. *ubi ait:* Nequaquam Dominum accuses; haud mandat impossibilia, *et D. Augustini* Lib. de natura et gratia; cap. 69. *ubi ait:* Eo ipso, quo firmissime creditur, Deum iustum, et bonum, impossibilia non potuisse praecipere; hinc admonemur, et in facilibus, quid agamus, et in difficilibus quid petamus. Omnia quippe facilia fiunt Charitati, cui uni Christi sarcina levis est. *Idem habet* Lib. de peccatorum meritis, cap. 3. et 6. et Lib. de gratia, et Lib. arbitrio, cap. 16. *apud Bellarminum* Lib. 5. de Iustificatione, cap. 10. et Lib. de monachis, cap. 13. *Sane Tyrannis omnibus deterior, atque crudelior foret, si praeciperet sub poena aeternae damnationis, etiam suis amicis ea, quae impossibilia sunt. Hinc D. Augustinus:* servum pigrum non damnaret, si ea quae nullo modo fieri poterant, imperaret.

5 BUT IT IS PROVED secondly, that this precept of the love of God and of neighbor is possible, *Psalm. 118. I have run the way of thy commandments, when thou didst enlarge my heart. Philip. 4. I can do all things in him who comforteth me.* Indeed we acknowledge that the precepts of God are observable not by the bare powers of free will, but by the grace of God, as I showed *Tract. de gratia, disp. 1. quaest. 11. 12. 13. et 14.*

> *PROBATUR vero secundo, hoc praeceptum dilectionis Dei, et proximi esse possibile,* Psalm. 118. Viam mandatorum tuorum cucurri, cum dilatasti cor meum. Philip. 4. Omnia possum in eo, qui me confortat. *Sane praecepta Dei non nudis viribus arbitrii, sed Dei gratia agnoscimus observabilia, ut ostendi* Tract. de gratia, disp. 1. quaestionibus 11. 12. 13. et 14.

6 THE Scriptures show this, witnesses, that the commandments are in fact observed by those who love, whom God calls friends. Ioan. 14. *He that loveth me, will keep my word,* as the Holy Doctor observes there. Rom. 13. *He that loveth his neighbor, hath fulfilled the Law.* Galat. 5. *The whole Law is fulfilled in one word: Thou shalt love thy neighbor as thyself.* But this is said, because the neighbor is loved in order to God; whence the precept of the love of God is also fulfilled, as I said *quaest. 29. with the Seraphic Doctor; et prima secundae, Tract. de gratia, disp. 1. quaest. 12.* Ioan. 13. *By this shall all men know that you are my disciples, if you have love one for another.* Nor could we become friends of God, if we could not love. For above John says 15. *You are my friends, if you do the things that I command you.* But what he commands, he explains there: *This is my commandment, that you love one another.* In Deuteronomy 30. you have a splendid testimony: *The Lord thy God will circumcise thy heart, and the heart of thy seed: that thou mayest love the Lord thy God with all thy heart, and with all thy soul.*

> *ID ostendunt Scripturae, testes, mandata de facto observari ab his, qui diligunt, quos amicos vocat Deus. Ioan. 14.* Qui diligit me, sermonem meum servabit, ut *observat ibi S. Doctor. Rom. 13.* Qui diligit proximum, Legem implevit. *Galat. 5.* Omnis Lex in uno sermone impletur: Diliges proximum tuum, sicut te ipsum. *Hoc autem dicitur, quia amatur proximus in ordine ad Deum; unde et praeceptum dilectionis Dei impletur, ut dixi* quaest. 29. cum Seraphico; et prima secundae, Tract. de gratia, disp. 1. quaest. 12. *Ioan. 13.* In hoc cognoscent omnes, quia discipuli mei estis, si dilectionem habueritis ad invicem. *Nec possemus amici Dei fieri, si non possemus diligere. Supra enim ait Ioannes 15.* Vos amici mei estis, si feceritis, quae ego praecipio vobis. *Quid autem praecipiat, explicat ibi:* Hoc est praeceptum meum, ut diligatis invicem. *Deuteronomii 30. praeclarum habes testimonium:* Circumcidet Dominus Deus tuus cor tuum, et cor seminis tui: ut diligas Dominum Deum tuum in toto corde tuo, et in tota anima tua.

7 DAVID also says Psalm. 118. *With my whole heart have I sought thee,* and 3 Kings 14. *Thou wast not as my servant David, who kept my commandments, and followed me with all his heart, doing that which was pleasing in my sight,* and Act. XIII. *I have found a man according to my own heart, who shall do all my wills.*

> *DAVID etiam dicit Psalm. 118.* In toto corde meo exquisivi te, *et Lib. 3. Reg. 14.* Non fuisti sicut servus meus David, qui custodiuit mandata mea, et secutus est me in toto corde suo, faciens quod placitum esset in conspectu meo, et Act. XIII. Inueni virum secundum cor meum, qui faciet omnes voluntates meas.

8 Of Josias, 4 Kings XXIII. *There was no king like him before him, who returned to the Lord with all his heart, and with all his soul, and with all his strength.*

> *De Iosia Lib. IV. Regum XXIII.* Similis illi non fuit ante eum Rex, qui reuerteretur ad Dominum in omni corde suo, et in tota anima sua, et in uniuersa virtute sua.

9 Of Asa, and the people, 2 Paral. XV. it is said: *With their whole will they sought the Lord, and found him.*

> *De Asa, et populo, secundo Paral. XV. dicitur:* In tota voluntate sua quaesierunt Dominum, et inuenerunt.

10 Of Josue it is said, cap. XI. *As the Lord had commanded Moses his servant, so did Moses command Josue, and he fulfilled all things: he passed not by any of the commandments, nor even one word, that the Lord had commanded Moses.* Nor is there doubt that the same may be said of Abraham, Moses, Samuel, and others.

> *De Iosue dicitur, cap. XI.* Sicut praeceperat Dominus Moysi seruo suo, ita praecepit Moyses Iosue, et ille uniuersa compleuit: Non praeteriit de uniuersis mandatis, nec unum quidem verbum, quod iusserat Dominus Moysi. *Nec dubium, quin eadem dici queant de Abraham, Moyse, Samuele, et aliis.*

11 In the new Testament, Luke I. it is said of Zachary, and Elizabeth: *They were both just before God, walking in all the commandments and justifications of the Lord without blame.*

> *In testamento nouo, Lucae I. dicitur de Zacharia, et Elisabeth:* Erant iusti ambo ante Deum, incedentes in omnibus mandatis, et iustificationibus Domini sine querela.

12 Of the Apostles Ioan. XVII. *Thine they were, and thou gavest them to me: and they have kept thy word,* and they are called friends in Luke XII.: *But I say to you, my friends.* Ioan. XV. *You are my friends;* and yet he had said there that only those are friends who keep the commandments.

> *De Apostolis Ioan. XVII.* Tui erant, et mihi eos dedisti: et sermonem tuum seruauerunt, *et Lucae XII. vocantur amici:* Dico autem vobis amicis meis. *Ioan. XV.* Vos amici mei estis; *et tamen dixerat ibi, solos eos esse amicos, qui praecepta seruant.*

13 But these the sectaries do not solve, answering that these things were said by non-imputation: yet the Scriptures plainly say that they observed the commandments of the Lord.

> *Haec vero non soluunt sectarii, respondentes, dicta esse per non imputationem: Scripturae enim praeclare dicunt, illos obseruasse mandata Domini.*

14 Therefore the Holy Doctor, upon those words 13. Ioan. *By this shall all men know that you are my disciples, if you have love one for another,* observes, that the execution of Charity is the testimony of the discipleship of Christ, as St. Gregory says Lib. XX. moral. cap. IX. Of Charity, I say, not imputed, but of which 1 John, cap. III. *Let us not love in tongue, but in deed, and in truth. Let us love one another, as he hath given commandment unto us,* and Rom. XI. *Loving one another with the charity of brotherhood.* And upon 15. Ioan., upon those words. *These things I command you, that you love one another. Greater Charity than this no one hath, than that he lay down his soul for his friends.* But he says that we do these things by that Charity *which is poured forth in our hearts by the Holy Spirit, who is given to us,* namely by an internal gift cooperating, not by an extrinsic imputation. Upon this testimony also the Council of Trent sess. VI. c. VII. gravely infers with St. Bonavent. that Justification is not made by imputation alone. And upon those words of Luke 1: *They were both just before God,* he observes, that they were such, and were asserted inwardly in the eyes of God. For the just are such within. Therefore Wisd. V. *The just shall live for ever, and their thought is with the Most High:* and therefore of this, Genes. VI. *Noe was a just and perfect man in his generations, he walked with God.* 1 Kings XVI. *For the Lord looketh on the heart.* So also Ezech. 4 Kings XX. he says: *Remember how I have walked before thee in truth, and with a perfect heart.*

> *Ideo S. Doctor ad ea verba XIII. Ioan.* In hoc cognoscent omnes, quia discipuli mei estis, si dilectionem habueritis ad inuicem, *obseruat, Charitatis executionem esse testimonium discipulatus Christi, ut ait D. Gregorius Lib. XX. moral. cap. IX. Charitatis inquam non imputatae, sed de qua Ioan. prima, cap. III.* Non diligamus lingua, sed opere, et veritate. Diligamus alterutrum, sicut mandatum dedit nobis, *et Rom. XI.* Charitate fraternitatis inuicem diligentes. *Et ad XV. Ioan. ad ea verba.* Haec mando vobis, ut diligatis inuicem.

Maiorem Charitatem, nemo habet, quam ut animam suam ponat quis pro amicis suis. *Ea autem Charitate ait, haec nos operari,* Quae diffusa est in cordibus nostris per Spiritum Sanctum, qui datus est nobis*, nempe dono interno cooperante, non extrinseca imputatione. Hoc testimonio etiam Concilium Trident. sess. VI. c. VII. Iustificationem non mera imputatione fieri grauiter cum D. Bonauent. infert. Et ad ea verba Lucae primo:* Erant autem iusti ambo ante Deum*, obseruat, tales fuisse, et asseri interius in oculis Dei. Iusti enim tales sunt intus. Ideo Sap. V.* Iusti in perpetuum viuent, et cogitatio illorum apud Altissimum: *et ideo de hoc, Genes. VI.* Noë vir iustus, atque perfectus fuit in generationibus suis, cum Deo ambulauit. *Primo Reg. XVI.* Dominus enim intuetur cor. *Sic et Ezech. IV. Reg. XX. dicit:* Memento quomodo ambulauerim coram te in veritate, et in corde perfecto.

15 Therefore also David was a man according to the heart of God, as is said in the places alleged. But God looketh on the heart, 1 Kings XVI. as above; which reason the Seraphic Doctor observes at the place cited. For whoever truly does not observe one commandment, even if he keeps the others, *is become guilty of all*, as James says, chapter II.

Ideo et David vir erat secundum cor Dei, ut dicitur locis allegatis. Deus autem intuetur cor, primo Reg. XVI. ut supra; quam rationem obseruat loco cit. Seraphicus Doctor. Nam qui vere non obseruat unum praeceptum, etiamsi caetera seruet, factus est omnium reus*, ut ait Iacobus, capite II.*

16 David himself, Psalm. CXVIII. *I was directed to all thy commandments; I have run the way of thy commandments*, as the Holy Doctor observes upon that place of the Psalm. He also says Psalm. LVIII. *without iniquity have I run, and directed my steps.* And the Apostle Philip. II. *I have not run in vain.* Then indeed, when thou didst enlarge my heart, namely softened beforehand by thy grace.

David ipse, Psalm. CXVIII. Ad omnia mandata tua dirigebar; viam mandatorum suorum cucurri*, ut obseruat S. Doctor ad eum Psalmi locum. Ait et Psalm. LVIII.* sine iniquitate cucurri, et direxi. *Et Apostolus Philip. II.* Non in vacuum cucurri. *Tunc sane, cum dilatasti cor meum, tua scilicet gratia prius emollitum.*

17 For truly the heart is softened, as is said 2 Paral. XXXIV. *Because thou hast heard the words of the volume, and thy heart is softened, and thou art humbled before God.* Heb. XIII. *It is best that the heart be established by grace.* These things indeed intimate the internal motions. All of which, and the other things said above, the Holy Doctor observes, as if he had foreseen the insanities of the Sectaries.

Vere enim cor emollitur, ut dicitur II. Paral. XXXIU. Quoniam audisti verba voluminis, et emollitum est cor tuum, et humiliatus es in conspectu Dei. *Heb. XIII.* Optimum est gratia stabilire cor. *Haec sane internas motiones innuunt. Quae omnia, aliaque supradicta obseruat S. Doctor, quasi Sectariorum insanias praeuidisset.*

18 *It is proved* thirdly by St. Bonavent.: *To love God with the whole heart, is to love him sweetly, wisely, and strongly*, from St. Bernard, serm. XX. in Cant. and from St. Augustine. *It is to love without error, without contradiction, and without forgetfulness.* Lib. I. de doctrina Christiana, cap. XXII. but all this can be in the state of the way: Therefore it is also commanded. See other things in Bellarmine: To this also recur what I said tom. IV. de actibus hum. disp. XVII. quaest. X. ad proposit. I.

Probatur *tertio a D. Bonauent.* Diligere Deum ex toto corde, est diligere dulciter, sapienter, et fortiter*, ex D. Bernardo, serm. XX. in Cant. et ex D. Augustino.* Est diligere sine errore, sine contradictione, et sine obliuione. *Lib. I. de doctrina Christiana, cap. XXII. sed hoc totum potest in statu viae: Ergo etiam tenetur. Alia vide in Bellarmino: Huc etiam recurrunt, quae dixi tom. IV. de actibus hum. disp. XVII. quaest. X. ad proposit. I.*

19 *The heretics object* first. This precept cannot be fulfilled perfectly in this life, from St. Augustine Lib. contra Caelestinum, after XVI. resp. where he says: *When there is any concupiscence within, God is not loved*

with the whole soul in every way. And Lib. de spiritu et litt. last chapter he says: *To that life now immortal belongs: Thou shalt love the Lord thy God with all thy heart, etc. But to this; Let not sin reign in your mortal body, etc. To that, Thou shalt not covet: To this, Go not after thy concupiscences.* Similar things St. Bernard says in sermon L. in Cant. and St. Thom. II. II. quaest. XLIV. art. VI. et quaest. CLXXXIV. art. III.

> Obiiciunt *primo haeretici. Praeceptum hoc non potest in vita impleri perfecte, ex D. Augustino Lib. contra Caelestinum, post XVI. resp. ubi ait:* Cum inest aliquid concupiscentiae, non omnimode ex tota anima diligitur Deus. *Et Lib. de spiritu et litt. cap. ultimo ait:* Ad illam vitam iam immortalem pertinet: Diliges Dominum Deum tuum ex toto corde tuo, etc. Ad hanc autem; Non regnet peccatum in vestro mortali corpore, etc. Ad illam, Non concupisces: Ad istam, Post concupiscentias tuas non eas. *Similia dicit D. Bernardus sermone L. in Cant. et D. Thom. II. II. quaest. XLIV. art. VI. et quaest. CLXXXIU. art. III.*

20 One must first see what is meant by those various expositions of the precept. First indeed Deuter. VI. it is had thus: *Thou shalt love with all thy heart, with all thy soul, and with all thy strength.* Matth. XXII. it is said: *With all thy heart, with all thy soul, with all thy mind.* Marc. cap. XII. *With all thy heart, with all thy soul, with all thy mind, with all thy virtue.* Lucae X. *with all thy heart, with all thy soul, with all thy strength, and with all thy mind.*

> *Oportet primo videre, quid significetur illis variis expositionibus praecepti. Primo enim Deuter. VI. sic habetur:* Diliges ex toto corde, ex tota anima, et ex tota fortitudine tua. *Matth. XXII. dicitur:* Ex toto corde, ex tota anima, ex tota mente. *Marc. cap. XII.* Ex toto corde, ex tota anima, ex tota mente, ex tota virtute. *Lucae X.* ex tota corde, ex tota anima, ex omnibus viribus, et ex tota mente.

21 Some of the Fathers judge these to be different, and therefore have tried to show their distinction, namely that Soul signifies the vegetative part, Heart the sensitive, Mind the intellectual, as Bellarmine reports cap. XI. or by Heart, the natural powers, that is the vegetative; by Soul, the animal ones, that is the senses; by Mind, the rational powers. So Theophylactus, and almost Gregory of Nyss. in Tostatus.

> *Quidam ex Patribus existimant, ea esse diuersa, ideo conati sunt distinctionem eorum ostendere, ut, videlicet Anima significet partem vegetatiuam, Cor sensitiuam, Mens intellectiuam, ut refert Bellarminus cap. XI. vel per Cor, vires naturales, idest vegetatiuam; Per Animam, animales, idest sensus; per Mentem, vires rationales. Ita Theophylactus, et fere Gregorius Nyss. apud Tostatum.*

22 It is better expounded to the mind of the Fathers by St. Bonavent. dist. XXVII. dub. III. thus: That although Charity immediately regards the act of the Concupiscible, around which it first consists; nevertheless it regards the acts of those powers as disposing (as Tostatus also says:) Hence all the powers of the soul are in a manner ordered to that dilection itself, as to that which has the character of what is complete with respect to all the powers; and because the higher powers of the soul are three, therefore three conditions are added. Further, because the ternary of the powers of the soul can be distinguished in a twofold way, such that one of those modes does not disagree with the other: These conditions, regarding the powers of the soul in the act of loving, are distinguished in a twofold manner. For in one way the powers of the soul are distinguished according as the image consists in them, and they are said to be three potencies in the mind, namely; Memory, Intelligence, and Will: And so according to those three powers, three conditions are added, of which one regards the intelligence, namely *with the whole heart*, as the Gloss says; another the will, namely *with the whole soul*, the third the memory, namely *with the whole mind*, and so these three conditions are assigned by Matthew, and are expounded by St. Augustine Lib. I. de doctrina Christ. cap. XXII. *With the whole*

heart, that is with the whole intellect without error. With the whole soul, that is with the whole will without contradiction. With the whole mind, that is with the whole memory without forgetfulness. In another way the powers of the soul are distinguished into Rational, Concupiscible, and Irascible; and according to this three conditions are added, of which one regards the Rational, namely *with the whole heart*. Another the Concupiscible, namely *with the whole soul*. The third the Irascible, namely *with the whole strength*, and so they are assigned in Deuteronomy, and are expounded by Bernard, *serm.* 20. *in Cant*. *With the whole heart*, that is, wisely. *With the whole soul*, that is sweetly; *With the whole strength*, that is strongly, so that we be not seduced by fallacies, not led away by blandishments, not broken by injuries, and to these three can be reduced those three that are touched upon: *Out of a pure heart, and a good conscience, and faith unfeigned.* Nor is there any repugnance in these, because the Irascible and the Memory are strengthened in the act: and therefore one virtue is reformative of both, and one dower perfective of both, and it regards one principally, and the other consequently: Therefore, where it is said in Deuteronomy *with all thy strength*, in Matthew it is said: *with all thy mind.* And this is the reason why this condition *with all thy mind*, is placed last. See Gregory of Nyss. *Lib. de creatione hominis, cap.* 8. Theophylactus, and Anselm *in commentariis, cap.* 22. *Matth.* St. Augustine, St. Bernard *loco cit.* and Tostatus in 22. *Matth. quaest.* 171. where he explains thus, that *with the whole heart*, etc. signifies the internal powers; *with the whole strength*, the executive ones, which is the exposition of St. Bonavent. *ad* 10. *Lucae.* For to a perfect manner of loving God is required that we refer to him all thoughts, all affections, all operations. Therefore *Deuter.* 6. it is said: *with all thy heart*, thoughts; *with all thy soul*, affections: *with all thy strength*, he understands operations, and executive powers: And because intellections are both cogitative of the heart and memorial of the mind; Therefore Luke, and Matthew add *with all thy mind*, in which he unfolded the Law, and because, whoever refers what is within, namely the act of memory, intelligence, and will to God, consequently refers works; therefore in these three is closed the reference of all powers in Luke. See the Holy Doctor, referring almost all the expositions.

> *Melius ad mentem Patrum explicatur a D. Bonauent. dist. XXVII. dub. III. sic: Quod quamuis Charitas immediate respiciat actum Concupiscibilis, circa quem primo consistit; tamen actus illarum virium respicit ut disponentes (ut ait etiam Tostatus:) Unde omnes vires animae quodammodo ordinantur ad ipsam dilectionem, sicut ad id, quod habet rationem completam respectu omnium virium; et quoniam vires superiores animae sunt tres, ideo tres apponuntur conditiones. Rursus, quia ternarius virium animae dupliciter habet distingui, ita ut unus illorum modorum non discordet ab alio: Haec conditiones circa actum diligendi respicientes vires animae duplici modo distinguuntur. Uno enim modo distinguuntur vires animae, secundum quod in eis consistit imago, et dicuntur in mente esse tres potentiae, nempe; Memoria, Intelligentia, et Voluntas: Et sic secundum istas tres vires, tres apponuntur conditiones, quarum una respicit intelligentiam, scilicet* ex toto corde*, ut ait Glossa; altera voluntatem, scilicet,* ex tota anima*, tertia memoriam, scilicet* ex tota mente*, et sic assignantur istae tres conditiones a Matthaeo, et exponuntur a D. Augustino Lib. I. de doctrina Christ. cap. XXII.* Ex toto corde, idest ex toto intellectu sine errore. Ex tota anima, idest ex tota voluntate sine contradictione. Ex tota mente, idest ex tota memoria sine obliuione. *Alio modo distinguuntur vires animae in Rationalem, Concupiscibilem, et Irascibilem; et secundum hoc tres apponuntur conditiones, quarum una respicit Rationalem, idest* ex toto corde. *Alia Concupiscibilem, nempe* ex tota anima. *Tertia Irascibilem scilicet* ex tota fortitudine*, et sic assignantur in Deuteronomio, et explicantur a Bernardo,* serm. *20.* in Cant. Ex toto corde*, idest, sapienter.* Ex tota anima*, idest dulciter;* Ex tota fortitudine*, idest fortiter, ut non seducamur fallaciis, non abducamur blanditiis, non frangamur iniuriis, et ad haec tria reduci possunt illa tria, quae tanguntur:* Ex corde puro, conscientia bona, et fide non ficta. *Nec est in istis aliqua repugnantia, quia Irascibilis, et Memoria confortantur in actu: et ideo una virtus est utriusque reformativa, et una dos utriusque perfectiva, et unam respicit principaliter;*

alteramque ex consequenti: Itaque, ubi dicitur in Deuteronomio ex tota fortitudine*, In Matthaeo dicitur:* ex tota mente. *Et haec est ratio, cur haec conditio* ex tota mente*, ultimo loco ponitur. Vide Gregorium Nyss.* Lib. de creatione hominis, cap. *8. Theophylactum, et Anselmum* in commentariis, cap. *22.* Matth. *D. Augustinum, D. Bernardum* loco cit. *et Tostatum in 22.* Matth. quaest. *171. ubi sic explicat, ut* ex toto corde*, etc. dicat vires internas;* ex tota fortitudine*, executivas, quae est expositio D. Bonavent.* ad *10.* Lucae. *Quia enim ad perfectum modum diligendi Deum requiritur, ut referamus in eum omnes cogitationes, omnes affectiones, omnes operationes. Ideo* Deuter. *6. dicitur:* ex toto corde*, cogitationes;* ex tota anima*, affectiones:* ex tota fortitudine*, operationes, et vires executivas intelligit: Et quia intellectiones sunt cogitativae cordis, et memorativae mentis; Ideo Lucas, et Matthaeus addunt* ex tota mente*, in quo Legem explicuit, et quia, qui refert quod interius est, scilicet actum memoriae, intelligentiae, et voluntatis in Deum, per consequens refert opera; ideo in his tribus clauditur relatio omnium virium apud Lucam. Vide S. Doctorem, omnes fere expositiones referentem.*

23 HE INTIMATES, however, that the clause *with all thy powers* is inclusive of all, and that all signify the same thing, so that we love God according to our powers, as Bellarmine also notes; but that many things are expressed as expressions of greater grace. So also think Hilary, Jerome, Chrysost. *ad* 22. *Matth.* Ambrose *ad cap.* 10. *Lucae.* That this sense is more conformable to Scripture, Bellarmine says *here,* and Maldonatus *ad* 22. *Matth.* where he says that St. Augustine wishes this *Lib.* 1. *cap.* 22. *Tom.* 3. *de doctrina Christ.* saying: *But when he says, With the whole heart, whole soul, whole mind, he leaves no part of our life that ought to be empty, and as it were to give place, so that we might wish to enjoy it with another thing; but whatever comes into the mind to be loved, is carried thither, whither the impulse of the whole dilection runs.* From which he infers the impiety of Calvin, who says that God thus commands impossibilities; since he commands only that we love him according to our powers, helped by grace, never failing.

INNVIT vero particulam, ex omnibus viribus *esse inclusivam omnium, atque omnia idem significate, ut pro viribus amemus Deum, ut notat etiam Bellarminus; multa vero exprimi maioris gratiae expressionis. Sic etiam sentiunt Hilarius, Hieronymus, Chrysost.* ad 22. Matth. *Ambrosius* ad cap. *10.* Lucae. *Hanc sensum esse magis Scripturae conformem ait Bellarminus* hic*, et Maldonatus* ad 22. Matth. *ubi ait, id velle D. Augustinum* Lib. *1.* cap. *22.* Tom. *3.* de doctrina Christ. *dicentem:* Cum autem ait, Toto corde, tota anima, tota mente, nullam vitae nostrae partem reliquit, quae vacare debeat, et quasi locum dare, ut alia re velit frui, sed quicquid in animum diligendum venerit, illuc rapiatur, quo totius dilectionis impetus currit. *Ex quibus impietatem Calvini infert dicentis, Deum sic praecipere impossibilia; cum solum praecipiat, ut pro viribus amemus, adiutis gratia, nunquam deficiente.*

24 BUT AS TO that clause repeated (*with all*) Bonaventure reports two expositions. The first is, that the totality of affections and powers is commanded; so that this precept of Charity, which is the end of the Law, and the complement of perfection, is gravely imposed as to the means, and the end is indicated, which is perfection; yet so, that if we do not attain the perfection of the end in this life, we do not sin; just as, if a King should command the army: *Take the city*; the soldiers would not be punished if they did not attain the end, but if they did not fight. But if they fought faithfully, it would suffice to fulfill the precept. Therefore SS. Augustine, Bernard, and Thomas say, that the means are here commanded, and the end indicated, which cannot be perfectly obtained in this life, and accordingly that this precept is fulfilled most perfectly only in the other life; yet so, that place is given to the counsels, which add other means besides the precepts. Tannerus praises this exposition *disp.* 2. *quaest.* 4. *dub.* 4. *num.* 76. where he concludes, that this precept is fulfilled in order to the end, even if the end cannot be attained here.

QUO vero ad illam particulam replicatam (ex toto) *refert D. Bonavent. duas expositiones. Altera est, praecipi totalitatem affectuum, et virium; ita ut praeceptum hoc Charitatis, quae est finis Legis, et complementum perfectionis, imponatur graviter quo ad media, et indicetur finis, quae est perfectio; ita vero, ut si perfectionem finis non assequamur in hac vita, non peccemus; sicuti, si Rex praeciperet exercitui:* Capite urbem*; non essent puniendi milites, si finem non assequerentur, sed si non pugnarent. Si autem pugnarent fideliter, satis esset ad implendum praeceptum. Igitur dicunt SS. Augustinus, Bernardus, et Thomas, praecipi hic media, et indicari finem, qui in hac vita non potest perfecte obtineri, atque adeo praeceptum hoc solum in altera vita perfectissime adimpleti; ita vero dari locum consiliis, quae alia media, praeter praecepta, apponunt. Hanc expositionem laudat Tannerus* disp. 2. quaest. *4.* dub. *4.* num. *76. ubi concludit, impleri hoc praeceptum in ordine ad finem, etiamsi finis nequeat hic attingi.*

25 THE SECOND exposition, which is more consonant with Scripture, as Bellarmine also notes, and which St. Bonaventure receives, is; that by this precept: *with the whole heart*, there is not commanded every act of the heart, or every possible intensity, so that we do nothing with the heart but love God; but only, that we love God with such love, that in our soul we prefer nothing to him, or make anything equal to him, and accordingly that by this precept the end is not contained, but only the means, moderated in this sense as to appreciation; whence you have, that this precept is observed: provided the last end is placed in God, not in another thing, by turning away from God lethally.

SECUNDA expositio, quae est magis Scripturae consona, ut notat etiam Bellarminus, quamque recipit S. Bonaventura, est; hoc praecepto: ex toto corde*, non praecipi omnes actus cordis, vel omnem intensionem possibilem, ita ut nihil corde agamus, quam Deum diligere; sed solum, ut amemus Deum tali amore, ut in anima nostra nihil ei praeferamus, vel aequemus, atque adeo hoc praecepto non contineri finem, sed solum media, hoc sensu moderata quo ad appreciationem; ex quo habes, servari hoc praeceptum: dummodo in Deo ponatur ultimus finis, non in alia re, avertendo se a Deo lethaliter.*

26 THAT this manner of Charity, indeed, is intended, and nothing more; and that it is more consonant with the Scriptures, is proved; because this precept is asserted from the Scriptures to be easy, *Deuter.* 10. *And now, Israel, what doth the Lord thy God require of thee, but that thou fear the Lord thy God, and love him, and serve him with all thy heart, and with all thy soul*, and *cap.* 13. *The Lord your God tempteth you, that it may be made manifest whether you love him or not with all your heart, and with all your soul*, and *Lucae* 10. to the lawyer asking, *What doing shall I possess eternal life?* The Lord answered: *What is written in the Law, how readest thou?* he said: *Thou shalt love the Lord thy God with all thy heart, etc.* And the Lord: *This do, and thou shalt live.* Christ gives the rule: *If you keep my commandments, you shall abide in my love*, as Bassaeus notes *num.* 8.

HUNC sane modum Charitatis esse intentum, et nil amplius; esseque Scripturis magis consonum, probatur; quia hoc praeceptum ex Scripturis asseritur facile, Deuter. *10.* Et nunc Israel, quid Dominus Deus tuus petit a te, nisi ut timeas Dominum Deum tuum, et diligas eum, ac servias ei in toto corde tuo, et in tota anima tua*, et* cap. *13.* Tentat vos Dominus Deus vester, ut palam fiat, utrum diligatis eum an non in toto corde, et in tota anima vestra*, et* Lucae *10. quaerenti Iurisperito,* Quid faciendo vitam aeternam possidebo? *Dominus respondit:* In Lege quid scriptum est, quomodo legis? *ait ille:* Diliges Dominum Deum tuum ex toto corde, etc. *Et Dominus:* Hoc fac, et vives. *Christus dat regulam:* Si praecepta mea servaveritis, manebitis in dilectione mea*, ut notat Bassaeus* num. *8.*

27 THEN the Lord promised that he would bring it about, that in this life we should fulfill this precept *Deuter.* 30. alleged, and *Hierem.* 24. *I will give them a heart, that they may know me, because I am the*

Lord: and they shall be to me a people, and I will be to them a God: because they shall return to me with their whole heart.

> *DEINDE Dominus promisit, se facturum, ut in hac vita adimpleremus hoc praeceptum* Deuter. *30. allegato, et* Hierem. *24.* Dabo eis cor, ut sciant me, quia ego sum Dominus: et erunt mihi in populum, et ego ero eis in Deum: quia revertentur ad me in toto corde suo.

28 THAT MANY also observed this precept, the many Scriptures above testify.

> *MULTOS etiam observasse hoc praeceptum, testantur scripturae multae supra.*

29 FINALLY the Fathers testify with the fullest consent that nothing impossible is commanded us. See Origen *homil.* 9. *in Iosue.* Basil on that: *Attend to thyself.* Hilary in *Psalm.* 118. upon those words: *Thy commandment is exceedingly broad.* Jerome *Lib.* 3. *cont. Pelagianos*, in St. Bonaventure here. Augustine *Lib. de natura, et gratia, cap.* 69. and in *Psalm.* 56. Bernard *serm.* 50. *in Cant.* where he inclines rather to this latter opinion, which is that of St. Bonavent., as Bellarmine notes. This they commonly follow in Aragonium *q.* 26. *art.* 2. Tannerus *disp.* 2. *quaest.* 3. *dub.* 3.

> *TANDEM Patres summo consensu testantur, nil impossibile praecipi nobis. Vide Origenem* homil. *9.* in Iosue. *Basilium in illud:* Attende tibi. *Hilarium in* Psalm. *118. ad ea verba:* Latum mandatum tuum nimis. *Hieronymum* Lib. *3.* cont. Pelagianos*, apud D. Bonaventuram hic. Augustinum* Lib. de natura, et gratia, cap. *69. et in* Psalm. *56. Bernardum* serm. *50.* in Cant. *ubi in hanc posteriorem sententiam magis propendet, quae est D. Bonavent. ut notat Bellarminus. Hanc sequuntur communiter apud Aragonium* q. *26.* art. *2. Tannetum* disp. *2.* quaest. *3.* dub. *3.*

30 From this exposition Bellarmine gathers with St. Bonavent. *ad argumenta*, that venial sins do not contravene this precept, because they do not turn away from the last end.

> *Ex hac expositione colligit Bellarminus cum S. Bonavent.* ad argumenta*, huic praecepto non contraveniri peccatis venialibus, quia non avertunt ab ultimo fine.*

31 THEN, that inordinate involuntary movements of concupiscence are not contrary to the same precept, even in grave matters; because, since Charity stands in the will, the movements of the appetite that are not voluntary are not opposed to it. From which also tumble down the tumultuary opinions of the sectaries in Bellarmine *Lib.* 5. *de amissione gratiae, cap.* 10. where they clamor that concupiscence is indomitable, and all its acts mortal, even if involuntary; which they strive to prove from the confession of the Apostle to *Rom.* 6. 7. et 8. but I repelled the infamy of these in prima secunda, *Tract.* 4. *De peccat. disp.* 1.

> *DEINDE non adversari eidem praecepto motus inordinatos involuntarios concupiscentiae, etiam circa materias graves; quia, cum Charitas stet in voluntate, non opponuntur ei motus appetitus, qui non sint voluntarii. Ex quo etiam ruunt opiniones tumultuariae sectariorum apud Bellarminum* Lib. *5.* de amissione gratiae, cap. *10. ubi concupiscentiam indomabilem conclamant, omnesque eius actus mortales, etiamsi involuntarii; quod errare nituntur ex confessione Apostoli ad* Rom. *6. 7. et 8. sed horum infamiam repuli prima secunda,* Tract. *4.* De peccat. disp. *1.*

32 INDEED, by Poll, it is indomitable in the sectaries, who with loosened reins break out into every crime, desperate more than impetuous.[1] It is indomitable in Luther, who violated the nun Catharina of Berna, ravished from the monastery, and led her into a pseudo-marriage. It is indomitable in Calvin, who, sunk in unspeakable and most filthy abominations, deserving to be burned with the fire of Pentapolis, was consumed with the putrefaction of worms, just as Luther, in the bosom of the

woman of Bern, breathed forth his soul into hell. It is indomitable in Theodore Beza, that Antichrist of the Gauls, who, inflamed toward tender boys, was first nurtured in robes of saffron, and at last embraced filth; who so stirred, excited, kindled the Huguenot seditions in that most noble kingdom, that that warlike nation drowned the glories of its triumphs, once borne back distinguished over barbarians, in the slaughter and blood of its own citizens.

[1] Editor's note: the print/OCR reads 'desperati magis quam quam concitati' — 'quam' duplicated; rendered with a single 'quam'.

> *EA Edepol indomita est sectariis, qui laxis habenis ad omne facinus irrumpunt, desperati magis quam concitati. Indomita est Luthero, qui et Monialem Catharinam Bernensem, e monasterio raptam, violavit, et in pseudo-coniugium duxit. Indomita est Calvino, qui infandis, et spurcissimis abominationibus demersus, igne Pentapolis cremandus, putredine vermium consumptus est, sicuti et Lutherus in sinu Bernensis animam inferno efflavit. Indomita est Theodoro Bezae, illi Galliarum Antechristo, qui in teneros pueros incensus, ut prius nutriebatur in croceis, postremo amplexatus est stercora; qui seditiones Hugonoticas in regno illo nobilissimo adeo commovit, excitavit, incendit, ut Gens illa bellatrix praeclatos de barbaris olim revectos gloriose triumphos, in propriorum civium stragibus, et sanguine merserit.*

Question XLV: Whether some measure is to be kept in divine love

[1] D. Bonaventure teaches that an act of virtue can have a measure in three ways. First, by limitation in itself; and in this sense every act of created virtue has a measure; for every created virtue is finite and limited. Second, an act is said to have a measure by the aggregation of circumstances; and in this sense all the moral virtues and meritorious acts have a measure; for no act is praiseworthy unless endowed with the requisite circumstances. Third, in this sense measure indicates a mean between extremes, which are the Exceeding and the Falling-short; and by this reckoning the Cardinal Virtues have a measure, or a mean, between excess and deficiency.

> An Divinae dilectionis sit aliquis modus habendus.
>
> *Tribus modis posse actum virtutis habere modum docet D. Bonavent. Primo per limitationem in seipso; et hoc sensu omnis actus virtutis creatae habet modum; omnis enim virtus creata finita est, et limitata. Secundo dicitur actus habere modum per aggregationem circumstantiarum; et hoc sensu modum habent omnes virtutes morales, et actus meritorii; quia nullus actus est laudabilis, nisi praeditus debitis circumstantiis. Tertio sensu modus indicat medietatem inter extrema, quae sunt Excedens, et Deficiens; et hac ratione virtutes Cardinales habent modum, seu medium inter superfluum, et diminutum.*

[2] ¶ Since, then, CHARITY is a created and gratuitous virtue, it has the measure of finiteness due to creatures, and the measure imposed by circumstances, so that we love God above all things, and for himself, and according to our strength: but Charity does not have that measure which consists in standing in the middle between vicious extremes, because, being a Theological virtue with an infinite object, it never tends too much toward God, who is infinite, true, good, etc.

> *¶ Quoniam ergo Charitas est virtus creata, et gratuita, habet modum finitatis, debitae creaturis, et modum impositum circumstantiarum, ut diligamus Deum super omnia, et propter se, et pro viribus: at modum illum, qui est standi in medio inter extrema vitiosa, non habet Charitas, quia cum sit virtus Theologica, habens obiectum infinitum, nunquam nimium in Deum tendit, qui est infinitus, verus, bonus, etc.*

[3] I assert, therefore, that Charity has no measure from its tending toward the object.

> *Assero igitur, Charitatem non habere modum ex tendentia in obiectum.*

4 *It is proved* by D. Bonaventure, first, from D. Bernard *On loving God, at the beginning*, where he says: *The cause of loving God is God; the measure is to love without measure.*

> Probatur *a D. Bonavent. primo ex D. Bernardo* de diligendo Deo, initio, ubi ait: Causa diligendi Deum, Deus est; modus est, sine modo diligere.

5 *Second*, because the reason for loving is infinite goodness, and the last end, which has no measure; for an end, especially the ultimate end, is not measured by other things as an end, but it is itself the measure of the means, which are measured in order to the end. D. Thomas also uses this argument, *at the place cited*. Valencia, *disp. 3, question 5, point 2.*

> Secundo*, quia ratio diligendi est bonitas infinita, et ultimus finis, non habens modum; nam finis, maxime ultimat; non enim finis, ut finis, mensuratur ab aliis, sed ipse est mensura mediorum, quae mensurantur in ordine ad finem. Hoc argumento utitur etiam D. Thom.* loco cit. *Valentia* disp. 3. quaest. 5. puncto 2.

6 *Third*: The motion of Charity appraises according to the dignity of the object; but the object of Charity, which is God, is of infinite goodness, and appraisable without measure: Therefore.

> Tertio*: Motus Charitatis est appretiativus secundum dignitatem obiecti; sed obiectum Charitatis, quod est Deus, est infinitae bonitatis, atque sine modo appretiabilis: Ergo.*

7 *Fourth*: Whatever has a measure is vitiated by excess; but no one is blameworthy, however intensely he loves God: Therefore.

> Quarto*: Quidquid habet modum, vitiatur per excessum; sed nullus est vituperabilis, quantumuis Deum diligat intense: Ergo.*

8 I assert, second, that Charity has a measure according to the other measures brought forward above.

> *Assero secundo, Charitatem habere modum, iuxta alios modos supra allatos.*

9 *It is proved* by D. Bonaventure, first, because *he ordered all things in number, weight, and measure, as is had in Wisd. 9.*

> Probatur *a D. Bonav. primo, quia* Omnia disposuit in numero, pondere, et mensura, ut habetur Sap. 9

10 *Second*: Every finite act of Charity has a measure; every act of ours is finite: Therefore it has a measure.

> Secundo*: Omnis actus Charitatis finitus habet modum: omnis actus noster est finitus: Ergo habet modum.*

11 *Third*: Measure, Species, and Order are compared to one another as One, True, and Good; but Good presupposes True, and True presupposes One: Therefore by equal reason Order presupposes species, and species presupposes measure; but the motion of Charity toward God is ordered: Therefore it is measured.

> Tertio*: Modus, Species, et Ordo ad se comparantur, ut Unum, Verum, et Bonum; sed Bonum praesupponit Verum, et Verum praesupponit Unum: Ergo pari ratione Ordo praesupponit speciem, et species praesupponit modum; sed motus Charitatis in Deum est ordinatus: Ergo modificatus.*

12 Another argument he brings forward, which he does not approve. *Wisdom is above Charity, as Bernard says in the Book on the love of God, chapter 2, where he says: Love advances into Charity, and Charity into wisdom:*

but wisdom must have a measure, as the Apostle says, Rom. 12: Not to be wise beyond what it behooves to be wise, etc. Therefore Charity itself also ought to have a measure.

> *Aliud argumentum affert, quod non approbat.* Sapientia est supra Charitatem, ut ait Bernardus Lib. de amore Dei, cap. 2. ubi ait: Amor proficit in Charitatem, et Charitas in sapientiam: sed sapientiam oportet habere modum, ut ait Apostolus, Rom. 12. Non plus sapere, quam oportet sapere, etc. *Ergo et ipsa Charitas debet modum habere.*

13 The Seraphic Doctor answers that Wisdom, insofar as it means savory knowledge, or the savor of knowledge, is not vitiated by excess; and in this sense wisdom from savor is above Charity; but insofar as it is said from *sapere*, to be wise, it can have the excess of curiosity: But in this sense it is not above Charity.

> *Respondet S. Doctor, Sapientiam, ut dicit sapidam scientiam, seu saporem scientiae, non vitiari per excessum; et sic sapientia a sapore, est super Charitatem; at vero ut dicitur a* sapere*, potest habere excessum curiositatis: Sed hoc sensu, non est super Charitatem.*

Question XLVI: Whether charity ought to be enlarged in heaven

1 I assert first, that the acts of Charity will be more intense in the fatherland.

> An Charitas debeat in patria dilatari.
>
> *Assero primo, Charitatis actus fore intensiores in patria.*

2 *It is proved* by the Seraphic Doctor, first. When the habit is enlarged, the acts are intensified; but the habit will be widened and enlarged in the fatherland; for God will dwell in the heart in a more excellent way through consummate Charity, due to the fatherland: Therefore.

> Probatur *a S. Doctore, primo. Ampliato habitu, intenduntur actus; sed habitus in patria dilatabitur, et ampliabitur; quia excellentiori modo habitabit Deus in corde per consummatam Charitatem, debitam patriae: Ergo.*

3 *Further*: Affection follows cognition; but in the fatherland there will be more perfect cognition: Therefore also more intense affection.

> Deinde*: Affectio sequitur cognitionem; sed in patria erit perfectior cognitio: Ergo et intensior affectio.*

4 I assert second, that Charity is widened in the fatherland not by the multitude of those to be loved, because then we shall have no enemies to love; nor shall we love the reprobate; yet then we shall have more known predestined ones to love; for then our love will embrace as well those who are in the fatherland as those who are on the way, yet to arrive at the fatherland.

> *Assero secundo, dilatari Charitatem in patria, non diligendorum multitudine, quia tunc non habebimus inimicos, quos diligamus; neque diligemus praescitos; attamen tunc plures habebimus cognitos praedestinatos, quos diligamus; tunc enim dilectio nostra complectetur tam eos, qui sunt in patria, quam eos, qui sunt in via, ad patriam tamen perventuri.*

5 I assert third, that Charity is to be widened by friendly affection. See the Seraphic Doctor. For God will then be loved with a broader and more friendly affection, in himself and in his creatures: For Charity will most affectionately enkindle in itself God and all the blessed.

> *Assero tertio, dilatandam Charitatem affectu amicabili. Vide Sanctum Doctorem. Nam ampliori et amicabiliori affectu Deus tunc diligetur, in se, et in suis creaturis: Charitas enim sibi Deum, et omnes beatos affectuosissime inviscerabit.*

Question XLVII: Whether it is more meritorious to love an enemy than a friend

1 The Seraphic Doctor admonishes that these two loves can be taken in two ways. First as they proceed from different habits, of which one renders one capable only of loving friends; the other, however, is extended also to enemies. In this way this second habit is more perfect, as Augustine says in the *Enchiridion*, chapter 73. *But if we compare these acts, as proceeding from the same Charity, thus in a certain way they are equal as to substantial merit; as to the vigor of the acts, however, and the accidental reward, the motion of love toward friends exceeds the other as to fervor and frequency. As to difficulty, however, the motion of love toward enemies is purer and more difficult.*

> Utrum sit magis meritorium diligere inimicum, quam amicum.
>
> *Dupliciter sumi posse hos duos amores, admonet S. Doctor. Primo pro ut sunt a diversis habitibus, quorum alter habiles reddat solum ad amicos diligendos; alter vero extendatur etiam ad inimicos. Sic perfectior est habitus hic secundus, ut ait Augustinus in* Enchir. *cap. 73.* Si vero comparemus istos actus, pro ut ab eadem Charitate procedunt, sic quodammodo sunt aequales quoad meritum substantiale; quoad vigorem vero actuum, et praemium accidentale motus dilectionis erga amicos, excedit alium quo ad fervorem, et frequentationem. Quoad difficultatem vero, motus dilectionis in inimicos est purior, et difficilior.

2 SIMPLY speaking, however, the motion of love toward friends is probably better, by reason of the object, which is better and more closely joined to oneself and to God; whence it is a greater sin to hate a friend, as D. Thomas also teaches, article 7, and the Theologians commonly, as Valencia relates, disp. 3, question 5, point 3, against Durandus, disp. 30, question 2.

> *SIMPLICITER tamen motus dilectionis in amicos probabiliter est melior, ratione obiecti, quod est melius, et magis coniunctum sibi, et Deo; unde maius est peccatum odisse amicum, ut docet etiam D. Thom. art. 7. et communiter Theologi, ut refert Valentia disp. 3. quaest. 5. punct. 3. contra Durandum disp. 30. quaest. 2.*

3 I ASSERT first, probably, with this opinion, that the love of friends is more perfect.

> *ASSERO primo probabiliter cum hac sententia, perfectiorem esse dilectionem amicorum.*

4 *IT IS PROVED* by the Seraphic Doctor, first, from D. Ambrose, as related, question 30. He answers, however, that Ambrose is not speaking of degrees of perfection, but of obligation.

> PROBATUR *a S. Doctore, primo ex D. Ambrosio, relato quaest. 30. Respondet tamen, non servare Ambrosium gradus perfectionis; sed obligationis.*

5 *SECOND*, because the love of friends is more like the love of God, who loves those who love him, as is had in *Prov. 8*. Nevertheless he answers that the Charity of God toward us is commended more [toward us] as enemies, *Rom. 5*.

> SECUNDO*, quia dilectio amicorum, est similior dilectioni Dei, qui diligit diligentes se, ut habetur.* Proverb. 8. *Attamen respondet, commendari Charitatem Dei magis in nos inimicos,* Rom. 5.

6 *THIRD*, because it is more fervent and more frequent. He answers, however, that it is true, given an equality of difficulty.

> TERTIO*, quia est ferventior, et frequentior. Respondet tamen, verum esse, data paritate difficultatis*

7 *FOURTH*, because it has more of equity. He answers, however, that it is more equitable by the exigency of merits, not on the part of the one loving.

QUARTO, *quia plus habet de aequitate. Respondet tamen aequius esse ex meritorum exigentia, non ex parte diligentis.*

8 *FIFTH*, because thus a man ought to exercise himself more in the love of an enemy, if this were more perfect. He answers, however, that this is true as to exercise, not by reason of duty.

QUINTO, *quia sic deberet homo se in dilectione inimici magis exercere, si haec esset perfectior. Respondet tamen, id verum ad exercitium, non ratione debiti.*

9 He asserts second, that it is probable that love of enemies is also more perfect.

Asserit secundo, probabile esse etiam amorem inimicorum esse perfectiorem.

10 *IT IS PROVED* by the Seraphic Doctor, first, from *Matt.*: *If you love those who love you, what reward shall you have?* He answers, however, that this is true with enemies excluded, who are commanded to be loved.

PROBATUR *a S. Doctore, primo ex* Matth. Si diligitis eos, qui vos diligunt, quam mercedem habebitis? *Respondet tamen, id verum, exclusis inimicis, qui diligi praecipiuntur.*

11 *SECOND*. To love enemies is a precept of the Gospel, Matt. 7: *But I say to you: love your enemies:* Therefore it is of greater perfection. He answers that this is true as to difficulty; by reason, however, of the good, it is better to love a friend.

SECUNDO. *Diligere inimicos est praeceptum Evangelii, Matth. 7.* Ego autem dico vobis: diligite inimicos vestros: *Ergo maioris perfectionis. Respondet, id verum, quo ad difficultatem; ratione tamen, boni, melius esse diligere amicum.*

12 *THIRD*, where there is greater victory, there is greater virtue, which is concerned with difficult things. *He answers* that this is true, other things being equal; but love of friends is better from the subject.

TERTIO *ubi est maior victoria, ibi maior virtus, quae est circa difficilia.* Respondet, *id verum esse caeteris paribus; at amor amicorum est melior ex subiecto.*

13 *FOURTH*: Where love is purer, separated from the flesh, there is greater perfection. *The Seraphic Doctor answers* in the same way, if other things are equal, which here they are not. From these things this opinion is left probable on either side.

QUARTO*: Ubi amor purior a carne seiunctus, ibi maior perfectio.* Respondet *tamen S. Doctor eodem modo, si sint caetera paria, quae hic non sunt. Ex his probabilis utrinque relinquitur haec opinio.*

Question XLVIII: Whether a man established in however small a charity is bound to undergo death for Christ

1 I ASSERT first, that in necessity, either of upholding justice or of dying, everyone is bound to undergo death for Christ.

An homo, in quantulacumque CHARITATE constitutus, teneatur mortem subire pro CHRISTO.

ASSERO primo, in necessitate, vel deferendi iustitiam; vel moriendi, unumquemque teneri mortem subire pro Christo.

2 *IT IS PROVED* first by St. Bonaventure, on Luke 9: *Whoever shall be ashamed of me and of my words, of him the Son of man shall be ashamed, when he shall come in his majesty.*

> PROBATUR *primo a S. Bonavent. Lucae 9.* Qui me erubuerit, et meos sermones, hunc filius hominis erubescet, cum venerit in maiestate sua.

3 *FURTHER* it is proved by the Seraphic Doctor, from 1 John 3: *Because he laid down his soul for us, and we ought to lay down our souls for the brethren.*

> DEINDE *probatur a S. Doctore, ex prima Ioan. 3.* Quoniam ille pro nobis animam suam posuit, et nos debemus pro fratribus animas ponere.

4 *THIRD*: All are more bound to love God than all created things: Therefore if one must be lost, we ought to squander all created things.

> TERTIO*: Plus tenentur omnes Deum diligere, quam omnia creata: Ergo si alterum amittendum est, debemus totum creatum profundere.*

5 I assert second. Outside of necessity, it is a work of supererogation.

> *Assero secundo. Extra necessitatem, esse opus supererogationis.*

6 *IT IS PROVED* by the Seraphic Doctor, first. John 15: *Greater love than this no one has, than that a man lay down his soul for his friends:* Therefore to undergo death for Christ is of the highest perfection; but the imperfect are not bound to heroic works: Therefore.

> PROBATUR *a S. Doctore, primo. Ioan. 15.* Maiorem Charitatem nemo habet, quam ut animam suam ponat quis pro amicis suis: *Ergo mortem obire pro Christo, est perfectionis maximae; sed imperfecti non tenentur ad heroica opera: Ergo.*

7 *FURTHER* he proves it from the Gloss on *Rom. 6.*, asserting the same.

> DEINDE *id probat ex Glossa ad* Rom. 6. *id asserente.*

8 *THIRD* the Seraphic Doctor proves it, from D. Augustine, *tractate 5* on the First Epistle of John. *This is perfect Charity, that a man be ready to die for the brethren.* But the Seraphic Doctor infers that Prelates are bound to a greater perfection than subjects are bound; for they are bound to lay down their souls for all. John 10: *The Good Shepherd gives his soul for his Sheep.* Which the Seraphic Doctor observes also on *John, chapter 10.*

> TERTIO *id probat S. Doctor, ex D. Augustino* tract. 5. *in primam Ioannis.* Perfecta Charitas haec est, ut quis paratus sit pro fratribus mori. *Infert autem S. Doctor, Praelatos teneri ad maiorem perfectionem, quam teneantur subditi; nam tenentur pro omnibus animas ponere. Ioan. 10.* Bonus Pastor animam suam dat pro Ovibus suis. *Quae observat S. Doctor etiam ad* Ioannis cap. 10.

9 THEREFORE in time of pestilence they are bound to expose themselves to danger of life, in administering the necessary Sacraments, as the Doctors commonly assert. But Diana admonishes, *Treatise 4 on the Sacraments, resolution 167*, that in time of pestilence a moribund person can be anointed with a long rod with Extreme Unction, and *resolution 168*, that one part can be anointed quickly, saying: *By this holy unction, etc. may the Lord pardon you whatever you have sinned by sight, hearing, etc.* So also Sylvester, part 3, *question 32, article 2*, and the Doctors of Louvain, *in the years 1573 and 1588*, as related by Octavius Tricornicensis, Apostolic Nuncio in Germany, and in the *Directory of Ecclesiastical Discipline of Chappeau, chapter 5, question 30.* Diana adds that he himself would anoint rather most rapidly, without a cross, one eye, one ear, etc.

ITAQUE tempore pestis tenentur periculo vitae se exponere, ministrando Sacramenta necessaria, ut communiter asserunt Doctores. Admonet vero Diana Tract. 4. de Sacramentis resol. 167. *posse tempore pestis inungi virga oblonga moribundum Extrema unctione et* resol. 168. *posse unam partem inungi celeriter, dicendo:* Per istam sanctam unctionem, etc. remittat tibi Dominus quidquid visu, auditu, etc. deliquisti. *Ita etiam Sylvest. 3. part.* quaest. 32. art. 2. *et Doctores Lovanienses,* anno 1573. et 1588. *apud Octavium Tricornicensem, Nuntium Apostolicum in Germania, et in* Directorio Ecclesiasticae disciplinae Chappeau, cap. 5. quaest. 30. *Addit Diana, se potius velocissime uncturum, absque cruce, unum oculum, unam aurem, etc.*

Question XLIX: Whether those having perfect charity are bound to fulfill the things that are of perfection

1 PERFECTION consists in Charity, *which is the bond of perfection*, as is said: *Colossians 3*.

An habentes CHARITATEM perfectam, teneantur ea, quae sunt perfectionis, implere.

PERFECTIO in Charitate consistit, quae est vinculum perfectionis*, ut dicitur:* Colossenses 3.

2 The Seraphic Doctor notes five kinds of perfections.

ADVERTIT S. Doctor quinque genera perfectionum.

3 THE FIRST is necessary, of which Matt. 5: *Be you perfect, as also your heavenly Father is perfect*, as Bellarmine also notes, *on monks, chapter 9*.

PRIMA est necessaria, de qua Matth. 5. Estote perfecti, sicut et Pater vester caelestis perfectus est*, ut advertit etiam Bellarminus* de monachis, cap. 9.

4 THE SECOND perfection is of counsel, which keeps the Evangelical Counsels, of which Matt. 19: *If you will be perfect, go, sell all that you have, and give to the poor.*

SECUNDA perfectio est consilii, quae consilia Evangelica servat, de qua Matth. 19. Si vis perfectus esse, vade, vende universa, quae habes, et da pauperibus.

5 THE THIRD is the perfection of prelacy, or due from the office of Prelate. Of this Luke 6: *Every one shall be perfect, if he be as his master.*

TERTIA est perfectio praelationis, seu debita ex officio Praelati. De hac Lucae 6. Perfectus omnis erit, si sit sicut magister eius.

6 THE FOURTH is the perfection due from good example, enjoined upon us. Of this Genesis 6: *Noë was a just and perfect man in his generations.* To avoid scandal.

QUARTA est perfectio debita ex bono exemplo, nobis iniuncto. De hac Genes. 6. Noë vir iustus, atque perfectus in generationibus suis fuit. *Ad vitandum scandalum.*

7 THE FIFTH is the perfection of tranquillity, by which the best works are chosen. Such is that of which it is said, *1 John 4: Perfect Charity casts out fear*, and by which Blessed Teresa vowed always to do those things which she understood to be more perfect.

QUINTA est perfectio tranquillitatis, qua eliguntur optima opera. Talis est, de qua dicitur prima Ioan. 4. Perfecta Charitas foras mittit timorem*, et qua Beata Theresia vovit, semper ea facere, quae magis perfecta intellexisset.*

8 Therefore a man perfect in the first perfection is bound to the precepts. Thus *Matt. 19: If you will enter into life, keep the commandments.* By which he shows that by the sole observance of the

commandments one arrives at eternal life. But in this he is not bound to that perfection of guarding every single word, of which *James 3: He who offends not in word: the same is a perfect man.*

> *Igitur homo perfectus prima perfectione tenetur ad praecepta. Sic* Matth. 19. Si vis ad vitam ingredi, serva mandata. *Quo ostendit, sola observatione mandatorum perveniri ad vitam aeternam. Hic vero non tenetur ad eam perfectionem, cavendi omne verbulum, de qua* Iacobi 3. Qui non offendit in verbo: hic perfectus est vir.

9 But one perfect by reason of the obligation of a vow is bound to the promises.

> *Perfectus autem ratione obligationis voti tenetur ad promissa.*

10 Likewise a Prelate to the works of his office to be executed, etc. See St. Bonaventure.

> *Praelatus item ad opera sui officii exequenda, etc. Vide S. Bonaventuram.*

Question L: How, and when, the precept of the love of God binds

1 This precept is twofold: one negative, of hatred and aversion from God; and this always binds. The other affirmative, of the act of love.

> Quomodo, et quando obliget praeceptum dilectionis DEI.
>
> *Duplex est hoc praeceptum: alterum negativum odii, et aversionis a Deo; et hoc semper ligat. Alterum affirmativum actus amoris.*

2 Although from what has been said it is had by what bond this precept binds, nevertheless I shall add some things for greater clarity. I have already shown that God is to be loved above all things: The reason is, because the object of love is goodness; but since God is the highest goodness, he ought to be loved above all things appraisingly, even if we are pressed more by the efficacy of intention toward sensible things. See Valencia, *disp. 3, question 19, point 1*, and this includes the negative and the affirmative precept.

> *Quamvis ex dictis habeatur, quo vinculo obliget hoc praeceptum, tamen aliqua apponam ad maiorem claritatem. Iam ostendi, diligendum Deum super omnia: Ratio est, quia obiectum amoris est bonitas; cum autem Deus sit summa bonitas, debet super omnia aestimative amari, esto efficacia intentionis magis premamur rebus sensibilibus. Vide Valentiam* disp. 3. quaest. 19. puncto 1. *et hoc includit negativum, et affirmativum praeceptum.*

3 That God is also to be loved supernaturally I have shown: *For the love by which we are carried toward God is said to be of Faith unfeigned, 1 Tim. 1.* As to the TIME, therefore; First I suppose that in this life this precept is not observed most perfectly, as I said, *question 44.* That it can, however, be observed according to what is enjoined upon us in this life, was shown in the *question cited.*

> *Debere etiam amari Deum supernaturaliter ostendi:* Nam dilectio, qua ferimur in Deum, dicitur ex Fide non ficta 1. Timot. 1. *Quoad Tempus igitur; Primo suppono, quomodo in hac vita non observetur perfectissime hoc praeceptum, ut dixi* quaest. 44. *Posse vero secundum id, quod nobis iniunctum est in hac vita observari, ostensum est* quaest. citata.

4 There were some who said that this precept in no way binds anyone at any time of this life to elicit an act of charity; but the Apostolic censure of Alex. VII marked them, as we saw, *tom. 4 on human acts, disp. 17, on conscience, question 10, section 1.*

> *Fuere nonnulli, qui dixere, hoc praeceptum nullo modo obligare aliquo vitae huius tempore ad actum charitatis eliciendum; verum illos censura Apostolica notavit Alex. VII. ut vidimus* tom. 4. de actib. human. disp. 17. de

conscient. quaest. 10. sect. 1.

5 The first time, then, is when a man arrives at the years of discretion and perceives his obligation to love God and to serve him. I do not urge, however, that in the first instant he is bound, according to the opinion of D. Thomas, *prima secundae, question 89, article 6*, as I defer to the *following question*.

Primum autem tempus est, cum homo pervenit ad annos discretionis, et animadvertit suam obligationem amandi Deum, eique serviendi. Non tamen urgeo, in primo instanti teneri secundum sententiam D. Thom. prima secundae, quaest. 89. art. 6. *ut differam* quaest. sequenti.

6 The second time is when an adult receives baptism, as Sotus rightly judged, *Book 1 on nature and grace, chapter 22*, Valencia, *at the place cited*, even if Bassaeus contradicts it, *V. Charitas, num. 9*.

Secundum tempus est, cum quis adultus suscipit baptismum, ut recte censuit Sotus Lib. 1. de natura, et gratia, cap. 22. *Valentia* loco cit. *et si repugnet Bassaeus* V. Charitas, num. 9.

7 The third is when one is bound to have contrition. So Nauarr. and Caietan, as related by Valencia, *loc. cit*.

Tertium est, cum quis tenetur habere contritionem. Ita Nauar. et Caietan. apud Valentiam loc. cit.

8 The fourth time is when someone receives a singular benefit from God, as Sotus probably judges, *Book 2 on Justice and Law, question 3, article 10*, and Valencia, *loc. cit*. For this the law of friendship seems to require.

Quartum tempus est, cum aliquis a Deo accipit singulare beneficium, ut probabiliter censet Sotus Lib. 2. de Iust. et Iure, quaest. 3. art. 10. *et Valentia* loco cit. *Hoc enim lex amicitiae exigere videtur.*

9 The fifth time is while the undergoing of Martyrdom impends, as Sotus and Valencia say.

Quintum tempus est, dum imminet subeundum Martyrium, ut aiunt Sotus, et Valentia.

10 The sixth time is while the precept presses of defending the violated honor of God. So Valencia and Nauarr., as related by him.

Sextum tempus est, dum praeceptum urget defendendi honorem Dei violatum. Ita Valentia et Nauar. apud eum.

11 The seventh is the time of death. So the authors alleged, and commonly with Bassaeus.

Septimum est tempus mortis. Ita allegati, et communiter apud Bassaeum.

12 But although ignorance may excuse, nevertheless Valencia admonishes that it is right to accuse oneself of this in confession.

Tametsi autem ignorantia possit excusare, tamen monet Valentia, rectum esse de hoc se accusare in confessione.

13 Bassaeus adds, *num. 9*, that it binds at other times by the judgment of the prudent, with Azor, *tom. 1, book 9, chapter 4*.

Addit Bassaeus num. 9. *obligare aliis temporibus iudicio prudentis, cum Azor* tomo 1. lib. 9. cap. 4.

Question LI: Whether a man is bound at the first instant of the use of reason to turn to God

[1] The state of the use of reason begins when discretion between good and evil works appears; which is reckoned to be the seventh year.

> An teneatur homo in primo instanti usus rationis ad DEUM converti.
>
> *Status usus rationis incipit, cum apparet discretio inter bona, et mala opera; qui censetur septimo anno.*

[2] The first opinion is that of D. Thomas, here assertive; almost all his disciples follow him; yet some depart from him, who call that opinion too severe and difficult to believe, as Alvar. notes, *disput. 191.* Moreover, his followers do not agree on the manner of conversion. Some wish him bound to elicit an act of the love of God above all things. Others judge it sufficient to turn to what is morally good. Some compel one to turn to God as a supernatural end. Others say it suffices to turn to God as a natural end, for instance the Creator, etc.

> *Prima opinio est D. Thomae hic assertiva; eum sequuntur omnes fere discipuli; aliqui tamen ab eo recedunt, qui eam sententiam nimis severam, et creditu difficilem dicunt, ut notat Aluar.* disput. 191. *Porro et asseclae non conveniunt in modo conversionis. Aliqui volunt, teneri elicere actum amoris Dei super omnia. Alii censent, sufficere converti ad bonum honestum. Aliqui cogunt converti ad Deum, ut finem supernaturalem. Alii, sufficere converti ad Deum, ut finem naturalem, puta Creatorem, etc.*

[3] The second opinion is that of D. Bonaventure, in *4. dist. 21. art. 1. quaest. 1. at the end*, that no such precept exists. Scotus follows him, *2. dist. 21. quaest. 1.*, and all the disciples gathered by Master in *2. dist. 4. quaest. 3.* Vulpecula, *art. ult. de peccat.* Poncius *disp. 31. de praecept. charit. quaest. 1.*, and all the Nominalists: Gabriel, etc. Durandus, Richardus, Paludanus, and almost all the Moderns, as gathered by Arriaga, *tomo 3. disput. 48. sect. 7.*; also Suarez, Vasquez *disp. 149. cap. 1.*, Valentia, Sanchez, Conchinus, Amicus, Auersa, Granadus, Corduba, Lorca. And it is common outside the School of D. Thomas. Bassaeus, *num. 10. explicat*, holds that one is bound when he has acknowledged the debt of serving God, or shortly after. Hence he exhorts parents, parish priests, and confessors to instruct them that they were created by the Lord to serve him, to love him, keep his commandments, and aspire to beatitude.

> *Secunda sententia est D. Bonavent. in* 4. dist. 21. art. 1. quaest. 1. in fine*, non adesse tale praeceptum. Eum sequuntur Scotus* 2. dist. 21. quaest. 1. *et omnes discipuli apud Mastrium in* 2. dist. 4. quaest. 3. *Vulp.* art. ult. de peccat. *Poncius* disp. 31. de praecept. charit. quaest. 1. *et omnes Nominales, Gabriel, etc. Dur. Richardus, Paludanus, et fere omnes Moderni apud Arriagam* tomo 3. disput. 48. sect. 7. *Suarez, Vasquez* disp. 149. cap. 1. *Valentia, Sanchez, Conchinhus, Amicus, Auersa, Granadus, Corduba, Lorca. Estque communis extra Scholam D. Thom. Bassaeus* num. 10. explicat*, teneri aliquem cum agnovit debitum Deo serviendi, vel paulo post. Ideo hortatur, parentes parochos, et confessarios, ut erudiant, eos esse creatos a Domino, ut ei serviant, eum ament, praecepta servent, et ad beatitatem aspirent.*

[4] I assert, with this opinion, that no such precept is given.

> *Assero cum hac sententia, non dari tale praeceptum.*

[5] The principal foundation is this: *I did not know sin except through the Law*, as the Apostle says. But no such express precept for this time is to be found, nor any promise of God of necessary help for that instant; nor do they agree on what the conversion is that is commanded: for even the Thomists differ

among themselves. For if it is not required at once of the sinner, why do they require it of one habitually converted by grace, such as the baptized?

> *Praecipuum fundamentum est*. Non cognovi peccatum nisi per Legem*, ut ait Apostolus: At non est invenire tale praeceptum expressum pro hoc tempore, aut Dei promissio de auxilio necessario pro eo instanti dando; neque invenient, quae conversio sit praecepta: nam et Thomistae inter se discrepant. Si enim non exigitur illico a peccante, cur exigent ab habitualiter converso per gratiam, qualis est baptizatus?*

6 Therefore, by keeping the commandments a man is saved, as is said, *Matth. 19. But the first commandment is: Thou shalt love the Lord thy God with thy whole heart*, etc. But this precept does not bind at every moment; for it is not there expressed. Why then in the first instant, in which he is baptized and endowed with Charity? Thus the Saintly Doctor indicates in *3. dist. 30. quaest. 3.*

> *Igitur servando mandata, salvatur homo, ut dicitur* Matth. 19. Primum autem mandatum est: Diliges Dominum Deum tuum ex toto corde*, etc. At hoc praeceptum non ligat pro omni momento; non enim ibi exprimitur. Cur ergo in primo instanti, cum in eo sit baptizatus, Charitate praeditus? Ita indicat S. Doctor in* 3. dist. 30. quaest. 3.

7 The Thomists have no testimony to oppose, except the precept of conversion from sin, which is beside the point.

> *Thomistae nullum habent testimonium, quod opponant, nisi praeceptum conversionis a peccato, quod non facit ad rem.*

8 Hence it follows that one in the first use of reason can sin venially, and if he is not baptized, depart with original and actual venial sin; either because he can first have an imperfect use of reason and sin venially with full cognition, or advertence; or because, even if such a precept were given, it can happen that he omits it through venial ignorance and inadvertence.

> *Hinc sequitur, posse aliquem in primo usu rationis peccare venialiter, et si non est baptizatus, decedere cum originali, et actuali veniali; sive quia potest primo habere usum rationis imperfectum, et venialiter peccare ex plena cognitione, seu advertentia; sive quia, etsi daretur tale praeceptum, potest esse, ut omittat ex veniali ignorantia, et inadvertentia.*

9 *You will object*. The Council of Florence makes room only for the damned who die with original sin alone, or with actual mortal sin alone.

> Obiicies. *Concilium Florentinum ponit locum pro solis damnatis decedentibus cum solo originali, vel cum solo actuali mortali.*

10 *I answer*: the Council explains only the ordinary modes, to which the others are reduced: for it can happen that an infidel dies with original and mortal sin. It can also happen that one dies with actual venial sins alone, and mortal ones. Thus it does not enumerate all cases adequately, but the intention was to declare that a different place is assigned to the damned from sin merely contracted, and from sins committed.

> Respondeo*, Concilium explicare solum modos ordinarios, ad quos alii reducuntur : Nam potest esse, ut infidelis decedat cum originali, et mortali. Potest etiam esse, ut aliquis decedat cum solis actualibus venialibus, et mortalibus. Ita non omnes adaequate recenset, sed intentio fuit declarare, diversum locum damnati assignari e solo contracto peccato, et ex commissis.*

11 *You will object* secondly: Innocent III, *cap. Maiores de Bapt.*, teaches that original sin cannot be remitted to adults who are asleep or insane, as it is to infants through Baptism without their own

consent, because original sin cannot be remitted without mortal sin: therefore he supposes that an adult having original sin has mortal sin also.

> Obiicies *secundo. Innocent. III.* cap. Maiores de Bapt. *docet, non posse adultis dormientibus, et amentibus dimitti originale; sicut parvulis per Baptismum sine proprio consensu, quia non potest dimitti originale sine mortali : Ergo supponit, adultum habentem originale, habere etiam mortale.*

12 *It is answered*: the Pontiff commands this because it can easily happen that an adult, long delayed without baptism, has sinned lethally through the force of concupiscence, since no one living long without Baptism can rein in temptations; yet the Pontiff does not suppose this; nor is it shown that in the opinion of D. Thomas this is supposed, for it can happen that such a one in the first instant of the use of reason turned himself to God, even if he could not afterwards be baptized.

> Respondetur, *Pontificem id praecipere, quia facile potest esse, ut adultus, diu moratus sine baptismo, ex vi concupiscentiae lethali deliquerit, quia nemo potest diu sine Baptismo vivens fraenare tentationes; attamen id non supponit Pontifex; et neque in sententia D. Thomae id supponere ostenditur, quia potest esse, ut is primo instanti usus rationis se converterit ad Deum, etsi non potuerit postea baptizari.*

13 *You will say*: Innocent, in the *preceding section*, says that an infant, because he did not sin by his own consent, did not need that consent for justification through baptism; he teaches otherwise of the sleeping adult: therefore he supposes that one having original sin has also mortal sin, committed by his own act.

> Dices *Innocentius §.* praecedent. ait, *parvulum, quia non peccavit proprio consensu, non egere illo ad iustificationem per baptismum; secus docet de adulto dormiente : Ergo supponit, habentem originale, habere etiam mortale, actu suo commissum.*

14 *It is answered*: by denying the consequence: both because he speaks cautiously, only of the case in which he has mortal sin on this head; and because in another respect the adult ought to will Baptism. Therefore that argument is not adequate for every adult needing his own consent for Baptism. Wherefore Medina says ineptly that the opinion of D. Thomas is supposed by the Council of Florence and by Innocent.

> Respondetur, *negando consequentiam : Tum quia loquitur caute, solum casu, quo habeat peccatum mortale ex hoc capite; et quia in alio debet adultus velle Baptismum. Itaque illa ratio non est adaequata pro quolibet adulto, egente proprio consensu ad Baptismum. Quare inepte Medina dicit, sententiam D. Thomae supponi a Concilio Florent. et Innocentio.*

15 *Suppose*, however, they do suppose mortal sin together with original sin: whence do the Thomists prove that it came about through omission of that act?

> Esto *autem supponant, mortale cum originali; undenam probant Thomistae, illud evenisse ex omissione illius actus?*

Question LII: How, and when, the precept of the love of the neighbor binds

1 We explained above the manner: to love one's neighbour as oneself, not equally, but similarly. First on the side of the end, in order to God. Second on the side of the object and the rule of good love. Third on the side of the reason for loving, that he love him for the good of the neighbour, as the reason of friendship requires.

> ***Quomodo, et quando obliget praeceptum dilectionis proximi.***

Modum supra explicuimus, esse diligere proximum, sicut seipsum, non aequaliter, sed similiter. Primo ex parte finis in ordine ad Deum. Secundo ex parte obiecti, et regulae bonae dilectionis. Tertio ex parte rationis diligendi, ut propter bonum proximi diligat, ut exigit ratio amicitiae.

2 The time, however, is how often we are bound to do good, and when it would be necessary for avoiding sins against the neighbour, especially hatred, etc. See Valentia, *puncto 2*.

Tempus vero est, quoties tenemur benefacere, et quando necesse esset ad vitanda peccata in proximum, maxime odii, etc. Vide Valentiam puncto 2.

3 I append here a charming doubt. The desires of death of those from whom inheritances are expected are usually insinuated. These, indeed, are mortal, says Navarr. *man. c. 15. num. 10.*, and he cites all, because the life of the neighbour is a good higher than riches. But others say it is not necessary to repel them, but that they are licit: so Bassaeus, *V. char. num. 23.*, citing Sa, *V. Charitas, num. 8.*; Azor *p. p. lib. 3. cap. 12. quaestio 2.*; Sancius *select. disp. 2. num. 9.*; Palaus *part. 1. tract. 6. de char. disp. 4. part. 1. num. 11.*: "so that you do not cooperate in death." Bassaeus proves it, because only a useful good is desired; but death, if God wills it: yet these things are frivolous, and therefore to be passed over.

Appono hic lepidum dubium. Solent desideria mortis eorum, a quibus expectantur haereditates, insinuari. Haec sane esse mortifera, ait Navar. man. c. 15. num. 10. *et omnes allegat, quia vita proximi est bonum altius divitiis. Enim vero alii dicunt non esse necesse ea pellere, sed licita esse, ita Bassaeus* V. char. num. 23. *adducens Sa* V. Charitas, num. 8. *Azor* p. p. lib. 3. cap. 12. quaestio 2. *Sancium* select. disp. 2. num. 9. *Palaum* part. 1. tract. 6. de char. disp. 4. part. 1. num. 11. *modo non coopereris morti. Probat Bassaeus; quia solum cupitur bonum utile; mors vero, si Deus velit : Sed haec frivola sunt, ideo praetermittenda.*

Disputation IX: On the Internal Effects of Charity: Joy, Peace, and Mercy

[1] Among the chief internal effects of Charity are enumerated Joy, Peace, and Mercy. And indeed, since a man is sometimes made sluggish in the pursuits of devotion and virtue because of weariness of Divine things, it is necessary that he be made eager and agile toward them by the affection of joy, whereby he may take delight in good works and loathe evil. Likewise, since man, being changeable amid many things, is troubled while he wavers on the sea of this world, Charity makes him tranquil and serene with Peace, subjecting the flesh pacified to the Spirit, and the spirit appeased to God. Similarly, from Charity is born Mercy, whereby a man reckons the miseries of others as his own, and either relieves them corporally or compassionates them spiritually; for since Charity is above all unitive, it transfers into itself all things of one's neighbours, whether good or evil, and strives to rejoice in them or to drive them away; wherefore mercy is twofold, as will be said below, in figure of which Solomon made a twofold little door of olive wood at the entrance of the Oracle, as the Seraphic Doctor has it, *in Diaeta, tit. 7. cap. 4.* But these things must be inquired into further.

> ***De effectibus internis Charitatis, GAUDIO, PACE, et MISERICORDIA.***
>
> *Inter praecipuos internos Charitatis effectus enumerantur Gaudium, Pax, et Misericordia. Et quidem cum homo pigritetur aliquando ad devotionis, et virtutis studia ob taedium Divinorum, necesse est, ut alacer, et agilis ad illa affectu gaudii reddatur, quo iucundetur in bonis operibus, et mala fastidiat. Item cum homo mobilis circa plurima turbetur, dum fluctuat in huius mundi pelago, Charitas ipsum tranquillum, et Pace serenum reddit, carnem pacatam Spiritui, spiritumque Deo placatum subiiciendo. Similiter e Charitate nascitur Misericordia; qua homo alienas miserias, suas reputat, eisque aut corporaliter subvenit, aut spiritualiter compatitur; Cum enim Charitas sit maxime unitiva, omnia proximorum, seu bona, seu mala in se transfert, eisque gaudere, aut ea propellere nititur; quare duplex est misericordia, ut infra dicetur, in cuius figuram Salomon duplex fecit ostiolum de olivis in ingressu Oraculi, ut habet Seraphicus* in Diaeta, tit. 7. cap. 4. *Verum de his ulterius inquirendum est.*

Section I: On Joy

[1] First, the Soul, adorned with the stole of Charity, brightens into the affection of Joy; wherefore, before his other effects, joy must above all be treated; and since the kind of gladness is manifold, that Joy which is the true offspring of Charity must be distinguished from the others.

> ***De Gaudio.***
>
> *Primo Anima, decorata Charitatis stola, in Gaudii affectum exhilarascit; quare ante alios ipsius effectus imprimis de gaudio agendum est; et quoniam multiplex est laetitiae genus; ideo Gaudium illud, quod est vera Charitatis proles, ab aliis secernendum est.*

Question I: Whether joy is an effect of charity, and of what kind

[1] JOY is not taken here for the passion of the sensitive appetite, which is called delight, of which D. Bonaventure treats in 3. dist. 26. quaest. 1. and art. 2. quaest. 1.

> *GAUDIUM non sumitur hic pro passione appetitus sensitivi, quae dicitur delectatio, de qua D. Bonavent. in 3. dist. 26. quaest. 1. et art. 2. quaest. 1.*

2 JOY is taken rather as it is a diffusion of the mind in some good, and this is true only if it is of the true good, which is God, as the Saintly Doctor says, collat. 75. on John; and that it is an effect of life in the Lord, which is Charity, the Saintly Doctor proves from Philip. 3. *Rejoice in the Lord always*, and 17. of John, *that your Joy may be full*; for there, after Christ had prayed the Father that the disciples be one in God, he adds: *That your Joy may be full, and that they may have my Joy fulfilled in themselves.* He admonishes that this Joy is to be fulfilled, when it is said: *Enter into the Joy of thy Lord*, where we are not commanded to rejoice, or to receive Joy, but to enter into infinite joy, comprehending us. See the Saintly Doctor on 16. and 17. of John, and sermons 4. and 5. on the Nativity, distinguishing wonderfully concerning all the Joys, but especially concerning Joy as an effect of Charity, where he heaps up very many authorities on all of them from the Scriptures. Therefore this Joy is an act elicited by the virtue of Charity, which is therefore called its fruit, Galat. 5. *The fruit of the Spirit is, Joy, etc.*, as the Saintly Doctor notes, 3. part. Centil. sect. 6., and Lib. 5. Compendii Theol. cap. 57.; and Gregory of Valentia disp. 3. quaest. 6. puncto 1., and Tannerus disp. 2. quaest. 4. dub. 1. num. 17.

> *SUMITUR potius Gaudium, prout est diffusio animi in aliquo bono, et hoc ideo non est verum, nisi do vero bono Deo, ut ait S. Doctor collat. 75. in Ioannem, esse autem effectum vitae in Domino, quae est Charitas, probat S. Doctor ex illo Philip. 3.* Gaudete in Domino semper, *et 17. Ioan.* ut Gaudium vestrum sit plenum; *Ibi enim, postquam oravit Christus Patrem, ut discipuli sint unum in Deo, subdit:* Ut Gaudium vestrum sit plenum, et ut ipsi habeant Gaudium meum impletum. *Hoc Gaudium complendum monet, cum dicitur:* Intra in Gaudium Domini tui, *ubi nos non iubemur gaudere, vel Gaudium recipere, sed intrare in gaudium infinitum, comprehendens nos. Vide S. Doctorem ad 16. et 17. Ioannis, et sermonibus 4. et 5. de Nativitate, mirabiliter de Gaudiis omnibus differentem, maxime vero de Gaudio, Charitatis effectu, ubi plurimas de omnibus congerit authoritates e Scripturis. Igitur hoc Gaudium est actus, a virtute Charitatis elicitus, qui ideo dicitur fructus eius, Galat. 5.* Fructus Spiritus sunt, Gaudium, etc. *ut advertit S. Doctor 3. part. Centil. sect. 6. et Lib. 5. Compendii Theol. cap. 57. et Gregorius de Valentia disp. 3. quaest. 6. puncto 1. ac Tannerus disp. 2. quaest. 4. dub. 1. num. 17.*

3 That this Joy is perfect in the fatherland, and cannot grow, just as Charity does not grow, S. Bonaventure admonishes in 2. dist. 11. art. 2. quaest. 2. argument 1. for the opposite, with a response.

> *Hoc autem Gaudium perfectum esse in patria, nec crescere posse, sicuti nec crescit Charitas, admonet S. Bonavent. in 2. dist. 11. art. 2. quaest. 2. argumento 1. ad opposita, cum responso.*

4 In this life, however: *Joy is to do justice*, as is said Proverb. 21., and therefore even the contrite penitent ought to rejoice, because he has found God; yet the Joy that he has lost that good is mixed with bitterness. So D. Bonaventure in 4. dist. 16. part. 2. dub. 10.

> *In hac vita vero:* Gaudium est iusto facere iustitiam, *ut dicitur Proverb. 21. et ideo, et poenitentem contritum Gaudere oportere, eo quod Deum invenerit, attamen mixtum est amaritudine Gaudium, quod amiserit illud bonum. Ita D. Bonavent. in 4. dist. 16. part. 2. dub. 10.*

5 It surely has not of itself weariness, because it is born of wisdom. Therefore it is said, Sap. 8. *Her conversation has no bitterness, nor her company any weariness, but joy and Joy*, according to Ecclesiasticus 1.: *He will give pleasantness and Joy*, and cap. 5.: *He heaped up for him pleasantness and exultation.* All of which the Saintly Doctor observes on those words of Sap. 8. He is saddened, therefore, insofar as something occurs repugnant to the participation of the divine good, whether in us or in our neighbours, whom we love as ourselves, as D. Thom. teaches, art. 2.; Tannerus num. 18.

Non habet sane per se taedium, quia ex sapientia nascitur. Ideo dicitur, Sap. 8. Non habet amaritudinem conversatio illius, nec taedium convictus illius, sed laetitiam, et Gaudium*, iuxta Ecclesiastici primo.* Iucunditatem, atque Gaudium dabit*, et cap. 5.* Iucunditatem, et exultationem thesaurizavit super eum. *Quae omnia observat S. Doctor ad ea verba Sap. 8. Tristatur igitur, quatenus aliquid occurrit repugnans participationi divini boni, vel in nobis, vel in proximis, quos tanquam nosmetipsos amamus, ut docet D. Thom. art. 2. Tannerus num. 18.*

6 THEREFORE this Joy cannot be fulfilled in this life, the Saintly Doctor concludes on those words of John 15., *That my Joy may be in you, and your Joy may be filled*, and in nearly that whole chapter. The reason is, because there cannot be perfect rest while there is motion; but in this life we are always in motion, as D. Thom. says, art. 3. Therefore John 16.: *A woman, when she gives birth, has sadness; and you therefore now indeed have sadness*, and Christ was sad unto death, Luke 22., as the Saintly Doctor observes on those passages.

ITAQUE hoc Gaudium in hac vita compleri non posse, concludit S. Doctor ad ea verba Ioan. 15. Ut Gaudium meum in vobis sit, et Gaudium vestrum impleatur*, et toto fere illo capite. Ratio est, quia non potest esse perfecta quies, quamdiu est motus; in hac autem vita semper in motu sumus, ut ait D. Thom. art. 3. Ideo Ioan. 16.* Mulier cum parit, tristitiam habet; et vos igitur nunc quidem tristitiam habetis*, et Christus tristis fuit ad mortem Lucae 22. ut observat S. Doctor ad ea loca.*

Question II: Whether joy is a virtue

1 That it is NOT a virtue, D. Thomas shows in the cited article, from the enumeration of the parts.

NON esse virtutem, ostendit D. Thomas art. cit. e partium enumeratione.

2 It is PROVED from S. Thom., because Joy is not an operative habit, but is an act toward which the habit inclines, which is called *Charity*. For the same habit inclines to loving, to desiring the beloved, and to rejoicing in him; and therefore the habit of Joy is not distinct from the habit of Charity, because every virtue rejoices in exercising its acts, as D. Bonaventure teaches, 3. dist. 26. quaest. 2. ad 4.; but it agrees especially with Charity, which has for its object the good, insofar as the good delights through the habit.

PROBATUR a S. Thom. quia Gaudium non est habitus operativus, sed est actus ad quem inclinat habitus, qui dicitur: Charitas. *Idem enim habitus inclinat ad diligendum, ad desiderandum dilectum, et ad gaudendum de eo; et ideo ab habitu Charitatis non est distinctus habitus, quia omnis virtus Gaudet in suis actibus exercendis, ut docet D. Bonavent. 3. dist. 26. quaest. 2. ad 4. maxime vero convenit Charitati, quae habet pro obiecto bonum, ut bonum per habitum delectat.*

Section II: On Peace

1 The state of the MOST PURIFIED mind is Peace; wherefore it is granted to the peaceable more than to others to be the sons of God, as the Seraphic Doctor notes in comp. Theol. lib. 5. cap. 54., because although mercy assimilates a man to God most of all as regards exterior things, yet as regards interior things, he is assimilated more by Peace.

PURGATISSIMI animi status est Pax; quare pacificis magis tribuitur esse filios Dei, quam aliis, ut notat Seraphicus in comp. Theol. lib. 5. cap. 54. quia licet misericordia hominem Deo maxime assimilet, quoad exteriora, quoad interiora tamen, magis assimilatur Pace.

Sole Question: What peace is

1 PEACE is described by the Saintly Doctor in the opusc. de septem Donis, on the Gift of fear, cap. 4., from D. Augustine, serm. 167. de tempore: *Peace is the serenity of the mind, the tranquillity of the soul, the simplicity of the heart, the bond of love, the fellowship of Charity.* By these he shows that peace consists in consent and simplicity, which is the perfect unity of the affections in the true and entire good, as D. Thom. also says, art. 1. But it differs from Concord; because this is the union of hearts and wills in one, as D. Bonav. says, 3. p. centil. sect. 44., and in the opusc. declaring the terms of Theology, near the end. But there can be an evil concord, as D. Bonav. notes in Pharetra, in the place cited.

> *PACEM describit S. Doctor opusc. de septem Donis, de Dono timoris, cap. 4. ex D. Augustino, serm. 167. de tempore:* Pax est serenitas mentis, tranquillitas animi, simplicitas cordis, vinculum amoris, consortium Charitatis. *His ostendit pacem in consensione, et simplicitate, quae est unitas perfecta affectionum in vero bono omnimodo, consistere, ut ait etiam D. Thom. art. 1. Differt vero a Concordia; quia haec est unio cordium, et voluntatum in uno, ut ait D. Bonav. 3. p. centil. sect. 44. et opusc. declaratorio terminorum Theologiae circa finem. Potest vero esse mala concordia, ut notat D. Bonav. in Pharetra, loco citando.*

2 From the justice of Kings arises the Peace of peoples, as Caesarius of Arles says, homil. 22., on that word of Luke 17., *the Kingdom of God is within you*, as gathered by D. Bonaventure in the place cited, de septem donis. The reason is, because they are two sisters: *Justice and Peace have kissed*, Psalm 44.

> *Ex iustitia Regum oritur Pax populorum, ut ait Caesarius Arel. homil. 22. in illud Lucae 17.* Regnum Dei intra vos est*, apud D. Bonavent. loco cit. de septem donis. Ratio est, quia duae sunt germanae:* Iustitia, et Pax osculatae sunt*, Psalm. 44.*

3 That THIS is an effect of Charity, the Saintly Doctor shows in Lib. 4. Pharetrae, and D. Greg. in the registry, lib. 7. indic. 11., and lib. 4. indic. 13. cap. 80., and Lib. 7. indic. 2. cap. 27.

> *HANC esse effectum Charitatis ostendit S. Doctor Lib. 4. Pharetrae, et D. Gregor. in registro, lib. 7. indic. 11. et lib. 4. indic. 13. cap. 80. et Lib. 7. indic. 2. cap. 27.*

4 He describes it there from D. Augustine, serm. 57. de verbis Domini: *Peace is placid to all; it does not seek what is another's, it assigns its own; it teaches to love what it knows not how to hate. It knows not how to be exalted, it knows not how to be inflated. Therefore he who receives it, let him hold it; he who has lost it, let him seek it back; he who has missed it, let him look for it: since he who shall not be found in it* is cast off by the Father, disinherited by the Son, and none the less is made a stranger by the Holy Spirit. He continues from D. Augustine, Lib. 1. de civit. cap. 13.: *The testament of God, and the inheritance, is peace, that it may be possessed by concordant partners, not divided by litigants*; from which he deduces that the opposite of peace is dissension, and therefore the Apostle says it withers away, first Corinth. 14.: *God is not of dissension, but of peace.*

> *Hanc describit ibi ex D. Augustino serm. 57. de verbis Domini:* Pax cunctis est placida, non quaerit alienum, deputat suum, docet amare, quae odisse non novit. Nescit extolli, nescit inflari. Hanc ergo qui accipit, teneat; qui perdidit, repetat, qui amisit, requirat: quoniam, qui in ea non fuerit *inventus abdicatur a Patre, exhaeredatur a filio, nihilominus a Spiritu sancto efficitur alienus. Prosequitur ex D. Augustino Lib. 1. de civit. cap. 13.* Testamentum Dei, et haereditas, pax est, ut a concordibus consortibus possideatur, non a litigantibus dividatur; *ex quo deducit, oppositum pacis esse dissensionem, ideo ea amitesci Apostolus ait, prima Corinth. 14.* Non est dissensionis Deus, sed pacis.

[5] The Saintly Doctor shows the same there from D. Augustine, lib. 19. de civitate, cap. 12.: *Wars are waged with the intention of peace (he says), because those who wish wars wish nothing else than to conquer. But victory is the subjection of those who resist; and when that has been done, there will be peace.*

> *Idem ostendit S. Doctor ibi ex D. Augustino lib. 19. de civitate, cap. 12.* Pacis intentione bella geri (ait) quia, qui bella volunt, nihil aliud, quam vincere volunt. Victoria autem est subiectio repugnantium; quod cum factum fuerit, pax erit.

[6] See the Saintly Doctor there, citing other Fathers saying wondrous things.

> *Vide S. Doctorem ibi, alios Patres, mira dicentes, referentem.*

[7] Hence he shows, on 2. *Luke*, that peace is not without Charity, from those words: *And on earth peace to men of good will*, that is, to the just. *Because there is no peace for the wicked, as it is said: Isaiah 57.* On the contrary, to the just it is said, Philip. 4.: *And the Peace of God, which surpasses all sense, keep your hearts. Therefore upon the poor, contrite of heart, and trembling at my words, says the Lord, Isaiah 66.: I will cause to flow upon him a river of peace.* See the Seraphic Doctor there, uttering most excellent things. The Saintly Doctor observes there, and on 24. *Luke*, that it is so precious that Christ was called the Apostle of peace: *Coming, he evangelized peace to you*, Ephes. 2.; *He himself also is called our Peace, who made both one*, Ephes. 1.; *And pacifying through his blood, whether the things that are on earth, or the things that are in heaven*, Coloss. 1. See the Saintly Doctor on 24. *Luke* on those words: *Peace be to you.*

> *Hinc pacem non esse sine Charitate, ostendit ad 2.* Lucae *S. Doctor ex illis verbis:* Et in terra pax hominibus bonae voluntatis*, idest, iustis.* Quia non est pax impiis, ut dicitur: Isaia 57. *E contra, iustis dicitur, Philip. 4. et* Pax Dei, quae exuperat omnem sensum, custodiat corda vestra. Ideo super pauperculum, contritum corde, et trementem sermones meos, ait Dominus Isaia 66. Declinabo super eum fluvium pacis. *Vide Seraphicum ibi, praeclara promentem. Hanc adeo pretiosam observat S. Doctor ibi, et ad 24.* Lucae*, ut Christus dictus sit Apostolus pacis:* Veniens Evangelizavit pacem vobis*, Ephes. 2.* Ipse etiam dicitur Pax nostra, qui fecit utraque unum*, Ephes. 1.* Et Pacificans per sanguinem eius sive quae in terris, sive quae in caelis sunt*, Coloss. 1. Vide S. Doctorem ad 24.* Lucae *ad ea verba:* Pax vobis.

[8] But the Saintly Doctor shows in the passages alleged that for peace it is necessary that there be no dissension with others, and with oneself. S. Thom. is of the same mind here, and Tannerus disp. 2. quaest. 4. dub. 1. num. 20., and commonly.

> *Ostendit autem S. Doctor allegatis locis, necesse esse ad pacem, ut non habeatur dissensio cum aliis, et secum ipso. Idem sentit S. Thom. hic, et Tannerus disp. 2. quaest. 4. dub. 1. num. 20. et communiter.*

[9] And this S. Augustine seems to have indicated, *Lib. 19. de civit. cap. 13.*, where, describing peace, he says it is the tranquillity of order, because all things are ordered. D. Dionysius indicates the same, *cap. 11. de divin. nominibus*, saying: *Peace is the unitive of all things, and operative of consent.* But if he consent with others, not with himself, he will have concord, not peace; since peace indeed includes concord, and adds the consent of the appetitions within the same man himself. Yet broadly peace is called *ordered concord*, by D. Augustine, *Lib. 19. de civitate Dei, cap. 13.*

> *Et hoc videtur indicasse S. Augustinus* Lib. 19. de civit. cap. 13. *ubi describens pacem, ait, esse tranquillitatem ordinis, quia omnia sunt ordinata. Id ipsum indicat D. Dionysius* cap. 11. de divin. nominibus*, dicens:* Pacem esse omnium unitivam, et consensus operativam. *Quod si cum aliis consentiat, non secum, habebit concordiam, non pacem; siquidem pax concordiam quidem includit, et addit consensum appetitionum in ipsomet eodem homine. Late tamen pax dicitur* ordinata concordia*, a D. Augustino* Lib. 19. de civitate Dei, cap. 13.

10 Further (says Valentia, punct. 2.) not every kind of entire consent and union of appetitions is the peace of which we speak; but it must be consent in the true good, as the Saintly Doctor shows in that Isa. 57.: *there is no peace for the wicked*, Jerem. 6.: *Saying peace, peace, and there is no peace.*

> *Porro (ait Valentia, punct. 2.) non quaevis omnimoda consensio, et unio appetitionum, est pax, de qua loquimur; sed debet esse consensio in vero bono, ut ostendit S. Doctor illo Isa. 57.* Non est pax impiis, *Hierem. 6.* Dicentes pax pax, et non est pax.

11 S. Bonaventure, de gradibus virtutum, cap. 13., enumerates three degrees of the one union, or unity, constituting peace: *Another degree of Peace (he says) is when the flesh is subjected to the spirit, or to reason, rendering itself difficult toward all evils to be perpetrated, as it is said: Rom. 6. Let not sin reign in your mortal body, that you obey the concupiscences thereof; and cap. 7.: I myself serve with the mind the Law of God; but with the flesh, the law of sin. A higher, when the flesh is subjected to the spirit, exhibiting itself prompt for the doing of all good: I chastise my body, etc., first Corinth. 9. The highest, when the spirit is subjected to God, observing every ordering in all the powers of the soul thoroughly. This last degree is kept in heaven.*

> *Tres autem gradus unius unionis, seu unitatis, constituentis pacem, recenset S. Bonavent. de gradibus virtutum, cap. 13.* Pacis (ait) alius gradus est, cum caro subiicitur spiritui, sive rationi, difficilem se reddens ad omnia mala, perpetranda. ut dicitur: Rom. 6. Non regnet peccatum in vestro mortali corpore, ut obediatis concupiscentiis, et cap. 7. Ego ipse mente servio Legi Dei; carne autem Legi peccati. Altior, cum subiicitur caro spiritui, promptam se exhibens ad omnia bona facienda: Castigo corpus meum, etc. prima Corinth. 9. Altissimus, cum spiritus subiicitur Deo, omnem ordinationem in omnibus animae viribus penitus obsernando. Iste ultimus gradus servatur in caelo.

12 Likewise, a high degree is to spare inferiors if they have exceeded in something, and to console them kindly if they have fallen into any affliction. A higher is to converse kindly with equals, so as to do them the good which he would justly wish done to himself. The highest, to conform one's own will to the will of superiors in all things.

> *Item altus gradus est inferioribus parcere, si in aliquo excesserunt, eosque benigne consolari, si in aliquam afflictionem inciderint. Altior est, cum paribus benigne conversari, ita ut faciat eis bonum, quod iuste sibi vellet fieri. Altissimus, voluntatem suam, voluntati superiorum in omnibus conformare.*

13 Likewise a high degree is to trouble no one by deeds; a higher, to trouble no one by words, or in any other way, when absent. The highest, to give no one a just occasion of trouble.

> *Item altus gradus est, nullum turbare factis: altior est, nullum turbare verbis, vel alio modo absentem. Altissimus, nullum dare occasionem iustam turbationis.*

14 Likewise he ascends into the high degree of peace who does not publish the evils of his neighbours. Into a higher degree, he who does not diminish the goods of his neighbours, nor blacken them, nor twist them, but extols them. Into the highest ascends he who compassionates their defects, and congratulates them from the heart upon their progress.

> *Item in altum gradum pacis ascendit, qui mala proximorum non publicat. In altiorem gradum, qui bona proximorum non minuit, nec denigrat, nec invertit, sed extollit. In altissimum ascendit, qui defectibus eorum compatitur, et profectibus eorum ex corde congratulatur.*

15 See the same Saintly Doctor, *de Donis Spiritus sancti*, and *de Dono Timoris, cap. 4.*, recounting the degrees of Peace.

Vide eundem S. Doctorem de Donis Spiritus sancti, *et* de Dono Timoris, cap. 4. *referentem gradus Pacis.*

16 But how peace is an effect of Charity: whether it is an act of it, or a relation following the act of Charity, is a question of a name, as Valentia says. For Cajetan says it is a relation following, which is the union of the appetitions, or tranquillity, as D. Augustine used to say, 19. *de civit. cap. 13.* But D. Thom., *art. 4.*, seems altogether to will it to be an act, concerning which there is an external precept, Mark 9.: *Have peace among you;* but in either way Peace seems an effect of Charity, as Valentia says. For it signifies also the foundation of that relation, which is to will the same and not to will the same, which is an act of Charity, as Tannerus admonishes, *disp. 2. quaest. 4. dub. 1. num. 23.*

Quomodo autem Charitatis effectus sit pax: an sit actus eius, vel relatio consequens Charitatis actum; est quaestio de nomine, ut ait Valentia. Nam Caietanus dicit, esse relationem consequentem, quae est unio appetitionum, sive tranquillitas, ut dicebat D. Augustinus 19. de civit. cap. 13. *At D. Thom.* art. 4. *omnino videtur velle, eam esse actum, de quo exter praeceptum, Marci 9.* Pacem habete inter vos, *sed utroque modo Pax videtur effectus Charitatis, ut ait Valentia. Significat enim etiam fundamentum relationis illius, quod est idem velle, et nolle, qui est actus Charitatis, ut monet Tannerus* disp. 2. quaest. 4. dub. 1. num. 23.

17 Hence you will see what S. Dionysius wills, *cap. 11. de Divinis nominibus*, teaching that *Peace is the unitive of all things, and operative of consent.*

Hinc videbis, quid velit S. Dionysius cap. 11. de Divinis nominibus, *docens,* Pacem esse omnium unitivam, et consensus operativam.

18 But no other virtue is necessary for producing peace than Charity, because, Charity being had, the union of all the affections is easily had entire, since no other difficulty remains on account of which new virtues are necessary.

Non est autem necessaria alia virtus ad pacem producendam, quam Charitas, quia habita Charitate, facile habetur unitio affectionum omnimoda, propter non remanet alia difficultas, propter quam necessariae sunt novae virtutes.

19 From these you have that peace is reckoned under diverse reasons, both among the Beatitudes, *Matth. 5.*, and among the fruits of the Spirit, *Galat. 5.* For it is a kind of beatitude, inasmuch as it is an act of a perfect virtue, for instance of Charity, or the state of that virtue itself, in which there is delight in God without contradiction from the flesh, the world, and the devil; or if there is any, it is ineffectual, as D. Bonaventure teaches, *Lib. 5. Compend. Theol. cap. 54.* But it is a fruit, inasmuch as it is a certain ultimate good which has pleasantness, or delight, as S. Bonavent. says, *loco cit. cap. 57.*, and D. Thom. *art. 4. ad 1.*, and Valentia *disp. 3. quaest. 6. puncto 2. near the end.*

Ex his habes, pacem diversis rationibus numerari, tum inter Beatitudines, Matth. 5. *tum inter fructus Spiritus,* Galat. 5. *Est enim quaedam beatitudo, quatenus est actus virtutis perfectae, puta Charitatis, seu status virtutis ipsius, in quo est delectatio in Deo, sine contradictione carnis, mundi, et diaboli; vel si est aliqua, inefficax est, ut docet D. Bonavent.* Lib. 5. Compend. Theol. cap. 54. *Est vero fructus, quatenus est quoddam bonum ultimum, quod habet iucunditatem, sive delectationem, ut ait S. Bonavent.* loco cit. cap. 57. *et D. Thom.* art. 4. ad 1. *et Valentia* disp. 3. quaest. 6. puncto 2. circa finem.

20 It follows also that there is nothing which does not in its own way seek peace, as D. Thom. teaches, *art. 2.*, and D. Augustine shows, *Lib. 19. de civitate, cap. 12.*, as gathered by D. Bonavent. *loco cit. Phaeratrae.* The reason is, because every thing, in the manner suitable to its nature, seeks the good, and wills to obtain the perfection congruent to itself without any repugnance; and thus with no

appetite resisting. That itself is, to have peace. And D. Augustine hints at this reason, saying: *As there is no one who does not will to rejoice, so there is no one who does not will to have peace; doubtless because one then rejoices when he possesses the good with quiet and tranquillity, and thus with peace.* Therefore Christ, leaving us that precious treasure, and commending it, often repeats, *Mark 9. Luke 24. John 14. and 20.*

> *Sequitur etiam, nullam rem esse, quae suo modo non expetat pacem, ut docet D. Thom.* art. 2. *et ostendit D. Augustinus* Lib. 19. de civitate, cap. 12. *apud D. Bonavent.* loco cit. Phaeratre. *Ratio est, quia omnis res, modo convenienti naturae suae, expetit bonum, et perfectionem sibi congruentem vult obtineri sine ulla repugnantia; atque adeo nullo etiam repugnante appetitu. Quod ipsum est, pacem habere. Atque hanc rationem innuit D. Augustinus dicens:* Sicut nemo est, qui gaudere nolit, ita nemo est, qui nolit habere pacem, nimirum quia tunc aliquis gaudet, quando bonum possidet cum quiete, et tranquillitate, atque adeo cum pace. *Ideo pretiosum thesaurum nobis Christus linquens, eamque commendans, saepe refricat* Marci 9. Lucae 24. Ioan. 14. et 20.

21 Lastly, it follows that peace is not without cause so greatly commended in the Scriptures, for nothing is more desirable than to possess a good tranquilly. Wherefore the Angels, at the Nativity of Christ, wishing to announce the greatest good to men, announced: *Glory to God in the Highest, and on earth peace to men*, as D. Bonaventure elegantly pursues, *ad 2. Lucae.* For therefore, as I said, Christ himself was made the Apostle, announcer of peace, acquiring it with his blood, as the Apostle says in the places cited above. And our Gospel is *the Gospel of peace*, as it is said, *Isaiah 52.*

> *Postremo sequitur, non sine causa in Scripturis tantopere commendari pacem, nihil enim expetibilius est, quam bonum tranquille possidere. Quamobrem Angeli in Christi Nativitate, cum vellent maximum bonum hominibus nunciare, annunciarunt:* Gloria in Excelsis Deo, et in terra pax hominibus, *ut eleganter prosequitur D. Bonavent.* ad 2. Lucae. *Ideo enim, ut dixi, Christus ipse factus est Apostolus annunciator pacis, eam sanguine suo acquirens, ut ait Apostolus locis supra citatis. Et Evangelium nostrum est* Evangelium pacis, *ut dicitur* Isaiae 52.

22 Hence he taught that form of saluting: *Peace be to you, Luke 24.* and *John 20.*, as S. Bonaventure elegantly pursues on those passages. Where he also shows at what price he redeemed it: *For the discipline of our peace was upon him, Isaiah 53.*; thus with his life he acquired this infinite treasure, so that, giving peace, he might take away the greatest evil, which is that of dissension. For it is said, *Ephes. 2.*: *God of peace, not of dissension*, as I noted above also.

> *Hinc formulam illam salutandi docuit:* Pax vobis, Lucae 24. *et* Ioan. 20. *ut eleganter prosequitur S. Bonavent. ad ea loca. Ubi etiam ostendit quanto pretio eam redemerit:* Disciplina enim pacis nostrae super eum, Isaiae 53. *sic vita sua acquisivit thesaurum hunc infinitum, ut dans pacem, auferret maximum malum, quod est dissensionis: Dicitur enim* Ephes. 2. Deus pacis, non dissensionis, *ut supra etiam notavi.*

23 Further, the Apostle hands down the rule for obtaining peace, *Galat. 6.*: *But far be it from me to glory, save in the cross of our Lord Jesus Christ: through whom the world is crucified to me, and I to the world; and whosoever shall follow this rule, peace upon them.*

> *Porro regulam obtinendi pacem tradit Apostolus,* Galat. 6. Mihi autem absit gloriari nisi in cruce Domini nostri Iesu Christi: per quem mihi mundus crucifixus est, et ego mundo, et quicumque hanc regulam secuti fuerint, pax super illos.

24 S. Bonaventure interprets this rule to be the rule of the Friars Minor, inasmuch as it commands the entire abnegation of self, as he pursues at length in the exposition, in whose Prologue he places the place of these words of the Apostle: *But to me*, etc., as above.

Hanc regulam interpretatur S. Bonavent. esse regulam Fratrum Minorum, quippe quae omnimodam abnegationem sui praecipit, ut late prosequitur in expositione, in cuius Prooemii locum ponit haec verba Apostoli: Mihi autem, *etc. ut supra.*

25 Further, see the excellent praises of Peace in D. Bonavent. *in Diaeta, tit. 7. cap. 6.*, where he shows it to be the Idiom of heaven, which the Angels, and Christ, used.

Porro Pacis praeconia egregia vide in D. Bonavent. in Diaeta, tit. 7. cap. 6. *ubi eam ostendit, coeli Idioma, quo Angeli, et Christus usi sunt.*

Section III: On Mercy

Question I: What mercy is

1 Mercy is defined by D. Bonaventure, *3. part. Centil. sect. 44.*: *Mercy is the virtue by which the innermost heart is moved over the calamity of the afflicted.* This virtue thinks nothing human foreign to itself; it reckons the losses, or the goods, of others as its own.

Quid sit MISERICORDIA.

Misericordia definitur a D. Bonavent. 3. part. Centil. sect. 44. Misericordia est virtus, per quam intimis super calamitate afflictorum moveris. *Haec virtus nihil humanum a se alienum putat; aliorum damna, vel commoda, sua aestimat.*

2 It is drawn out from D. Augustine, *19. de civit. cap. 5.*, where he defines, or describes, it thus: *Mercy is compassion for another's misery in our heart, whereby, if we can bring help, we are compelled.*

Eruitur ex D. Augustino 19. de civit. cap. 5. *ubi sic eam definit, seu describit:* Misericordia est alienae miseriae in nostro corde compassio, qua utique, si possumus subvenire, compellimur.

3 Valentia thus describes Mercy from D. Thom. *art. 1.*, D. Augustine in the place cited, and Aristotle *2. Rhet. cap. 8.*: *Mercy is pain, or sorrow, over an involuntary evil of another, reckoned as one's own, and in some way against the dignity of the miserable person, whom the one merciful wills to relieve, as far as lies in him, and as he conveniently can.*

Valentia sic ex D. Thom. art. 1. *D. Augustino loco cit. et Aristotele* 2. Reth. cap. 8. *Misericordiam describit:* Misericordia est dolor, sive tristitia de malo alieno involuntario, aestimato ut proprio, et aliquo modo contra personae miserabilis dignitatem, cui subvenire velit miserans, quantum in ipso est, et commode possit.

4 It is called a *Virtue* by D. Bonaventure; for it is a virtue distinct from Charity, as the Apostle teaches, *Coloss. 3.*, where he first teaches: *Put on the bowels of Mercy, benignity, humility, modesty, patience*; but soon after says: *Above all these things, have Charity.*

Dicitur a D. Bonavent. Virtus; *est enim distincta virtus a Charitate, ut docet Apostolus* Coloss. 3. *ubi primo docet:* Induite viscera Misericordiae, benignitatem, humilitatem, modestiam, patientiam; *mox vero ait:* Super omnia autem haec, Charitatem habete.

5 It is proved, because it has a peculiar object, namely the evil of another, and the calamities of the afflicted, as able to be relieved by our works. But this is the reason of a peculiar object, and it begets a

peculiar difficulty in the act of mercy in efficacious execution. For indeed, in efficaciously relieving another's misery, there remains a principal difficulty even in one having Charity.

> *Probatur, quia habet peculiare obiectum, idest malum alienum, et calamitates afflictorum, ut sublevabiles opera nostra. Haec autem est ratio peculiaris obiecti, et in executione efficaci peculiarem difficultatem parit in actu misericordiae. Profecto enim in sublevanda efficaciter aliena miseria, manet difficultas praecipua, etiam habenti Charitatem.*

6 Observe, however, that in the description of the last-mentioned mercy it is placed that it is *sorrow over another's misery*; for, as Damascenus teaches, *2. de fide, cap. 14., Mercy is a certain species of pain, or sorrow, over the evil of one's neighbour indeed, but reckoned as one's own.*

> *Observa vero, in descriptione ultimae misericordiae, poni, quod sit* tristitia de aliena miseria; *nam, ut docet Damascenus* 2. de fide, cap. 14. Misericordia est quaedam species doloris, seu tristitia de malo proximi sane, sed aestimato ut proprio.

7 It is said to be *over an involuntary evil*; for misery consists in suffering involuntarily; just as Beatitude, to which misery is opposed, consists in this, that one have those goods which he wills, according to that word of Augustine, *Lib. 13. de civit. cap. 4.*: *Blessed is he who has whatever he wills, and wills no evil.* Yet that misery need not be altogether involuntary; for we can have mercy on a sinner, as D. Thomas teaches, *art. 1. ad 1.*, from the opinion of D. Gregory, *homil. 34. in Evangelia.*

> *Dicitur* de malo involuntario; *nam miseria stat in patiendo involuntarie; sicut Beatitudo, cui miseria opponitur, consistit in hoc, ut quis habeat ea bona, quae vult, iuxta illud Augustini,* Lib. 13. de civit. cap. 4. Beatus est, qui habet, quidquid vult, et nihil mali vult. *Neque tamen oportet, miseriam illam esse omnino involuntariam; possumus enim misereri peccatoris, ut docet D. Thomas* art. 1. ad 1. *ex D. Gregorii sententia,* homil. 34. in Evangelia.

8 Then it is said to be *over the evil of another reckoned as one's own*. For sorrow and pain are over one's own evil: whence the motive of mercy must touch one in some way regarding oneself, as D. Thom. teaches, *art. 2.* Whence, when the Saintly Doctor, in the *explanation of the terms of Theology*, near the end, describes mercy: *Mercy is compassion for the misery and need of one's neighbour*; he does not intend to hand down a definition, but to explain the term; otherwise he would have added: *for the miseries of one's neighbour, as one's own.*

> *Deinde dicitur* de malo alieno aestimato proprio. *Tristitia enim, et dolor sunt de malo proprio: Unde motivum misericordiae debet aliquo modo respicientem tangere, ut docet D. Thom.* art. 2. *Unde quando S. Doctor in* explicatione terminorum Theologiae*, circa finem describit misericordiam:* Misericordia est compassio miseriae, et indigentiae proximi; *non intendit tradere definitionem, sed terminum explicare; alioqui addidisset:* Miseriae proximi, tanquam propriae.

Question II: What kind of virtue mercy is

1 The Saintly Doctor discourses most excellently on Mercy in the passages alleged. But he shows first that Mercy is a peculiar and distinguished Virtue, which is occupied with the miseries of one's neighbour to be relieved, with that affection as if they were one's own; as D. Thom. also says, *art. 1. and 3.*

> ***Quae, et qualis Virtus sit MISERICORDIA.***

Praeclare S. Doctor de Misericordia disserit locis allegatis. Ostendit autem primo, Misericordiam esse Virtutem peculiarem insignem, quae circa miserias proximi sublevandas, eo affectu tanquam proprias versatur; ut ait etiam D. Thom. art. 1. et 3.

2 Then he prefers it to the other virtues, especially the more distinguished ones.

Deinde eam praefert caeteris virtutibus, praecipue insignioribus.

3 Indeed, first he prefers it to Penitence, because this immolates the body; but that, the soul. *For bodily exercise, that is, penance, is profitable to little. But piety is profitable to all things, having the promise of the life that now is, and of that which is to come,* as is had, first Timothy 4.

Primo quidem eam praefert Poenitentiae, quia haec immolat corpus; illa vero animam. Corporalis enim exercitatio, idest, poenitentia, ad modicum utilis est. Pietas vero ad omnia, ut habetur, prima Timothei 4. promissionem habens vitae.

4 Secondly it surpasses Justice: therefore it frees the guilty, *Matth. 5.*: *Blessed are the Merciful, for they shall obtain Mercy.* From *Matth. 6.*: *If you will forgive men their sins, and your heavenly Father will forgive you your sins. Luke 6.*: *Forgive, and you shall be forgiven. Proverb. 19.*: *He that is merciful to the poor lends to the Lord.* He also brings this as an argument, because in God *Mercy exalts itself above judgment*, *James 2.*, and *Psalm. 144.*: *His tender mercies are over all His works.* But he hints that this avails only in him who has no superior, as D. Thom. says, *art. 4.*

Secundo superat Iustitiam: Ideo reos liberat, Matth. 5. Beati Misericordes, quoniam ipsi Misericordiam consequentur. *Ex* Matth. 6. Si dimiseritis hominibus peccata eorum, et Pater vester coelestis dimittet peccata vestra. Lucae 6. Dimittite, et dimittemini. Proverb. 19. Foeneratur Domino, qui miseretur proximo. *Id etiam affert in argumentum, quia in Deo,* Misericordia superexaltat iudicium, Iacobi 2. *et* Psalm. 144. Miserationes eius super omnia opera Eius. *Hoc vero innuit, valere solum in eo, qui non habet superiorem, ut ait D. Thom* art. 4.

5 But he shows especially that for some reason it is more excellent than Charity. The reason is, which D. Thom. also uses. For Charity only loves, and thus, as it were finite, is contained in the other, tending toward the good through love: but Mercy, overflowing its banks, pours itself out, communicating itself to inferior agents, and therefore bears not only the goods of one's neighbours, but most willingly also their evils.

Praecipue vero ostendit, aliqua ratione esse Charitate praestantiorem. Ratio est, quia utitur etiam D. Thom. Nam Charitas solum diligit, et ita quasi finitus in altero continetur, tendens in bonum dilectione: Misericordia autem redundans super ripas effunditur, communicando se inferioribus agentibus, et ideo non solum bona proximorum, sed etiam mala libentissime portat.

6 Second Corinth. 11.: *Who is weak, and I am not weak? Who is scandalized, and I am not inflamed?* Therefore mercy, considered in itself, surpasses Charity.

Secunda Corinth. 11. Quis infirmatur, et ego non infirmor? Quis scandalizatur, et ego non uror? *Itaque misericordia, in se considerata, superat Charitatem.*

7 But this doctrine can be accommodated to Charity, and Mercy in two ways. In one way, as they are certain good habits, that is, virtues, which are found adequately in man according to their rationes: but inadequately also in God, the formalities being prescinded, namely of habit, which they call imperfections; and in this sense Charity and mercy are compared in themselves, and according to the

perfection which it exacts in itself, without respect to object or subject, and considering only the ratio of the act. In this sense Valentia says D. Thomas spoke; for he compares these virtues as they are habits, of which one is for loving, the other for relieving, as Tannerus notes, *disp. 2. quaest. 4. dub. 2. num. 31.*

> *Duobus autem modis haec doctrina potest ad Charitatem, et Misericordiam accommodari. Uno modo, ut sunt quidam habitus boni, idest virtutes, quae secundum rationes suas adaequate inveniuntur in homine: inadaequate vero etiam in Deo, praecisis formalitatibus, scilicet habitus, quae dicunt imperfectiones, et hoc sensu comparari Charitatem, et misericordiam secundum se, et secundum perfectionem, quam exigit in seipsa, sine respectu ad obiectum, vel subiectum, et solum considerando rationem actus etiam. Hoc sensu ait Valentia, locutum D. Thomam; nam comparat has virtutes, ut habitus sunt, quorum alter est ad amandum; alter ad sublevandam, ut notat Tannerus* disp. 2. quaest. 4. dub. 2. num. 31.

8 Secondly they can be considered, not as they are habits, but in the most abstract reason, inasmuch as mercy is relieving of misery: but Charity is the faculty of loving God; and in this way, say Cajetan and Bannes, D. Thomas is to be understood, that Mercy indeed, in its most abstract perfection, is better than Charity: For that which consists in relieving the misery and defects of the needy ought to be pure act, not a certain potentiality, or lack; otherwise it will not be able to reduce need to act; and in this sense it resplends in God, who is pure infinite act, who can fill all defects and potentialities.

> *Secundo possunt considerari, non ut habitus sunt, sed abstractissima ratione, quatenus misericordia est sublevativa miseriae: Charitas autem est facultas diligendi Deum; et hoc modo intelligi D. Thomam, aiunt Caietanus, et Bannes, Misericordiam quidem, sua abstractissima perfectione esse meliorem Charitate: Nam id, quod consistit in sublevando alienam egentium miseriam, et defectus, debet esse actus purus, non potentialitate quadam, seu carentia; alioqui non poterit ad actum reducere egentiam; et hoc sensu resplendet in Deo, qui est actus purus infinitus, qui potest omnes defectus, et potentialitates replere.*

9 As to D. Bonav., I judge that he spoke in both senses. In the former indeed, because he compares the habit of Charity, and others, with the habit of mercy in general, as is evident from the examples alleged above. But in this latter sense; because he brings some examples of the mercy of God from the Scriptures indicating it, as we have seen. Therefore in both ways mercy, considered in itself, seems more perfect.

> *Quoad D. Bonav. arbitror, eum locutum utroque sensu. In priori quidem, quia comparat habitum Charitatis, et alios, cum habitu misericordiae in genere, ut constat allatis supra exemplis. In hoc vero posteriori sensu; quia aliqua affert exempla misericordiae Dei e Scripturis, id indicantia, ut vidimus. Itaque utroque modo perfectior misericordia in se considerata videtur.*

10 Truly, however, if both are considered in order to the subject, Charity is better in him who is not the highest, inasmuch as the highest perfection stands in union with the highest good; but if it is the highest good, then the greatest perfection is to diffuse goodness to all inferiors. See the Saintly Doctor, also giving the motives by which we are moved to mercy, *loco cit.* The first motive is to consider the miserable to be of our nature. Whence *Matth. 23.: For all you are brethren*, and Isa. 58.: *When you shall see one naked, cover him, and despise not your own flesh.* The second motive of mercy is one's own need and misery; for man, considering his own misery, compassionates that of another, whence *Ecclesiasticus 31.: Learn from yourself what things are for your neighbour.*

> *Enim vero, si considerentur ambae in ordine ad subiectum; melior est Charitas in eo, qui non est supremus, quatenus summa perfectio stat in unione cum summo bono; quod si sit summum bonum; tunc maxima perfectio est diffundere bonitatem ad omnes inferiores. Vide S. Doctorem, ponentem etiam motiva, quibus commoveamur ad misericordiam* loco cit. Dices. *Primum motivum est considerare miseros esse nostrae naturae. Unde* Matth. 23. Omnes enim vos fratres estis, et Isa. 58. Cum videris nudum, operi eum, et carnem tuam ne despexeris. *Secundum motivum misericordiae est propria indigentia et miseria; homo enim considerans propriam miseriam, compatitur alienae, unde* Ecclesiastici 31. Ex te ipso intellige, quae sunt proximi tui.

11 The third motive is the unity of Christ and his members, and the love in it, that he reckon as done to himself, or poured out for them, what is done, *Matth. 25.: What you have done to one of the least of mine, etc.* At the end he enumerates the fourteen works of mercy. See him there, uttering wondrous things.

> *Tertium motivum est Christi, et membrorum eius unitas, et in ea amor, ut sibi reputet factum, quod pro eis fit, seu profunditur,* Matth. 25. Quod uni ex minimis meis fecistis, etc. *In calce vero recenset opera quatuordecim misericordiae. Ipsum vide mira promentem.*

Disputation X: On the External Effects of Charity

1 After Charity shall have diminished within the concupiscence and cupidity, it pours itself forth outwardly by doing good; for since it seeks not its own, but by a noble exchange turns the miseries of others into its own happiness, it is wholly devoted to benefits, and is especially occupied with corporal relief through Almsgiving, or spiritual instruction through fraternal correction.

> *Postquam interius concupiscentiam, et cupiditatem Charitas minuerit, foras benefaciendo se profundit; Cum enim sua non quaerat, sed nobili quaestu aliorum miserias, proprii foelicitatis commutatione, suas faciat; tota beneficentiis mancipatur, et corporali sublevatione per Eleemosynam, aut spirituali eruditione per fraternam correctionem praecipue occupatur.*

Section I: On Beneficence

Sole Question: What beneficence is

1 Beneficence is a certain execution of the internal and elicited act of Charity toward another.

> *Beneficentia est executio quaedam actus interni, et eliciti Charitatis erga alterum.*

2 That this is the proper act of Charity the Theologians teach.

> *Hanc esse proprium Charitatis actum docent Theologi.*

3 *It is proved* by D. Thom. *art. 1 and 4,* and D. Bonavent. here; for the external act, by which the interior act of some virtue is made efficacious and brought to execution, pertains to the same virtue as the internal act, inasmuch as both acts regard the same reason of the object. *It is confirmed* by Valencia with D. Bonaventure from that passage of 1 John 3: *let us not love in word, but in deed and in truth,* where he sufficiently indicates that to do good itself is to love efficaciously, and consequently to be an act of Charity.

> Probatur *a D. Thom.* art. 1. et 4. *et D. Bonavent. hic; Nam actus externus, per quem interior actus alicuius virtutis est efficax, et ad executionem perducitur, ad eandem virtutem pertinet, ad quam actus internus, quatenus uterque actus respicit eandem rationem obiecti.* Confirmatur *a Valentia cum D. Bonavent. ex illo prima Ioan. 3.* Non diligamus lingua, sed opere, et veritate*, ubi satis indicat, ipsum benefacere, esse diligere efficaciter, ac proinde esse actum Charitatis.*

4 From this doctrine the Seraphic Doctor gathers that one must do good to all according to place and time, just as all are to be loved, as D. Thom. also teaches *art. 2,* and the Apostle in Galat. 6: *Let us work good toward all, but especially toward the household of the faith.*

> *Ex hac doctrina colligit S. Doctor, ita esse omnibus benefaciendum pro loco, et tempore, sicut omnes diligendi, ut docet etiam D. Thom.* art. 2. *et Apostolus Galat. 6.* Operemur bonum ad omnes, maxime autem ad domesticos fidei.

5 Hence he also deduces that one must do good to individuals in the same order in which individuals are to be loved by the order of Charity; and consequently we must first do good to those more closely joined to us, as I said *disp. 8, quaest. 40.*

Hinc etiam deducit, eodem ordine singulis benefaciendum, quo sunt singuli amandi ex ordine Charitatis; ac proinde coniunctioribus nobis prius benefaciendum, ut dixi disp. 8. quaest. 40.

6 Valencia moreover warns *disp. 3, quaest. 8, puncto unico* that prudence must be exercised in this matter.

Admonet autem Valentia disp. 3. quaest. 8. puncto unico*, prudentiam in hoc adhibendam.*

Section II: On Almsgiving

1 Most excellently does the Seraphic Doctor in the *Diaeta, tit. 2, cap. 7* compare Almsgiving to a radiant light, which ought to be carried not behind, but before a man walking; for Almsgiving is not to be done after death, but before death, more fruitfully, as the wise man says *Eccles. 14: before death do good to your friend. But he* who does otherwise is like one carrying a light behind him; see there also other splendid similitudes.

De Eleemosyna.

Eximie S. Doctor in Diaeta, tit. 2. cap. 7. Eleemosynam *comparat radioso lumini, quod non post, sed ante hominem gradientem debeat portari; non enim post, sed ante mortem facienda est fructuosius Eleemosyna, dicente sapiente* Eccles. 14. ante mortem benefac amico tuo. Qui *autem secus facit, similis est a tergo lumen portanti, alias praeclaras similitudines ibidem vide.*

Question I: Whether to give alms is an act of charity

1 I assert that it is an act of Charity.

An dare ELEEMOSYNAM sit actus Charitatis.

Assero, esse actum Charitatis.

2 *IT IS PROVED* by S. Bonavent. in *4. dist. 14, p. 2, dub. 5, litt. and Book 6 of the Compendium of Theology, cap. 31, and D. Thom. art. 1.* External acts pertain to that virtue to which pertains what is the motive of such an act; but the motive for giving Alms is mercy, of which *dist. 9, sect. 3* — for in Greek Eleemosyna is named from mercy; and mercy is an effect of Charity, as I showed in the place cited.

PROBATUR *a S. Bonavent. in* 4. dist. 14. p. 2. dub. 5. litt. et Lib. 6. Compendii Theologiae, cap. 31. et D. Thom. art. 1. *Exteriores actus ad eam virtutem pertinent, ad quam pertinet id, quod est motivum huiusmodi actus; motivum autem ad dandum Eleemosynas est misericordia, de qua* dist. 9. sect. 3. *nam in Graeco Eleemosyna a misericordia denominatur; Misericordia autem est effectus Charitatis, ut ostendi loco citato.*

3 Next it is proved by D. Bonavent. in the *Diaeta, tit. 2, at the end*, because this motive is for the love of God, who ascribes it as given to himself *Matthew 25.*

Deinde probatur a D. Bonavent. in Diaeta, tit. 2. in fine*, quia hoc motivum est pro amore Dei, qui eam sibi datam adscribit* Matthaei 25.

Question II: Whether the kinds of almsgiving are fittingly distinguished

1 Seven kinds of corporal alms are set forth in this verse:

Utrum convenienter ELEEMOSYNARUM genera distinguantur.

Ponuntur septem genera Eleemosynarum corporalium hoc versu:

2 *I visit, I give drink, I feed, I redeem, I shelter, I clothe, I bury.*

> Visito, poto, cibo, redimo, tego, colligo, condo.

3 That is, to feed the hungry, to give drink to the thirsty, to clothe the naked, to receive in the stranger (harbor the harborless), to visit the sick, to redeem the captive, and to bury the dead.

> *Idest, pascere esurientem, potare sitientem, vestire nudum, recolligere hospitem, visitare infirmum, redimere captivum, et sepelire mortuum.*

4 Seven other kinds are of spiritual alms, which are expressed in this verse:

> *Septem alia sunt genera spiritualium, quae hoc versu exprimuntur:*

5 *Counsel, rebuke, console, forgive, bear, pray.*

> Consule, castiga, solare, remitte, fer, ora.

6 To teach the ignorant, to counsel the doubting, to console the sorrowful, to correct the sinner, to forgive offenses, to bear the burdensome and the heavy, and to pray for all.

> *Docere ignorantem, consulere dubitanti, consolari tristem, corrigere peccantem, remittere offensioni, supportare onerosos, et graves, et pro omnibus orare.*

7 These are reported by S. Bonavent. in *4. dist. 15, part. 2, dub. 2, litt. and on the seven Gifts, on the Gift of Piety, cap. 1, and in the Diaeta, tit. 7, cap. 4, and Book 5 of the Compendium of Theology, cap. 52, and on Luke 11 in these words: That which remains over, give as alms.* D. Thom. here, and the Theologians commonly.

> *Haec refert S. Bonavent. in* 4. dist. 15. part. 2. dub. 2. litt. et de septem Donis, de Dono Pietatis, cap. 1. et in Diaeta, tit. 7. cap. 4. et Lib. 5. Compendii Theologiae, cap. 52. et ad 11. Lucae in ea verba: Quod superest, date Eleemosynam. *D. Thom. hic, et communiter Theologi.*

8 *IT IS PROVED* by the holy Doctors from the defects of one's neighbors, by whom one can be helped; of which some are on the part of the body; some on the part of the soul, which needs are easily gathered, and among the holy Doctors are clear.

> PROBATUR *a SS. Doctoribus ex defectibus proximorum, quibus potest subveniri; quorum aliqui sunt ex parte corporis; aliqui ex parte animae, quae quidem necessitates facile colliguntur, et apud Sanctos Doctores clarae sunt.*

9 But spiritual alms are intrinsically the greater; nevertheless in some case corporal alms can be the greater; whence in extreme necessity the person failing is rather to be fed than another ignorant one taught, as the holy Doctors teach, Thom. *art. 4,* and Bonavent. *dist. cit. dub 4.*

> *Sunt autem spirituales per se potiores, in aliquo tamen casu esse possunt corporales; unde in necessitate extrema potius pascendus est deficiens, quam alius ignotans docendus, ut docent SS. Doctores, Thom.* art. 4. *et Bonavent.* dist. cit. dub 4.

Question III: Whether almsgiving is a matter of precept

1 I assert that Almsgiving is commanded by Natural and Divine law.

> Utrum ELEEMOSYNA sit in praecepto.
>
> *Assero, praeceptam esse Eleemosynam iure Naturali, et Divino.*

2 *IT IS PROVED* by D. Thom. here, and D. Bonavent. in the *Diaeta, tit. 10, cap. 5*. That concerning which there will be the last judgment, and on account of which Christ will distribute eternal rewards and eternal punishments, is commanded; but in the judgment those who have given alms will be called to the fatherland; and those who have omitted it will be cast into hell, as is described *Matt. 25*. Therefore.

> PROBATUR *a D. Thom. hic, et D. Bonavent. in* Diaeta, tit. 10. cap. 5. *Id, de quo erit iudicium ultimum, et propter quod Christus distribuet praemia aeterna, et poenas aeternas, est praeceptum; sed in iudicio, qui Eleemosynam egerint, vocabuntur ad patriam; et qui eam omisere, eiicientur in infernum, ut describitur* Matth. 25. *Ergo.*

3 *IT IS PROVED* secondly by D. Thom. here, and D. Bonavent. on these words *Luke 11: That which remains over, give as alms*, and in *3. dist. 29, quaest. 6,* because love of neighbor is commanded; therefore those things must fall under command without which love of neighbor is not preserved; but to love of neighbor it pertains that we not only wish good to our neighbor, but also work it, according to that, *1 John 3: let us not love in word, nor in tongue, but in deed and in truth.* But for this, that we wish and work the good of someone, it is required that we come to the aid of his necessity, which is done through the bestowal of alms; and therefore their bestowal is commanded. But because commands are given concerning acts of virtues, it is necessary that in this way the gift of Almsgiving fall under command as it is of the necessity of virtue, as right reason requires; yet on the part of the giver, so as to give of his superfluities, according to that cited *Luke 11* — his superfluity, I say, and that of others whose care rests upon him. On the part of the recipient also some necessity is required: hence Paul said *2 Cor. 8: For it is not that there may be relief for others, and tribulation for you,* as the Seraphic Doctor notes *on Luke 11*, because if you, or yours, have necessity, you ought not bring tribulation upon yourselves so as to come to the aid of another, except in that person's extreme necessity, if yours be moderate. See D. Bonavent. in the places cited, and D. Thom. *art. 6,* Valencia *p. 4*. By the law of nature also the command stands in that *Matt. 7: whatsoever you wish that men do to you, do you also to them.*

> PROBATUR *secundo a D. Thom. hic, et D. Bonavent. ad ea verba* Lucae 11. Quod superest, date Eleemosynam, *et in* 3. dist. 29. quaest. 6. *quia dilectio proximi est in praecepto; ideo necesse est, ea cadere sub praecepto, sine quibus dilectio proximi non conservatur; ad dilectionem autem proximi pertinet, ut proximo non solum velimus bonum, sed etiam operemur, iuxta id,* prima, Ioan. 3. Non diligamus verbo, neque lingua, sed opere, et veritate. *Ad hoc autem quod velimus, et operemur bonum alicuius, requiritur, quod eius necessitati subveniamus, quod fit per Eleemosynarum largitionem; et ideo earum largitio est praecepta. Sed quia praecepta dantur de actibus virtutum, necesse est, quod hoc modo donum Eleemosynae cadat sub praecepto, ut est de necessitate virtutis, ut recta ratio tequirit; tamen ex parte dantis, ut det superflua, secundum id* Lucae 11. citatum, superfluum inquam sibi, et aliis, quorum cura incumbit. *Ex parte etiam recipientis requiritur aliqua necessitas: Hinc dixit Paulus* 2. Cor. 8. Non enim ut aliis sit remissio; vobis autem tribulatio, *ut notat S. Doctor* ad 11. Lucae, *quia si tu, vel tui habent necessitatem, non debetis vobis tribulationem inferre, ut alteri subveniatis, excepta illius extrema necessitate, si vestra sit mediocris. Vide D. Bonavent. locis adductis, et D. Thom.* art. 6. *Valentiam* p. 4. *Iure etiam naturae, praeceptum constat illo* Matth. 7. Quaecumque vultis, ut faciant vobis homines, et vos facite illis.

4 See the Encomia of Almsgiving in D. Bonavent. there, and *Book 2 of the Pharetra, cap. 39,* which Valencia accepts *disp. 3, quaest. 9, p. 1.*

> *Eleemosynae Encomia vide in D. Bonavent. ibi et* Lib. 2. Pharetrae, cap. 39. quae *accipit Valentia* disp. 3. quaest. 9. p. 1.

5 The Seraphic Doctor observes moreover in the places alleged, *quaest. 2,* that the burial of the dead is not enumerated in *Matt. 25;* nevertheless it is a work of mercy enumerated *Tobias 4 and 12*. Whence D. Ambrose, Book on Tobias, cap. 1: *If the law commands to cover the naked while living, how much more ought we to cover the bodies of the dead. Nothing is more excellent than this, to vindicate from birds and beasts the sharer of our nature.*

> *Observat autem S. Doctor locis allegatis,* quaest. 2. *sepulturam mortuorum non recenseri,* Matth. 25. *attamen esse opus misericordiae recensitum,* Tobiae 4. et 12. *Unde D. Ambrosius, Lib. de Tobia, cap. 1.* Si viventes operire nudos lex praecipit, quanto magis debemus operire defunctorum corpora. Nihil hoc praestantius vindicare a volatilibus, et a bestiis consortem naturae.

6 *IT IS PROVED* also by S. Bonavent. in the places alleged, and S. Thom. *art. 2, ad 1,* because great is the honor to the dead of burial; burial; and great is the punishment, to lie unburied; and not less than to expose one's nakedness while living. Which reason was made known by D. August. *lib. de cura pro mortuis, cap. 7.* Valencia *disp. 3, quaest. 9, p. 2.* Bannes *article 2.*

> PROBATUR *etiam a S. Bonavent. locis allegatis, et S. Thom.* art. 2. ad 1. *quia magnus est honor defuncto, sepultura; et magna poena, iacere insepultum ; et non minus, quam in vita nuditates ostendere. Quae ratio innotuit a D. August.* lib. de cura pro mortuis, cap. 7. *Valentia* disp. 3. quaest. 9. p. 2. *Bannes* articulo 2.

7 *It is proved* finally concerning the other alms, *Prov. 21: he that stops his ear against the cry of the poor, he shall cry himself and shall not be heard,* and 1 *John 3: he that hath the substance of this world, and shall see his brother in need, and shall shut up his bowels from him; how doth the charity of God abide in him?* The same attest Cyprian *serm. de eleemosyna,* Ambrose *lib. de Nabuthe, cap. 22.* Basil on that saying of the rich man: *I will destroy my barns.* Nazianzen *on the love of the poor.* See Valencia *puncto 4,* where he observes that John says: *and shall see;* for if he is ignorant, he is excused, as the Doctors also commonly note.

> Probatur *tandem de aliis eleemosynis,* Prov. 21. Qui obturat aurem suam ad clamorem pauperis, et ipse clamabit, et non exaudietur, *et prima* Ioan. 3. Qui habuerit substantiam huius mundi, et viderit fratrem necessitatem habere, et clauserit viscera sua ab eo; quomodo charitas Dei manet in illo? *Idem attestunt Cyprianus* serm. de eleemosyna, *Ambrosius* lib. de Nabuthe, cap. 22. *Basil. in id dictum divitis:* Destruam horrea. *Nazianzenus* de pauperum amore. *Vide Valentiam* puncto 4. *ubi observat, Ioannem dicere:* et viderit; *nam si ignorat, excusatur, ut advertunt etiam communiter Doctores.*

8 Since however this command is affirmative, not obliging always, many questions arise as to the time in which it obliges.

> *Quoniam vero hoc praeceptum est affirmativum, non obligans ad semper, multae oriuntur quaestiones, quoad tempus, in quo obligat.*

9 I shall suppose, moreover, some certain ones. First, in extreme necessity this command of coming to the aid of the needy presses. But extreme necessity is understood not only of imminent death; but also of a grave imminent peril to life, as Valencia notes with Medina *de eleemosyna, quaest. 3.* Navar. in the *Manual. cap. 24.* In this indeed we must give alms even from things belonging to the decency of one's state, which do not stand in an indivisible, but admit breadth, as D. Thom. teaches *art. 6,* Sylvester under the word almsgiving, *num. 2,* and others with Tannero *disp. 2, quaest. 5, dub. 2.* That alms are to be given in extreme need to one in need of them for one's state, the Doctors teach: So D. Bonav. in the *places cited,* D. Thom. *art. 5.* Ioan. Medina *tract. de eleemosyna, quaest. 3,* where he says it is the common and certain opinion of the Doctors.

Supponam autem aliqua certa. Primo in extrema necessitate incumbere hoc praeceptum subveniendi inopi. Intelligitur autem necessitas extrema, non sola mortis imminentis; sed etiam grave vitae discrimen imminens, ut notat Valentia cum Medina de eleemosyna, quaest. 3. *Navar. in* Manual. cap. 24. *In hac vero debemus eleemosynas facere, etiam de spectantibus ad decentiam status, quae non stant in indivisibili, sed latitudinem admittunt, ut docet D. Thom.* art. 6. *Sylvester* verbo eleemosyna, num. 2. *et alii cum Tannero* disp. 2. quaest. 5. dub. 2. *De necessitatis ad statum, dandam eleemosynam extreme indigenti docent: Ita D. Bonav.* locis allegatis, *D. Thom.* art. 5. *Ioan. Medina* tract. de eleemosyna, quaest. 3. *ubi ait, esse communem, et certam Doctorum sententiam.*

10 *It is proved*, because by the order of charity you are held more to the life of your neighbor than to your own means: whence runs that saying: *Feed him dying of hunger; if you have not fed him, you have killed him,* which saying they ascribe to S. Ambrose *de offic.* Gratian *disp. 86, can. Pasce.* And D. Thom. *art. 5.* For the rest see Valencia. Now I shall adduce some disputed questions.

Probatur*, quia ordine charitatis teneris magis vitae proximi, quam tuis facultatibus: Unde currit illud:* Pasce fame morientem; si non pavisti, occidisti*, quam sententiam adscribunt S. Ambrosio* de offic. *Gratianus* disp. 86. can. Pasce. *Et D. Thom.* art. 5. *Reliqua vide in Valentia. Nunc quaestiones aliquas controversas apponam.*

Question IV: Whether there is a precept to give superfluities to the poor in common necessities

1 (D. Thom. quaest. 32. art. 5.

An praeceptum sit, in communibus necessitatibus largiri pauperibus superflua.

(D. Thom. quaest. 32. art. 5.

2 I explained extreme necessity above. Grave is that which deprives one of the necessaries for his state. Ordinary, however, is that which the poor have in common.

Extremam necessitatem supra explicui. Gravis est illa, quae privat necessariis ad suum statum. Ordinaria autem est, qui pauperibus est communis.

3 The first opinion is negative, and is followed by Gerson *p. 2. Alphab. 52. litt. E.*; Alensis *4. p. quaest. 113. membr. 1.*; Panormitanus *in cap. si vero, extra de Iureiurando*; Turrecremata *in cap. sicut hi, dist. 47*; Antoninus *1. p. tit. 1. cap. 24*; Summa Rosella, and Pisana *verbo Eleemosyna*; Gabriel *in 4. dist. 26. quaest. 1.* Durandus *4. dist. 15. quaest. 6* leans that way; Ioan. Med. *quaest. 5*; and it seems to be that of D. Thomas *art. 5. in fine corporis*; Fernandez *in suo Exam. Theol. p. 4. cap. 20. §. 2*; Victorellus in the notes to Navarrus *cap. 23. num 74*; Turtianus *2. 2. disp. 82. dub. 2*; Vasquez *opusc. de eleem. cap. 1. dub. 3. num. 21*; Malderus *2. 2. quaest. 27. art. 6. dub. 4*; Peter Navarrus *lib. 3. cap. 1. num. 358*; Couarruvias *lib. 3. var. cap. 14* — whom Diana cites and follows *Tom. 1. tract. 15. resol. 32. et tom. 5. tract. 8. resol. 17*, adding Hurtado *disp. 159. sect. 4. §. 131.* Nor is Granado absent *Contr. 3. tract. 11. disp. 2. sect 4*, saying that to withhold is only venial. Barlaeus inclines to it *v. Eleem. num. 5. in praxi*, and others.

Prima opinio negativa est, quam sequuntur Gerson p. 2. Alphab. 52. litt. E. *Alens.* 4. p. quaest. 113. membr. 1. *Panormit. in* cap. si vero, extra de Iureiurando. *Turrecrem.* in cap. sicut hi, dist. 47. *Antonin.* 1. p. tit. 1. cap. 24. *Summa Rosella, et Pisana* verbo Eleemosyna. *Gabriel* in 4. dist. 26. quaest. 1. *Propendet Durand.* 4. dist. 15. quaest. 6. *Ioan Med.* quaest. 5. *et videtur D. Thomae* art. 5. in fine corporis *Fernandez* in suo Exam. Theol. p. 4. cap. 20. §. 2. *Victorellus in notis ad Navar.* cap. 23. num 74. *Turtian.* 2. 2. disp. 82. dub. 2. *Vasquez* opusc. de eleem. cap. 1. dub. 3. num. 21. *Malderus* 2. 2. quaest. 27. art. 6. dub. 4. *Petrus Navar.* lib. 3. cap. 1. num. 358. *Couar.* lib. 3. var. cap. 14. *quos allegat, et sequitur Diana* Tom. 1. tract. 15. resol. 32. et tom. 5. tract. 8.

resol. 17. *addens Hurtadum* disp. 159. sect. 4. §. 131. *Nec abest Granado* Contr. 3. tract. 11. disp. 2. sect 4. *dicens, esse solum veniale dimittere. Inclinat Barlaus* v. Eleem. num. 5. in praxi, *et alii.*

4 The second opinion is that one is absolutely held. So D. Thom. *hic, art. 7,* where Cajetan, and Bannes, and the other Thomists; Paludanus *4. dist. 15. quaest. 3. art. 2*; Richardus *quaest. 2. art. 2*; Abulensis *in cap. 6. Matth. quaest. 34*; Lyra *in cap. 3. prima Ioan*; Caesarius *in eundem locum*; Adrian *in 4. de restit*; Navarrus *in manual. cap. 24*; Valencia *disp. 3. quaest. 9. p. 4*, where he says it is already received in the schools; Becanus *2. 2. cap. 21*; Bellarmine *lib. de Eleemos. cap. 7*; Beia in *resolut. casuum, p. 2. casu in Sabb. die 19. Octob*; and others, whom Tanner cites and follows *disp. 2. quaest. 5. dub. 2. num. 12*. It is also clearly the opinion of D. Bonaventure *in the places to be alleged in the arguments*.

Secunda sententia est, omnino teneri. Ita D. Thom. hic, art. 7. *ubi Caietanus, et Bannes, ac caeteri Thomistae, Palud.* 4. dist. 15. quaest. 3. art. 2. *Richard.* quaest. 2. art. 2. *Abul.* in cap. 6. Matth. quaest. 34. *Lyra* in cap. 3. prima Ioan. *Caetthus.* in eundem locum, *Adrian.* in 4. de restit. *Navarr.* in manual. cap. 24. *Valentia* disp. 3. quaest. 9. p. 4. *ubi ait, esse iam receptam in scholis. Becanus* 2. 2. cap. 21. *Bellarm.* lib. de Eleemos. cap. 7. *Beia in* resolut. casuum, p. 2. casu in Sabb. die 19. Octob. *et alii, quos refert, et sequitur Tannerus* disp. 2. quaest. 5. dub. 2. num. 12. *Est autem clare sententia D. Bonav.* locis allegandis in argumentis.

5 Caspensis, walking in a certain middle way *tract. 17. disp. 5. sect. 2*, indeed denies such a precept universally. But he adds that one is at times held, in such a way that he who should have the purpose, even virtual, of not giving alms except in grave necessity, would sin mortally. He alleges Suarez *disp. 7 sect. 3*; Castro Palao: *de Lorcam disp. 39. sect. 3. membr. 3*; Tanner *disp. 2. quaest. 5. dub. 2. num. 12*; and others; but unwillingly he returns to our opinion; for he gives the reason why the rich are not universally held, because they prudently believe that the common necessities of the poor are to be driven off by others. A droll reason indeed. So therefore this good man is either never held in good faith, or always held; because they ought not believe this of other rich men; or if this is given universally as the rule, all will believe it of the others, and no one will be held to succor, nor will he succor.

Caspensis medio quodam modo incedens tract. 17. disp. 5. sect. 2. *negat quidem universaliter tale praeceptum. Addit vero, teneri aliquoties, ita, ut, qui haberet propositum, etiam virtuale, non dandi eleemosynam, nisi in gravi necessitate, mortaliter peccaret. Allegat Suarez* disp. 7 sect. 3. *Castrum Palaum:* de Lorcam disp. 39. sect. 3. membr. 3. *Tanner.* disp. 2. quaest. 5. dub. 2. num. 12. *et alios; sed nolens, in nostram redit sententiam; nam reddit rationem, cur non teneantur universaliter divites, quia prudenter credunt, pauperum necessitates communes depellendas ab aliis. Lepida ratio quidem. Sic igitur nunquam bona haec fide tenetur, vel semper tenetur; quia non debent hoc credere de aliis divitibus; vel si hoc universaliter datur pro regula; omnes credent de aliis, et nullus tenebitur succurrere, neque succurret.*

6 I assert that the rich are held in common necessities to give alms from their superfluities.

Assero, teneri divites in communibus necessitatibus, e superfluis eleemosynas erogare.

7 *It is proved* first from D. Bonaventure *ad 11. Lucae*, at those words: *Verumtamen, quod superest, date eleemosynam: et ecce omnia munda sunt vobis* — Nevertheless, what remains, give alms: and behold, all things are clean to you. Now he explains this as being about alms owed to our own necessity, certainly necessary for penance, that we may be cleansed. Then about true alms from superfluities. And from the effects he shows its necessity. For the reasoning of Christ is: *Et ecce omnia munda sunt vobis*, that is, since you are full of iniquity, he teaches you to cleanse yourselves, as Valencia and Tanner also note.

> Probatur *primo a D. Bonav.* ad 11. Lucae, *ad ea verba:* Verumtamen, quod superest, date eleemosynam: et ecce omnia munda sunt vobis. *Hoc autem de eleemosyna, debita nostrae necessitati, ad poenitentiam profecto necessarium explicat ut mundemur. Deinde de vera eleemosyna e superfluis. Ex effectibus autem ostendit suam necessitatem. Ratio enim Christi est:* Et ecce omnia munda sunt vobis, *idest, cum pleni sitis iniquitate, docet mundare vos, ut notant etiam Valentia, et Tannetus.*

8 For first, by alms the soul is cleansed; for it is disposed to grace, prima Timot. 4: *Pietas ad omnia utilis est, promissionem habens vitae, quae nunc est, et futurae* — Piety is useful for all things, having the promise of the life that now is, and of that to come. Eccles. 3: *Eleemosyna enim Patris non erit in oblivione: et sicut in sereno glacies, solventur peccata tua* — For the alms of the Father shall not be forgotten: and as ice in clear weather, your sins shall melt away.

> *Primo enim per eleemosynam mundatur anima; disponitur enim ad gratiam, prima Timot. 4.* Pietas ad omnia utilis est, promissionem habens vitae, quae nunc est, et futurae. *Eccles. 3.* Eleemosyna enim Patris non erit in oblivione: et sicut in sereno glacies, solventur peccata tua.

9 Secondly, it frees from eternal punishment, Tobiae 4: *Eleemosyna ab omni peccato, et a morte liberat, et non patietur, animam ire in tenebras* — Alms frees from all sin, and from death, and shall not suffer the soul to go into darkness.

> *Secundo liberat a poena aeterna, Tobiae 4.* Eleemosyna ab omni peccato, et a morte liberat, et non patietur, animam ire in tenebras.

10 Thirdly, it defends from transitory punishment, Dan. 4: *Peccata tua eleemosynis redime* — Rede your sins with alms.

> *Tertio defendit a poena transitoria, Dan. 4.* Peccata tua eleemosynis redime.

11 Fourthly, it mitigates the tinder of concupiscence, Ecclesiast. 3: *Ignem ardentem extinguit aqua, et eleemosyna resistit peccatis* — Water extinguishes a burning fire, and alms resists sins.

> *Quarto mitigat fomitis concupiscentiam, Ecclesiast. 3.* Ignem ardentem extinguit aqua, et eleemosyna resistit peccatis.

12 Fifthly, it gives victory over the enemy, Ecclesiastici 29: *Conclude eleemosynam in corde pauperis, et haec pro te exorabit ab omni malo. Super Scutum potentis, et super Lanceam, adversus inimicum tuum pugnabit* — Shut up alms in the heart of the poor man, and it shall pray for you against all evil. It shall fight for you as a shield of the mighty, and as a lance, against your enemy.

> *Quinto dat de hoste victoriam, Ecclesiastici 29.* Conclude eleemosynam in corde pauperis, et haec pro te exorabit ab omni malo. Super Scutum potentis, et super Lanceam, adversus inimicum tuum pugnabit.

13 Sixthly, it preserves grace, Eccles. 17: *Eleemosyna viri, quasi signaculum cum ipso, gratiam hominis quasi pupillam conservabit* — The alms of a man, as a signet with him, shall preserve the grace of a man as the apple of the eye.

> *Sexto conservat gratiam, Eccles. 17.* Eleemosyna viri, quasi signaculum cum ipso, gratiam hominis quasi pupillam conservabit.

14 Seventhly, it gives confidence of arriving at glory, Tob. 4: *Fiducia magna erit coram summo Deo eleemosyna facientibus eam* — Great shall be the confidence before the most high God for those who give

alms. And he adds, that these things are judged in the Judgment, *Matth. 25*: namely, that those who have given alms are called to life; and those who omitted them are cast into eternal fire.

> *Septimo dat fiduciam perveniendi ad gloriam, Tob. 4.* Fiducia magna erit coram summo Deo eleemosyna facientibus eam. *Et subdit, de his disceptari in Iudicio,* Matth. 25. *nempe quia, qui eleemosynas fecerunt, vocantur ad vitam; et qui omiserunt, eiiciuntur in ignem aeternum.*

15 That he speaks of common necessities is clear; for the inquiry is made universally about the works of mercy toward all the needy.

> *Quod vero loquatur de communibus necessitatibus, patet; nam universaliter de operibus misericordiae in omnes egentes fit inquisitio.*

16 Moreover, he gives the conditions of these: The first is simplicity of heart, Matth. 6: *Te autem faciente eleemosynam, nesciat sinistra tua, quid faciat dextera tua* — But when you make alms, let not your left hand know what your right hand does. The second, discretion, Eccles. 12: *Si benefeceris, scito cui benefeceris* — If you have done well, know to whom you have done it. The third, compassion, Isa. 58: *Cum effuderis esurienti animam tuam* — When you shall pour out your soul to the hungry. And Iob. 30: *Flebam quondam super eo, qui afflictus erat, et compatiebatur anima mea pauperi* — I once wept for him that was afflicted, and my soul had compassion on the poor. The fourth, sweetness in speech, Eccles. 18: *Nonne ardorem refrigerabit ros? Sic et verbum melius quam datum* — Does not the dew refresh the heat? So also a word better than a gift. The fifth, cheerfulness in face, Eccles. 35: *In omni dato hilarem fac vultum tuum* — In every gift make a cheerful face. The sixth, due quantity, Tob. 4: *Quomodo poteris; ita esto misericors. Si multum tibi fuerit, etc.* — As you are able, so be merciful. If you have much, etc. — and he speaks of common necessities. The seventh, speed, Proverb. 3: *Ne dicas amico tuo: vade, et revertere* — Say not to your friend: Go, and come again,

> *De his porro dat conditiones: Prima est simplicitas cordis, Matth. 6.* Te autem faciente eleemosynam, nesciat sinistra tua, quid faciat dextera tua. *Secunda, discretio, Eccles. 12.* Si benefeceris, scito cui benefeceris. *Tertia, compassio, Isa. 58.* Cum effuderis esurienti animam tuam. *Et Iob. 30.* Flebam quondam super eo, qui afflictus erat, et compatiebatur anima mea pauperi. *Quarta, dulcedo in sermone, Eccles. 18.* Nonne ardorem refrigerabit ros? Sic et verbum melius quam datum. *Quinta, hilaritas in facie, Eccles. 35.* In omni dato hilarem fac vultum tuum. *Sexta, debita quantitas, Tob. 4.* Quomodo poteris; ita esto misericors. Si multum tibi fuerit, etc. *en loquitur de communibus necessitatibus. Septima, celeritas, Proverb. 3.* Ne dicas amico tuo: vade, et revertere,

17 *He infers* therefore D. Bonaventure from that text the argument of Christ: Since you Pharisees are full of uncleanness and iniquity, I teach you the necessary mode of cleansing yourselves, namely true penance, and alms from superfluities. For so you will make fruits worthy of penance.

> Infert *igitur D. Bonav. ex illo textu argumento Christi: Cum vos Pharisaei, pleni sitis immunditia, et iniquitate, doceo vos modum necessarium emundandi vos ipsos, nempe vera poenitentia, et eleemosyna de superfluis. Sic enim facietis fructus dignos poenitentiae.*

18 *Similar* is the passage *Lucae tertio*, where John, questioned by the crowds about how they could make fruits worthy of penance — about which he had said: *Omnis arbor, quae non facit fructum bonum, excidetur, et in ignem mittetur* — Every tree that does not make good fruit shall be cut down and cast into the fire — answered: *Qui habet duas tunicas, det non habenti, et qui escas habet, similiter faciat* — He who has two coats, let him give to him who has none; and he who has food, let him do likewise. The

force of whose sentence D. Jerome rightly interprets, epist. ad Hedibiam, quaest. 1, as being that it is necessary to spend superfluities on the needy, as S. Doctor notes on that place of Luke. Therefore (says S. Doctor), since they had heard that it was necessary to make fruits worthy of penance, they ask; and he also brings forward *Lucae 11*, alleged above. But he admonishes most beautifully, with Bede and Gregory, homil. 20. in Evangelia, that a precept is given about dividing two coats, because one is superfluous; not about dividing one, if he does not have another; for so neither would be clothed — although that would be an eminent work, such as that of the most glorious Martin at the gate of Amiens, when he divided his cloak. Behold, S. Bonaventure plainly notes, with the Holy Fathers, that it is a precept. Therefore it is the same precept, *Lucae 3. et 11. Quod superest, date* — What remains, give. Where the particle *superest* does not signify what we call "for the rest," but what supplies or super-exists, as is had in the Greek, and Valencia observes, with the same Bede and D. Bonaventure, who reads: *De eo, quod superest*, or "from what super-exists," from the Greek idiom, of which S. Doctor was most skilled, as they know who read his works through. Moreover, here and in the places to be alleged, they observe that the precept is taken from mere superfluity.

> Similis *est locus* Lucae tertio*, ubi interrogatus Ioannes a turbis, Quomodo possent facere fructus dignos poenitentiae, de quibus dixerat:* Omnis arbor, quae non facit fructum bonum, excidetur, et in ignem mittetur. *Respondit:* Qui habet duas tunicas, det non habenti, et qui escas habet, similiter faciat. *Cuius sententiae vim recte D. Hieronymus epist. ad Hedibiam, quaest. 1. eam esse interpretatur, ut necessarium sit superflua indigentibus erogare, ut advertit S. Doct. ad eum Lucae locum. Igitur (ait S. Doct.) ex quo necesse esse audierant, facere fructus dignos poenitentiae, interrogant; et adducit etiam id* Lucae 11. *supra allatum. Monet autem perbelle cum Beda, et Gregorio homil. 20. in Evangelia, dari praeceptum de duabus tunicis dividendis, quia altera est superflua; non de dividendo unam, si aliam non habeat; Sic enim neuter vestiretur; tametsi opus egregium esset, quale fuit gloriosissimi Martini in porta Ambiani, cum Chlamydem divisit: En S. Bonav. aperte cum SS. Patribus advertit, esse praeceptum. Idem igitur est praeceptum,* Lucae 3. et 11. Quod superest, date. *Ubi particula,* superest*, non significat id, quod dicimus: De caetero, sed quod suppetit, seu superexistit, ut habetur in Graeco, et observat Valentia cum eodem Beda, et D. Bonav. qui legit:* De eo, quod superest*, seu superexistente, ex Graeco idiomate, cuius fuit S. Doct. peritissimus, ut norunt, qui eius opera perlegunt. Observant autem hic, et locis allegandis, praeceptum e sola sumi superfluitate.*

19 *It is proved* thirdly from D. Bonaventure *in Diaeta, tit. 2. ad finem*, from that *1. Timot. cap. 6. Divitibus huius saeculi praecipe facile tribuere, communicare, thesaurizare sibi fundamentum bonum in futurum* — Charge the rich of this world to give easily, to communicate, to lay up for themselves a good foundation for the future. But S. Doctor notes that this is a precept given to the rich, not with respect to poor men in grave need, but precisely insofar as those riches of the rich, since they are superfluous to them, are owed to the Lord as tribute, or as a debt out of justice. And as Princes take away even the capital from those who defraud them of tributes; so also the Lord, from those who deny alms and retain their superfluities, takes away not only grace, but also, and often, temporal goods. Which must be gravely admonished; and of this he interprets *Matth. 25. Tollite ab eo talentum, et date ei, qui decem talenta habet* — Take away the talent from him, and give it to him who has ten talents; for from the avaricious man temporal substance is to be taken and given to him who, pitying the poor, fulfills the commands of the Lord and trades those riches so that he may receive a hundredfold in this life, and then life eternal. Hence I shall infer the reason.

> Probatur *tertio a D. Bonav.* in Diaeta, tit. 2. ad finem*, ex illo* 1. Timot. cap. 6. Divitibus huius saeculi praecipe facile tribuere, communicare, thesaurizare sibi fundamentum bonum in futurum. *Advertit autem S. Doct. hoc esse praeceptum, datum divitibus, non in ordine ad pauperes graviter egentes, sed praecise, quatenus illae*

opes divitum, eis superfluae cum sint, debentur Domino in tributum, seu debitum ex iustitia. Et sicut Principes defraudantibus tributa auferunt etiam capitale; ita et Dominus, negantibus eleemosynas, et retinentibus superflua, non solum aufert gratiam, sed etiam, et saepe, bona temporalia. Quod graviter admonendum est; et de hoc interpretatur id Matth. 25. Tollite ab eo talentum, et date ei, qui decem talenta habet; *avaro siquidem tollenda est substantia temporalis, et danda illi, qui miserendo pauperibus, implet mandata Domini, et negotiatur illas divitias, ut Centuplum recipiat in hac vita, et deinde vitam aeternam. Hinc rationem inferam.*

20 *Then* S. Doctor considers the motives with which one ought to be led to give alms generously. The first motive is that Christ declares alms made to himself, *Matth. 25*. Therefore he imposes on all who wish for the eternal kingdom that they make alms. Hence it is no great thing that rich men who wish for the kingdom from God buy it with a morsel of bread; and they ought to fear hearing: *Ite maledicti* — Go, you cursed — according to *Proverb 21. Qui obturat aures suas ad clamorem pauperis, clamabit ipse, et non audietur* — He who stops his ears at the cry of the poor shall himself cry, and shall not be heard. Therefore the first motive is: *Quis postulet?* — Who asks? — namely, God in the poor man. The second motive is: *Quid petatur?* — What is asked? — because God in the poor asks what is his own: Wherefore (says S. Doctor) David said, *Psal. 29. Tua sunt Domine omnia, et quae de manu tua recepimus, dedimus tibi* — All things are yours, O Lord, and what we have received from your hand we have given to you.

Deinde *S. Doct. considerat motiva, quibus duces elargiri debet eleemosynam. Primum motivum est, quia eleemosynam sibi factam Christus protestatur* Matth. 25. *Ideo omnibus, volentibus regnum aeternum, faciendas eleemosynas imponit. Unde non est magnum, quod divites volentes a Deo regnum, illud emant frustulo panis; et timere debent, ne audiant:* Ite maledicti*, iuxta id* Proverb 21. Qui obturat aures suas ad clamorem pauperis, clamabit ipse, et non audietur. *Igitur primum motivum est:* Quis postulet? *idest, Deus in paupere. Secundum motivum est:* Quid petatur? *quia Deus in pauperibus petit id, quod suum est: Proinde (ait S. Doct.) dicebat David,* Psal. 29. Tua sunt Domine omnia, et quae de manu tua recepimus, dedimus tibi.

21 The third motive is: *Ad quid petis Deus?* — For what do you ask, God? — namely that he repay as at usury: *Centuplum accipiet, et vitam aeternam possidebit* — He shall receive a hundredfold, and shall possess life eternal. S. Doctor uses these arguments, mingled with so many ornaments of Scripture, most useful also for sermons.

Tertium motivum est: Ad quid petis Deus? *nempe ut ad usuram reddat:* Centuplum accipiet, et vitam aeternam possidebit. *His argumentis utitur S. Doct. mixtis tot Scripturarum ornamentis, etiam ad conciones utilissimis.*

22 *It is proved* thirdly from D. Bonaventure *in 3. dist. 30. quaest. 5,* from that *Proverb. 25. Si esurierit inimicus tuus, ciba illum; et si sitierit, potum da illi* — If your enemy hunger, feed him; and if he thirst, give him drink. And *Exodi 23. Si occurreris bovi inimici tui, aut asino erranti, reduc ad eum. Si videris asinum odientis te iacere sub onere, non pertransibis, sed sublevabis cum eo* — If you meet the ox of your enemy, or his ass going astray, bring it back to him. If you see the ass of him who hates you lying under its burden, you shall not pass by, but shall lift it up with him. This indeed is not a ceremonial law or judicial precept, but the Natural and Divine Law, on account of which, *Matth. 25,* all shall be examined in judgment.

Probatur *tertio a D. Bonav.* in 3. dist. 30. quaest. 5. *illo* Proverb. 25. Si esurierit inimicus tuus, ciba illum; et si sitierit, potum da illi. *Et* Exodi 23. Si occurreris bovi inimici tui, aut asino erranti, reduc ad eum. Si videris asinum odientis te iacere sub onere, non pertransibis, sed sublevabis cum eo. *Haec sane non est lex*

caeremonialis, aut iudiciale praeceptum, sed Naturalis, et Divina Lex, ob quam Matth. 25. *in iudicio examinabuntur omnes.*

23 *It is proved* fourthly from D. Bonaventure *ad 18. Lucae* with those words: *Facilius est, camelum per foramen acus transire, quam divitem intrare in regnum caelorum* — It is easier for a camel to pass through the eye of a needle than for a rich man to enter the kingdom of heaven. But Christ said this to him who wished to give his riches in some part to the poor — against whom it is said, *Eccles. 7. Noli esse pusillanimis in animo tuo: exorare, et facere eleemosynam ne despicias* — Be not fainthearted in your mind: to pray, and to make alms, do not despise — as S. Doctor observes with Theophylactus.

Probatur *quarto a D. Bonav.* ad 18. Lucae *illis verbis:* Facilius est, camelum per foramen acus transire, quam divitem intrare in regnum caelorum: *Hoc autem dixit Christus illi, qui volebat suas divitias aliqua ex parte dare pauperibus, contra quem dicitur,* Eccles. 7. Noli esse pusillanimis in animo tuo: exorare, et facere eleemosynam ne despicias*, ut observat S. Doctor cum Theophylacto.*

24 *Therefore* clinging men are not saved, he says, because, as it is said prima *Timot. 6. Incidunt in laqueum Diaboli, et desideria, quae mergunt homines* — They fall into the snare of the Devil, and into desires which drown men. Where note that this is not said of the rich who are unwilling to give up everything and vow poverty; for that is the counsel which Christ gave to that young man; but seeing him bitter, resisting any alms whatsoever from superfluities, he said: *Quam difficile est, etc. Facilius est, etc. ut supra ad 18. Lucae* — How difficult it is, etc. It is easier, etc., as above at 18. Luke.

Ideo *homines tenaces non salvati, ait, quia, ut dicitur prima* Timot. 6. Incidunt in laqueum Diaboli, et desideria, quae mergunt homines. *Ubi adverte, haec non dici in divites, qui nolunt omnia dimittere, et paupertatem vovere; hoc enim est consilium, quod illi Iuveni dedit Christus; sed videns eum amarum, renitentem ad quamcumque eleemosynam e superfluis, dixit:* Quam difficile est, etc. Facilius est, etc. ut supra ad 18. Lucae.

25 *It is proved* fifthly from S. Doctor *ex illo Lucae 16*, where that rich man *Sepultus est in inferno* — was buried in hell — doubtless because of his lack of mercy toward Lazarus.

Probatur *quinto a S. Doct.* ex illo Lucae 16. *ubi dives ille:* Sepultus est in inferno*, nimirum propter immisericordiam in Lazarum.*

26 *It is proved* sixthly from S. Doctor *ex illo Lucae 12*, where that rich man, whose field had yielded abundant fruits, said: *Destruam horrea mea, et faciam maiora: et illuc congregabo omnia, quae nata sunt mihi, et bona mea* — I will destroy my barns and make greater ones, and there I will gather all things that are born to me and my goods — but by night he heard: *Stulte, hac nocte animam tuam repetent a te; quae autem parasti, cuius erunt? Sic est (inquit Christus) qui sibi thesaurizat, et non est in Deum dives* — Fool, this night your soul shall be required of you; whose then shall those things be which you have provided? So is he (says Christ) who lays up treasure for himself, and is not rich toward God — where he admonishes that which he had taught *Matth. 6*, where alms is enjoined, and the simple manner handed down: *Cum facis eleemosynam noli tuba canere* — When you make alms, do not sound a trumpet. He adds: *Thesaurizate vobis thesauros in caelo, etc. Nolite thesaurizare vobis thesauros in terra* — Lay up for yourselves treasures in heaven, etc. Do not lay up for yourselves treasures on earth. As if to say: Everyone who lays up treasure on earth, retaining his superfluities, loses the treasures of heaven, destitute of Divine grace. Tanner also uses these means.

Probatur *sexto a S. Doct.* ex illo Lucae 12. *ubi dives ille, cui ager fructus uberes reddiderat, dicebat:* Destruam horrea mea, et faciam maiora: et illuc congregabo omnia, quae nata sunt mihi, et bona mea*, sed nocte*

audiit: Stulte, hac nocte animam tuam repetent a te; quae autem parasti, cuius erunt? Sic est (inquit Christus) qui sibi thesaurizat, et non est in Deum dives, *ubi admonet id, quod docuerat* Matth. 6. *ubi eleemosyna iniuncta, et modo tradito simplici:* Cum facis eleemosynam noli tuba canere. *Subdit:* Thesaurizate vobis thesauros in caelo, etc. Nolite thesaurizare vobis thesauros in terra. *Quasi diceret: Omnis, qui thesaurizat in terris, retinens superflua, amittit caelestes thesauros, inops Divinae gratiae. His mediis utitur etiam Tannerus.*

27 *Hence* Basil, on that passage: *Destruam, etc.* — I will destroy, etc. — says: *Cur tu abundas; ille vero mendicat, nisi ut tu bona dispensationis merita consequaris; ille vero patientia braviis decoretur. Est panis famelici, quem tu tenes; tunica, quam in conclavi conservas; discalceati calceus, qui penes te marcescit; indigentis argentum, quod possides infossum. Quocirca tot iniuriaris, quot dare valens es* — Why do you abound, while that man begs, unless that you may obtain the merits of dispensation of goods, and that he be adorned with the prizes of patience? The bread of the hungry is that which you hold; the coat, which you keep in your closet; the shoe of the barefoot, which withers in your keeping; the silver of the needy, which you possess buried. Wherefore you commit as many injuries as you are able to give.

Hinc *Basilius in illum locum:* Destruam, etc. *ait:* Cur tu abundas; ille vero mendicat, nisi ut tu bona dispensationis merita consequaris; ille vero patientia braviis decoretur. Est panis famelici, quem tu tenes; tunica, quam in conclavi conservas; discalceati calceus, qui penes te marcescit; indigentis argentum, quod possides infossum. Quocirca tot iniuriaris, quot dare valens es.

28 Crying out SIMILAR things is S. Gregory of Nyssa, and he concludes, in the oration on loving the poor: *O pauperum inimici! an nescitis horum causa commemorari in Evangelio exempla horrenda, et terribilia?* — O enemies of the poor! Do you not know that for their sake horrible and terrible examples are recounted in the Gospel? And he adds the two examples of the twin rich men alleged above *Lucae 12. et 16.*

SIMILIA exclamans habet S. Gregorius Nyss. et concludit, oratione de pauperibus amandis: O pauperum inimici! an nescitis horum causa commemorari in Evangelio exempla horrenda, et terribilia? *Ac subdit duo exempla geminorum divitum supra allata* Lucae 12. et 16.

29 And D. Ambrose lib. de Nabuthe, cap. 11 has the same, and serm. 81: *Quis tam iniustus, tam avidus, quam, qui multorum alimenta suum non usum, sed abundantiam, et delicias facit? Neque enim maius est crimen habenti tollere, quam cum possides, et abundas, indigentibus denegare. Esurientium panis est, quem tu detines* — Who is so unjust, so greedy, as he who makes the food of many his own abundance and delights, not his use? For no greater crime is it to take from one who has, than, when you possess and abound, to deny the needy. The bread of the hungry is that which you detain.

Et D. Ambrosius lib. de Nabuthe, cap. 11. Eadem habet, et serm. 81. Quis tam iniustus, tam avidus, quam, qui multorum alimenta suum non usum, sed abundantiam, et delicias facit? Neque enim maius est crimen habenti tollere, quam cum possides, et abundas, indigentibus denegare. Esurientium panis est, quem tu detines.

30 D. HIERONYMUS in regula, cap. 6, as cited by Gratian, says: *Aliena rapere convincitur, qui ultra necessaria sibi retinere probatur* — He is convicted of seizing what belongs to others who is proved to retain for himself beyond the necessaries.

D. HIERONYMUS in regula, cap. 6. et refertur a Gratiano, ait: Aliena rapere convincitur, qui ultra necessaria sibi retinere probatur.

31 D. AUGUST. in Psal. 147: *Caetera, quae superflua iacent, aliorum sunt necessaria: superflua igitur necessaria sunt pauperum; res aliena possidetur, cum superflua retinentur* — The rest, which lie superfluous, are the necessaries of others: therefore superfluities are the necessaries of the poor; another's property is possessed, when superfluities are retained. The same he asserts in serm. 119, where he concludes: *Quidquid enim Deus nobis, plusquam opus est dederit, non nobis specialiter dedit, sed per nos aliis erogandum transmisit: quod si non dederimus, res alienas invasimus* — For whatever God has given us more than is needed, he gave not specially to us, but transmitted through us to be spent on others: and if we do not give, we have invaded the goods of others. Beda has similar things in cap. 11. *Lucae*.

D. AUGUST. in Psal. 147. Caetera, quae superflua iacent, aliorum sunt necessaria: superflua igitur necessaria sunt pauperum; res aliena possidetur, cum superflua retinentur. *Idem asserit serm. 119. ubi concludit:* Quidquid enim Deus nobis, plusquam opus est dederit, non nobis specialiter dedit, sed per nos aliis erogandum transmisit: quod si non dederimus, res alienas invasimus. *Similia habet Beda in cap. 11.* Lucae.

32 It is CONFIRMED by D. Bonaventure lib. 2. Pharetrae, cap. 49, from that Lucae 16. Matth. 6: *Facite vobis amicos de mamona iniquitatis* — Make for yourselves friends of the mammon of iniquity — where D. Gregory: *Si caelestis patrimonium eleemosynis emitur, pauperes non sunt audiendi, ut egeni; sed ut patroni exorandi* — If the heavenly patrimony is bought with alms, the poor are not to be heard as needy, but to be entreated as patrons — thus homil. 40. in Evang. near the end. But S. Doctor notes in connection with that passage that Mammon is called the mammon of iniquity, not because the goods were acquired by rapine and iniquity; but because riches mostly lead to iniquity, as is said Eccles. 11: *Si dives fueris, non eris immunis a peccato* — If you shall be rich, you shall not be free from sin. But it is understood (says D. Bonaventure) that it ought to be given from riches which are possessed by a just title, and yet beget iniquity unless they are distributed, according to that Eccles. 10: *Nihil est iniquius, quam amare pecuniam* — Nothing is more iniquitous than to love money. For he who does so has even his soul for sale. Of these riches, I say, friends ought to be made to you through the bestowal of alms, which manifest the affection of piety; for it is said prima Ioan. 3: *Qui habuerit substantiam huius mundi, et viderit fratrem suum necessitatem habere, et clauserit viscera sua ab eo: quomodo charitas Dei manet in eo* — He who shall have the substance of this world, and shall see his brother have need, and shall shut up his bowels from him: how does the charity of God remain in him? And Eccles. 29: *Perde pecuniam propter fidem, et amicum, et ne abscondas illam sub lapidem in perditionem* — Lose your money for faith and a friend, and hide it not under a stone to perish. And Proverb. 11: *Qui abscondit frumenta maledicetur in populis* — He who hides up grain shall be cursed among the peoples. Thus far S. Doctor at 16. *Lucae*.

CONFIRMATUR a D. Bonavent. lib. 2. Pharetrae, cap. 49. ex illo Lucae 16. Matth. 6. Facite vobis amicos de mamona iniquitatis*, ubi D. Gregorius:* Si caelestis patrimonium eleemosynis emitur, pauperes non sunt audiendi, ut egeni; sed ut patroni exorandi*, ita homil. 40. in Evang. circa finem. Advertit autem ad cum locum S. Doct. vocari Mammonam iniquitatis, non quia de rapina, et iniquitate acquisita sint bona; sed quia divitiae plerumque ad iniquitatem ducunt, ut dicitur Eccles. 11.* Si dives fueris, non eris immunis a peccato. *Sed intelligitur (ait D. Bonav.) quod dari debeat de divitiis, quae iusto titulo possidentur, et tamen iniquitatem pariunt, nisi destribuantur secundum illud Eccles. 10.* Nihil est iniquius, quam amare pecuniam. *Hic enim et animam suam venalem habet. De his inquam divitiis debent tibi fieri amici per largitionem eleemosynarum, quae manifestant pietatis affectum; nam dicitur prima Ioan. 3.* Qui habuerit substantiam huius mundi, et viderit fratrem suum necessitatem habere, et clauserit viscera sua ab eo: quomodo charitas Dei manet in eo. *Et Eccles. 29.* Perde pecuniam propter

fidem, et amicum, et ne abscondas illam sub lapidem in perditionem. *Et Proverb. 11.* Qui abscondit frumenta maledicetur in populis. *Hucusque S. Doctor ad 16.* Lucae.

33 AGAIN in the Pharetra the same confirms it, from that Matth. 25, where he adds D. Gregory homil. 40: *Ad tribuendum pigri cur estis, quando hoc, quod iacetis in terra porrigitis, sedenti in caelo datis? Dominus ait: Quidquid fecistis uni de his fratribus meis minimis, mihi fecistis* — Why are you slothful in bestowing, when you give to him who sits in heaven what you extend lying on the earth? The Lord says: What you have done to one of these my least brethren, you have done to me.

RURSUS in Pharetra idem confirmat, illo Matth. 25. ubi apponit D. Gregorium homil. 40. Ad tribuendum pigri cur estis, quando hoc, quod iacetis in terra porrigitis, sedenti in caelo datis? Dominus ait: Quidquid fecistis uni de his fratribus meis minimis, mihi fecistis.

34 These authorities, indeed, speak not of grave necessities only, but of ordinary ones, as is evident to the reader. Nor is this precept only at certain times, but it is taken from the very nature of superfluous riches, and binds by the very fact that superfluous riches are present.

Hae sane authoritates, non de solis gravibus necessitatibus loquuntur, sed de ordinariis, ut constat legenti. Neque solum praeceptum hoc est nonnullis vicibus, sed ex natura ipsa divitiarum superfluarum sumitur, et obligat eo ipso, quod divitiae adsint superfluae.

35 It is PROVED also by the reason indicated in argument 2, from D. Bonav. in Diaeta, tit. 2, which is taken from the Holy Fathers — Basil, Ambrose, August., Nyssenus, and others above — and which D. Thomas 2. 2. quaest. 66. art. 7, Valencia here, and others use. The division of things made by the law of nations was just, when before all things were common. But if it is just, it ought to have constituted a human mode of living from things before common by the law of nature: Yet what would be an equal distribution, if some washed their robes in wine, swam in butter, abounding in all riches, flowing with all commodities; while others had not even bread enough; and yet the most opulent were not held to furnish necessaries to these poor men? Surely this is the pedagogy reserved to God, that if the rich have redundancies, they give to the needy something at least for necessity. This indeed would be iniquitous, to leave the greater part of men in misery, when by the law of nature they were equally owners before.

PROBATUR etiam ratione indicata argumento 2. ex D. Bonav. in Diaeta, tit. 2. quae sumpta est e SS. Patribus, Basilio, Ambrosio, August. Nysseno, et aliis supra, eaque utantur D. Thomas 2. 2. quaest. 66. art. 7. Valentia hic, et alii. Divisio rerum facta iure gentium iusta fuit, cum essent antea omnia communia. Quod si iusta est, oportuit, ut constituerit modum humanum vivendi de rebus antea communibus iure naturae: At quae esset aequa distributio; si aliqui lavarent in vino stolas, in butyro natarent, opibus omnibus redundantes, commodis omnibus affluerent; alii vero nec panem satis haberent; neque his pauperibus tenerentur opulentissimi necessaria suppeditare? Sane hoc est Deo pedagium reservatum, ut si divites habent redundantia, dent inopibus aliqua saltem ad necessitatem. Hoc sane iniquum esset, relinquere maiorem hominum partem in miseria, cum iure naturae essent aeque antea domini.

36 THAT that distribution was just is proved; for in it all the peoples consented unanimously, by the dictate of natural reason; otherwise the Laws of the law of nations would have to be rescinded, which are nevertheless everywhere held in the highest esteem.

QUOD vero illa distributio fuerit iusta, probatur; nam in eam consenserunt omnes gentes unanimes, naturalis rationis dictamine; alioqui Leges iuris gentium essent rescindendae, quae tamen ubique plurimi aestimantur.

37 THEREFORE God, from nature, preserved this in that law of nature: that superfluities be distributed to the poor. Hence Ambrose, serm. 81: *Numquid iniquus est Deus, ut nobis non aequaliter distribuat vitae subsidia? ut tu quidem esses affluens, et abundans, aliis vero deesset, et egerent?* — Is God iniquitous, that he does not distribute the helps of life equally to us? so that you indeed should be affluent and abounding, while others lack and are needy? Behold the reason of D. Bonaventure assigned above.

> *IGITUR iuris naturae hoc servavit in illo iure Deus ex natura, ut superflua in pauperes distribuantur. Ideo Ambrosius, serm. 81.* Numquid iniquus est Deus, ut nobis non aequaliter distribuat vitae subsidia? ut tu quidem esses affluens, et abundans, aliis vero deesset, et egerent? *En ratio D. Bonav. supra assignata.*

38 You OBJECT first with Diana, and others collected by him: If all superfluities were to be given to the poor, it would be necessary to condemn all rich men who have superfluities, and all their Confessors. Vasquez presses it num. 14: Laity can retain from patrimonial goods for their own state, or that of their blood relations, to be increased; but then it will never be superfluous. Hence you will scarcely find superfluities among seculars and Kings. These things indeed are plausible to the Confessors of the rich.

> *OBIICIES primo cum Diana, et aliis apud eum; Si omnia superflua essent danda pauperibus, oporteret damnare omnes divites, qui habent superflua, et omnes eorum Confessarios. Urget Vasquez num. 14. Laici possunt de bonis patrimonialibus servare ad statum suum, vel consanguineorum, augendum; at tunc illud non erit unquam superfluum. Unde vix in saecularibus, et Regibus superflua invenies. Haec sane Confessariis divitum plausibilis sunt.*

39 Valencia ANSWERS, from the doctrine of D. Bonaventure above in the arguments, that the precept of spending alms on the needy arises not from grave, but from ordinary necessity, not from the force of necessity; but from the force of superfluity, which indeed is to be prudently estimated, so that he is not held to spend to every needy man, but to those whom he shall see, with a prudent proportion, to pertain to him, the things to be retained being retained, for his state and the preservation of that state; indeed, and with some cautious augmentation, as men of a scrupulous conscience are wont. Yet the avarice of that rich man, *Lucae 12*, who wished to enlarge his barns so as to change his state, is to be shunned, for this mode is reprobated by God. Hence that rich man is called a fool by God. Therefore the rich ought to distribute a part to the needy from their superfluities, with regard had to place, time, and other circumstances. And so in our opinion the rich, or their Confessors, are not condemned so headlong; but avarice and cupidity are condemned, which if any Confessors foster (Valencia says) they will be blind, giving leadership to the blind, and both will fall into the pit, as is said *Matth. 15*.

> *RESPONDet Valentia ex doctrina D. Bonaventurae supra in argumentis, praeceptum erogandi eleemosynas egentibus, non gravi, sed ordinaria necessitate oriri, non ex vi necessitatis; sed ex vi superfluitatis, quae quidem prudenter aestimanda, ut non cuicumque teneatur erogare egenti, sed illis, quos proportione prudenti viderit ad se pertinere, servatis servandis, ad statum, et status ipsius conservationem; imo, et aliquo cauto augmento, ut solent homines timoratae conscientiae. Cavenda tamen est avaritia illius divitis,* Lucae 12. *qui horrea volebat ampliare, ut mutaret statum, hic enim modus est a Deo reprobatus. Ideo dives ille stultus vocatur a Deo. Debent igitur pars egentibus distribuere divites e superfluis, habita ratione loci, temporis, et aliarum circumstantiarum. Itaque in nostra sententia non damnantur adeo in praeceps divites, aut eorum Confessarii; sed damnantur avaritia, et cupiditas, quam siqui foveant Confessarii (ait Valentia) caeci erunt, caecis ducatum praebentes, et ambo in foveam cadent, ut dicitur* Matth. 15.

40 You OBJECT secondly. If he is held to give his superfluities, and cannot retain them: Therefore neither can he acquire them.

> *OBIICIES secundo. Si tenetur, dare superflua, nec ea potest retinere: Ergo neque potest ea acquirere.*

41 Valencia ANSWERS, denying the sequel, because it is not a sin simply to have superfluities; but to retain them, not giving on occasions, even to the needy; indeed, to acquire some, so that he may provide prudently both for himself and be able to give generously to the needy: but it would be a sin if at once the possessions were ill-gotten. Those things indeed cannot be acquired which are detained against justice; nor if they are acquired with that mind, that you wish to retain them tenaciously, denying alms to the needy on occasions; But to acquire them simply is not evil; for these can be licitly retained, giving on occasions even to poor Churches for pious uses, etc. Hence nor are even certain things prohibited for their own state, as banquets, etc.

> *RESPONDet Valentia, negando sequelam, quia non est peccatum, simpliciter habere superflua; sed ea retinere, non dando pro opportunitate, etiam egentibus; imo aliqua acquirere, ut et sibi prudenter provideat, et egentibus valeat largiri: esset autem peccatum, si statim habita essent malae possessionis. Nequeunt sane acquiri, quae contra iustitiam detinentur; neque si eo animo acquirantur, ut mordice velis ea retinere, negando in opportunitatibus eleemosynas egentibus; At ea acquirere simpliciter, non est malum; nam haec possunt licite retineri, dando pro opportunitatibus etiam pauperibus Ecclesiis ad pios usus, etc. Unde nec prohibentur etiam aliqua pro suo statu, ut convivia, etc.*

42 From which it is elicited that, much more in grave necessity, one is held to spend alms from superfluities. So hold Diana *resol. 14. tract. 8.* Granado is cited *contr. 3. tract. 11. disp. 2. sect. 4. num. 18*; Vuigers *quaest. 36. art. 6. concl. 3*; Laymann *lib. 2. tract. 3. cap. 6. num. 4*; Sanchez *in opusc. tom. 1. lib. 1 cap. 5. disp. 5*; Bannes *quaest. 32. art. 6*; Soto *de Iustitia, lib. 5. quaest. 3. art. 4*; Aragon *quaest. 32. art. 5*; Salo *quaest. 32. art. 5*; Salo *quaest. 71. art. 1. controv. 1. ad 1*; Navarrus *de restit. lib. 3. cap. 1. num. 358*; Malderus *quaest. 32. art. 6. dub. 4*; Valencia *disp. 3. quaest. 9. p. 4*; Hurtado *disp. 159. sect. 4. §. 82*; Azorius *tom. 2. lib. 22. cap. 7. quaesito 4*; Coninck *disp. 27. dub. 8. num. 125. et 130*; Turrianus *disp. 82. dubio 1*; Vasquez *opusc. de eleemosyna, cap. 1*; Tannerus *disp. 2. quaest. 5. dub. 2. num. 13*, citing very many.

> *Ex quibus elicitur, multo magis in gravi necessitate teneri eleemosynas erogare e superfluis. Ita tenent Diana* resol. 14. tract. 8. *Citatur Granado* contr. 3. tract. 11. disp. 2. sect. 4. num. 18. *Vuigers* quaest. 36. art. 6. concl. 3. *Laym.* lib. 2. tract. 3. cap. 6. num. 4. *Sanchez* in opusc. tom. 1. lib. 1 cap. 5. disp. 5. *Bannes* quaest. 32. art. 6. *Sotus* de Iustitia, lib. 5. quaest. 3. art. 4. *Aragon.* quaest. 32. art. 5. *Salon* quaest. 32. art. 5. *Salon* quaest. 71. art. 1. controv. 1. ad 1. *Navar.* de restit. lib. 3. cap. 1. num. 358. *Malder.* quaest. 32. art. 6. dub. 4. *Valentia* disp. 3. quaest. 9. p. 4. *Hurtad.* disp. 159. sect. 4. §. 82. *Azorius* tom. 2. lib. 22. cap. 7. quaesito 4. *Coninch.* disp. 27. dub. 8. num. 125. et 130. *Turrianus* disp. 82. dubio 1. *Vasquez* opusc. de eleemosyna, cap. 1. *Tannerus* disp. 2. quaest. 5. dub. 2. num. 13. *adducens plurimos.*

43 *It is PROVED*, because charity commands one to relieve the grave evil of his neighbor. It is confirmed from all that has been said for the common necessity, which here presses much more.

> PROBATUR, *quia charitas praecipit sublevare grave malum proximi. Confirmatur ex omnibus, quae dicta sunt pro necessitate communi, quae multo magis hic urgent.*

44 Moreover, monasteries also that abound are held to this alms. So Sanchez *tom. 1. lib. 2. cap. 2. dub. 28. num. 17*, and both Rodriguez, Emanuel and Hieronymus — the latter here *in Compend. qq. regul. quaest. 59*, the former *in qq. regul. tom. 2. quaest. 57. art. 1*; Soto *de Iustitia lib. 10. quaest. 4. art. 4*; Reginaldus *tom. 1. lib. 4. cap. 21. num. 283*; Tostatus *ad cap. 6. Matthaei, quaest. 60* — who bring forward

that *Lucae 11. Quod superest, date eleemosynam* — What remains, give alms — as it is cited *cap. Quia sua, 12. quaest. 1.* These speak also in ordinary necessities. But Diana *Resol. 33,* with Suarez *tom. 2. de Relig. tract. 1. lib. 2. cap. 26. num. 13,* limit it to grave necessities only, to whom add Peirinus *de Praelatis tom. 2. quaest. 1. cap. 3. num. 57.* To these I add, with D. Bonav. *in 4. dist. 15. p. 2. quaest. 1,* that individual religious also can do this by the license of the prelate.

> *Ad hanc autem eleemosynam tenentur etiam monasteria redundantia. Ita Sanchez* tom. 1. lib. 2. cap. 2. dub. 28. num. 17. *et uterque Rodriguez, Emanuel, et Hieron. hic* in Compend. qq. regul. quaest. 59. *Ille* in qq. regul. tom. 2. quaest. 57. art. 1. *Sotus* de Iustitia lib. 10. quaest. 4. art. 4. *Reginald.* tom. 1. lib. 4. cap. 21. num. 283. *Tostatus* ad cap. 6. Matthaei, quaest. 60. *qui adducunt id* Lucae 11. Quod superest, date eleemosynam, *ut citatur* cap. Quia sua, 12. quaest. 1. *Hi loquuntur etiam in necessitatibus ordinariis. Sed Diana* Resol. 33. *cum Suarez* tom. 2. de Relig. tract. 1. lib. 2. cap. 26. num. 13. *limitant de gravibus solis necessitatibus, quibus adde Peirinum* de Praelatis tom. 2. quaest. 1. cap. 3. num. 57. *Ad haec addo cum D. Bonau.* in 4. dist. 15. p. 2. quaest. 1. *etiam religiosos singulos ex licentia praelati id posse.*

45 Also all who have ownership are HELD, as sons in castrensian goods. See Filliuccius *tom. 2. tract. 28. cap. 4. num. 94*; Diana *loc. cit. resol. 25*. So also wives, from paraphernal goods — namely those which, when she married, she reserved to herself, besides the dowry, for her own uses, and which, the marriage standing, came to her by inheritance, or from donation. So D. Thom. *quaest. 32. art. 8*; D. Bonaventura *in 4*.

> *TENENTUR etiam omnes habentes dominium, ut filii in bonis castrensibus. Vide Filliuc.* tom. 2. tract. 28. cap. 4. num. 94. *Dianam* loc. cit. resol. 25. *Sic etiam uxores e bonis paraphernalibus, quae scilicet, cum nupsit, praeter dotem, sibi reservavit ad proprios usus, et quae, constante matrimonio, illi obvenerunt in haereditatem, vel ex donatione. Ita D. Thom.* quaest. 32. art. 8. *D. Bonaventura* in 4.

46 SIMILARLY, Tutors and curators, having administration, are held, in grave necessities.

> *SIMILITER tenentur Tutores, et curatores, habentes administrationem, in gravibus necessitatibus.*

Question V: Whether anyone is bound at some time to give alms from things necessary to his state, apart from the extreme necessity of the neighbor

1 The FIRST opinion is negative. So Cajetan *in the treatise on alms* and *in the Summa, at the word Alms*; Sanchez *tom. 1. opusc. lib. 1. cap. 5. disp. 5. num. 44*; Martin Ledesma *in 2. p. q. quaest. 18. art. 3*; D. Thomas *in 4. dist. 15. quaest. 2. art. 4. quaestiunc. 1*; Salo *quaest. 31. art. 1*; Soto *de Iustitia, lib. 5. quaest. 8. art. 1*; Navarrus *de restit. lib. 3. cap. 1. num. 122*; Diana is to be cited; Fulgentius *lib. 3. cap. 10*.

> ***An teneatur quis aliquando facere eleemosynam de necessariis ad statum, extra necessitatem proximi extremam.***
>
> *PRIMA opinio est negativa. Ita Caietanus* in tract. de eleemos. *et* in Summa, verbo Eleemosyna, *Sanchez* tom. 1. opusc. lib. 1. cap. 5. disp. 5. num. 44. *Martin. Ledesma* in 2. p. q. quaest. 18. art. 3. *D. Thom.* in 4. dist. 15. quaest. 2. art. 4. quaestiunc. 1. *Salon.* quaest. 31. art. 1. *Sotus* de Iustitia, lib. 5. quaest. 8. art. 1. *Navar.* de restit. lib. 3. cap. 1. num. 122. *Diana citandus. Fulgenc.* lib. 3. cap. 10.

2 The SECOND opinion is that he is obliged, provided it can be done with less inconvenience than that which the needy neighbor undergoes; for instance, if the neighbor must fall from his state, or incur calamities. So Paludanus *4. dist. 15. quaest. 3*; Adrian *quodl. 12. art. 2. concl. 2*; Bannes *quaest. 31. art. 6. dub. 4,* who says that certain theologians of our time have taught this opinion — Victoria, Soto,

Cano; and it seems to be the opinion of D. Thomas *art. 5. ad 3*. Valencia also defends it *disp. 3. quaest. 9. p. 4*; Tanner *disp. 2. quaest. 5. dub. 2. num. 12*. This seems to me the opinion of D. Bonaventure *LL. CC. in the preceding quaest.*, which Hurtado *disp. 159. sect. 4. §. 92* and Sylvester *quaest. 32. art. 6* uphold among the moderns, and others collected in Diana *4. p. tract. 4. resol. 225. and p. 5. tract. 8. resol. 15*.

> *SECUNDA sententia est, teneri, si tamen potest fieri cum minori incommodo, quam sit illud, quod subit proximus egens, puta, si proximus excidere debeat e suo statu, vel calamitates incurrere. Ita Palud.* 4. dist. 15. quaest. 3. *Adrianus* quodl. 12. art. 2. concl. 2. *Bannes* quaest. 31. art. 6. dub. 4. *qui ait, hanc sententiam docuisse aliquos Theologos huius tempestatis, Victoriam, Sotum, Canum; et videtur sententia esse D. Thomae* art. 5. ad 3. *Eam etiam tuetur Valentia* disp. 3. quaest. 9. p. 4. *Tannetus* disp. 2. quaest. 5. dub. 2. num. 12. *Haec mihi videtur sententia D. Bonau.* LL. CC. quaest. praecedenti, *quam et modernis tuentur Hurtadus* disp. 159. sect. 4. §. 92. *Sylvest.* quaest. 32. art. 6. *et alii apud Dianam* 4. p. tract. 4. resol. 225. et p. 5. tract. 8. resol. 15.

3 *It is proved* first from D. Bonaventure *3. dist. 29. quaest. 6*, where he shows that charity must go forth into effect; and he brings forward *prima Ioan. 3*, where after saying: *If anyone have the substance of this world, and see his brother have need, and shut up his bowels from him: how does the Charity of God remain in him?* he concludes: *Let us not love in tongue, but in deed, and in truth.* This, he infers, is done if one has not denied one's own substance in any way to one's neighbor, when he is in a necessity that is not extreme; but if he has denied it, it is inferred that he does not have Charity.

> PROBATUR *primo a D. Bonau.* 3. dist. 29. quaest. 6. *ubi ostendit, charitatem debere in effectum exire, affert autem id,* prima Ioan. 3. *ubi postquam dixit:* Si quis habuerit substantiam huius mundi, et viderit fratrem suum necessitatem habere, et clauserit viscera sua ab eo: quomodo Charitas Dei manet in illo. *Concludit:* Non diligamus lingua, sed opere, et veritate. *Id autem fieri infert, si propriam substantiam non negaverit utcumque proximo suo, in necessitate non extrema constituto: quod si negaverit, infertur, eum Charitatem non habere.*

4 *It is proved* secondly by that example *Matth. 18* of the man who refused to forgive the debt to the one who owed him, and was delivered to the torturers; and yet he was such that he himself had not wherewith to pay his Lord. Hence he stood in need of those things which his fellow servant owed.

> PROBATUR *secundo, exemplo illo* Matth. 18. *illius, qui noluit remittere debitum illi, qui debebat sibi; et traditus est tortoribus; et tamen iste erat talis, ut neque ipse haberet unde solveret Domino suo. Ideo egebat his, quae conservus debebat.*

5 *It is proved* thirdly from the Fathers, who, while they say alms are to be given from superfluities, seem to understand by superfluities also the abundance suitable to one's state, which are to be given when the neighbor is in necessity, as Valencia observes after D. Bonaventure *4. dist. 15. p. 2. art. 2. quaest. 1. ad ultimum*.

> PROBATUR *tertio ex Patribus, qui dum aiunt, e superfluis dandam eleemosynam, per superflua, etiam abundantia, statui convenientia, videntur intelligere, quae in necessitate proximis sunt danda, ut observat Valentia post D. Bonau.* 4. dist. 15. p. 2. art. 2. quaest. 1. ad ultimum.

6 *You object.* Since the necessities of the poor are very many, very many rich men, who do not give what is suitable to their own state, would be condemned — who certainly do not gladly listen to this tune, and wise men find no reason why they should be condemned.

> OBIICIES. *Cum plurimae sint necessitates inopum, plurimi divites, non dantes ea, quae suo statui competunt, damnarentur, qui profecto hanc musicam libenter non audiunt, nec viri sapientes inveniunt, cur eos damnent.*

7 *It is answered* that the necessities of which we speak are not so many, so as to be evident even to us, so that many are condemned; and certainly Christian charity seems to teach by its own light that other Christians, who have slipped into miseries, are to be relieved with some inconvenience of ours, even a notable one: nor is it true, as Diana says, that the rich have a right to live splendidly in their own state at so great damage and misery to the poor.

> RESPONDetVR, *non esse adeo multas necessitates, de quibus loquimur, ita ut etiam nobis constent, ut multi damnentur; et certe charitas Christiana videtur suo lumine docere, sublevandos alios Christianos, in miserias elapsos, aliquo nostro incommodo, etiam notabili: Neque verum est, quod ait Diana, divites habere ius ad vivendum in suo statu opipare, tanto inopum damno, et miseria.*

Question VI: Whether alms is owed in justice to one in extreme need

1 The FIRST opinion is that in such a case alms are given out of mercy alone. So Lorca *2. 2. sect. 3. disp. 39. membr. 4. num. 45*; Sanchius *in opusc. tomo 1. lib. 1. cap. 5. dub. 5. num. 61*; Salo *2. 2. quaest. 62. art. 7. controv. 2*; Bannes *2. 2. quaest. 32. art. 6*; Maldonatus *2. 2. quaest. 32. art. 6. dub. 3*; Azor *tom. 2. lib. 12. cap. 9. quaesito 3*; Turrianus *tom. 1. in 2. 2. disp. 82. dub. 3*; Soto *de Iustitia lib. 4. quaest. 7. art. 1. ad 4. et lib. 5. quaest. 3. art. 4*; Bellarmine *lib. de eleemos. cap. 6*; Louis of Saint Juan *in Summa, quaest. de eleemos. art. 3. dub. 3. diff. 3*; Coninck *disp. 27. dub. 7. num. 104*; Reginaldus *tom. 1. lib. 4. cap. 20. num. 264*; Gordonus *tom. 2. lib. 6. quaest. 14. cap. 3. §. 2*; Molina *Tom. 1. tract. 2. disp. 144*; Vasquez *opusc. de eleemos. cap. 1. num. 37*; Suarez *de Charitate, disp. 7. sect. 6*; Villalobos *in summa, tom. 1. tract. 22. diffic. 2. num. 9*; Diana *p. 5. tract. 8. resol. 2*; Caspensis *disp. 5. sect. 2*.

> ***An extreme indigenti debeatur eleemosyna ex iustitia.***
>
> *PRIMA opinio est, ex sola misericordia erogari tali casu eleemosynam. Ita Lorca* 2. 2. sect. 3. disp. 39. membr. 4. num. 45. *Sancius* in opusc. tomo 1. lib. 1. cap. 5. dub. 5. num. 61. *Salon* 2. 2. quaest. 62. art. 7. controv. 2. *Bannes* 2. 2. quaest. 32. art. 6. *Mald.* 2. 2. quaest. 32. art. 6. dub. 3. *Azor.* tom. 2. lib. 12. cap. 9. quaesito 3. *Turrianus* tom. 1. in 2. 2. disp. 82. dub. 3. *Sotus* de Iustitia lib. 4. quaest. 7. art. 1. ad 4. et lib. 5. quaest. 3. art. 4. *Bellarminus* lib. de eleemos. cap. 6. *Ludouicus de Sancto Iuan* in Summa, quaest. de eleemos. art. 3. dub. 3. diff. 3. *Coninch.* disp. 27. dub. 7. num. 104. *Reginaldus* tom. 1. lib. 4. cap. 20. num. 264. *Gordonus* tom. 2. lib. 6. quaest. 14. cap. 3. §. 2. *Molina* Tom. 1. tract. 2. disp. 144. *Vasquez* opusc. de eleemos. cap. 1. num. 37. *Suarez* de Charitate, disp. 7. sect. 6. *Villalob.* in summa, tom. 1. tract. 22. diffic. 2. num. 9. *Diana* p. 5. tract. 8. resol. 2. *Caspens.* disp. 5. sect. 2.

2 The SECOND opinion is that in such a case it is a debt out of justice. So D. Bonaventure *in 4. dist. 15. p. 2. dub. 5*; D. Thomas *quaest. 118. art. 4. ad 2*; Cajetan *ibi art. 3*; Aragon *1. 2. quaest. 32. art. 5*; Spino *in spec. testament. gloss. 6. num. 8*; Navarrus.

> *SECUNDA sententia est, debitum esse ex iustitia in tali casu. Ita D. Bonau.* in 4. dist. 15. p. 2. dub. 5. *D. Thom.* quaest. 118. art. 4. ad 2. *Caietan.* ibi art. 3. *Aragon.* 1. 2. quaest. 32. art. 5. *Spino* in spec. testament. gloss. 6. num. 8. *Navar.*

3 The same is the opinion of the Holy Fathers, whom I recited in quaest. 4, and they are cited in Gratian dist. 42.

> *EADEM est sententia Sanctorum Patrum, quos recensui quaest. 4. et referuntur in Gratiano dist. 42.*

4 I ASSERT, with this opinion, that alms are owed to one in extreme indigence out of justice.

> *ASSERO cum hac sententia, extreme indigenti deberi Eleemosynam ex iustitia.*

5 *It is proved*, because all goods, common by the law of nature, were made private property with this condition, as I said in quaest. 4. Hence Hurtado reconciles the authors thus: one is held out of justice when the neighbor is in extreme need of money, clothing, and other goods, the division of which was made by the law of nations; not when the neighbor has need of our industry, for he never had a right to that.

> PROBATUR, *quia bona omnia, iure naturae communia, facta sunt propria cum hac conditione, ut dixi quaest. 4. Quare Hurtadus sic authores conciliat, teneri ex iustitia, quando proximus extreme indiget pecunia, veste, et caeteris bonis, quorum divisio facta est iure gentium, non quando proximus eget nostra industria, quia ad eam nunquam ille ius habuit.*

6 *The adversaries answer* that this is not to be taken so strictly that, in extreme necessity, the rich owner loses ownership because of another's necessity; but only that he is bound out of mercy.

> RESPONDENT adversarii, *non esse adeo stricte capiendum, ut in extrema necessitate dominus rerum dives amittat dominium ob necessitatem alterius; sed solum quod ex misericordia obligetur.*

7 Yet it is not necessary that ownership be lost; but it suffices that, for the time of the necessity, the needy man be able to use them.

> *At non est necesse, ut amittatur dominium; sed sufficit, ut pro tempore necessitatis possit illis uti, egens.*

8 From these, other quaestiones are solved.

> *Ex his aliae quaestiones solvuntur.*

9 FIRST, Villalobos *Tom. 1. tract. 22. difficult. 2. num. 10* infers, with Cajetan, Sarmiento, and Aragon, that one in extreme indigence can have recourse to a judge against the rich.

> *PRIMO enim deducit Villalobos* Tom. 1. tract. 22. difficult. 2. num. 10. *cum Caietano, Sarmiento, et Aragonio, posse extreme egentem ad iudicem recurrere contra divites.*

10 SECONDLY you have, that if the neighbor has need not only of the use, but of the thing itself, it is not enough to lend. So Villalobos *Tract. 2. difficult. 2*; Ariaga *quaest. 118. art. 5*; Bannes *dub. 3*; Granado *22. controv. 3. tract. 11. disp. 7*; Valencia *Tom. 3. disp. 3. quaest. 9. p. 4*; Turrianus *v. 2. Tom. 1. disp. 82. dub. 6*; Suarez *de Charitate, disp. 7. sect. 5*; Becanus *2. 2. tom. 1. cap. 21*; Lorca *2. 2. disp. 39. num. 54*; Soto *de Iustitia, lib. 4. quaest. 7. art. 1*; Coninck *disp. 27. dub. 9. num. 153*; Reginaldus *tom 1. lib. 4. cap. 20. num. 260*; Diana *loc. cit. resol. 5*, against Tanner *num. 20* and others collected by him. So also Foliensis *lib. 3. cap. 10*.

> *SECUNDO habes, quod si proximus eget non solo usu, sed re ipsa, non satisfieri mutuando. Ita Villalobos* Tract. 2. difficult. 2. *Ariag.* quaest. 118. art. 5. *Bannes* dub. 3. *Granado* 22. controv. 3. tract. 11. disp. 7. *Valentia* Tom. 3. disp. 3. quaest. 9. p. 4. *Turrianus* v. 2. Tom. 1. disp. 82. dub. 6. *Suarez* de Charitate, disp. 7. sect. 5. *Becanus* 2. 2. tom. 1. cap. 21. *Lorca* 2. 2. disp. 39. num. 54. *Sotus* de Iustitia, lib. 4. quaest. 7. art. 1. *Coninch.* disp. 27. dub. 9. num. 153. *Reginald.* tom 1. lib. 4. cap. 20. num. 260. *Diana* loc. cit. resol. 5. *contra Tannerum* num. 20. *et alios apud eum. Sic et Fuliens.* lib. 3. cap. 10.

11 THIRDLY they gather that one is obliged, from goods necessary for one's state, to relieve one in extreme indigence. So Suarez *de Charit. disp. 7. sect. 4*; Turrianus *2. 2. disp. 82. dub. 4*; Valencia *disp. 3. quaest. 9. p. 4*; Vasquez *de eleemos. cap. 1. num. 10. et 25*; Filliuccius *tom. 2. tract. 28. cap. 3. num. 64*;

Gordonus *tom. 2. lib. 6. quaest. 14. cap. 4. n. 7*; Villalobos *Tom. 1. tract. 22. diffic. 20*, citing Bannes, Cajetan, and Sylvester against Foliensis *loc. citat.*

> *TERTIO colligunt, obligari, ex bonis necessariis ad statum, opitulari extremo indigenti. Ita Suarez* de Charit. disp. 7. sect. 4. *Turrian.* 2. 2. disp. 82. dub. 4. *Valentia* disp. 3. quaest. 9. p. 4. *Vasquez* de eleemos. cap. 1. num. 10. et 25. *Filliuc.* tom. 2. tract. 28. cap. 3. num. 64. *Gordonus* tom. 2. lib. 6. quaest. 14. cap. 4. n. 7. *Villalob.* Tom. 1. tract. 22. diffic. 20. *adducens Bannen, Caietanum, Sylvestrum contra Fuliensem* loc. citat.

12 They DEDUCE, fourthly, Diana *resol. 8*; Peter Navarrus *lib. 4. cap. 4. num. 24*; Coninck *disp. 27. dub. 10. num. 166*; Palao *tom. 1. tract. 6. disp. 2. p. 10*; Hurtado *2. 2. disp. 159. sect. 3. §. 63*, that he who stole before extreme necessity, and completed the theft in extreme necessity, is not held to restitution; and much less, if he stole in extreme necessity, is he afterwards held, even if he could restore — as Soto teaches *de Iustitia, lib. 4. quaest. 7. art. 1*; Aragon *2. 2. quaest. 31. art. 6*; Sylvester; Angelus; Rosella; Tabiena — whom he cites and follows, and Azor does not dissent *Tom. 2. lib. 12. cap. 8. quaestio 7*, nor does Diana *resol. 9*.

> *DEDUCUNT quarto Diana* resol. 8. *Petrus Navar.* lib. 4. cap. 4. num. 24. *Coninch.* disp. 27. dub. 10. num. 166. *Palao* tom. 1. tract. 6. disp. 2. p. 10. *Hurtadus* 2. 2. disp. 159. sect. 3. §. 63. *eum, qui furatus est ante extremam necessitatem, et furtum in necessitate extrema consumpsit, non teneri ad restitutionem; multo minus, si in extrema necessitate furatus est, postea non tenetur, etiamsi possit restituere, ut docent Sotus* de Iustitia, lib. 4. quaest. 7. art. 1. *Aragon.* 2. 2. quaest. 31. art. 6. *Sylvest. Angel. Rosella, Tabiena, quos citat, et sequitur Azor.* Tom. 2. lib. 12. cap. 8. quaestio 7. *nec dissentit Diana* resol. 9.

13 From which I draw an argument ad hominem for our principal assertion: Therefore he is not held to restore, because the consumption of another's goods in extreme necessity is just — for indeed in that necessity it is licit to take goods from the rich, and this is done justly: Therefore alms are owed out of justice to one in extreme indigence.

> *Ex quo deduco argumentum ad hominem pro nostra principali assertione; Ideo non tenetur is restituere, quia iusta est consumptio rei alienae in extrema necessitate, ideo enim in ea necessitate licet auferre res a divitibus, et hoc fit iuste: Ergo ex iustitia debetur eleemosyna extreme indigenti.*

14 Indeed, they deduce that if a creditor is in extreme necessity, and the debtor has father and mother also in extreme necessity, he is bound first to help father and mother, and indeed also sons and brothers. So Diana *resol. 12*; Sylvius *2. 2. quaest. 31. art. 3*; Hurtado *2. 2. disp. 159. sect. 3. §. 69*; Lessius *lib. 2. cap. 16. dub. 1. num. 14*; Toletus *lib. 5. cap. 24*; Castro Palao *tom. 1. tract. 6. disp. 2. pag. 11*.

> *IMO deducunt, quod si creditor sit in extrema necessitate, et debitor habeat patrem et matrem in extrema etiam necessitate, tenetur prius subvenire patri, matri, imo et filiis, et fratribus. Ita Diana* resol. 12. *Sylvius* 2. 2. quaest. 31. art. 3. *Hurtad.* 2. 2. disp. 159. sect. 3. §. 69. *Lessius* lib. 2. cap. 16. dub. 1. num. 14. *Tolet.* lib. 5. cap. 24. *Castro Palao* tom. 1. tract. 6. disp. 2. pag. 11.

15 Indeed, many say, in Diana *resol. 23*, that a poor man, even in a grave but not extreme necessity, may steal from the rich, when they themselves are bound to give alms. So Diana; Coninck *disp. 27. dub. 10. num. 161*; John Wiggers *2. 2. quaest. 32. art. 6. num. 33*; Vasquez *opusc. de eleemos. cap. 1. dub. 7. num. 60*; Hurtado *disp. 159. sect. 4. §. 92. iuncto §. 19*; Angelus *v. furtum, num. 37*; Castro Palao *tom. 1. tract. 6. disp. 2. p. 10*; Andreas Duallius *in 2. 2. D. Thom. tract. de charit. quaest. 8. art. 3*. Nor do we say that owners of goods, in the extreme necessity of others, lose ownership of them — with which Caspensis *num. 10* brandishes at us — but that in extreme necessity the needy man acquires the use,

as far as the extreme necessity requires; and hence he does not acquire ownership simply, but only as regards that which the use carries with it in consumable goods.

> *IMO dicunt multi apud Dianam* resol. 23. *posse inopem, etiam in necessitate gravi, non extrema, furari a divitibus, quando ipsi tenentur dare eleemosynam. Ita Diana, Coninch.* disp. 27. dub. 10. num. 161. *Ioan. Vuigers* 2. 2. quaest. 32. art. 6. num. 33. *Vasquez* opusc. de eleemos. cap. 1. dub. 7. num. 60. *Hurtad.* disp. 159. sect. 4. §. 92. iuncto §. 19. *Angel.* v. furtum, num. 37. *Castro Palao* tom. 1. tract. 6. disp. 2. p. 10. *Andreas Duallius* in 2. 2. D. Thom. tract. de charit. quaest. 8. art. 3. *Neque dicimus nos, dominos rerum in extrema aliorum necessitate amittere dominium earum, ut nobis inurit Caspensis* num. 10. *sed in necessitate extrema, egenum acquirere usum, quantum necessitas extrema exigit, atque adeo non acquirit simpliciter dominium, sed solum quo ad id, quod secum fert usus in rebus consumptibilibus.*

16 CONCLUDE, finally, that Ecclesiastics are held more by this precept: both by reason of their state, and by reason of the goods of the Church, which are the patrimony of the poor. Hence, by the common opinion, they are held to expend in alms, or other pious works, whatever remains from the revenues of a benefice over and above their suitable sustentation. For so those goods were left by the testators; as Peter a Sancto Joseph Foliensis observes *lib. 3. cap. 10. de Charit.* I beseech that they engrave the holy decree of the Council of Trent *sess. 25. cap. 1. de Reform.* with golden characters in wax, to be infigged in the heart of cedar, and meditate on it assiduously and read it through with piety. There they will measure out a mediocrity; they will discern excesses, and moderate them. Read D. Bernard *epistol. ad Fulc.*

> *COLLIGE tandem, Ecclesiasticos magis hoc praecepto teneri: tum ratione status: tum ratione bonorum Ecclesiae, quae sunt patrimonium pauperum. Ideo ex communi sententia tenentur in eleemosynas, aliave pia opera, expendere quidquid ex reditibus beneficii, congruae eorum sustentationi superest. Sic enim ea bona a testantibus legata sunt; ut observant Petrus a S. Ioseph Fuliensis* lib. 3. cap. 10. de Charit. *Obsecro ut Sanctum Tridentini Concilii decretum* sess. 25. cap. 1. de Reform. *aureis characteribus cedro cordis infigibant, et assidua meditentur, ac perlegant pietate. Ibi mediocritatem dimetientur; excessus dignoscent, eos moderabuntur. Legito D. Bernard.* epistol. ad Fulc.

Question VII: Whether alms ought to be given from justly possessed goods

1 OBSERVES S. Doct. that goods can be, or manifestly another's, or common, or one's own; and that these last can be acquired, either honestly, or disgracefully.

> ***An Eleemosyna fieri debeat ex rebus iuste possessis.***
>
> *OBSERVAT S. Doct. res posse esse, vel manifeste alienas, vel communes, vel proprias; has vero ultimas posse esse acquisitas, vel honeste, vel turpiter.*

2 I ASSERT first, that alms cannot be made of another's goods.

> *ASSERO primo, de rebus alienis non posse fieri eleemosynam.*

3 *IT IS PROVED* by D. Bonav. first from all the laws, which enjoin that donations not be made of another's goods, because, he who does not have dominion of a thing, cannot transfer it.

> PROBATUR *a D. Bonau. primo ex iuribus omnibus, quae praecipiunt, non fieri donationes de rebus alienis, quia, qui non habet dominium rei, non potest illud transferre.*

4 *SECONDLY* from the Scriptures, *Prov. 30. Honor God of thy substance. Ecclus. 34. The oblation of him who sacrificeth from unjust gain is spotted. He that offereth sacrifice of the substance of the poor, is as one that sacrificeth*

a son in the sight of his father. And below: *The Most High approveth not the gifts of the wicked.* S. Doct. adds *to 11. Eccles. this: Cast thy bread, etc.* thine, not another's (says S. Doctor.)

> SECUNDO *ex Scripturis,* Proverb. 30. Honora Deum de tua substantia. Eccles. 34. Immolantis ex iniquo, oblatio est maculata. Qui offert sacrificium de substantia pauperum, quasi qui victimat filium in conspectu Patris sui. *Et infra:* Dona iniquorum non probat Altissimus. *Addit S. Doct.* ad 11. Eccles. id: Mitte panem tuum, etc. *tuum, non alienum (ait S. Doctor.)*

5 *THIRDLY* from D. Gregory *in the Register, lib. 7. epist. 110.* signifying this.

> TERTIO *ex D. Gregorio* in Registro, lib. 7. epist. 110. *id insinuante.*

6 NEITHER let them say, that they wish to make satisfaction for the avaricious owner of those goods, who does not give alms: For it does not pertain to us to compel anyone to that to which he himself is bound, as D. August. says *homil. 7. and 50.* and it is reported in the Decretis 14. *quaest. 5. can. Forte.*

> *NEQUE dicant, velle satisfacere pro domino, earum rerum avaro, qui non dat eleemosynas: Nam ad nos non pertinet adigere quemcumque ad id, ad quod ipse tenetur, ut ait D. August.* homil. 7. et 50. *et refertur in Decretis 14.* quaest. 5. can. Forte.

7 But the ASSERTION is understood, when it is done without the consent, at least presumed, of the Owner: for thus a son can give of his Father's goods, a wife of her Husband's, a servant of his Master's, because they can presume the consent of all of them. Yet Valentia adds with D. Bonav. and D. Thom. that in the case of the extreme necessity of one's neighbor, one can give of another's, because then all things are common. So Tanner. *disp. 2 quaest. 5. dub. 1. num. 21.*

> *ASSER:TO vero intelligitur, quando fit sine consensu, saltem praesumpto Domini: ideo enim potest filius de rebus Patris, uxor de rebus Mariti, servus de rebus Domini largiri, quia de hotum consensu possunt praesumere. Addit tamen Valentia cum D. Bonav. et D. Thom. in casu extremae necessitatis proximi, posse dari de alieno, quia tunc omnia communia. Ita Tanner.* disp. 2 quaest. 5. dub. 1. num. 21.

8 *Second assertion.* As to common goods, the consent is necessary, either of the community, or of the Prelate, to whom it pertains, as is had in *cap. Cum in cunctis, extra de iis, quae fiunt a maiori parte Capituli. And 12. quaest. 1. can. Certum est.* As Medina well notes *Tract. de eleemosyna, quaest. 4.* Valentia *disp. 3. quaest. 9. p. 5.* Tannerus *disp. 2. quaest. 5. dub. 2. num. 28.*

> Assero secundo. *Quoad res communes, necessarius est consensus, vel communitatis, vel Praelati, ad quos pertinet, ut habetur* cap. Cum in cunctis, extra de iis, quae fiunt a maiori parte Capituli. Et 12. quaest. 1. can. Certum est. *Ut bene advertunt Medina* Tract. de eleemosyna, quaest. 4. *Valentia* disp. 3. quaest. 9. p. 5. *Tannerus* disp. 2. quaest. 5. dub. 2. num. 28.

9 *Third assertion.* If anyone does not have the administration of goods, he cannot give in alms, as the mentally incapacitated, and minors, as even those already cited note.

> Assero tertio. *Si quis non habet rerum administrationem, non potest dare in eleemosynam, ut mente capti, et minores, ut notant etiam iam allegati.*

10 *Fourth assertion.* Those things which are disgracefully acquired, through some unjust business, as usury, a deceitful game, theft, rapine, cannot be given in alms; but they ought to be restored.

> Assero quarto. *Ea, quae turpiter acquisita sunt, per aliquod negotium iniustum, ut usuram, ludum deceptorium, furtum, rapinam, non possunt dari in eleemosynam; sed debent restitui.*

11 *It is proved* by S. Bonav. *to 4.* because dominion of these is not had by him who possesses them. As to things gained at dice, if they are acquired from someone who does not have the administration, as from a son, a minor, etc. they ought to be restored. Similarly, if someone led others to an illicit game, such as dice, or another which depends more on fortune than on skill. But truly, if he himself was induced by another, and he won, he is not bound; nevertheless he is called a *possessor in bad faith* by the laws, as Valentia reports *disp. 5. quaest. 6. puncto 5.* Nauarr. *Manual. cap. 29.* and it is had in *an. Episcopus, dist. 35. and cap. Clerici 2. Extra de vita, et honest. clericorum, and L. solent, ff. de alea lusu. And Auth. Alearum usus, C. de Relig. et sumpt.*

> Probatur *a S. Bonav.* ad 4. *quia horum non habetur dominium ab eo, qui ea possidet. Quoad acquisita ludo alearum si acquisita sunt ab aliquo, qui non habet administrationem, ut filio, minore, etc. debent restitui. Similiter, si aliquis traxit alios ad ludum illicitum, ut alearum, vel alium, qui pendet ex fortuna magis, quam ex arte. At vero, si ipse inductus fuerit ab alio, et vicit, non tenetur; attamen dicitur* Malae fidei possessor *a iuribus, ut referunt Valentia* disp. 5. quaest. 6. puncto 5. *Nauarr.* Manual. cap. 29. et *habetur,* an. Episcopus, dist. 35. et cap. Clerici 2. Extra de vita, et honest. clericorum, et L. solent, ff. de alea lusu. Et Auth. Alearum usus, C. de Relig. et sumpt.

12 Tannerus adds, that of evilly acquired things, which are not to be restored in specie, alms can be made, the obligation of restitution remaining; but who is ignorant of this?

> *Addit Tannerus, posse de male acquisitis, quae non sunt restituenda in individuo, fieri eleemosynam, salva obligatione restitutionis; sed haec quis ignorat?*

13 *Fifth assertion*, that things acquired in a disgraceful way, which is not against justice, as by meretricious means, can be given in alms. So S. Doct. *to 4.* D. Thom. *art. 7.* whom others follow. For that thing belongs to the very acquirer. See Tannetum *num. 12.*

> Assero quinto*, acquisita turpi modo, qui non est contra iustitiam, ut meretricio, posse dari in eleemosynam. Ita S. Doct.* ad 4. *D. Thom.* art. 7. *quos sequuntur alii. Nam res illa est ipsam acquirentis. Vide Tannetum* num. 12.

14 *I add first* with D. Bonau. D. Thom. *art. 7.* and Valentia, that what is acquired through a game, to which he compelled another out of greed for gain, is illegitimately acquired. It is proved, because thus dominion was not transferred with full will.

> Addo primo *cum D. Bonau. D. Thom.* art. 7. *et Valentia, id quod acquiritur per ludum, ad quem alium compulit ex cupiditate lucri, esse illegitime acquisitum. Probatur, quia sic non est translatum dominium plena voluntate.*

15 *I add second* with D. Bonau. *to 4.* D. Thom. Valentia, Tanner, that on account of scandal, it is not to be offered to God from meretricious gain, nor accepted; whence it is said *Deut. 23. Thou shalt not offer the hire of a harlot into the house of the Lord thy God;* which was prohibited only on account of scandal, and irreverence.

> Addo secundo *cum D. Bonau.* ad 4. *D. Thom. Valentia, Tanner, ob scandalum, non offerendum Domino de meretricio, nec acceptandum; unde dicitur* Deuter. 23. Non offeres mercedem prostibuli in Domo Domini Dei tui; *id, quod prohibebatur solum ob scandalum, et ob irreverentiam.*

16 *S. Doct. adds third,* that alms are not commonly to be given from that which is simply necessary for human sustenance, unless we wish to follow the state of perfection, according to the counsel of the Gospel, Matth. 19. *If thou wilt be perfect, go, sell all that thou hast, and give to the poor.*

> Addit tertio *S. Doct. non esse dandas eleemosynas communiter de eo, quod est necessarium simpliciter victui humano, nisi velimus sequi statum perfectionis, iuxta consilium Euangelii Matth. 19.* Si vis perfectus esse, vade, vende

omnia quae habes, et da pauperibus.

17 He *notes* also, that penitents are not to be compelled to those alms.

Advertit *etiam, ad eas eleemosynas non compellendos poenitentes.*

18 From all these you have, with D. Bonau. *at the end of the body of the quaest.* that all, and only those, can make alms, who have legitimate dominion, and administration. Therefore a married woman cannot make alms from the goods of her husband, but only from her own, as S. August. says *epist. 199.* So of gained revenues, at least the twentieth part she can give. So Bannes *art. 8.* Malderus *there*, Cenedo, Ledefma, Vega, and others, whom Diana reports *p. 1. tract. 1. Miscel. resol. 33.* Caspensis *disp. 6. sect. 3.* Tanner. *num. 24.* But of her own Paraphernal goods she can give generously. Similarly also a son of the Castrense, or quasi-castrense goods; See Valentia *p. 6.* Diana *p. 5. tract. 8. resol. 25.* Azorium *t. 2. lib. 12. cap. 10. quaestio 1.* Hurtadum *2. 2. disp. 159. sect. 6. §. 139.* who adds, that a son can pilfer something for honest uses.

Ex his omnibus habes cum D. Bonau. in fine corporis quaest. *illos omnes, et solos posse facere eleemosynam, qui habent dominium legitimum, et administrationem. Itaque mulier coniugata non potest facere eleemosynas e bonis mariti, sed solum e suis, ut ait S. August.* epist. 199. *Sic de lucratis proventibus, saltem vigesimam partem dare potest. Ita Bannes* art. 8. *Malderus* ibidem, *Cenedo, Ledefma, Vega, et alii, quos refert Diana* p. 1. tract. 1. Miscel. resol. 33. *Caspensis* disp. 6. sect. 3. *Tanner.* num. 24. *De suis autem bonis Paraphernalibus potest largiri. Similiter et filius de bonis Castrensibus, vel quasi castrensibus; Vide Valentiam* p. 6. *Dianam* p. 5. tract. 8. resol. 25. *Azorium* t. 2. lib. 12. cap. 10. quaestio 1. *Hurtadum* 2. 2. disp. 159. sect. 6. §. 139. *qui addit, posse filium ad usus honestos aliqua surripere.*

19 *Circa* those receiving alms, feigning poverty, they are bound to restitution. So commonly the Doctors at Diana *5. p. tract. 8. resol. 21.* Fabrum *in 4. dist. 50. num. 120.* who adds Scotus, Gabriel, Alensis, and others. To these add D. Bonau. *Tract. de paupertate, and on the rule of the Minors.* Diana adds as to those begging door to door, that they are excused, because in few things the reason is had not of poverty, but of mercy. The restitution of these, however, some say must be made to the giver; others, to the poor. See Diana *loc. cit. resol. 22.*

Circa *accipientes eleemosynas, simulantes paupertatem, tenentur ad restitutionem. Ita communiter Doctores apud Dianam* 5. p. tract. 8. resol. 21. *Fabrum* in 4. dist. 50. num. 120. *qui adiicit Scotum, Gabrielem, Alensem, et alios. His adde D. Bonau.* Tract. de paupertate, et in regulam Minorum. *Addit Diana quoad ostiatim mendicantes, eos excusari, quia in paucis habetur ratio non paupertatis, sed misericordiae. Horum autem restitutionem aliqui dicunt faciendam donanti; alii faciendam pauperibus. Vide Dianam* loc. cit. resol. 22.

20 *Note further*, as we said of charity, and its intrinsic order; so must we speak of the extrinsic, as to making alms; that it first be made to those more nearly related, and as S. Doct. taught there, that even sinners, as partners of nature, are to be loved, so I say that alms are also to be bestowed upon them, against Vuiclephus at Vualdensis *Tom. 3. lib. 2. doctrinalis fidei antiquae, cap. 81.* let it be not to the sinner, *as the sinner is obstinate*, and in this sense is understood Ecclus. 12. *Give to the merciful, and uphold not the sinner*, as S. Thom. also has it *art. 9. ad 1.*

Adverte adhuc, *sicuti diximus de charitate, et ordine eius intrinseco; ita loquendum de extrinseco, quoad faciendam eleemosynam; ut prius fiat propinquioribus, et sicuti ibi docuit S. Doct. etiam peccatores, ut naturae socios, amandos, ita etiam ipsis eleemosynam erogandam dico contra Vuiclephum apud Vualdensem* Tom. 3. lib. 2. doctrinalis fidei

antiquae, cap. 81. *esto non peccatori,* ut peccator obstinatus est*, et hoc sensu intelligitur id Eccles. 12.* Da misericordi, et ne suscipias peccatorem*, ut habet etiam S. Thom.* art. 9. ad 1.

21 To all of whom alms must be made, S. Doct. teaches *to 11. Eccles. Cast thy bread upon the passing waters.* The waters are the nations. *Apoc. 17.* and tribulations *Psal. 68.* Therefore Luke 14. *When thou makest a feast, call the poor, and the feeble, the blind, and the lame.*

Quibus omnibus facienda sit eleemosyna, docet S. Doct. ad 11. Eccles. Mitte panem tuum super transeuntes aquas. *Aquae sunt gentes.* Apoc. 17. *et tribulationes* Psal. 68. *Ideo Lucae 14.* Cum facis convivium, voca pauperes, et debiles, caecos, et claudos.

22 *You will object* first, against the first assertion, Luke 16. *Make to yourselves friends of the mammon of iniquity.*

Obiicies *primo, contra primum assertum, id Lucae 16.* Facite vobis amicos de Mammona iniquitatis.

23 *S. Doct. answers* that this is to be understood of that which is gained unjustly by accident, not of the unjust against justice; for this ought to be restored.

Respondet *S. Doct. id intelligi de eo, quod per accidens inique lucratum est, non de iniusto contra iustitiam; hoc enim debet restitui.*

24 *Or* they are called iniquities, because they are the origins of iniquities, as S. Thom. here, and S. Bonau. at that place expound. See the SS. Doctores, alleging other expositions.

Vel *dicuntur iniquitates, quia sunt origines iniquitatum, ut exponunt S. Thom. hic, et S. Bonau. ad eum locum. Vide SS. Doctores, alias expositiones afferentes.*

25 *You will object secondly.* The Hebrews offered for the Sanctuary gold, and silver, stolen from the Egyptians.

Obiicies secundo. *Hebraei obtulerunt pro Sanctuario aurum, et argentum, furata AEgyptiis.*

26 *S. Doct. answers* that God transferred dominion to them; and by the right of wages, those things were owed to them, others note.

Respondet *S. Doct. Deum transtulisse dominium in eos; et iure mercedis, ea fuisse eis debita, alii advertunt.*

27 *As to* the quantity of alms of Ecclesiastics, Diana reports *resol. 27.* that he has devoured all the authors, and that the broadest opinion is, that they give the fourth part of revenues, as Bannes, and Tanner say, or the half of what remains after suitable sustentation.

Quoad *quantitatem eleemosynae Ecclesiasticorum refert Diana* resol. 27. *se omnes authores devorasse, et latissimam opinionem esse, ut dent quartam partem reddituum, ut ait Bannes, et Tanner. vel medietatem residui congruae sustentationis.*

28 And this also concerning the Pope many assert at Diana *resol. 28.* and many things concerning Pensionaries are had at the same *resol. 29.*

Et hoc etiam de Papa multi asserunt apud Dianam resol. 28. *et de Pensionariis multa apud eundem* resol. 29. *habentur.*

29 *Many add,* that they are bound to restitution, of whom ten are reported, almost all classic authors, by Diana *resol. 31.* Yet he himself holds the opposite with 16. Doctors, almost all moderns. The

reason is, because they have dominion. He asserts also *resol. 51.* that Regulars, assumed to the Episcopate, have dominion, and he reports many DD. *loc. cit. and 3. p. tract. 2. resol. 50.* the opposite, however, he does not reject, which is that of very many.

> Addunt *plurimi, eos teneri ad restitutionem, ex quibus referuntur decem, fere omnes classici, a Diana* resol. 31. *Attamen ipse oppositum tenet cum 16. Doctoribus, fere omnibus modernis. Ratio est, quia habent dominium. Asserit quoque* resol. 51. *etiam Regulares, ad Episcopatum assumptos, habere dominium, et refert multos DD.* loc. cit. et 3. p. tract. 2. resol. 50. *oppositam tamen non reiicit, quae est plurimorum.*

30 FOUR genera of alms S. Doct. enumerates at Psal. 36. and in 4. dist. 15. punct. 2. in the literal dubia. Correction, remission of injuries, compassion for oneself, bestowal of one's own benefit. Of the first, and last it is said: *Give to everyone that asketh thee, Luke 6.* a thing, or the health of the soul by correction. Of the second it is said, Matth. 5. *And if he strike thee on thy cheek, offer him the other also.* Of the third it is said Ecclus. 30. *Have pity on thy own soul, pleasing God.* And surely spiritual alms are worthier, says S. Bonaventura dub. 3. litt. with D. August. Enchir. cap. 73.

> *QUATVOR genera eleemosynarum recenset S. Doct. ad Psalm. 36. et in 4. dist. 15. punct. 2. dubiis litteralibus. Correctio, iniuriarum remissio, sui miseratio, Proprii beneficii collatio. De primo, et ultimo dicitur:* Omni petenti te, tribue, Lucae 6. *rem, vel salutem animae per correptionem. De secundo dicitur, Matth. 5.* Qui percusserit te in maxillam tuam, praebe illi et alteram. *De tertio dicitur Eccles. 30.* Miserere animae tuae, placens Deo. *Et sane spirituales eleemosynas digniores, ait S. Bonaventura dub. 3. litt. cum D. August. Enchir. cap. 73.*

31 But that spiritual alms should be begun with oneself, S. Doct. warns, dub. 4. Then he praises austerity toward oneself more than toward others, in corporal things.

> *A seipso autem spiritualem eleemosynam incipiendam, monet S. Doct. dub. 4. Deinde austeritatem in se magis, quam erga alios, in corporalibus laudat.*

32 As to quantity, dub. 6. he commends generous alms according to each one's state; nevertheless he admonishes those making alms, to take note so much of the little old woman, who gives according to her state a little, as of the Queen giving treasures, as is said Luke 21.

> *Circa quantitatem dub. 6. eleemosynas largas commendat pro cuiusque statu; attamen admonet e facientibus eleemosynas, tantum meteri vetulam, quae dat secundum suum statum modicum, sicut Regina dans thesauros, ut dicitur Lucae 21.*

33 He APPENDS, dub. 7. certain conditions essential to alms; others accidental. Among the essential, the first, he says, is that it proceed from charity, that it be meritorious, as is said 1 Corinth. 13. The second on the part of the receiver, Luke 14. *Call the poor, etc.* The third on the part of the gift: *Honor the Lord of thy substance.* The fourth on the part of intention, that it not be made, as hypocrites are wont, for *they have received their reward. Matth. 6.*

> *APPONIT dub. 7. aliquas conditiones eleemosynae substantiales; alias accidentales. Inter substantiales primam ait, ut procedat ex charitate, ut sit meritoria, ut dicitur prima Corinth. 13. Secundam ex parte suscipientis, Lucae 14.* Voca pauperes, etc. *Tertiam ex parte muneris:* Honora Dominum de substantia tua. *Quartam ex parte intentionis, ne fiat, ut hypocritae solent, nam* hi receperunt mercedem. Matth. 6.

34 THE OTHERS are conditions for the well-being of alms, Ecclus. 3. *Give to the just, and receive not the sinner*, which he expounds as deferring to the sinner. Or concerning the heretic, to whom an alms is not to be given without extreme necessity. Secondly hilarity in giving is required, 2. Cor. 9. Thirdly

abundance, as much as can be done, Tob. 4. Fourthly speed is required, Prov. 3. *Say not: go, and return Eccles. 4. Prolong not the gift to one in anguish.*

> *ALIAE sunt conditiones eleemosynae ad bene esse, Eccles. 3.* Da iusto, et ne receperis peccatorem, *quod exponit de postponendo peccatore. Vel de haeretico, cui non est danda eleemosyna sine necessitate extrema. Secundo exigitur hilaritas in dando, 2. Cor. 9. Tertio abundantia, quanta fieri potest, Tob. 4. Quarto exigitur velocitas, Prov. 3.* Ne dicas: vade, et revertere Eccles. 4. Ne protrahas datum angustianti.

35 MOST EMBLEMATIC symbols of alms see in S. Bonav. in the Diaeta, tit. 2. cap. 7. where he compares it to the Light, which ought to be sent before death, that we may see the way to eternal life. To the River, which goes out from the sea and returns, Ecclus. 1. For it returns the same to us. Therefore he compares it to the Seed, which multiplies grains. Therefore Prov. 19. *He that is merciful to his neighbor, lendeth to God.* He observes, however, that precious seeds, such as of wheat, are not gathered in the same year, so also alms, best given, not in this life, but in the other; while others have in this life a reward after the manner in which vile seeds, such as millet, immediately render their produce. See other most excellent things in S. Doctor. Of accepted alms he has very many authorities from the SS. PP. in the Pharetra lib. 2. cap. 49. Of rejected alms others, cap. 50.

> *PRAECLARA eleemosynae Symbola vide in S. Bonav. in Diaeta, tit. 2. cap. 7. ubi eam comparat Lumini, quod praemitti debet ante mortem, ut iter videamus ad vitam aeternam. Flumini, quod exit a mari et revertitur, Eccles. 1. Eadem enim revertitur ad nos. Ideo eam comparat Semini, quod grana multiplicat. Ideo Proverb. 19.* Foeneratur Domino, qui miseretur proximo. *observat autem semina pretiosa, ut tritici, non colligi eodem anno, ita etiam eleemosynas, optime latas, non in hac vita, sed in alia: alias vero habere in hac vita praemium ad modum, quo semina vilia, statim reddunt proventum, ut millium. Vide alia praeclara in S. Doctore. Eleemosynae acceptae habet plurimas e SS. PP. authoritates in Pharetra lib. 2. cap. 49. Inacceptae vero eleemosynae alias, cap. 50.*

Section III: On Fraternal Correction

1 BETWEEN the two species of Mercy, poured out on either side into seven-flowing rivulets, as you have above, quaest. 2. sect. 2. on alms, Fraternal Correction is wont to be enumerated, by which many goods are bestowed on those under one's eye, when their advantage, not their will, is consulted, as D. August. has it in the Seraphic Doctor's lib. 4. Pharetra, cap. 38. And if perhaps the foreseeing that this advantage will not follow, D. Gregory also urges that one's neighbor be corrected for the public good, here at S. Bonav. *Since, as he says, it is better that one be condemned for the salvation of many, than that many be endangered through the license of one.* Here, however, we must treat of correction, as it is a certain species of spiritual alms, shown to the offender.

> ***De correctione Fraterna.***
>
> *INTER duplicem Misericordiae speciem, in septemfluos rivos utrinque derivatam, ut supra habes, quaest. 2. sect. 2. de eleemos. Solet annumerari Correctio Fraterna, per quam multa bona praestantur intuitis, quando eorum consulitur utilitati, non voluntati, ut habet D. August. apud Seraphicum lib. 4. Pharetra, cap. 38. et si forte utilitas haec non sequutura praevideatur, etiam pro bono publico corripiendum proximum suadet D. Gregorius hic apud S. Bonav.* Cum melius sit, ut ait, pro multorum saluatione unus condemnetur, quam per unius licentiam multi periclitentur. *Hic tamen de correctione, ut est species quaedam spiritualis eleemosynae, delinquenti exhibita, agendum est.*

Question I: Whether fraternal correction is a matter of precept

[1] THE whole troop of the Sectarians, because they esteem themselves to be led by a blind impulse like beasts of burden, endowed with no free will unto acting, utterly exclude every fraternal correction; for they do not desire to be made better, who are ever rushing into worse.

> ***An CORRECTIO FRATERNA sit praecepta.***
>
> *TOTA Sectariorum turma, quia se existimant caeco impetu more iumentorum duci, nullo praeditos libero arbitrio ad operandum, omnem fraternam correctionem penitus excludunt, non enim meliorari desiderant, qui in deterius semper ruunt.*

[2] YET that it is a matter of precept, all Theologians teach in 4. dist. 19. There D. Bonav. dub. 4. litt. says: Concerning fraternal correction, this must be noted, that a man is then bound to correct, when he sees his brother sin gravely, and believes with probability that it will profit, and not harm. Yet this must be guarded against, lest anyone form for himself a foolish conscience from a slight conjecture. And in the Speculum animae, cap. 3. he says: The correction of one's neighbor is a matter of precept for all, when it is known, or believed, that the correction will impede a sin that would otherwise be committed. And although it is a matter of precept for all; yet especially for those upon whom it rests by office, as are Masters, Princes, Prelates, and these can sin more gravely in this. That correction, however, is a matter of precept for all, is clear from August. de verbis Domini, serm. 16. *If you neglect to correct, you have become worse than he who sinned.* So also D. Thom. quaest. 33. art. 2. where the Expositors, and Canonists on cap. Novit, extra de Iudiciis, and on the Can. si peccaverit, 2. quaest. 1.

> *EAM tamen esse in praecepto, docent omnes Theologi in 4. dist. 19. Ubi D. Bonau. dub. 4. litt. ait: De correctione vero fraterna hoc notandum, quod tunc tenetur homo corripere, quando videt fratrem graviter peccare, et credit probabiliter, quod debeat prodesse, et non obesse. Hoc tamen cavendum, ne quis formet sibi conscientiam stultam ex modica coniectura. Et in speculo animae, cap. 3. ait: Correctio proximi est omnibus in praecepto, cum tum scitur, vel creditur, quod correctio peccatum impediat, quod alias fieret. Et licet sit omnibus in praecepto; illis tamen praecipue, quibus incumbit ex officio, ut sunt Domini, Principes, Praelati, et magis in hoc peccare possunt. Quod autem correctio sit omnibus in praecepto, patet per August. de verbis Domini, serm. 16.* Si negligis corripere, peior factus es eo, qui peccavit. *Sic etiam D. Thom. quaest. 33. art. 2. ubi Expositores, et Canonistae super cap. Novit, extra de Iudiciis, et super Can. si peccaverit, 2. quaest. 1.*

[3] IT IS PROVED by S. Doct. in the Biblia pauperum cap. 36. with very many examples of the Scriptures. The rule of this, he says, was given to Peter, Matth. 18. *If thy brother sin against thee, etc.* By which testimony the precept is evidently had.

> *PROBATUR a S. Doct. in Bibliis pauperum cap. 36. plurimis Scripturarum exemplis. Huius regulam, ait, datam Petro, Matth. 18.* Si peccaverit in te, etc. *Quo testimonio evidenter habetur praeceptum.*

[4] SO Innocent III. alleges it in cap. cum ex iniuncto, extra de haereticis. Anacletus, dist. 24. q. 3. the Can. tum Sacerdotis. Origen homil. 3. in Lev. Basil. in moral. summa 52. cap. 2. Chrysost. homil. 60. in Matth. Jerome on Psal. 140. August. serm. 16. de verbis Domini. Gregory lib. 22. Regist. epistle 31. whom Valentia reports disp. 3. quaest. 10. punct. 2. and others at D. Bonau. lib. 4. Pharetrae, cap. 38.

> *ITA afferunt Innocentius III. in cap. cum ex iniuncto, extra de haereticis. Anacletus, dist. 24. q. 3. Can. tum Sacerdotis. Origenes homil. 3. in Leu. Basil. in moral. summa 52. cap. 2. Chrysost. homil. 60. in Matth. Hieronymus in Psal. 140.*

August. serm. 16. de verbis Domini. Gregorius lib. 22. Regist. epistola 31. quos refert Valentia disp. 3. quaest. 10. punct. 2. et alii apud D. Bonau. lib. 4. Pharetrae, cap. 38.

5 THE SAME S. Doct. proves at 17. Luke from the precept imposed there. And 2. Timot. 4. *Reprove, beseech, rebuke, etc.* and Eccles. 19. *Correct a friend, lest perhaps he have not understood.* Eccles. 17. *He commanded them to instruct every one his neighbor.* 1 Timot. 5. *Them that sin reprove.*

IDEM probat S. Doct. ad 17. Lucae ex praecepto ibi imposito. Et 2. Timot. 4. Argue, obsecra, increpa, etc. *et Eccles. 19.* Corripe amicum, ne forte non intellexerit. *Eccles. 17.* Mandavit illis unicuique de proximo suo. *Prima Timot. 5.* Peccantes argue.

6 IT IS PROVED by reason there by D. Bonavent. taken from D. Gregory, because we are bound to love our neighbor as ourselves; therefore also especially as to salvation. Valentia adduces this reason, thence gathering that it is a precept of nature, acknowledged by Aristotle himself 9. Eth. cap. 3.

PROBATUR ratione ibi a D. Bonavent. sumpta ex D. Gregorio, quia tenemur diligere proximum, sicut nos ipsos; ergo etiam maxime quoad salutem. Hanc rationem adhibet Valentia, inde colligens, esse praeceptum naturae, agnitum ab Aristotele ipso 9. Eth. cap. 3.

7 SECONDLY it is proved by D. Bonau. dist. 19. of the fourth sent. in dubiis litt. For if the precept of corporal alms stands, much more of spiritual. So also Valentia.

SECUNDO probatur a D. Bonau. dist. 19. quarti sent. in dubiis litt. Nam si extat praeceptum eleemosynae corporalis, multo magis spiritualis. Ita etiam Valentia.

8 THEREFORE Christ thus commands gravely, Luke 17. *Take heed to yourselves*, as if to say: First make yourself fit, that you may be able to correct another, lest it be said to you: *Thou who teachest not to steal, dost steal.* And this Rom. 2. *Thou that teachest another, teachest thou not thyself.* And this Matth. 7. *Hypocrite, cast out first the beam from thine own eye; and then thou shalt see to cast out the mote* from thy brother's eye. And this Luke 4. *Physician, cure thyself*, as S. Doctor notes there in his commentary. *If thy brother* (says Christ) *sin against thee, rebuke him.* Therefore: *If he sin in te*, which is wont to be expounded in two ways, as S. Doct. says. *In te*, that is, *against thee*. Which sense is clear from Peter's question: *How often shall my brother sin against me, and I forgive him?* So expound Jerome, and Chrysost. there. Ambrose at 17. Luke. Hilar. can. 18. in Matth. and August. serm. 16. de verbis Domini, where he also embraces the second exposition: *If he sin in te*, that is, *before thee:* Lyra there, S. Thom. quodl. 11. art. 12. and according to this exposition, which does not exclude the other, the precept of correcting one's neighbor is given, however he may sin, whether against us, or against God.

IGITUR sic praecipit graviter Christus, Lucae 17. Attendite vobis, *quasi dicat: Prius te exhibe aptum, ut possis alium corripere, ne tibi dicatur id:* Qui praecipis non furandum, furaris. *Et id Rom. 2.* Qui alium doces, teipsum non doces. *Et id Matth. 7.* Hypocrita, eiice primum trabem de oculo tuo; et tunc videbis eiicere festucam *de oculo fratris tui. Et id Lucae 4.* Medice cura teipsum, *ut advertit ibi in commentario S. Doctor.* Si peccaverit *(ait Christus)* in te frater tuus, increpa illum. *Igitur:* Si peccaverit in te, *quod dupliciter exponi solet, ut ait S. Doct.* In te, *idest,* contra te. *Qui sensus patet ex interrogatione Petri:* Quoties peccaverit in me frater meus, et dimittam ei? *Sic exponunt Hieronymus, et Chrysost. ibi. Ambrosius ad 17. Lucae. Hilar. can. 18. in Matth. et August. serm. 16. de verbis Domini, ubi secundam etiam amplectitur expositionem:* Si peccaverit in te, *idest,* coram te: *Lyra ibi, S. Thom. quodl. 11. art. 12. et iuxta hanc expositionem, quae alteram non excludit, datur praeceptum corripiendi proximum, quomodocumque peccantem, sive contra nos, sive contra Deum.*

9 What all Doctors suppose, especially D. August. *loc. cit.* concluding, not only when one sins against us, but when one sins, with others not knowing it, we ought in secret to correct him.

> *Id, quod supponunt omnes Doctores, praesertim D. August.* loc. cit. *concludens, non solum quando in nos peccatur, sed quando peccatur ab aliquo, nescientibus aliis, in secreto debemus eum corripere.*

10 This, however, is a precept, when the neighbor has sinned mortally. Therefore Christ says: *If he hear thee, thou shalt have gained thy brother.* Whence S. August. in the *sermon cited* infers: *If thou hast gained thy brother, then thou hadst perished.*

> *Hoc autem praeceptum est, quando proximus peccavit mortaliter. Ideo Christus ait:* Si te audierit, lucratus eris fratrem tuum. *Unde S. August. in* serm. citato *infert:* Si lucratus es fratrem tuum, ergo perieras.

Question II: Whether the order of fraternal correction, even in religious orders, is of precept, so that the correction first be made in secret

1 WE ASK here: Whether, given the conditions assigned above by D. Bonaventure — that the neighbor has gravely sinned and can probably be amended by fraternal correction — he ought first to be corrected before his sin is reported to the Prelate, even as to a Father, not as to a Judge. I speak, however, of secret sin, not one that threatens public ruin, such as heresy, rebellion, etc.

> An ordo correptionis fraternae, etiam in Religionibus, sit praeceptus, ut prius correptio fiat secreta.
>
> *QUAERIMUS hic: An datis conditionibus, supra a D. Bonav. assignatis, ut proximus graviter deliquerit, deinde correptione fraterna probabiliter emendandus sit, corrigi debeat prius, quam eius peccatum deferatur Praelato, etiam tanquam Patri, non Iudici. Loquor autem de peccato secreto, non in publicam perniciem, ut sunt haeresis, rebellio, etc.*

2 The FIRST opinion is: If there is hope that the Prelate will be more useful, one is not bound to secret correction; yet so that the Prelate be prudent, discreet; not violent, not hostile to the religious who sinned. They are cited by Caspensis, *Tract. 17. disp. 6. sect. 1.*: D. Thomas *quodl. 11. art. ultimo*, Sylvest. *v. Correctio*, Gabriel. *lect. 74. in Can.* Antonin. *2. p. tit. 9. cap. 6.* Richard. *4. dist. 19.* Iulius Calvus in *Synaxi cura animarum*, Angelus Clavasius in *summa, v. Denuntiatio, num. 10.* who asserts this to be the opinion of D. Augustine and all the Doctors of the Seraphic Order. Gerson *2. p. Alph. 24. litt. T.* Tuttecremata in *cap. si peccaverit 2. quaest. 1.* Nicolaus Otbellius *4. dist. 19. quaest. 1.* Iacob. Graffius *lib. 2. cap. 69.* who cites many others, and all the Theologians of the Society of Jesus.

> *PRIMA opinio est; Si spes sit, Praelatum magis profuturum, non teneri ad correptionem secretam; ita tamen, ut Praelatus sit prudens, discretus; non violentus, non inimicus religioso, qui peccavit. Citantur a Caspensi* Tract. 17. disp. 6. sect. 1. *D. Thomas* quodl. 11. art. ultimo, *Sylvest.* v. Correctio, *Gabriel.* lect. 74. in Can. *Antonin.* 2. p. tit. 9. cap. 6. *Richard.* 4. dist. 19. *Iulius Calvus in* Synaxi cura animarum, *Angelus Clavasius in* summa, v. Denuntiatio, num. 10. *qui asserit, esse sententiam D. August. et omnium Doctorum ordinis Seraphici. Gerson* 2. p. Alph. 24. litt. T. *Tuttecremata in* cap. si peccaverit 2. quaest. 1. *Nicolaus Otbellius* 4. dist. 19. quaest. 1. *Iacob. Graffius* lib. 2. cap. 69. *qui plures alios allegant, et omnes Theologos Societatis Iesu.*

3 He ADDS D. Bonaventure on *cap. 19. Lucae*, and the General Chapter of Barcelona, and the Constitution of the Fathers the Preachers, *cap. 18. lect. 6.* Which constitution, he says, is most ancient; for Smaragdus the Abbot, *in Regulam S. Benedicti*, refers this Constitution at *cap. 24.* and adds others at *cap. 32.* He further proclaims it common among the Doctors, and altogether to be held; but we shall soon see the opposite.

ADDIT D. Bonaventuram in cap. 19. Lucae*, et Capitulum Generale Barcinonense, ac Constitutionem Patrum Praedicatorum,* cap. 18. lect. 6. *Quam constitutionem antiquissimam ait; nam Smaragdus Abbas* in Regulam S. Benedicti*, hanc Constitutionem refert* cap. 24. *et alia addit* cap. 32. *Hanc porro communem inter Doctores clamat, et omnino tenendam; sed videbimus mox oppositum.*

4 OTHER Doctors are reported in favor of this opinion by P. Antoninus Diana *p. 2. Tract. 2. resol. 37.*; they are Turrianus *Tom. 1. in 22. dist. 89. dub. 4.* where he cites D. Bonaventure, Angelus, Rosella, and Arauallus. Bictus, *de denunt. casus quaest. 16.* approves; he also reports D. Thomas and D. Bonaventure, as though truly cited.

ALIOS Doctores refert pro hac sententia P. Antoninus Diana p. 2. Tract. 2. resol. 37. *hi sunt Turrianus* Tom. 1. in 22. dist. 89. dub. 4. *ubi citat D. Bonaventuram, Angelum, Rosellam, et Arraualum. Arridet Bictus* de denunt. casus quaest. 16. *refert etiam D. Thomam, et D. Bonaventuram, quasi vere citatos.*

5 ALMOST all, however, warn that this opinion is true provided the superior be prudent, discreet, not violent, or hostile to the religious, as I noted above; otherwise they fly to the second opinion.

MONENT tamen fere omnes, hanc sententiam veram, dummodo superior sit prudens, discretus, non violentus, vel religioso infensus, ut supra monui, alioqui ad secundam sententiam evolant.

6 The OPPOSITE opinion seems to be that of D. Bonaventure *ad 17. Lucae*, which passage the adversaries use for these words: *Si peccaverit in te frater tuus, increpa illum*, where he says: *And note that in this rebuke the order must be kept which is expressed there: If thy brother sin against thee, go, and rebuke him between thee and him alone. And afterwards he adds that witnesses must be called in; then, it must be told to the Church. This order, however, as regards witnesses, he says is a matter of congruity, not of necessity, and especially if it is perceived that the neighbor is incorrigible. There he gives the reason why it can first be told to the prelate; he adds the reason from Prov. 9: Rebuke not a scorner, lest he hate thee; and he adds from D. Jerome: To strive in vain, and by laboring to accomplish nothing else than to seek hatred, is the height of madness; otherwise indeed it is a commandment, he assents in the Speculum animae, cap. 3. see what was said in the previous volume de consentient. dist. 17. quaest. 10. to proposition 5.*

OPPOSITA sententia videtur D. Bonav. ad 17. Lucae*, quo loco utuntur adversarii ad ea verba:* Si peccaverit in te frater tuus, increpa illum*, ubi ait:* Et nota, quod in hac increpatione servari debet ordo, qui exprimitur ibi: Si peccaverit in te frater tuus, vade, et corripe eum inter te, et ipsum solum. Et postea subdit, quod adhibendi sunt testes; deinde, dicendum est Ecclesiae. Hunc tamen ordinem quoad testes, ait esse congruitatis, non necessitatis, et maxime si percipiatur, quod proximus incorrigibilis sit. Ubi causam affert, ob quam prius possit dici praelato; addit rationem ex Proverb. 9. Noli arguere derisorem, ne oderit te, et addit ex D. Hieronymo: Frustra niti, et nihil aliud laborando, quam odium quaerere, extremae dementiae est; alioqui vero esse praeceptum assentit in speculo animae, cap 3. vide dicta tomo superiori de consentient. dist. 17. quaest. 10. ad propositionem 5.

7 From this supposition, indeed, he concludes that the fault of one's neighbor can be told to the Prelate without prior fraternal correction, understanding it when no fruit is hoped for from the correction. The same opinion he plainly indicates in other places cited above *quaest. 2.*, and in the *Speculum animae, cap. 1.* he expressly asserts, with the majority whose view he subscribes to, the order of fraternal correction under pain of mortal sin. See after the middle of the chapter. The same he gravely asserts absolutely at those words Ecclus. 10. *Si mordeat serpens, etc.*, where he asserts that this very order is a Divine commandment. The same he infers in the *Speculum animae, cap. 3.*

Ex hoc vero supposito colligit, posse dici Praelato culpam proximi absque praevia correptione fraterna, intelligens, quando fructus non speratur e correptione. Eandem sententiam aperte indicat aliis locis supra quaest. 2. *allegatis, et in* speculo animae, cap. 1. *expresse ordinem correptionis fraternae sub mortali asserit ex plerisque, quibus subscribit. Vide post medium capitis. Idem graviter asserit absolute ad ea verba Ecclesi. 10.* Si mordeat serpens, etc. *ubi, ordinem ipsum asserit, esse praeceptum Divinum. Idem infert* in speculo animae, cap. 3.

[8] Of entirely the same opinion is D. Thomas *in his last testament 2. 2. quaest. 33. art. 7.*, where he expressly teaches that this order is under commandment, nor can the prelate invert it, even if he perceived it in virtue of obedience, nor is obedience to be rendered to him; nay, both the one commanding and the one obeying sin against the divine commandment. The same he teaches *art. 8.* ad 4. Rodriquez de ordine iudiciario, *tit. 4. cap. 19.* where he reports others: Thomas a Iesu *lib. de inst. tract. 1. cap. 9. num. 1. et 6.* Lorca *2. 2. sect. 3. disp. 47.* Ioan. de Cruz *in directorio conscientiae, p. 1. praec. 5. art. 2. dub. 5. conclusione 1.* Miranda *de ordine iudic. tom. 1. quaest. 11. art. 4.* to whom Diana subscribes *tom. 1. parte 2. tract. 2. resol. 37.* Bannes *2. 2. quaest. 33. art. 8. dub. 2.* Nauar. *in Manual. Lat. cap. 8. num. 14.* Petrus Nauar. *lib. 1. cap. 4. dub. 13. num. 131.* Sottus *relect. de tegendo secreto, membr. 2. quaest. 4. concl. 3. disp. 3.*

EIUSDEM sententiae omnino est D. Thom. in ultimo suo testamento 2. 2. quaest. 33. art. 7. *ubi expresse docet, hunc ordinem esse sub praecepto, nec praelatum posse illum invertere, etiam si perciperet in virtute obedientiae, non esseque ei obediendum, imo et praecipientem, et eum, qui obedit, peccare contra divinum praeceptum. Idem docet* art. 8. *ad 4. Rodriquez de ordine iudiciario,* tit. 4. cap. 19. *ubi alios refert Thomas a Iesu* lib. de inst. tract. 1. cap. 9. num. 1. et 6. *Lorca* 2. 2. sect. 3. disp. 47. *Ioan. de Cruz* in directorio conscientiae, p. 1. praec. 5. art. 2. dub. 5. conclusione 1. *Miranda* de ordine iudic. tom. 1. quaest. 11. art. 4. *quibus subscribit Diana* tom. 1. parte 2. tract. 2. resol. 37. *Bannes* 2. 2. quaest. 33. art. 8. dub. 2. *Nauar.* in Manual. Lat. cap. 8. num. 14. *Petrus Nauar.* lib. 1. cap. 4. dub. 13. num. 131. *Sottus* relect. de tegendo secreto, membr. 2. quaest. 4. concl. 3. disp. 3.

[9] From the Society: Valentia *disp. 3. quaest. 10. punct. 5.* Tanner. *2. 2. disp. 1. quaest. 5. num. 106.* who cites Adrian, Sylvest. Sotus, Bannes, Nauarrus, Valentia, Umbertus, Hugo, Victorinus, and D. Thomas. Becanus *2. 3. cap. 21. dub. 4.* Sayrus *in Clavi Regia, lib. 11. cap. 4.* Fagundez *in octavum praeceptum Decal. cap. 8. num. 7.* where at *num. 8.* he carps as almost rash Richardus and others of the first opinion, who say the opposite. And at *num. 9.* he says that that opinion is in no way probable if one stands on the common law. He admits, however, at *num. 13.*, with other Fathers of his Society, that some Religion could determine otherwise by a particular statute, provided however the religious by their right wish to renounce it, as is done in the Society of Jesus; whose constitution they defend without prejudice to this second opinion: Suarez *tract. de fide, disp. 8. sect. 6.* Coninch. *de act. supersn. disp. 28. dub. 12. num. 121.* Layman *in Theol. moral. dub. 3. sect. 5. tract. 3. punct. 2. cap. 4. num. 5.* Valentia *loc. cit.* Cantarellus super Decal. *lib. 2. cap. 69. num. 111.* Rodriquez *in exercitiis spiritualibus, Tom. 3. tract. 8. cap. 6.* where however he wrongly cites the Seraphic Doctor, whom Suarez and Tannerus also falsely cite *super* our Rule, Sancius in *select. disp. 46. num. 28.* Sanchez *summa, 1. 2. lib. VI. cap. 18. num. 50.* Ribadeneira *de Inst. Soc. cap. 34.* Becanus *2. 2. cap. 21. dub. 5. num. 33.* and others in Diana at the place adduced, Bouerius *in direct. p. II. cap. 14.* Bictus, *de denunc. quaest. 15. et 16.* The same opinion hold Octavianus Spatius in *Practica, de modo corrigendi Regulares tract. V. cap. 1. num. 4. and cap. 3. num. 4.* Petrus a S. Ioseph *lib. III. cap. 10.* Basilius *v. Correptio, num. 11.* and our Order in its *Constit.*

E Societate Valentia disp. 3. quaest. 10. punct. 5. *Tanner.* 2. 2. disp. 1. quaest. 5. num. 106. *qui citat Adrianum, Sylvest. Sotum, Bannes, Nauarrum, Valentiam, Umbertum, Hugonem, Victorinum, et D. Thomam. Becanus*

2. 3. cap. 21. dub. 4. *Sayrus* in Clavi Regia, lib. 11. cap. 4. *Fagundez* in octavum praeceptum Decal. cap. 8. num. 7. *ubi* num. 8. *carpit quasi audaces, Richardum, et alios primae sententiae, oppositum dicentes. Et* num. 9. *dicit, eam opinionem nullo modo esse probabilem stando in iure communi. Admittit tamen* num. 13. *cum aliis Patribus suae Societatis, posse aliquam Religionem peculiari statuto aliter determinare, si tamen iure suo velint religiosi renunciare, sicuti fit in Societate Iesu; cuius constitutio nem absque praeiudicio huius secundae sententiae defendunt, Suarez* tract. de fide, disp. 8. sect. 6. *Coninch.* de act. supersn. disp. 28. dub. 12. num. 121. *Layman* in Theol. moral. dub. 3. sect. 5. tract. 3. punct. 2. cap. 4. num. 5. *Valentia* loc. cit. *Cantarellus super Decal.* lib. 2. cap. 69. num. 111. *Rodriquez* in exercitiis spiritualibus, Tom. 3. tract. 8. cap. 6. *ubi tamen male allegat Seraphicum, quem falso etiam allegant Suarez, et Tannerus* super *Regulam nostram, Sancius in* select. disp. 46. num. 28. *Sanchez* summa, 1. 2. lib. VI. cap. 18. num. 50. *Ribadeneira* de Inst. Soc. cap. 34. *Becanus* 2. 2. cap. 21. dub. 5. num. 33. *et alii apud Dianam loco adducto, Bouerium* in direct. p. II. cap. 14. *Bictum,* de denunc. quaest. 15. et 16. *Eandem sententiam tenent Octavianus Spatius in* Practica, de modo corrigendi Regulares tract. V. cap. 1. num. 4. et cap. 3. num. 4. *Petrus a S. Ioseph* lib. III. cap. 10. *Basilius* v. Correptio, num. 11. *et noster Ordo in* Constit.

10 IT MUST BE ASSERTED, with this opinion, that in fraternal correction the order of the Gospel is to be observed by commandment.

ASSERENDUM cum hac sententia, in correctione fraterna servandum, ex praecepto, ordinem Evangelii.

11 *IT IS PROVED* by D. Bonaventure *ad locum Lucae*, because fraternal correction is commanded by Charity for the salutary remedy of the neighbor; but more sweetly than it can be, out of love: Now love works more with less harm than it can inflict on the neighbor: Therefore.

PROBATUR *a D. Bonav.* ad locum Lucae, *quia correctio fraterna praecepta est a Charitate ad medelam salutarem proximi; sed suavius, quam potest, ex amore: At amor magis operatur cum minori, quam potest, damno proximi: Ergo.*

12 Whence Caspensis *loc. cit.* and P. Matthias Bellintanus do not rightly attempt to show that a religious better heals his brother's salvation by reporting to Superiors, so that they may provide a remedy with a strong hand. Surely medicine teaches that iron is not to be applied when lenitives can help, as Fagundez observes *num. 7.*

Unde non recte Caspensis loc. cit. *et P. Matthias Bellintanus, conantur ostendere, religiosum melius mederi fratris saluti, deferendo ad Superiores, ut manu forti remedium praebeant. Sane medicina docet, non esse adhibendum ferrum, quando lenitiva iuvare valent, ut advertit Fagundez* num. 7.

13 *IT IS PROVED* secondly, because *Matth. 18.* and *Lucae 17.* the Fathers cited above *quaest. 1.* confess to be a commandment issued by Christ, surely also as to the order. This is confirmed by the Gloss there, and D. Augustine *in Catena aurea* of D. Thomas, where he says: *That the one not rebuking in the manner said is a betrayer.* The same D. Chrysostom has there, bringing forward the example of the physician adduced above, and *homil. 60. in Matth.* he teaches the same. And D. Hilary on this passage says: *The Lord imposed upon us that order of keeping Charity.* So also D. Jerome on this passage: *The brother must be rebuked apart, lest if once he lose shame and bashfulness, he remain in sin. But if he will not hear, let a brother be called in.* Thus also D. Augustine *homil. 2. on this passage: Finally, from these words attend, out of what love you ought to do this. Therefore do it for his sake, that you may gain him.* And comparing that saying of the Apostle *1. ad Timot. 5. Them that sin rebuke before all*, he says: *I say, therefore, let us hear these commandments, brethren, and be prepared between both commandments: it is true in both cases, that sometimes a brother must be rebuked between thee and him alone: Hear, if he sin against thee, because it was secret when he*

sinned against thee, seek secrecy. Hence you have that D. Augustine is wrongly brought forward by Angelus for the first opinion.

> PROBATUR *secundo quia* Matth. 18. *et* Lucae 17. *fatentur Patres allati* quaest. 1. *esse praeceptum, latum a Christo, profecto etiam quoad ordinem. Id confirmatur ex Glossa ibi, et D. August.* in Catena aurea *D. Thomae, ubi ait:* Non corripientem modo dicto, esse proditorem. *Idem habet D. Chrysost. ibi, afferens exemplum medici supra allatum, et* homil. 60. in Matth. *idem docet. Et D. Hilarius ad hunc locum ait:* Eum ordinem continendae Charitatis nobis Dominus imposuit. *Ita et D. Hieronymus ad hunc locum:* Corripiendus est frater seorsim, ne si semel pudorem, ac verecundiam amiserit, remaneat in peccato. Sin autem audire noluerit, adhibeatur frater. *Sic etiam D. August.* homil. 2. ad hunc locum: Denique ex his verbis attende, cuius amore id facere debeas. Ergo propter illum fac, ut lucreris. *Et conferens illud Apostoli* 1. ad Timot. 5. Peccantes coram omnibus argue, *ait:* Dico ergo, ista praecepta fratres sic audiamus, et inter utraque praecepta parati constituamur, verum est utrumque, aliquando corripiendum esse fratrem inter te, et ipsum solum: Audi, si peccaverit in te, quia secretum fuit, quando in te peccavit, secretum quaere. *Hinc habes, male ab Angelo adduci pro prima sententia D. Augustinum.*

14 The same has Eusebius Emissenus and others in the *Bibliot. homil. feria tertia post Dominicam tertiam Quadragesimae*, and other Fathers, brought forward by Lorca *disp. 47.*

> *IDEM habet Eusebius Emiss. et alii in* Bibliot. homil. feria tertia post Dominicam tertiam Quadragesimae, *et alii Patres, adducti a Lorca* disp. 47.

15 *IT IS PROVED* thirdly. Religious are not only not exempt from the observance of the commandments of the Gospel — especially the Friars Minor, whose Rule begins: *The Rule and life of the Friars Minor is this, to observe the Holy Gospel of our Lord Jesus Christ* — but are more bound to it. Now that this is a commandment S. Bonaventure asserts in the *places cited, quaest. prima.* Whence it is wrongly brought forward by Sanchez and Caspensis for the opposite opinion. It is confirmed; for our very Constitutions, which profess observance according to the rule, enjoin at *chapter 3.* that this ordinance of fraternal correction be kept, so that the brother be first rebuked, and if amendment does not follow, either one tell the sin of the other. I wonder that the Chapter of Barcelona is brought forward to the contrary, which decides this only when *they are companions in crime*, whence neither, if unamended, can rebuke the sins of the other, lest it be said to him: *Said the Thief to the Thief.* But concerning brethren outside who sin scandalously, it commands, and only condemns at the end, those who deny that a brother is ever bound to tell the sins of a brother to the Prelate. The same Julius II condemned. Whence that Chapter is not to our purpose.

> PROBATUR *tertio. Religiosi non modo non eximuntur ab observantia praeceptorum Evangelii, maxime Fratres Minores, quorum Regula incipit:* Vita, et Regula Fratrum Minorum, haec est, Sanctum Domini nostri Iesu Christi Evangelium observare; *sed ei magis obligantur. Hoc autem esse praeceptum asserit S. Bonav.* locis adductis, quaest. prima. *Unde male a Sanchez, et Caspensi adducitur pro opposita sententia. Confirmatur; nam et Constitutiones nostrae, quae protestantur observantiam secundum regulam, iniungunt* capite 3. *hanc ordinationem correctionis fraternae servandam, ut primo corripiatur frater, et non secuta emendatione, dicat alteruter peccatum alterius. Miror, adduci Capitulum Barcinonense in contrarium, quod solum id decernit, quando* sunt socii criminum, *unde neuter inemendatus potest alterius peccata corripere, ne ei dicatur:* Ait Latro ad latronem. *De fratribus vero extra, scandalose delinquentibus, praecipit, et solum damnat in fine, negantes teneri unquam fratrem peccata fratris dicere Praelato. Idem damnavit Iulius II. Unde Capitulum illud non est ad propositum nostrum.*

16 *IT IS PROVED* fourthly: for No one is the Lord of another's reputation. Therefore he cannot straightway report to the Prelate, whereby he foully stains his reputation and eliminates the shame first aroused in the subject; for while a Religious is reported before the Prelates, a worse loss is inflicted on him than if it were told to many others. Therefore P. Martinus Rex de Calvasessio, of Brescia, who for nearly 30 years exercised the office of definitor, Provincial Vicar, and Apostolic Visitator in the Missions of the Rhaetians, a man of supreme Integrity and holiness, shining with Zeal and Charity, was wont to say: *I would rather that my grave sin (if God suffered me to fall) be known by all the brethren than in the Definitory, where the Fathers dispose of me and govern me at their pleasure.* O would that all Prelates would acknowledge this golden sentiment of ours! For very many, once reported to superiors, so collapse in spirit that they rush into reprobation. And if we were lords of our reputation, nor would it be lost by secret report to the Prelate as to a Father: why would the Fathers of the Society of Jesus press it, so that Novices be instructed in that custom of theirs, and, if they wish to profess, renounce their right to reputation in this respect? Why would so many most learned Fathers of the Society labor so hard to defend that constitution of theirs? Surely Lorca *1. 2. quaest. 33. art. 8. sect. 3. disp. 47. num. 12.* Ledesma in the *summa Tom. 2. tract. 4. cap. 4. concl. 24.* and Cosmas Philiareus *de officio Sacerdotis, tom. 1. puncto 2. lib. 4. cap. 14.*, though Jesuits, cry out against such a statute, whose opinion, as the more probable, the Academy of Salamanca has lately followed, as Hieronymus Rodriquez testifies *in Compend. regularium quaestionum, resol. 36. num. 13.* That Academy, moreover, is that of the Fathers the Preachers.

> PROBATUR *quarto: nam Nullus est Dominus famae alterius. Ideo non potest illico ad Praelatum deferre, quo famam turpiter conspurcet, et verecundiam primo excitatam in subdito eliminet; dum enim Religiosus coram Praelatis defertur, peius ei damnum infertur, quam si aliis multis dicatur. Ideo P. Martinus Rex de Calvasessio, Brixiensis, qui 30. fere annos definitoris, Vicarii Provincialis, et Visitatoris, Apostolici munere fungebatur in Missiones Rhetorum, Vir summae Integritatis, ac sanctitate, Zelo, et Charitate praefulgens, dicere solebat:* Mallem peccatum meum grave (si me Deus permitteret labi) potius sciri ab omnibus fratribus, quam in Definitorio, ubi Patres me disponunt, atque ad libitum gubernant. *O utinam agnoscerent auream hanc nostram sententiam Praelati omnes! Plurimi enim, semel ad superiores delati, animo ita concidunt, ut in reprobum ruant. Quod si essemus Domini famae proximi, neque perderetur delatione secreta ad Praelatum, tanquam Patrem: cur Patres Societatis Iesu id praemerent; ut Novitii de illo suo more instruantur, et si velint profiteri, iuri famae quoad hoc abrenuncient? Cur tot Patres Societatis eruditissimi adeo insudarent, ut suam illam constitutionem tueantur? Profecto adhuc Lorca* 1. 2. quaest. 33. art. 8. sect. 3. disp. 47. num. 12. *Ledesma in* summa Tom. 2. tract. 4. cap. 4. concl. 24. *et Cosmas Philiareus* de officio Sacerdotis, tom. 1. puncto 2. lib. 4. cap. 14. *etsi Iesuitae, contra tale statutum clamant, quorum sententiam, ut probabiliorem, secuta est novissime Academia Salmanticensis, teste Hieronymo Rodriquez* in Compend. regularium quaestionum, resol. 36. num. 13. *Est autem Academia illa Patrum Praedicatorum.*

17 *IT IS PROVED* fifthly. The nature of things must be measured from what happens always or for the most part; but for the most part a report to the prelate stirs up hatreds, arouses shame, and afterward eliminates it; he has rushed on to worse things, as the Holy Fathers related above teach: see Diana. D. Bonaventure seems to incline somewhat to that *Lucae 17.*, but because he wished all Prelates to be made like himself, who was famed for outstanding mildness, Charity, and benignity even toward apostates, much more toward the wounded within the secrets of walls, so that all might trust in him wondrously, as is had in his life in the Breviary, and in the first Volume of his works. No one is read to have gone away without consolation, no one without refreshment; all, even those once fallen, he embraced in his benign bosom. Such also was S. P. Francis, who was for him the exemplar of

mildness and Charity, of whom it is read that he wished Prelates to be so gentle that if a sinner repented a hundred times, he would always be received, as at first, most benignly, with cheerful countenance. And if the subject would not have mercy; yet the holy Father, most humane even toward little animals — swallows, hares, etc. — wished Prelates to display supreme Charity toward the fallen, and was wont to say that the Prelate who wishes to raise up the fallen must bend himself to the earth, as Christ bent himself when he saw the adulteress drawn to him, whom he would not, according to the law, deliver to be stoned, but said: *No one hath condemned thee: Neither will I condemn thee. Go, and now sin no more.* He bent down, writing in the marble the sins of the Prelates of that Synagogue, who with loftiest brow gaped for the condemnation of the woman. Prelates, therefore, ought to remember, as S. P. Francis used to say, that we shall all have been far worse if God should desert us, nor is it not so because of our merits. Our Constitutions enjoin these things also in that chapter. Therefore that constitution of Barcelona, among the Constitutions of Farinerius cap. 7., either does not touch the matter, or is abrogated. But say, it is not to the point, because they only condemn those unwilling ever to have the sins of a complicit neighbor reported to the prelate, even public ones and pernicious to the body of the Religion; which same Julius II condemned in the Constitutions of the Franciscan family, as Fagundez reports num. 20, and as I noted above.

> PROBATUR *quinto. Ab eo, quod aut semper, aut ut plurimum evenit, metienda est natura rerum; plerumque autem delatio ad praelatum concitat odia, verecundiam excitat, et illam postea eliminat; ad deteriora prosilivit, ut docent SS. PP. supra relati: Vide Dian. Videtur D. Bonav. ad illud* Lucae 17. *aliquantulum inclinare, sed quia volebat, Praelatos omnes sibi similandos, qui eximia ferebatur lenitate, Charitate, et benignitate etiam in Apostatas, nedum laesos intra parietum secreta, ut omnes mirifice in eum confiderent, ut habetur in eius vita in Breviario, et in primo Tomo operum. Nullus legitur abiisse absque consolatione, nullus absque refrigerio, Omnes, etiam olim lapsos, sinu benigno complectebatur. Talis fuit etiam S. P. Franciscus, qui illi erat in lenitatis et Charitatis exemplar, de quo legitur, voluisse Praelatos adeo esse mites, ut si centies peccator resipisceret, semper, ut primo, benignissime, facie hilari reciperetur. Et si misericordiam nollet subditus; volebat tamen S. Pater, humanissimus etiam erga animalcula, Hirundines, Lepores, etc. ut summam erga lapsos Charitatem praeferrent Praelati, dicereque solebat, eum Praelatum, qui vult lapsum elevare, debere se inclinare ad terram, sicut Christus inclinavit se, quando adulteram ad se pertractam vidit, quam noluit, iuxta legem, lapidandam tradere, sed ait:* Nemo te condemnavit: Nec ego te condemnabo. Vade et iam amplius, noli peccare. *Inclinavit se, scribens in marmore peccata Praelatorum illius Synagogae, qui supercilio elato condemnationi mulieris inhiabant. Debent itaque Praelati recordari, ut aiebat S. P. Franciscus multo peiores futuros fuisse nos omnes, si Deus desereret, neque meritis nostris id non fieri. Haec iniungant etiam nostrae Constitutiones in eo capite. Itaque constitutio illa Barcinonae, inter Constitutiones Farinerii cap. 7. vel non facit ad rem, vel abolita est. Sed dic, non esse ad rem, quia solum damnant nolentes unquam praelato deferri peccata proximi complicis, etiam publica, et perniciosa Religionis corpori; quod idem damnavit Iulius II. in Constitutionibus Franciscanae familiae, ut refert Fagundez num. 20. et ut supra monui.*

18 Give us forever Prelates, holy Francises, Bonaventures, and others according to these exemplars of Charity. But on this well-worn path I cannot fix my steps, nor valiantly sustain the opposite opinion: Yet I do not refuse another point on which our Bouërius speaks learnedly, that some religious are reprobates, who abuse corrections, that they may sin in secret. These, I judge, are to be reported to the Prelate, not only as to a Father; but also as to a Judge. But these, who do not shrink from enormities, you will easily discern from others, who sin from some impulse of passion, or from frailty.

Date nobis perpetuo Praelatos SS. Franciscos, Bonaventuras, ac alios secundum haec Charitatis exemplaria. At in hoc itinere trito non possum gressus figere, nec sententiam oppositam valetsaliter sustinere: Non tamen renuo aliud in quo erudite loquitur Bouërius noster, aliquos esse religiosos reprobos, qui correctionibus abutuntur, ut secreto delinquent. Hos vero deferendos reor Praelato, non modo ut Patri; sed etiam ut Iudici. Verum hos enormia non horrentes, facile ab aliis discernes, qui ex aliquo passionis impetu, aut fragilitate delinquunt.

19 From these things the responses of Caspensis are worn away, who says that the good of the soul ought to outweigh the good of reputation. For we have already seen that the good of the soul is more easily promoted by a good reputation. And indeed I know that some have rushed headlong because of lost reputation. Then, reputation is of the natural law, and must necessarily be upheld, nor are evils to be done that goods may come, as the Apostle says.

Ex his attritae sunt responsiones Caspensis, dicentis, praeponderare debere bonum animae, bono famae. Iam enim vidimus, bonum animae fama bona facilius promoveri. Et quidem scio, aliquos in praeceps corruisse ob famam amissam. Deinde fama est iuris naturae, necessario sustinenda, nec sunt facienda mala, ut eveniant bona, sicuti ait Apostolus.

20 The other response also is worn away, that the infamy from the knowledge of the Prelate is slight.

Altera etiam responsio contrita est, modicam esse infamiam ex notitia Praelati.

21 Nay, I have shown it to be the greatest, which will forever stand in the way in governance, dispensations of offices, and the other goods of the Religion; nay, those most expert in religious life judge from this a greater loss of reputation than from the knowledge of other brothers. I have shown sufficiently also that the constitution of Farinerius helps him nothing, where he declares that doctrine, opposed by many, according to the mind of D. Bonaventure.

Imo maximam ostendi, quae perpetuo est obfutura in regimine, dispensationibus officiorum, et caeteris Religionis bonis; imo religionis peritissimi maiorem hinc famae iacturam aestimant, quam ex notitia aliorum fratrum. Satis etiam ostendi, constitutionem Farinerii nihil eum iuvare, ubi doctrinam illam, pluribus infensam, declarat ex mente D. Bonaventurae.

22 Surely D. Bonaventure professed the Gospel, and this commandment of the Lord the sacred Canons confess; And at least in that passage of Luke, he admits the admonition: Are then the precepts of Christ pestiferous? Hah, P. Caspensis, professor of the Gospel!

Sane D. Bonav. profiterur Evangelium, et hoc Domini praeceptum LL. CC. confessus est; Et ad minimum in illo loco Lucae, admittit admonitionem: Ergone pestifera Christi praecepta? Heus P. Caspensis, Evangelii professor!

23 But as to the Constitutions of the Fathers the Preachers loc. cit., I am not moved at all; for they speak of scandalous sin. Then the Theological Fathers of Salamanca, and other Preachers, are with us. Then the Rule of the friars minor is this, to observe the Gospel of the Lord, cap. 1.

Quod vero spectat ad Constitutiones Patrum Praedicatorum loc. cit. nihil movor; nam loquuntur de peccato scandaloso. Deinde Patres Theologi Salmaticenses, et alii Praedicatores nobiscum sunt. Deinde Regula fratrum minorum haec est, Sanctum Domini Evangelium observare, cap. 1.

24 As to the rule of S. Benedict, it plainly speaks of him who plots apostasy, and of the scandalous. Whence it is not to the point. I add that our Constitutions, cap. 3., impose the order of correction.

Quoad regulam S. Benedicti, aperte loquitur de eo, qui apostasiam molitur, et de scandalosis. Unde non est ad rem. Addo Constitutiones nostras, cap. 3. correctionis ordinem imponere.

25 He ADDUCES also Innocent III. cap. 39. *Qualiter, et quando*, 1. *de accusat*. But he speaks of a delict already so known to the Prelates that they can proceed. Where he only the more commends providing without the engines of trials, if it can be done, by removing from the office in which the brother sins. Nor does he speak of the Evangelical order. Nay, Innocent himself *cap. cum ex iniuncto*, says: *It is one thing to rebuke secretly a brother sinning in himself, which each is bound to effect, according to the Evangelical rule.*

> *ADDUCIT etiam Innocentium III. cap. 39.* Qualiter, et quando, *1.* de accusat. *Sed is loquitur de delicto, ita iam noto Praelatis, ut possint procedere. Ubi solummodo magis laudat sine processuum telis providere, si potest fieri, removendo ab officio, in quo frater peccat. Neque loquitur de ordine Euangelico. Imo Innocentius ipse* cap. cum ex iniuncto, *ait:* Aliud est, fratrem in se peccantem occulte corripere, quod quisque tenetur efficere, iuxta regulam Euangelicam.

26 This, however, I warn with Cajetan: one must walk with open eyes, while we see a Religious sinning lethally; and it must be presumed that such a one is with difficulty brought back to penance. See him *opusc. primo, resp. 5. ad ultimum dubium*, and Durandus *in 4. dist. 19.* and D. Chrysostom *homil. 40. in Matthaeum.*

> *Hoc tamen admoneo cum Caietano, oculate incedendum, dum Religiosum lethaliter peccantem videmus; et praesumendum difficile huiusmodi reduci ad poenitentiam. Vide ipsum* opusc. primo, resp. 5. ad ultimum dubium, *et Durandum* in 4. dist. 19. *et D. Chrystost*. homil. 40. in Matthaeum.

27 Therefore it is needful that the monitor clothe himself with the bowels of Charity, and arm his heart with Zeal, and neither pander to the curiosity of Prelates, nor indulge the license of subjects; for fraternal correction is the daughter of mercy, the granddaughter of Charity, as all the Doctors, even of the first opinion, confess, in Sanchez *num. 46. who adds n. 47.* that it is not to be reported to the Prelate if it be doubtful whether the Prelate is more apt for the salvation of the sinner.

> *Oportet igitur, ut monitor induat viscera Charitatis, et cor Zelo armet, et neque Praelatorum faucaet curiositati, nec subditorum licentiae indulgeat; nam fratetna correctio est filia misericordiae, nepos Charitatis, ut omnes Doctores, etiam primae sententiae, fatentur, apud Sanchez* num. 46. qui addit n. 47. *non esse Praelato deferendum, si dubium sit, an Praelatus aptior sit ad salutem peccatoris.*

28 But CRIMES, ruinous to the community, especially heresy, are to be reported without correction, as is lately said in the Constitution of the Holy Inquisition of Alexander VII. Among sins publicly damaging, moreover, Caspensis reports fornication, and he reports sixteen Doctors. He adds, however, that those fallen through frailty are to be commiserated, and rather covered with the mantle of Charity.

> *CRIMINA vero, ruinosa communitati, haeresis praecipue, absque correctione sunt deferenda, ut novissime dicitur in Constitutione Sanctae Inquisitionis Alexandri VII. Inter peccata vero publice damnosa refert Caspensis fornicationem, et refert sexdecim Doctores. Addit vero, lapsos ex fragilitate commiserandos, et pallio potius Charitatis tegendos.*

29 From what has been said you have that it is mortal to transgress this commandment, or to invert it out of hatred. Whence it comes that it cannot be told to the Prelate before witnesses have been called in, or at least one. So Hugo de S. Vict., who was a second Augustine, as Trithemius says, and he reports the same Augustine. The same affirm Albert. Navar. Valentia, who proves it from D. Basil *quaest. 46.* and D. Augustine *regula tertia.*

Ex dictis habes, mortale esse hoc praeceptum transgredi, vel odium invertere. Quo fit, ut non possit dici Praelato, antequam adhibiti sint testes, vel saltem unus. Ita Hugo de S. Vict. qui fuit alter August. ut ait Trithem. et refert eundem August. Idem afferunt Albert. Navar. Valentia, qui id probat ex D. Basilio quaest. 46. *et D. August.* regula tertia.

30 IT IS PROVED also, because Christ prescribes the sweet manner of Charity in this order of correction: Now surely he supposes that the greater detriment to reputation is if it be reported to the Prelate than if only two subjects know it.

PROBATUR etiam, quia Christus suavem modum Charitatis, hoc correctionis ordine, praescribit: Certum autem supponit, maius detrimentum esse famae, si Praelato deferatur, quam si duo subditi tantum norint.

31 Finally I warn that Christ gave this commandment to the Apostles, religious men; Whence I wonder at those saying that the good of religion requires something else, as though Christ had not instituted the best norm of religion.

Tandem admoneo, Christum dedisse hoc praeceptum Apostolis religiosis; Unde miror, dicentes, bonum religionis aliud requirere, quasi non instituerit Christus optimam religionis normam.

32 MANY, in Diana *resol. 38.*, add that it is a venial sin not to correct one sinning venially: but this displeases; nor does that of Azorius *punct. 2. lib. 12. cap. 14. quaest. 4.* Angelus, or Sylvestrus, and others there, please. Prelates are excepted, who ought to correct even venial sins. See him. Nay, Fuliensis adds that the Prelate is to be blamed mortally if he omits to correct venial sins gravely noxious, for instance silence; and similar things, which tend to no small detriment of religion.

ADDUNT multi apud Dianam resol. 38. *peccatum esse veniale, venialiter peccantem non corrigere: sed hoc displicet; neque placet Azorio* punct. 2. lib. 12. cap. 14. quaest. 4. *Angelo, vel Sylvestro, et aliis ibi. Excipiuntur Praelati, qui debent etiam venialia corrigere. Ipsum vide. Imo addit Fuliens. Praelatum lethali culpatum iri, si omittat corrigere venialia, graviter noxia, puta silentium; et similia, quae in religionis detrimentum non modicum vergunt.*

Disputation XI: On Hatred

1 HATRED, if it be counted among the passions, obtains their indifference, so that it is now called evil, now good, according to the disposition of the object; whence it is sometimes of virtue, sometimes of vice; Here, however, it is taken for a depraved affection of the soul, diametrically opposed to Charity, as it will be permitted to see below.

> ***De Odio.***
>
> *ODIUM, si inter passiones numeretur, harum indifferentiam obtinet, ita ut modo malum, modo bonum, iuxta obiecti dispositionem nominetur; unde aliquando est virtutis, aliquando vitii; Hic vero sumitur pro prava animi affectione, Charitati e diametro opposita, ut infra videre licet.*

Question I: What the object of hatred is, and what it is

1 Hatred regards the whole, whatever has been apprehended as evil and troublesome. Hence it is plain that it can be held in hatred, not only one's neighbor; but even God, if he be apprehended as troublesome; for thus the damned hate him, and they hated him in this life. So Christ says at Ioan. 15. *They have hated me, and my Father. But that the word may be fulfilled which is written in their law: Because they have hated me without cause.* Psalm. 34. and 138. Where the S. Doct. observes shrewdly on 15. Ioan. from D. August. tract. 81. and the Gloss; that God is said to be hated without cause, because we have no cause for hating God, nor do we reap any advantage from it. It is divided into hatred of affection, and of effect. See D. Bonavent. in 3. dist. 30. quaest. 4. and ad Psalm. 30. where he truly divides hatred. It is defined by D. Bonaventure in the opusc. declaratorio terminorum Theologiae: *Hatred is the will, affecting evil for the neighbor, that he may lack the good which saddens the one hating him.* Where he defines only hatred toward the neighbor. Nyssenus indeed, homil. 8. in Eccles., defines it thus: *It is an alienation, and aversion of appetite, or of the will, from that which is unpleasing, or affects with molestation, or,* as D. Thom. says, prima 2. quaest. 29. art. 1. *from that which is esteemed as noxious and evil.*

> Quodnam sit obiectum ODII, et quid ipsum sit.
>
> *Odium respicit totum, quidquid apprehensum est, ut malum, et molestum. Hinc patet, posse odio haberi, non modo proximum; sed etiam Deum, si apprehendatur ut molestus; sic enim eum odio habent damnati, et oderunt in hac vita. Ita Ioan. 15. ait Christus.* Oderunt me, et Patrem meum. Sed ut impleatur sermo, qui in lege eorum scriptus est: Quia odio habuerunt me gratis. *Psalm. 34. et 138. Ubi observat argute S. Doct. ad 15. Ioan. ex D. August. tract. 81. et Glossa; Deum dici odio haberi gratis, quia nullam causam habemus odiendi Deum, nullumque inde commodum ferimus. Dividitur in odium affectus, et effectus. Vide D. Bonavent. in 3. dist. 30. quaest. 4. et ad Psalm. 30. ubi vere dividit odium. Definitur a D. Bonavent. in opusc. declaratorio terminorum Theologiae:* Odium est voluntas, affectans proximo malum, ut careat bono, quod ipsum odientem contristat. *Ubi definit solum odium in proximum. Nyssenus vero homil. 8. in Eccles. sic definit:* Est alienatio, et aversio appetitus, seu voluntatis ab eo, quod est iniucundum, aut molestia afficit, sive, *ut ait D. Thom. prima 2. quaest. 29. art. 1.* ab eo, quod aestimatur ut noxium, et malum.

2 From these definitions you have a twofold hatred, of Abomination, and of Enmity. That is, by which we abominate someone as unworthy of our friendship; this, however, is that by which we wish evil to the neighbor precisely that ill may befall him, as Tannerus notes, disput. 2. quaest. 6. dub. cit.

Ex his definitionibus habes duplex odium, Abominationis, et Inimicitiae. Illud est, quo aliquem, ut indignum nostra amicitia abominamur; hoc vero est, quo volumus proximo malum praecise, ut illi male sit, ut notat Tannerus disput. 2. quaest. 6. dub. cit.

Question II: What sin hatred is, and what kind

1 To no one is it doubtful that hatred is a sin against Charity, as the S. Doct. shows at length on 15. Ioannis. Therefore he rebukes there the haters of God: *They have hated me, and my Father.* And the haters of the neighbor: *But because you are not of the world, therefore the world hateth you.* Levit. 19. *Thou shalt not hate thy brother in thy heart.* Prima Ioan. 3. *He who hateth his brother, is a murderer.* Therefore the haters of the neighbor are rebuked, Amos 5. Proverb. 9. as S. Bonaventure reports there on 15. Ioan. Whence D. August. tract. 5. in primam Ioan.: *He has not moved his hand to kill a man, and already he is held a murderer by the Lord. That one shall live; and this one is already judged an assassin.* I said, however, that hatred whose material object is God, or man, is a sin; for if hatred be borne toward the sinner, as such, it is not evil, as D. Bonaventure notes on 15. Ioan., which that Psalm 138 proves: *With perfect hatred I hated them,* where D. Gregory in the Pastorali, p. 3. cap. 1. admon. 23.: *Perfect hatred, whereby vice is hated and nature loved.*

Quod, et quale peccatum sit odium.

Nulli dubium est, odium esse peccatum contra Charitatem, ut late ostendit S. Doct. ad 15. Ioannis. Ideo odientes Deum, increpat ibi: Oderunt me, et Patrem meum. *Odientes vero proximum:* Quia vero de mundo non estis, propterea odit vos mundus. *Levit. 19.* Non oderis fratrem tuum in corde tuo. *Prima Ioan. 3.* Qui odit fratrem suum, homicida est. *Ideo reprehenduntur odientes proximum, Amos 5. Proverb. 9. ut refert S. Bonavent. ibi ad 15. Ioan. Unde D. August. tract. 5. in primam Ioan.* Non movit manum ad occidendum hominem, et iam homicida tenetur a Domino. Vivet ille; et iste iam interfector iudicatur. *Dixi autem odium, cuius obiectum materiale sit Deus, vel homo, esse peccatum; nam si odium feratur in peccatorem, ut talem, non est malum, ut notat D. Bonavent. ad 15. Ioan. quod probat illo Psalm. 138.* Perfecto odio oderam illos, *ubi D. Gregorius in Pastorali, p. 3. cap. 1. admon. 23.* Perfectum odium, quo oditur vitium, et diligitur natura.

2 Or, if even our dear ones stand in the way of the divine service, they are to be hated, Lucae 14. *If anyone come to me, and hate not Father, and Mother,* as S. Bonaventure observes on that passage. But hatred against God, who is Light, Truth, and the Highest Good, is most grave and monstrous, as the S. Doct. expounds at length on 15. Ioan., ruminating those words: *If I had not done among them the works which no other hath done, they would not have sin. But now both they have seen, and have hated me, and my father.*

Vel, si chari etiam nostri obstent divino obsequio, odiendi sunt, Lucae 14. Si quis venit ad me, et non odit Patrem, et Matrem, *ut observat S. Bonavent. ad eum locum. Gravissimum autem, et monstruosum est odium in Deum, qui est Lux, Veritas, et Summum bonum, ut late edisserit S. Doct. ad 15. Ioan. ruminans ea verba:* Si opera non fecissem in eis, quae nemo alius fecit, peccatum non haberent. Nunc autem, et viderunt, et oderunt me, et patrem meum.

3 I assert first, that hatred of God is the gravest sin.

Assero primo, odium Dei esse gravissimum peccatum.

4 It is proved by D. Bonav. loc. cit. first with the reasoning of D. August. tract. 92. in Ioan. and Chrysost. homil. 72. in Ioan., taken from that cited Ioan. 15.: *They have hated me without cause.* For where is the highest good, outside of which there is no good, and in which nothing evil is to be

found, it would necessarily, as to specification, be to be loved; and it is most monstrous to hate it. It is confirmed from Aristotle 8. Eth. cap. 10.: *That is worst which is contrary to the best.* But hatred of God is contrary to Charity, which is the highest virtue, since it is borne toward the Highest Good insofar as it is the Highest Good: Therefore.

> *Probatur a D. Bonav. loc. cit. primo ratione D. August. tract. 92. in Ioan. et Chrysost. homil. 72. in Ioan. sumpta ex illo Ioan. 15. citato:* Odio habuerunt me gratis. *Nam ubi est summum bonum, extra quod non est aliquod bonum, et in quo non est invenire aliquid mali, esset necessario quoad specificationem amandum; et monstruosissimum est odisse. Confirmatur ex Aristotele 8. Eth. cap. 10.* Illud est pessimum, quod optimo est contrarium. *Sed odium Dei est contrarium Charitati, quae est summa virtus, quippe quae fertur in Bonum summum, ut Summum bonum est: Ergo.*

5 It is proved secondly by D. Bonav. in the Incendio amoris, and Stimulo amoris, because, as it is the greatest duty to love the Highest Goodness, from which there come to us Being, Life, and all good things; so it is the greatest abomination and iniquity, to be carried in hatred against that goodness, and to will its destruction.

> *Probatur secundo a D. Bonav. in Incendio amoris, et Stimulo amoris, quia, sicuti est maximum debitum diligendi Summam bonitatem, a qua nobis, Esse, Vita, et omnia bona proveniunt; ita est maxima abominatio, et iniquitas, ferri odio in eam bonitatem, eiusque destructionem velle.*

6 It is proved thirdly by D. Bonav. in the places cited, and elsewhere everywhere, with the reasoning which D. Thom. also uses, art. 2.: because as Charity is best, because the whole adheres wholly to God, as God is; so hatred of him is worst, because it turns the whole away from God, and in every way. With these and similar arguments all the works of the Seraphic Doctor are filled.

> *Probatur tertio a D. Bonav. locis adductis, et alibi passim, ratione, qua utitur etiam D. Thom. art. 2. quia sicuti charitas optima est, quia tota toti adhaeret Deo, ut Deus est; ita odium eius pessimum, quia avertit a Deo totum, et omnibus modis. His, et similibus argumentis repleta sunt omnia Seraphici opera.*

7 S. Bonaventure notes, however, that wayfaring men ordinarily do not hate God explicitly, but only implicitly, insofar as they are turned away from him, that they may be converted to a changeable good; and therefore all sins virtually contain hatred of God, as Valentia also notes, disp. 3. quaest. 11. puncto 2.

> *Advertit tamen S. Bonav. homines viatores ordinarie non odisse Deum explicite, sed solum implicite, quatenus ab eo avertuntur, ut ad bonum commutabile convertantur; et ideo virtualiter omnia peccata odium Dei continent, ut notat etiam Valentia disp. 3. quaest. 11. puncto 2.*

8 I assert secondly, that to hate the neighbor is a most grave sin.

> *Assero secundo, Odisse proximum est gravissimum peccatum.*

9 It is proved by the S. Doct. ad cap. 15. Ioan. and collat. 70. homi. de enim., where those are called haters of the neighbor, as I said. There he brings forward many Fathers asserting hatred to be detestable: Gregory homil. 27. in Evang. and D. August. saying: *To hold hatred against a brother is to stop up the fountain of Charity.*

> *Probatur a S. Doct. ad cap. 15. Ioan. et collat. 70. homi. de enim vocantur odientes proximum, ut dixi. Ibi affert multos PP. odium detestandum asserentes: Gregorium homil. 27. in Evang. et D. August. dicentem:* Odium tenere adversus fratrem, est fontem Charitatis obturare.

10 Hence the S. Doct. lib. 1. de profectu religiosi, cap. 29., among the remedies of hatred, puts first to consider seriously that God does not spare him *who does not spare, as is said Matth. 18.* Whence he who wishes to be saved must lay aside hatred, and it is better to do this with certainty; now it is always of its genus a mortal sin; but per accidens it can be venial, first from imperfection of deliberation. Secondly, when he wishes the neighbor the greatest evil. So Suarez de Charitate, tract. 3. disp. 6. sect. 1. Azorius Tom. 3. lib. 2. cap. 20. Sylvester v. odium. Fagundez in 10. praecept. Decalogi, lib. 10. cap. 2. num. 22.

> *Hinc S. Doct. lib. 1. de profectu religiosi, cap. 29. inter remedia odii primum ponit serio considerare, Deum non parcere illi,* qui non parcit, ut dicitur Matth. 18. *Unde oportet odium deponere, qui vult salvari, et melius est id certo facere; est autem semper ex genere suo peccatum mortale; per accidens vero potest esse veniale, primo ex imperfectione deliberationis. Secundo, quando vult proximo maximum malum. Ita Suarez de Charitate, tract. 3. disp. 6. sect. 1. Azorius Tom. 3. lib. 2. cap. 20. Sylvester v. odium. Fagundez in 10. praecept. Decalogi, lib. 10. cap. 2. num. 22.*

11 Nay, of its genus it is the greatest sin, among those things which are done against the neighbor. So D. Thom. quaest. 34. art. 4. and Suarez. For although the harms inflicted on the neighbor aggravate other sins above hatred; yet this is worse by the disordination of the will, because it turns one altogether from the Neighbor, the object of Charity, by the natural and Divine law of loving.

> *Imo ex genere suo est maximum peccatum, ex his, quae in proximum fiunt. Ita D. Thom. quaest. 34. art. 4. et Suarez. Quamvis enim nocumenta, quae proximo inferuntur, alia peccata aggravent super odium; tamen hoc ex deordinatione voluntatis est peius, quia avertit omnino a Proximo, obiecto Charitatis, amando iure naturae, et Divino.*

12 It is not placed, however, among the capital vices, because other sins do not proceed first from it, but it is rather the dregs of other sins — Envy, Anger, etc. — from which dregs others then crawl. So D. Thom. art. 5. Fagundez num. 24.

> *Non ponitur tamen inter vitia capitalia, quia ex eo non procedunt primo alia peccata, sed est potius faex aliorum peccatorum, Invidiae, Irae, etc. ex qua postea faece alia sane serpunt. Ita D. Thom. art. 5. Fagundez num. 24.*

13 From what has been said you have that hatreds against God and against the neighbor are diverse in species, because the objects are diverse; nor have they of themselves that one should be for the sake of the other, as we said in Charity with D. Bonavent. 3. dist. 27. quaest. 2.

> *Ex dictis habes, diversa specie esse odia in Deum, et proximum, quia obiecta sunt diversa; neque habent per se, ut unum sit propter alterum, ut in Charitate dicebamus cum D. Bonavent. 3. dist. 27. quaest. 2.*

14 Nay, each hatred seems to be doubled, insofar as they turn away from the natural and supernatural Divine good; likewise also that of the neighbor, as Bannes said, art. 6.; but Valentia puncto 2. assents to the opposite.

> *Imo utrumque odium videtur duplicari, quatenus avertant a bono Divino naturali, et supernaturali; similiter et proximi, ut dixit Bannes art. 6. sed Valentia puncto 2. assentitur opposito.*

Disputation XII: On Sloth

1 SINCE Charity, after the manner of fire, always acts, and is impatient of idleness, hence, the material of operating being furnished to it by the readiness of the one operating, it rejoices in great gladness; but when the will slackens from the good work, sadness is born; hence Acedia is opposed to the Joy of Charity, as D. Bonav. notes, prima parte Centiloq. sect. 21. Therefore it must be treated of here.

> *CUM charitas, ad instar ignis, semper agat, sitque otii impatiens, hinc, subministrata ipsi operandi materia ab operantis promptitudine, in magnam hilarescit laetitiam; verum pigrescente a bono opere voluntate, tristitia enascitur, hinc Gaudio Charitatis opponitur Acedia, ut notat D. Bonav. prima parte Centiloq. sect. 21. Ideo de ea agendum est hic.*

Sole Question: What sloth is, and what its object is

1 ACEDIA is a Greek word, ἀκηδία, which signifies carelessness, or negligence. Then also a certain sadness that aggravates and oppresses the soul, so that it brings forth that carelessness. Now that sadness can be either of sense, or of the will. Here it is taken for the sadness of the will, bringing forth carelessness in the good work.

> *ACEDIA Graecum est vocabulum ἀκηδία, quod significat incuriam, seu negligentiam. Deinde etiam tristitiam quamdam aggravantem, et opprimentem animum, ut afferat incuriam illam. Potest autem tristitia illa esse, vel sensus, vel voluntatis. Hic accipitur pro tristitia voluntatis, afferente incuriam in bono opere.*

2 Now this can be described, from D. Thom. art. 1. and D. Bonavent. p. 1. Centil. sect. 21. and in Diaeta, tit. 2. cap. 7. and in the Declaratione terminorum Theologiae, where Latius also describes its daughters in the speculo animae, cap. 3.: *Acedia is the sadness of the will concerning a good, in some measure divine and ours, esteemed as an evil of one's own, on account of the difficulty joined to obtaining it, bringing forth in consequence carelessness and torpor in salutary works*.

> *Haec autem sic potest describi ex D. Thom. art. 1. et D. Bonavent. p. 1. Centil. sect. 21. et in Diaeta, tit. 2. cap. 7. et in Declaratione terminorum Theologiae, ubi etiam eius filias describit Latius in speculo animae, cap. 3.* Acedia est tristitia voluntatis de bono aliqualiter divino, et nostro, existimato ut malo proprio, propter adiunctam difficultatem illud obtinendi, afferens proinde incuriam, et torporem in operibus salutaribus.

3 From these you have, first, that Acedia is a sin, since it is sadness about good. Hence you will find this tepidity rebuked in Scripture, Proverb 8. *How long, sluggard, wilt thou sleep?* Then: *The sluggard wills, and wills not*. Ecclesiast. 6. *Subject thy shoulder, and bear it, that is, spiritual discipline, and be not grieved with its bands*. Matth. 3. *Every tree that doth not bring forth good fruit shall be cut down, etc.* Therefore at Matth. 25. and Lucae 19. the servant is gravely punished, because he hid the talent dug in the earth, as the S. Doct. shows in the *speculo animae*, cap. 3., where he also observes that that lukewarm one is to be vomited forth, Apoc. 3.; and on 8. Lucae, him who puts the lamp under a bushel. See many Fathers in D. Bonavent. lib. 2. *Pharetrae*, cap. 10.

> *Ex quibus habes primo, Acediam esse peccatum, cum sit tristitia de bono. Hinc reprehensam invenies in Scriptura hanc tepiditatem, Proverb 8.* Usquequo piger dormies? *Deinde:* Vult, et non vult piger. *Ecclesiast. 6.* Subiice humerum tuum, et porta illam idest spiritualem disciplinam, et ne acedieris vinculis eius. *Matth. 3.* Omnis arbor, quae non facit fructum bonum, excidetur, etc. *Ideo Matth. 25. et Lucae 19. punitur graviter*

servus, quia in terra fossum abscondit talentum, ut ostendit S. Doct. in speculo animae*, cap. 3. ubi etiam observat, evomendum, Apoc. 3. illum tepidum; et ad 8. Lucae; illum qui lucernam sub lecto ponit. Vide multos PP. apud D. Bonavent. lib. 2.* Pharetrae*, cap. 10.*

4 You HAVE secondly, that this sin is opposed to the virtue of Charity: for it is contrary to its joy, as S. Bonav. teaches, p. 1 Centiloq. loc. cit.

HABES secundo, peccatum hoc opponi virtuti Charitatis: est enim contraria gaudio eius, ut docet S. Bonav. p. 1 Centiloq. loc. cit.

5 You HAVE thirdly, that it is mortal of its genus, if it be about a good divinely commanded, etc., as D. Thom. notes, art. 3. ad secundum. And D. Bonav. in the *Speculo animae*, cap. 3. and lib. 3. *Compendy Theol.* cap. 25. But if it be about a good not commanded, it is venial.

HABES tertio, esse ex genere suo mortale, si sit de bono divino praecepto, etc. ut notat D. Thom. art. 3. ad secundum. Et D. Bonav. in Speculo animae*, cap. 3. et lib. 3.* Compendy Theol. *cap. 25. at si sit de bono non praecepto, est veniale.*

6 You HAVE fourthly, that this is a capital vice; for, as the Philosopher says, 8. Eth. cap. 6.: *No one can long remain in sadness without delight: So much so that those who are vexed with sadness do something else, that they may seek pleasure.* Thus it is named by D. Gregory, 21. *Moral.* cap. 17. in D. Bonav. in the *speculo animae*, cap. 3.

HABES quarto, hoc esse vitium capitale; nam, ut Philosophus 8. Eth. cap. 6. Nemo diu permanere potest in tristitia sine dilectatione: Adeo ut, qui tristitia vexantur, aliquid aliud faciunt, ut quaerant delectationem. *Sic nominatur D. Gregorio 21.* Moral. *cap. 17. apud D. Bonav. in* speculo animae*, cap. 3.*

7 The REMEDY of acedia Cassianus assigns, lib. 10. *de Institut. Coenobiorum*, cap. ultimo. And Climacus grad. 21. in D. Bonav. *de pugna spirituali*, cap. 7. Bernardus *serm. 3. de Ascensione: resist gravely, and undertake and pursue the work strenuously.* D. Bonav. *loc. cit. Diaetae* assigns a variety of occupations, never idling, but working variously, now praying, now reading, now singing. See D. Bonav. *de pugna spirituali, loco citato.*

REMEDIUM acediae assignant Cassianus lib. 10. de Institut. Coenobiorum*, cap. ultimo. Et Climacus grad. 21. apud D. Bonav.* de pugna spirituali*, cap. 7. Bernardus* serm. 3. de Ascensione; graviter resistite, et opus strenue aggredi, atque prosequi. *D. Bonav.* loc. cit. Diaetae *assignat diversitatem occupationum, nunquam otiando, sed varie operari, nunc orando, nunc legendo, nunc cantando. Vide D. Bonav.* de pugna spirituali, loco citato.

8 From these you will understand many definitions of acedia, related by D. Bonav. p. 1. *Centil. sect. 1.* The first from D. August.: *Acedia is weariness of the internal good.* The second from Richard: *It is tepor of the soul, neglecting to begin the good.* The third from Damascene, lib. 1. *de fide*, cap. 14.: *It is an aggravating sadness.* The fourth from many Masters: *Acedia is diffidence about one's own powers and the help of God for fulfilling arduous things, or commandments.*

Ex his intelliges multas definitiones acediae, relatas a D. Bonav. p. 1. Centil. sect. 1. *Prima ex D. August.* Acedia est taedium interni boni. *Secunda ex Richardo:* Est tepor animi, bonum inchoare negligens. *Tertia ex Damasceno, lib. 1.* de fide*, cap. 14.* Est tristitia aggravans. *Quarta ex Magistris multis:* Acedia est diffidentia de propriis viribus, et auxilio Dei, implendi ardua, sive mandata.

9 From these S. Bonaventure elicits that Acedia is essentially indeed opposed to the joy of charity; but not insofar as diffidence is opposed to Hope, inasmuch as it is weariness of the internal good, from which pusillanimity is generated: It is opposed to Fortitude: Inasmuch as it esteems all things difficult, even the easier; It is opposed to Charity, which makes all things easy.

> *Ex quibus elicit S. Bonav. Acediam essentialiter quidem opponi gaudio charitatis; sed non quantum diffidentia opponitur Spei, in quantum est taedium interni boni, ex quo generatur pusillanimitas: Opponitur Fortitudini: Quatenus reputat difficilia omnia, etiam faciliora; Opponitur Charitati, quae omnia efficit facilia.*

10 Now, since Acedia is a capital vice, it has many sons and daughters. The first is malice, which is the will, impatient of burden, scheming evil against him whom it esteems to be inflicting that burden on it. The second is rancor, which is the will, embittered by the impotence of repelling the burden, manifesting by an external sign the bitterness shut up within. The third is pusillanimity, which is the will immoderately fearing the burden in undertaking things to be done, or immoderately diffiding in its own powers. The fourth is despair, which is the will, oppressed by burden, diffiding in the help for acting, or in the divine remuneration on account of the sustaining of the burden, which is diffiding in the fulfilling of the commandments. The fifth is Torpor, which is the will succumbing to the burden, tepid or sluggish toward the completion of things undertaken: The sixth is the wandering of the mind about illicit things, which is the will, destitute of internal joy, seeking rest or consolation in illicit exterior things.

> *CUM autem Acedia sit vitium capitale, habet multos filios, et filias. Prima est malitia, quae est voluntas, gravedinis impatiens, machinans malum illius, quem illud sibi aestimat inferentem. Secunda est rancor, qui est voluntas, ex impotentia repellendae gravedinis amaricata, amaritudinem intus clausam per signum exterius manifestans. Tertia est pusillanimitas, quae est voluntas immoderate metuens gravedinem in agressu agendorum, sive de propriis viribus immoderate diffidens. Quarta est desperatio, quae est voluntas, gravedine opprimens, de adiutorio ad agenda diffidens, sive de remuneratione divina propter sustinentiam gravedinis, quae est in implendis praeceptis diffidens. Quinta est Torpor, qui est voluntas gravedini succumbens, tepida, vel pigra ad impletionem agendorum inchoatorum: Sexta est vagatio mentis circa illicita, quae est voluntas, interno gaudio destituta; in rebus exterioribus illicitis quietem, vel consolationem quaerens.*

11 ACCORDING to Isidorus, lib. *in Deuter.* cap. 16., some are daughters of sadness; others of acedia; for he himself calls sadness the will, inasmuch as it turns itself away from a grave duty.

> *SECUNDUM Isidorum lib.* in Deuter. *cap. 16. aliae sunt filiae tristitiae; aliae acediae; ipse enim tristitiam vocat voluntatem, in quantum a gravi debito se avertit.*

12 But he calls acedia the will, inasmuch as it converts itself to undue rest. He says first: From sadness go out rancor, pusillanimity, bitterness, despair; From acedia arise otiosity, somnolency, importunity, disquietude of mind, instability of body, curiosity. S. Bonav. has all these *loc. cit. p. 1. Centiloquii.*

> *ACEDIAM vero vocat voluntatem, in quantum se ad quietem indebitam convertit. Dicit primo: De tristitia exeunt rancor, pusillanimitas, amaritudo, desperatio; De acedia oriuntur, otiositas, somnolentia, importunitas, inquietudo mentis, corporis instabilitas, curiositas. Haec omnia habet S. Bonav.* loc. cit. p. 1. Centiloquii.

13 In the Diaeta *tit. primo, cap. 7.* he names fifteen daughters of acedia, and they are: Tepiditas, mollicies, somnolentia, otiositas, dilatio, tarditas, negligentia, imperfectio, remissio, dissolutio, ignavia, indolentia, tristitia, taedium vitae, desperatio. He says these vices were expressed by the

fifteen cubits by which the water ascended above the mountains in the deluge, Genes. 7.; thus they submerge and suffocate the acedious within these vices.

> *IN Diaeta* tit. primo, cap. 7. *Quindecim filias acediae nominat, et sunt, Tepiditas, mollicies, somnolentia, otiositas, dilatio, tarditas, negligentia, imperfectio, remissio, dissolutio, ignavia, indolentia, tristitia, taedium vitae, desperatio. Haec vitia expressa fuisse, ait per quindecim cubitos, quibus aqua super montes ascendit in diluvio, Genes. 7. sic intra haec vitia acediosum submergunt, ac suffocant.*

14 ¶ There the S. Doctor has most illustrious things against Acedia for sermons, which it would be too prolix to transcribe here.

> ¶ *Praeclara ibi habet S. Doctor contra Acediam ad conciones, quae hic transcribere nimis foret prolixum.*

15 He heaps up very many Scriptures for it in the *Bibliis pauperum, cap. 117.*

> *Plurimas ad id Scripturas congerit in* Bibliis pauperum, cap. 117.

16 But the S. Doctor teaches in the confessional, *cap. 2. particula 5.*, how the penitent is to be interrogated about Acedia: Whether through weariness he omitted that good, even though commanded: Whether in doing evil he began to take joy: Whether he deterred others from the good by mocking, etc. See the S. Doctor himself, discussing all the daughters of Acedia, distinguished by thoughts, words, and deeds.

> *Docet autem S. Doctor in confessionali,* cap. 2. particula 5. *quomodo de Acedia interrogandus sit poenitens: An per taedium, bonum illud, etsi praeceptum, omiserit: An in faciendo malo laetitiam coeperit: An tetraxerit alios a bono, deridendo, etc. Ipsum S. Doctorem vide, discutientem omnes filias Acediae, cogitationibus, verbis, et factis distinctas.*

Disputation XIII: On Envy

1 Envy is thus opposed to Charity, that as for the latter all things, even evils, cooperate unto good, so for the former all things, even goods, cooperate for evil; and as Charity covers the multitude of sins, so Envy covers all the goods of the neighbor, that they may not be seen; whence the envious one is said to be from non-seeing, as the Seraphic Doctor has, where below.

> *Charitati ita adversatur Invidia, ut sicut illi omnia etiam mala cooperantur in bonum, ita huic omnia etiam bona cooperantur in malum; et sicut Charitas multitudinem peccatorum operit, ita Invidia omnia proximi bona, ne videantur, obtegit; unde Invidus dicitur a non videndo, ut habet Seraphicus, ubi infra.*

Question I: What envy is, and what its object is

1 On Envy the Fathers have written many splendid things: Cyprian, *serm. de Invid.*, Basil *homil. 11. et 21.*, Chrysostom *homil. 44. et 45.*, Cassian *collat. 18.*, Prosper *lib. 3. de vita contemplativa, cap. 9.*, and others as gathered by St. Bonaventure, *Lib. 2. Pharetrae, cap. 8.*, where, drawing on St. Gregory (*Lib. 2. moral. cap. 20. Lib. 3. cap. 17.*), he lists the daughters of Envy, which are Hatred, Whispering, Detraction, Anger; and others, from other Fathers, chiefly St. Augustine (*de disciplina Christiana, cap. 1.*) and Jerome (*epist. 99.*), where they call it a diabolical vice.

> *De Invidia multa praeclare scripserunt PP. Cyprianus,* serm. de Invid.*, Basil.* homil. 11. et 21. *Chrystostomus* homil. 44. et 45. *Cassianus* collat. 18. *Prosper* lib. 3. de vita contemplativa, cap. 9. *et alii apud D. Bonavent.* Lib. 2. Pharetrae, cap. 8. *ubi ex D. Gregorio* Lib. 2. moral. cap. 20. Lib. 3. cap. 17. *refert Invidiae filias; quae sunt Odium, Susurratio, Detractio, Ira; et aliae, ex aliis Patribus, praecipue D. Augustino* de disciplina Christiana, cap. 1. *Hieronymo* epist. 99. *ubi eam vocant diabolicam culpam.*

2 Envy is defined by all as: *Sadness over the neighbor's good, judged as an evil of one's own, insofar as by comparison it diminishes the excellence of one's own good.* So the Socratic Doctor (*opusc. explic. Terminorum Theologiae; et p. p. censil. sect. 19.*). Hence Aristotle (*Lib. 2. Rhet. cap. 9.*) says the cause of Envy is equality, or similarity, and proximity. And the Saints have similar things: Augustine in *Psalm. 104.*, as gathered by St. Bonaventure *loc. adducto*, Damascene *Lib. 2. cap. 24.* St. Augustine also, *Lib. 11. de Genes. ad litt. cap. 14.*, describes Envy, saying: *Since each loves his own excellence, he envies equals, that they be made equal to him; inferiors, lest they be made equal to him; superiors, because they are not made equal to him; etc.* The same is taught by the Angelic Doctor (*p. p. censil. sect. 19.*). Hence also Lucan sang:

> *Invidia ab omnibus definitur:* Tristitia de bono alieno proximi, aestimato ut malo proprio, quatenus per comparationem imminuit proprii boni excellentiam. *Ita S. Doctor* opusc. explic. Terminorum Theologiae; et p. p. censil. sect. 19. *Ideo Aristoteles* Lib. 2. Rhet. cap. 9. *ait, causam Invidiae esse aequalitatem, vel similitudinem, et propinquitatem. Et similia habent Sancti, Augustinus in* Psalm. 104. *apud D. Bonavent.* loc. adducto*, Damascenus* Lib. 2. cap. 24. *Etiam D. Augustinus* Lib. 11. de Genes. ad litt. cap. 14. *describit Invidiam dicens:* Amando quisque excellentiam suam, vel paribus invidet, quod ei coaequentur, vel inferioribus, ne sibi coaequentur; vel superioribus, quod ei non coaequantur; etc. *Idem docet S. Doctor* p. p. censil. sect. 19. *Unde etiam cecinit Lucanus,*

3 — *Emulous virtue gave the spur, and now each can no longer bear that Caesar be before him, or Pompey his equal.* —

— Stimulos dedit aemula virtus, Nec quemquam iam ferre potest, Caesarve priorem; Pompeiusve parem. —

4 Therefore not only the surpassing good of one's neighbor begets Envy, but anything even equal, insofar as it is apprehended as diminishing our excellence or impeding our surpassing others. In this sense St. Gregory is to be understood, *Lib. 5. moral. cap. 33. We cannot envy except those whom we think better than ourselves in some respect; for he does not call them better simply, but insofar as they diminish our excellence*, as Tancretus noted (*disp. 2. quaest. 6. dub. 1.*), Valencia (*disp. 3. quaest. 14. puncto 1.*). Hence St. Augustine (*Lib. 11. in Genes. cap. 15.*), as cited by St. Bonaventure *loco cit.*, says the differences of envy are three: namely, envying superiors, because one is not their equal; equals, because they prosper for the better; inferiors, lest they be made equal to oneself. But one must note that Envy agrees with the other three affections in the character of sadness, but differs by the other parts of the definition, as the Angelic Doctor indicates (*p. p. Censil. sect. 19. et in speculo animae, cap. 1.*).

Igitur non modo bonum praecellens proximi parit Invidiam, sed quodlibet etiam aequale, quatenus minuere nostram excellentiam apprehenditur, aut praecellentiam impedire. Quo sensu intelligendus D. Gregorius Lib. 5. moral. cap. 33. Invidere non possumus nisi eis, quos nobis in aliquo meliores putamus, non enim meliores vocat simpliciter, sed quatenus minuunt nostram excellentiam, *ut adnotavit Tancretus* disp. 2. quaest. 6. dub. 1. *Valentia* disp. 3. quaest. 14. puncto 1. *Hinc D. Augustinus* Lib. 11. in Genes. cap. 15. *apud D. Bonavent.* loco cit. *ait, differentias invidiae esse tres, nempe, Invidere superioribus, quia eis non aequantur: Paribus, quia in melius prosperantur: Inferioribus, ne ei aequentur. Oportet autem advertere, Invidiam in ratione Tristitiae convenire cum aliis tribus affectibus; sed differre per alias particulas definitionis, ut indicat S. Doctor* p. p. Censil. sect. 19. et in speculo animae, cap. 1.

5 For first, there is a certain effect of fear, which is sadness over another's good insofar as it is feared to bring ruin upon us; and this is not a sin, as is clear from Aristotle *loco cit.* and St. Thomas (*hic art. 1. et 2.*) and St. Bonaventure *in speculo animae*. The envious man, however, is not saddened over another's good under this aspect, but as in fact judged to surpass him in his own excellence.

Primo enim datur quidam effectus timoris, qui est tristitia de bono alterius, quatenus timetur allaturus perniciem nobis; neque est peccatum, ut constat ex Aristotele loco cit. *et D. Thom.* hic art. 1. et 2. et D. Bonavent. in speculo animae. *Invidus vero non sub hac ratione tristatur de bono alieno, sed ut de facto aestimati alium supereminente propriae excellentiae.*

6 The second effect, similar to Envy, is when one is saddened not over another's good, so as to envy it, but over his own deficiency, insofar as he himself does not have that good; and this is not a sin, as St. Bonaventure says. This affection is called zeal and emulation, as the Philosopher teaches (*Lib. 2. Rhet. cap. 11.* and St. Thomas *art. 1.*). But Envy is saddened over another's good insofar as it diminishes one's own excellence. Hence *1 John cap. 3.* says, *For this reason Cain slew his brother, because his brother's works were just*. Here the Angelic Doctor notes that Envy is sometimes called by the name of anger, *Genes. 4. Why are you angry?* where the Gloss reads: *you are tormented by envy*; sometimes by the name of hatred: *His brothers hated him, Genes. 37.*; sometimes by the name of emulation, *1 Kings 1. Her rival afflicted her.* To this belongs what Nyssenus says, *Lib. de vita Moysi: The envious man grieves at the happiness of others, and rejoices in their calamities.* And Chrysostom, *homil. 44. ad pop. Why do you grieve, O man, at your neighbor's goods? We ought to grieve at the evils we suffer, not at the goods by which we seem to be held in esteem by others. Therefore this sin is without any pardon.* And Isidore, *Lib. 3. sent. cap. 25. There is no virtue that has not for its contrary the evil of Envy; only misery is without envy.*

Secundus effectus Invidiae similis est, cum quis tristatur, non de bono alterius, ut Invideat, sed de suo defectu, quatenus et ipse illud bonum non habet; et hoc non est peccatum, ut ait S. Bonavent. Hic affectus dicitur zelus et aemulatio, ut docet Philosophus Lib. 2. Rhet. cap. 11. et D. Thom. art. 1. *Invidia vero tristatur de bono alterius, quatenus minuit propriam excellentiam. Unde* prima Ioan. cap. 3. *dicitur,* Propterea Cain occidisse fratrem, quia fratris opera erant iusta. *Ubi advertit S. Doctor aliquando Invidiam nomine irae vocari,* Genes. 4. Quare irasceris? *ubi Glossa:* livore torqueris: *Aliquando nomine odii:* Oderant eum fratres, Genes. 37. *Aliquando nomine aemulationis,* primo Reg. 1. Affligebat eam aemula eius. *Eo pertinet id, quod ait Nyssenus* Lib. de vita Moysi: Invidus felicitate aliorum dolet, calamitatibus gaudet. *Et Chrysostomus* homil. 44. ad pop. Cur doles, o homo, proximi bonis? Dolere nos oportebat iis, quae patimur malis, non bonis, in quibus aliis probabiles haberi videmur. Propterea omni venia caret istud peccatum. *Et Isidorus,* Lib. 3. sent. cap. 25. Nulla est virtus, quae non habeat contrarium Invidiae malum: sola miseria caret invidia.

7 The third affection, similar to Envy, is sadness over another's good insofar as we judge him unworthy of that good; and this affection is called *Nemesis,* or Indignation. So Aristotle *loco cit. cap. 9.*; and St. Bonaventure asserts that this affection, with regard to temporal goods, which more often bring ruin, is not a sin (*in speculo animae, supra citato.*). See him also, *Lib. primo de profectu Religiosi, cap. 13.* Hence St. Gregory (*in Pastorali, part. 3. cap. 1. admon. 23.*) says: *It often happens that, without losing Charity, we are gladdened by the ruin of an enemy, and again saddened by his glory without the guilt of envy: since we believe in our mind that some are thereby well raised up; and as he advances, we fear that very many are unjustly oppressed.* So reports St. Bonaventure, *Lib. 3. Pharetrae, cap. 21.*

Tertius affectus, similis Invidiae, est tristitia de bono alterius, quatenus illum aestimamus eo bono indignum, et hic affectus dicitur Nemesis*, sive Indignatio. Ita Aristoteles* loco cit. cap. 9. *et hunc affectum quo ad bona temporalia, quae saepius ruinam afferunt, non esse peccatum, asserit S. Bonavent.* in speculo animae, supra citato. *Vide ipsum etiam* Lib. primo de profectu Religiosi, cap. 13. *Unde S. Gregorius* in Pastorali, part. 3. cap. 1. admon. 23. *ait:* Evenire plerumque solet, ut non amissa Charitate, nos inimici ruina laetificet, et rursum eius gloria sine invidiae culpa nos contristet: dum et mente eo, quosdam bene erigi credimus; et proficiente eo, plerosque iniuste opprimi formidamus. *Ita refert S. Bonavent.* Lib. 3. Pharetrae, cap. 21.

8 From what has been said it follows that Envy does not exist among those who are not equals or similar in some state, as Aristotle teaches (*cap. 10.*); for among these only the excellence of one obscures the excellence of the other. Hence he infers that neither the dead, nor those most remote at the pillars of Hercules, are envied; but envy, he says, exists among neighbors and rivals, and among those who desire and strive for the same things, whence the saying: *The potter envies the potter, and the smith the smith.*

Ex dictis sequitur, Invidiam non esse inter eos, qui in aliquo statu non sint aequales, vel similes, ut docet Aristoteles cap. 10. *nam inter hos tantum per unius praestantiam, Excellentia alterius obscuratur. Hinc deducit, nec mortuis, nec remotissimis ad columnas Herculis invideri: sed invidiam, ait, esse inter proximos, et rivales; et inter eos, qui eadem cupiunt, et intendunt, unde dictum est:* Figulus figulo invidet; faberque fabro.

9 Hence you infer that those prone to envy are the faint-hearted, since to them all things seem great, as St. Gregory noted above; to this Job 5: *Envy slays the small one.* On the contrary, the magnanimous are free from envy, as Silius Italicus says. See Valencia.

Hinc deduces, eos invidiae obnoxios, qui pusillanimes sunt, quippe eis omnia videntur magna, ut adnotat D. Gregorius supra, ad id Iob. 5. Parvulum occidit Invidia. *E contra, magnanimi invidia carent, ut ait Silius Italicus. Vide Valentiam.*

10 From all these things the Angelic Doctor concludes in the place cited in the *Summa* that Envy is opposed to piety, which arises from Charity.

> *Ex his omnibus colligit S. Doctor loco cit. Gentil. Invidiam opponi pietati, quae ex Charitate orta est.*

Question II: How perverse envy is

1 { D Thom. art. 2.

> ***Quam prava sit INVIDIA.***
>
> *{ D Thom. art. 2.*

2 I assert first that Envy, of its genus, is a mortal sin.

> *Assero primo, Invidiam, ex suo genere, esse peccatum mortale.*

3 *It is proved* first by St. Bonaventure in *speculo animae, cap. 3.* From Romans 1: *The Lord delivered them up to a reprobate sense, that they may do things that are not convenient, filled with all iniquity, etc. full of envy, murder, etc.*, and Galatians 5: *Among the works of the flesh are named enmities, concerning which he adds: Those who do such things shall not possess the kingdom of God.*

> Probatur *primo a D. Bonavent. in* speculo animae, cap. 3. *Ex primo Rom.* Tradidit eos Dominus in reprobum sensum, ut faciant ea, quae non conveniunt, repletos omni iniquitate, etc. plenos invidia, homicidio, etc. *et ad Galat. 5.* Inter opera carnis nominantur invidiae, de quibus subdit: Qui talia agunt, regnum Dei non possidebunt.

4 *It is proved* by the Angelic Doctor Lib. 2., *Pharetrae, cap. 8.*, and the Holy Fathers, who gravely exaggerate this sin, chiefly St. Gregory 2. *moral. cap. 20.* and Lib. 31. *cap. 17.* Lib. 3. *Dial. cap. 15.* and *homil. 5. in Evang.*, Chrysostom *homil. 54. in Ioan.*, Augustine *de disciplina Christiana, cap. 1. de Virginitate, cap. 31.*, Jerome *epist. 99.*, Isidore *in Synop. cap. 9.*, Anselm *de simil. cap. 45.* The Angelic Doctor describes Envy admirably in sermons, in *Diaeta, tit. 1. cap. 4.* and in *Bibliis pauperum, cap. 42.*

> Probatur *a S. Doctore Lib. 2.,* Pharetrae, cap. 8. *et SS. PP. qui hoc peccatum graviter exaggerant, praecipue D. Gregorius* 2. moral. cap. 20. *et Lib. 31.* cap. 17. *Lib. 3.* Dial. cap. 15. *et* homil. 5. in Evang. *Chrysostomus* homil. 54. in Ioan. *Augustinus* de disciplina Christiana, cap. 1. de Virginitate, cap. 31. *Hieron.* epist. 99. *Isidorus* in Synop. cap. 9. *Anselmus* de simil. cap. 45. *Invidiam, ad conciones, describit egregie S. Doctor in* Diaeta, tit. 1. cap. 4. *et in* Bibliis pauperum, cap. 42.

5 *It is proved* second by St. Bonaventure in *compend. Theol. Lib. 3. cap. 16.*, because it is opposed to the divine goodness, which is communicative; *so good indeed is God*, says St. Augustine in the Enchiridion *cap. 27. as is had in offic. Septuagesimae, that he makes good out of evils; but the envious man is so perverse that he sucks evil out of the very goods; and the goods cooperate toward evil for him.* See the Angelic Doctor.

> Probatur *secundo a D. Bonavent. in* compend. Theol. Lib. 3. cap. 16. *quia opponitur divinae bonitati, quae est communicativa;* tam bonum autem Deum, *ait D. Augustinus in Enchir.* cap. 27. ut habetur in offic. Septuagesimae, ut de malis bonum faciat; sed invidus adeo pravus est, ut e bonis ipsis mala sugat; et bona in malum ei cooperantur. *Vide S. Doctorem.*

6 *It is proved* third by the Angelic Doctor *cap. 28. De profectu religiosi*, and *Lib. 3. compend. Theol. cap. 23.*, because Envy is opposed to the virtue of Mercy and of Charity, and to its joy. Hence he also infers that it is a sin of envy not only to be saddened over another's good, but even not to rejoice in it, and

not to grieve over the evil. He adds, however, that it can be venial by the surreption of the act. See him in the *Compend.*

> Probatur *tertio a S. Doctore* cap. 28. De profectu religiosi, *et* Lib. 3. compend. Theol. cap. 23. *quia Invidia opponitur virtuti Misericordiae, et Charitatis, eiusque gaudio. Hinc etiam infert, esse peccatum invidiae, non solum tristari de bono alterius; sed etiam non gaudere de eo, et non dolere de malo. Addit vero, posse esse veniale ex subreptione actus. Vide ipsum in* Compend.

7 I assert second that Envy is a capital sin. So St. Gregory 31. *moral. cap. 31.*, St. Thomas *art. 4.*, St. Bonaventure in the places cited here and in the preceding question; for from it many vices are born, per St. Gregory 31. *moral. cap. 17.*: namely, Hatred, which is to will evil to someone and to refuse a good. Second, exultation over the neighbor's adversities, affliction at his prosperities, whispering, detraction. See the Angelic Doctor *de profectu Relig.*

> *Assero secundo, Invidiam esse peccatum capitale. Ita D. Gregorius 31.* moral. cap. 31. *D. Thom.* art. 4. *D. Bonavent. locis allegatis hic, et in praecedenti quaestione; nam de hac multa vitia nascuntur, ex D. Gregorio 31.* moral. cap. 17. *nempe, Odium, quod est velle malum alicui, et nolle bonum. Secundo exultatio in adversis proximi, afflictio in prosperis eius, susurratio, detractio. Vide S. Doctorem* de profectu Relig.

8 Of Envy the Angelic Doctor also says (*in speculo animae citato*) that two branches issue. These are: exultation over the neighbor's adversities, and sadness at his prosperities. The same is had in the place already cited.

> *De Invidia etiam ait S. Doctor* in speculo animae citato, *exire duos ramos. Hi sunt, exultatio in adversis proximi; et dolor in prosperis. Idem habet loco iam cit.*

9 From the First are designated first Machination, which is the hidden procurement of evil. Second, scandal, which is a word or deed less right, affording others the occasion of ruin, as St. Jerome says (*in c. 15. Matth.*) and St. Augustine (*locis allegandis disp. 18.*). Third, Snares, which are the investigation of another's deeds, so that the neighbor may be accused from them. Fourth, Betrayal, when one feigns friendship with another in order to deceive him. Of this Boethius says, *there is no pest worse than an enemy in one's own household.* Fifth, Suspicion, when one is quick to suspect evil of another. Hence Tully: *suspicion is an evil opinion arising from slight causes*; and this proceeds from the evil affection of Envy, and then it has the character of mortal sin; otherwise it is not judged mortal, as the Angelic Doctor says, whom Suarez and others follow, as gathered from him. Sixth is perverse judgment, when one, ill-disposed toward another, not only suspects evil in him from slight causes, but even determines it in his heart or pronounces it judicially with his mouth; and this is always mortal sin of its genus; hence the Gloss on 1 *Cor. 4. Do not judge before the time, condemns this.*

> *De Primo diramantur primo Machinatio, quae est mali occulta procuratio. Secundo scandalum, quod est dictum, vel factum minus rectum, praebens aliis occasionem ruinae, ut ait D. Hieronymus* in c. 15. Matth. *et D. Augustinus* locis allegandis disp. 18. *Tertio Insidiae, quae sunt investigatio factorum alterius, ut inde accusari possit proximus. Quarto Proditio, cum quis amicitiam simulat cum alio, ut eum decipiat. De hoc ait Boëtius,* nullam esse pestem, familiari inimico deteriorem. *Quinto Suspicio, cum quis facilis est, ut malum de alio suspicetur. Unde Tullius:* suspicio est mala opinio ex levibus causis, *et hoc ex mala affectione Invidiae procedit, et tunc habet rationem mortalis, alias autem non iudicatur mortalis, ut ait S. Doctor, quem sequuntur Suarez, et alii apud eum. Sexto est iudicium perversum, cum quis ad alium male affectus, non solum malum suspicatur in ipso ex causis levibus, verum etiam definit in corde, vel*

ore sententialiter, et hoc est semper peccatum mortale ex genere; unde Glossa ad id, prima Cor. 4. Nolite ante tempus iudicare, hoc damnat.

10 From this branch sprouts the sowing of discord, which is a mortal sin, *Proverb. 6.*; as also the revelation of secrets, when they are to someone's ruin.

Ex hoc ramo pullulat discordiae seminatio, quae est peccatum mortale, Proverb. 6. *sicut et secretorum revelatio, quando sunt in damnum.*

11 From the other principal branch of Envy, which is Sadness at the neighbor's prosperities, proceeds Detraction, by which the neighbor's prosperity is impeded; and this is done either by removing the neighbor's good, or by keeping silent, or by denying, or by perverting it. Or by willing to reveal, aggravate, impose, confirm the evil, and to hear it gladly, as St. Bonaventure notes (*in speculo cit.*); and they are the ten horns of the beast seen by Daniel, *cap. 7.*, as the Gloss expounds.

Ex altero ramo Invidiae praecipuo, qui est Dolor in prosperis proximi, procedunt Detractio, qua proximi prosperitas impeditur; haec autem fit, vel bonum proximi amovendo, vel tacendo, vel negando, vel pervertendo. Aut volendo, malum revelare, aggravare, imponere, confirmare, libenter audire, ut notat S. Bonavent. in speculo cit. *et sunt decem cornua bestiae, visae a Daniele,* cap. 7. *ut exponit Glossa.*

12 The Angelic Doctor observes, moreover, that a reputation is blackened by hidden words and nods, according to Ecclesiasticus 10: *If a serpent bite in silence, he is no better that backbiteth secretly.* But it has the character of mortal sin of its genus; since, according to the Wise Man, *Proverb. 22. A good name is better than great riches*, just as it is a mortal sin to steal, and the thief is bound to restitution, so too is he who detracts from a good name. He warns, however, that not every word is mortal.

Observat autem S. Doctor, denigrari famam per verba occulta, et nutus, iuxta id Ecclesiastae 10. Si mordeat serpens in sibilo, nihilominus habet, qui occulte detrahit. *Habet autem ex genere rationem mortalis; cum enim secundum sapientem,* Proverb. 22. Melius est nomen bonum, quam divitiae multae*, sicut peccatum mortale est furari, et fur ad restitutionem tenetur; ita etiam, qui famae detrahit: Monet tamen, non omne verbum esse mortale.*

13 TO detraction belongs keeping silent, when there is a need to defend a neighbor unjustly reviled; for as in temporal necessities we are bound to succor him, so also in spiritual ones. Thus also one sins by gravely diminishing or perverting a neighbor's good, as though obtained for an evil end: of this it is said *Eccles. 11. He that turneth good into evil lurketh, and in the chosen he will lay a stain.* Thus to deny another's known good is gravely to detract. Likewise gladly to hear evil of someone, or to give occasion for detraction, or to dissemble when one can correct, is mortal. Hence the Apostle, *Rom. 1. Detractors are hateful to God*, says: *Not only those who do them, but also those who consent.* The Angelic Doctor adds, however, that if someone does not correct a detraction out of bashfulness or human respect, it is not mortal, unless it be a person upon whom the duty of correcting falls. He also says that to confirm another's evil report, and to amplify it to infamy, is mortal. Yet it makes a great difference whether this proceeds from Envy or rather from an indiscreet zeal for justice; for sometimes the evils of others are spoken out of indignation or levity of speech, which it would be harsh to judge mortal, as the Angelic Doctor says.

AD detractionem autem spectat tacere, quando est necessitas iustificandi proximum, iniuste vituperatum; sicut enim in temporalibus necessitatibus tenemur succurrere illi; ita et in Spiritualibus. Sic etiam peccatur, bonum graviter proximi minuendo, vel pervertendo, quasi malo fine partatum: De hoc dicitur Eccles. 11. Bona in mala convertens insidiatur, et in electis imponet maculam. *Sic negare bonum scitum alterius, graviter detrahere est. Item malum de*

> *aliquo libenter audire, vel ansam detractionis dare, vel dissimulare, cum possit corrigere, est mortale. Unde Apostolus* Rom. 1. Detractores Deo odibiles*, ait,* Non solum autem facientes, sed etiam consentientes. *Addit tamen S. Doctor, quod si aliquis detractionem non corrigat ex verecundia, vel timore humano, non esse mortale, nisi sit persona, cui incumbat corrigere. Item ait, malum alicuius dictum confirmare, amplificare ad infamationem, esse mortale. Multum tamen interest, an hoc procedat ex Invidia, an vero ex zelo indiscreto iustitiae; Aliquando enim mala aliorum dicuntur ex indignatione, vel levitate dicendi, quae durum esset iudicare mortale, ut ait S. Doctor.*

14 From Envy, St. Bonaventure says, Rancor also arises, which is a grave motion of the heart proceeding from an evil affection toward one's neighbor, and has the character of mortal sin if it proceeds from Envy; from rancor, moreover, Hatred is born — so the Angelic Doctor.

> *Ex Invidia, ait D. Bonavent. oritur etiam rancor, qui est motus cordis gravis, ex mala affectione in proximum procedens, et habet rationem mortalis, si ex Invidia procedat; ex rancore autem nascitur odium, haec S. Doctor.*

Disputation XIV: On Discord and Contention

1 THESE perversions of the soul agree only in this, that they tear asunder the seamless Tunic of the Lord, which the soldiers themselves did not rend — Charity, that is: the one indeed attacks the truth, which it cannot by arguments, with clamors; the other breaks cords of hearts formerly united by the bond of peace, whence it took the name of Discord.

> *ISTAE animi pravitates eo solummodo conveniunt, ut inconsutilem Domini Tunicam, cui ipsi pepercere milites, Charitatem utique, dilacerent: Haec quidem veritatem, quam nequit rationibus, clamoribus impugnat; Illa corda, pacis vinculo prius unita, disrumpit, unde discordiae nomen accepit.*

Question I: What discord is, and what kind of sin

1 *DISCORD is a dissension of wills concerning the divine good, or the neighbor's good, which each is bound by Charity to will.* The Angelic Doctor says the same, p. p. Centil. sect. 18., where he describes it thus: *It is a will fleeing the judgment of wisdom, dissenting from what is said by others.*

> DISCORDIA est dissensio voluntatum circa bonum divinum, vel proximi, quod quisque tenetur ex Charitate velle. *Idem sentit D. Bonavent. p. p. Centil. sect. 18. ubi eam sic describit:* Est voluntas fugiens rationem sapientiae, ab his, quae ab aliis dicuntur, dissentiens.

2 THEREFORE it is a mortal sin of its genus; for it is opposed to Christian peace, which is an act of Charity. Hence Galatians 5. names it among the works of the flesh, of which it is said: *Those who do such things shall not possess the kingdom of God*, and Proverbs 6: *The seventh his soul detesteth, etc. He that soweth discords among brethren*, as the Angelic Doctor shows in speculo animae, cap. 1.

> *ITAQUE est peccatum ex genere mortale; Nam opponitur paci Christianae, quae est actus Charitatis. Ideo Galat. 5. nominatur inter opera carnis, de quibus dicitur:* Qui talia agunt, regnum Dei non possidebunt, *et Proverb. 6.* Septimum detestatur anima eius, etc. Qui seminat discordias inter fratres, *ut ostendit S. Doctor in speculo animae, cap. 1.*

3 MOREOVER it is the offspring of Pride, as St. Gregory teaches, 31. moral. cap. 31., and St. Thomas *art. 2.*, St. Bonaventure loco cit.; often also of Envy, as St. Thomas says ad 2. It begets many evils, as is said, Matthew 12: *Every kingdom divided against itself shall be made desolate.* Where Jerome: *As small things grow by concord, so the greatest crumble by discord*, as St. Bonaventure reports, citing the place soon after.

> *EST autem proles superbiae, ut docet D. Gregorius 31. moral. cap. 31. et D. Thom. art. 2. D. Bonavent. loco cit. saepe etiam Invidiae, ut ait D. Thom. ad 2. Plurima mala gignit, ut dicitur, Matth. 12.* Omne regnum in se divisum desolabitur. *Ubi Hieronymus:* Quomodo concordia res parvae crescunt, sic discordia maximae dilabuntur, *ut refert D. Bonavent. mox citando loco.*

4 WHENCE the Holy Fathers, as gathered by St. Bonaventure in Pharetra, Lib. 3. cap. 22., gravely reprehend it, chiefly St. Gregory in the Register, lib. 6. indic. 15. cap. 166., and Lib. 1. indic. 9. cap. 78., and Lib. 10. indic. 10. cap. 37., and Lib. 1. moral. cap. 4., and Lib. 22. cap. 6., and in Pastor. part. 3. cap. 1. admonit. 23. and 24., and Lib. 2. Dialog. cap. 3., and homil. 38. in Evang.; St. Jerome epist. 14., and on cap. 12. Matth., and on Michaeam, Lib. 2. cap. septimo; St. Augustine serm. 56. de verbis Domini, epist. 13. ad Macedon, and Lib. 9. confess. cap. 8.; St. Ambrose de Virginitate, Lib. 2. at the

end; St. Isidore in Synon. cap. 8., and de summo bono, Lib. 3. cap. 51.; St. Chrysostom homil. 16. in Matthaeum; St. Bernard epist. 78. and serm. 71. in Cantica; the Gloss on 1 John, 3.; Boethius de Consol. Lib. 5. prosa 5. at the end. Hence he describes it wondrously in sermons.

> *UNDE SS. PP. apud D. Bonavent. in Pharetra, Lib. 3. cap. 22. graviter eam reprehendunt, praecipue D. Gregorius in registro, lib. 6. indic. 15. cap. 166. et Lib. 1. indic. 9. cap. 78. et Lib. 10. indic. 10. cap. 37. et Lib. 1. moral. cap. 4. et Lib. 22. cap. 6. et in Pastor. part. 3. cap. 1. admonit. 23. et 24. et Lib. 2. Dialog. cap. 3. et homil. 38. in Evang. D. Hieronymus epist. 14. et in cap. 12. Matth. et in Michaeam, Lib. 2. cap. septimo. D. Augustinus serm. 56. de verbis Domini, epist. 13. ad Macedon, et Lib. 9. confess. cap. 8. D. Ambrosius de Virginitate, Lib. 2. ad finem. S. Isidorus in Synon. cap. 8. et de summo bono, Lib. 3. cap. 51. D. Chrysostomus homil. 16. in Matthaeum, D. Bernardus epist. 78. et serm. 71. in Cantica. Glossa in primam Ioannis, 3. Boëtius de Consol. Lib. 5. prosa 5. in fine. Hinc ad conciones mira describit.*

5 The Angelic Doctor also brings many things from the Scriptures in Bibliis pauperum, cap. 50.

> *Plurima etiam e Scripturis affert S. Doctor in Bibliis pauperum, cap. 50.*

Question II: What sin contention is, and how great

1 CONTENTION is a certain altercation of words against the truth, aimed at attacking it. Therefore it is a sin contrary to the peace of Charity, as St. Bonaventure teaches in explicatione terminorum Theologiae, and in primo sent. dub. 7. Prol., where, drawing on St. Ambrose in the Gloss on Rom. 1. *Contention*, etc., he says: *Contention is an attack upon the truth with the confidence of clamor.*

> *CONTENTIO est altercatio quaedam verborum contra veritatem, ad eam impugnandam. Itaque est peccatum, paci Charitatis contrarium, ut docet D. Bonavent. in explicatione terminorum Theologiae, et in primo sent. dub. 7. Prol. ubi ex D. Ambrosio in Glossa ad id Rom. 1.* Contentione, *etc. ait:* Contentio est impugnatio veritatis cum confidentia clamoris.

2 WHEREFORE it is mortal of its genus, as St. Thomas shows, *art.* 2., drawing on St. Gregory, 31. moral. cap. 31. Hence in Scripture it is numbered among the other mortal sins, Galatians 5., Romans 1., 1 Corinthians 1., as St. Bonaventure notes in speculo animae, cap. 1.

> *QUAPROPTER est ex genere mortale, ut ostendit D. Thom. art. 2. ex D. Gregorio 31. moral. cap. 31. Unde in Scriptura aliis mortalibus adnumeratur Galat. 5. Rom. 1. prima Corinth. 1. ut advertit D. Bonavent. in speculo animae, cap. 1.*

3 FURTHERMORE, truth is assailed by Contention: First, by one who formally attacks a truth acknowledged, as Cajetan and Valencia note. Second, one who attacks the proposed matter in such a way that he does not care whether it is true or false. Third, one who can and ought to know that the proposed matter which he attacks is true; in this way heretics attack the truth of faith, as Valencia notes, question 14.

> *PORRO per Contentionem oppugnatur veritas: Primo formaliter impugnando veritatem agnitam, ut notant Caietanus, et Valentia. Secundo, qui rem propositam, ita oppugnat, ut non curet sitne vera, an falsa. Tertio qui potest, et debet scire, veram esse rem propositam, quam oppugnat; quo modo veritatem fidei oppugnant haeretici, ut notat Valentia, quaestione 14.*

4 Of this you have much from the Holy Fathers as gathered by St. Bonaventure, Lib. 3. Pharetrae, cap. 3. §. 9. St. Gregory in 26. moral. cap. 2.: *Those who begin contentions are usually more culpable than those*

who answer; and in Past. part. 3. admon. 24.: *Whoever in sowing quarrels destroys the love of neighbors serves a familiar enemy*; and Lib. 31. moral. cap. 8.: *Hypocrisy, having assumed the habit of holy religion, abandons the care of her children, and seeks to defend temporal things even with quarrels.*

> *De hac multa habes ex SS. PP. apud D. Bonavent. Lib. 3. Pharetrae, cap. 3. §. 9. D. Gregorius in 26. moral. cap. 2.* Culpabiliores esse solem hi, qui contentiones inchoant, quam qui respondent, *et in Past. part. 3. admon. 24.* Quisquis in seminando iurgia dilectionem proximorum perimit, hosti familiaris servit, *et Lib. 31. moral. cap. 8.* Hypocrisis, assumpto sanctae religionis habitu, filiorum suorum custodiam deserit, et temporalia quaeque defendere etiam iurgiis quaerit.

5 ST. AUGUSTINE in regula 3. cap. 37.: *But you should have no quarrels, or finish them as quickly as possible, lest anger grow into hatred, and make a beam out of a straw, and make the soul a murderer. For as you have read: He that hateth his brother is a murderer.* And cap. 39.: *Refrain from harsher words; and if they have issued from your mouth, do not be ashamed to bring forth from that same mouth the remedies from which the wounds were made.*

> *D. AUGUSTINUS in regula 3. cap. 37.* Lites autem nullas habeatis, aut quam celerrime finiatis: ne ira crescat in odium, et trabem faciat de festuca, et animam faciat homicidam. Sicut enim legistis: Qui odit fratrem suum, homicida est. *Et cap. 39.* Vobis a verbis durioribus parcite: quae si emissae fuerint ex ore vestro, non pigeat ex ipso ore proferre medicamenta, unde facta sunt vulnera.

6 ISIDORE in Synon. cap. 9.: *Contention kindles the torches of hatred; contention extinguishes the peace of the heart; contention breaks concord.*

> *ISIDORUS in Synon. cap. 9.* Contentio faces odiorum accendit, pacem cordis contentio extinguit, concordiam contentio rumpit.

7 SENECA in the first letter: *The first contention is among rivals.*

> *SENECA in epistola prima:* Prima est inter competitores contentio.

8 The Angelic Doctor notes, however, in the place cited in speculo animae, that Contention is to be judged by its root; for if it arises from grave hatred, or grave anger, or a will to oppress or confound holy truth, it is mortal. And on Luke 22, at the words: *And there was also a contention among them, which of them should seem to be the greater*, the Angelic Doctor says: What was the occasion of this contention is not known. Yet contention is a sign of the love of one's own private good. Hence James 4: *From whence are wars and contentions among you? Are they not from your concupiscences, which war in your members?* But contention over primacy is a sign of the love of excellence and dominion: this was repressed by Christ; and it is dissuaded by the Apostle Paul, 1 Cor. 11.: *If anyone among you seems to be contentious, we have no such custom, nor the Church of God.* Because Proverbs 11: *honor is the man's who separates himself from contentions.* But this conflict has withdrawn from the court. Nay, just as at the approach of Christ's passion they contended over primacy, so at the approach of a prelate's death contention arises among the Canons over who ought to be placed first.

> *ADVERTIT autem S. Doctor loco cit. in speculo animae; Contentionem iudicandam ex radice, nam si oriatur ex odio gravi, vel ira gravi, vel voluntate opprimendi veritatem sanctam, vel confudendi, est mortalis. Et in 22. Lucae ad ea verba:* Facta est autem contentio inter eos, quis eorum videretur esse maior, *ait S. Doctor. Quae fuerit huius contentionis occasio, nescitur. Contentio tamen est signum amoris privati boni, Hinc Iacobi 4.* Unde bella, et lites in vobis? Nonne ex concupiscentiis vestris, quae militant in membris vestris? *Contentio autem de primatu est signum amoris excellentiae, et dominii: Haec repressa fuit per Christum; et per Apostolum Paulum dissuadetur, prima Cor. 11.* Si quis videtur inter vos contentiosus esse, nos talem consuetudinem non habemus, neque

Ecclesia Dei. *Quia Proverb. 11.* honor est hominis, qui separat se a contentionibus. *Sed haec conflictio recessit ab aula. Imo, sicut imminente passione Christi contenderunt de primatu; sic imminente morte praelati, contentio fit inter Canonicos, quis debeat praeponi.*

9 I append the splendid teaching of the Angelic Doctor, from speculo disciplinae ad novitios, cap. 20.: *It is wholly unworthy of the servants of God to contend in the manner of little women; if words of resistance fall in, one must yield at once to the resister. Honor is the man's who separates himself from contentions. They never quarrel for the sake, as it is said, of learning, knowing that contentions of words henceforth in no way pertain to them. It cannot be that contention will not extort something that is given against conscience. It is perverse, above all if with damnable audacity the mouth of a religious man be opened to injurious or maledictive words, which according to the Apostle, 1 Corinthians 10., are excluded from the kingdom of God.* So the Seraphic Doctor.

PRAECLARAM sententiam S. Doctoris appono, ex speculo disciplinae ad novitios, cap. 20. Indignum penitus servis Dei, muliercularum more contendere, si resistentiae incidant verba, cedendum est continuo resistenti. Honor est homini, qui separat se a contentionibus. Nunquam discendi, ut dicitur, gratia litigant, scientes, ad se verborum contentiones nullo modo deinceps pertinere. Non potest esse, quin contentio aliquid quod contra conscientiam datur, extorqueat. Perversum est, maxime si ausu damnabili ad iniuriosa, vel maledica verba, quae secundum Apostolum, prima Corinth. 10. a regno Dei excludantur, os viri religiosi laxetur. *Haec Seraphicus.*

Disputation XV: On Schism

1 BY Schism, worse still, one sins, in that he rejects with a discordant will the truth acknowledged in his mind, and, in place of the closer union in the dogma of faith, follows a long distance of wills; wherefore it is chiefly opposed to Charity, which dwells in the will and reduces the members of the Church into one body; hence we shall inquire what sort of sin, and how great, Schism is.

> *EO detrius per Schisma delinquitur, quod agnitam in mente veritatem, discordi voluntate reprobet, et propriorem in Dogmate fidei unionem, sequatur longa voluntatum distantia, quam ob rem Charitati, quae voluntati insidet, et membra Ecclesiae in unum corpus reducit, maxime opponitur; hinc inquiremus, quale, et quantum peccatum sit Schisma.*

Question I: What kind of sin schism is

1 The name of SCHISM is derived from the verb *scindo* (I rend), as St. Bonaventure notes in speculo animae, cap. 1. From this word begins to shine forth what sort of sin Schism is: *For schism is a disjunction by which one separates himself from the unity of the Church, as it is a certain mystical body, consisting of the faithful of various conditions as members mutually connected, especially with the Head, the Supreme Pontiff, the Vicar of Christ*. So reports St. Bonaventure in declaratione terminorum Theologiae. It is defined more briefly by the Angelic Doctor in the place cited here near the end: *Schism is the illicit dissension of those among whom unity ought to exist*.

> *SCHISMATIS nomen, a verbo scindo deducitur, ut notat D. Bonavent. in speculo animae, cap. 1. ex hoc vocabulo incipit elucere, quodnam peccatum sit Schisma:* Est enim schisma disiunctio, qua quis se separat ab unitate Ecclesiae, ut est quoddam corpus mysticum, constans ex diversarum conditionum fidelibus, tanquam membris inter se connexis, praecipue cum Capite summo Pontifice, Christi Vicario. *Ita refert D. Bonavent. in declaratione terminorum Theologiae: Brevius definitur a S. Doctore loco hic cit. prope finem:* Schisma est illicita dissensio eorum, inter quos debet esse unitas.

2 The Fathers insert this, when they say that by Schism a man is separated from the Church, as Jerome says in cap. 3. ad Titum; that the unity of the Church is rent, as Irenaeus says Lib. 4. cap. 43., and Cyprian in Lib. de unitate Ecclesiae.

> *Hoc inserunt Patres, cum dicunt, per Schisma separari hominem ab Ecclesia, ut ait Hieron. in cap. 3. ad Titum. Scindi Ecclesiae unitatem, ut ait Irenaeus Lib. 4. cap. 43. et Cyprianus Lib. de unitate Ecclesiae.*

3 HOW, however, one rends himself from that unity will be perceived once the reason of the unity of the body of the Church is recognized, which consists in an analogical proportion to offices, and to the unity of the human body, in which the members are various, deputed to various offices: some for working, as the hands; some for seeing, as the eyes; some for speaking, as the tongue, lips, palate, etc. For so in this mystical body some are destined for laboring in holy works; others for seeing and providing; others for speaking, teaching, instructing, etc. Hence the Apostle often expounds the state of the Church with this metaphor in his Epistles, as Rom. 12., 1 Cor. 13., Ephes. 4.

> *QUOMODO autem quis se ab ea Scindat unitate, percipietur, agnita ratione unitatis corporis Ecclesiae, quae consistit in analogica proportione ad officia, et unitatem corporis humani, in quo diversa sunt membra, variis officiis deputata; aliqua ad operandum, ut manus; aliqua ad videndum, ut oculi; aliqua ad loquendum, ut Lingua, labia, palatus, etc. Sic enim, et in hoc mystico aliqui sunt ad laborandum destinati in operibus sanctis; alii ad videndum, et providendum; alii*

ad loquendum, docendum, erudiendum, etc. Ideo saepe Apostolus in Epistolis hac metaphora explicat Ecclesiae statum, ut Rom. 12. prima Cor. 13. Ephes. 4.

4 HENCE indeed the reason of Schism appears, which is: refusing to conduct oneself in the manner proposed by the Church, and suitable to oneself, among those working and subject to the Supreme Head, to whose governance the whole body is subject.

HINC vero apparet ratio Schismatis, quae est, nolle se gerere modo sibi ab Ecclesia proposito, ac sibi convenienti inter operandum, et subesse Capiti Supremo, cuius regimini totum corpus subiicitur.

5 I assert, therefore, first, that Schism is a mortal sin.

ASSERO igitur primo, Schisma esse peccatum mortale.

6 It is proved by 1 *Cor. 1.* where the Apostle gravely enjoins: *Let there be no schisms among you*; for to separate oneself from the unity necessary for salvation is a great sin.

PROBATUR illa prima Cor. 1. *ubi graviter iniungit Apostolus:* Non sint in vobis Schismata: *Nam seiungere se ab unitate, necessaria ad salutem, grande peccatum est.*

7 I assert that Schism is a special mortal sin.

ASSERO, Schisma esse peccatum speciale mortale.

8 It is proved, because by Schism the singular bond of Charity is broken, as the Apostle teaches, *1 Cor. 12.*, saying: *Let there be no schism in the body, but the members should be mutually careful one for another, etc.* And Ephes. 4.: *Bearing with one another in Charity, careful to keep the unity of the Spirit in the bond of peace. One body, and one Spirit*; and below: *The whole body, compacted and connected by every joint of administration, according to the operation in the measure of the increase of every member, makes the increase of the body unto the edifying of itself in Charity.* See also St. Bonaventure *in 4. dist. 13. dub. 4. litt.*

PROBATUR, quia per Schisma rumpitur vinculum singulare Charitatis, ut docet Apostolus, prima Cor. 12. *dicens:* Non sit Schisma in corpore, sed idipsum pro invicem sollicita sint membra, etc. Et Ephes. 4. Supportantes invicem in Charitate, solliciti servare unitatem in vinculo pacis. Unum corpus, et unus Spiritus; et infra: Totum corpus compactum, et connexum per omnem iuncturam administrationis, secundum operationem in mensuram uniuscuiusque membri, augmentum corporis facit in aedificationem sui in Charitate. *Vide etiam D. Bonavent.* in 4. dist. 13. dub. 4. litt.

9 THEN it is proved from the Fathers, who say that by Schism Charity and peace are violated; so St. Cyprian *Lib. de unitate Ecclesiae*, where he offers wondrous things on this matter; Augustine *Lib. de fide, et Symbolo, cap. 10. et Lib. 2. de Baptismo contra Donatum, cap. 6.*

DEINDE probatur ex Patribus, qui dicunt, Schismate violari Charitatem, et pacem; sic D. Cyprianus Lib. de unitate Ecclesiae*, ubi mira hac de re profert: Augustinus* Lib. de fide, et Symbolo, cap. 10. et Lib. 2. de Baptismo contra Donatum, cap. 6.

10 It is proved third, because each one is bound to will, for himself and his neighbor, that good of Charity, and of peace, and of communion in the same body of the Church.

PROBATUR tertio, quia quisque tenetur, sibi, et proximo velle bonum illud Charitatis, et pacis, ac communionis in eodem Ecclesiae corpore.

11 HENCE you can know that someone can be a Schismatic even if he is not a heretic, if, namely, he separates himself from obedience to the Pontiff whom he nonetheless believes to be the Vicar of Christ. For heresy, besides the scission, adds a perverse dogma, as St. Bonaventure notes in centil. in the place to be cited.

> *HINC scire potes, Schismaticum esse posse aliquem, etiamsi non sit haereticus, si nempe se separet ab obedientia Pontificis, quem tamen credat Christi Vicarium. Haeresis enim, praeter scissionem, addit dogma pravum, ut notat S. Bonavent. in centil. loco citando.*

12 The Fathers recognized this distinction: Chrysostom *homil. 11. ad Eph.*, Augustine *de fide, et Symbolo, cap. 10. et Lib. 2. contra Cresconium, cap. 7.*, Jerome *in 3. ad Titum*, as St. Bonaventure notes *in speculo animae, cap. 1.*

> *Hanc distinctionem agnovere Patres, Chrysostomus* homil. 11. ad Eph. *Augustinus* de fide, et Symbolo, cap. 10. et Lib. 2. contra Cresconium, cap. 7. *Hieron.* in 3. ad Titum, *ut notat D. Bonavent.* in speculo animae, cap. 1.

13 MOREOVER this disobedience is not against some simple precept, say, of fasting, but is rebellious disobedience against the very Pastor; as Valencia notes (*disp. 3. quaest. 15. puncto 1.*), Cajetan (*in summa, verbo Schisma.*). The Angelic Doctor warns, however (*p. p. centil. sect. 26.*), that Schism usually leads into heresy, that is, into a heretical dogma; namely, that the Church is not to be obeyed.

> *HAEC autem inobedientia non est, contra simplex aliquod praeceptum; puta ieiunii, sed rebellis inobedientia contra ipsum Pastorem; ut notant Valentia* disp. 3. quaest. 15. puncto 1. *Caietanus* in summa, verbo Schisma. *Admonet autem S. Doctor* p. p. centil. sect. 26. *Schisma plerumque inducere in haeresim, seu dogma haereticum; Non esse scilicet obediendum Ecclesiae.*

14 There will also be Schism if one separates himself from the members of the Church by refusing to conform himself to the other members in the rites: from which it is clear that even the Pope, should that supposition occur, could become a Schismatic, as Turrecremata notes (*lib. 4. summa de Ecclesia, part. 1. cap. 11.*), Cajetan (*hic, art. 1.*), Bannes (*ibi*), Valencia (*loco cit.*). This would happen if he excommunicated the whole Church; if he refused to use the ecclesiastical rites, etc. See these Doctors.

> *ERIT etiam Schisma, si a membris Ecclesiae se separet, nolendo se caeteris membris in ritibus conformare: Ex quo patet, etiam Papam, eveniente illa suppositione, posse fieri Schismaticum, ut notant Turrecremata* lib. 4. summa de Ecclesia, part. 1. cap. 11. *Caietanus* hic, art. 1. *Bannes* ibi, *Valentia* loco cit. *Quod fieret, si totam Ecclesiam excommunicaret; si nollet Ecclesiasticis ritibus uti, etc. Vide hos Doctores.*

15 MOREOVER I say this would come to pass if the Pontiff were so to behave; for I hold that God will ever stand by with a special providence, lest the person of the Pontiff fall so, just as he has ever stood by, lest any Pontiff fall into heresy or Schism. See the authors cited.

> *HOC autem dico eventurum, si ita Pontifex se gessisset; nam existimo, Deum perpetuo astiturum peculiari providentia, ne persona Pontificis ita cadat, sicuti semper praefuit, ne ullus Pontifex haeresi, vel Schismate caderet. Vide authores allegatos.*

Question II: How great a sin schism is

1 I assert first that Schism is a most grave sin.

> Quantum peccatum sit SCHISMA.

Assero primo, Schisma esse peccatum gravissimum.

2 *It is proved*, because it wounds a great good of the Church, which is the most splendid unity of the mystical body of the Church; whence it seems the gravest among sins against one's neighbor, as Valencia says, puncto 1. Hence the holy Doctors gravely reprehend this scission. So Irenaeus lib. 4. cap. 34., Chrysostom homil. 11. ad Eph., Augustine Lib. 2. de Baptismo cont. Donat. cap. 6.

Probatur, *quia laedit magnum Ecclesiae bonum, quod est unitas praeclarissima corporis mystici Ecclesiae; unde videtur gravissimum inter peccata contra proximum, ut ait Valentia puncto 1. Ideo Sancti Doctores scissionem hanc graviter vituperant. Sic Irenaeus lib. 4. cap. 34. Chrysostomus homil. 11. ad Eph. Augustinus Lib. 2. de Baptismo cont. Donat. cap. 6.*

3 I assert second that heresy is graver by its object, since it is against divine truth; yet by its harm Schism is often the worse, as is clear, and has been clear, from experiences, as they note with St. Thomas, Tannerus disp. 2. quaest. 6. dub. 2. num. 17.

Assero secundo, ex obiecto gravius esse peccatum haeresis, quod est contra veritatem divinam; attamen ex damno saepe est deterius Schisma, ut patet, et patuit experimentis, ut notant cum D. Thoma Tannerus disp. 2. quaest. 6. dub. 2. num. 17.

Question III: What punishments are owed to schismatics

1 I suppose first that Schismatics do not lose spiritual power: that which consists in the Character of Baptism, Confirmation, or Order; for this is indeleble, as St. Thomas teaches, *art. 3.*, and others, and as is clear from Urban, can. Ordinationes, dist. 9 quaest. 1., who decrees that those ordained by Schismatic Bishops are truly ordained; and St. Augustine Lib. 6. de Baptismo, cap. 5., where he says: *A man in separation can hand on the Sacrament, just as he can have it.*

Quenam poenae SCHISMATICIS debeantur.

Suppono primo, Schismaticos non amittere spiritualem potestatem: consistentem in Charactere Baptismi, Confirmationis, vel Ordinis; nam haec est indelebilis, ut docet D. Thom. art. 3. et alii, et patet ex Urbano, can. Ordinationes, dist. 9 quaest. 1. qui, ordinatos ab Episcopis Schismaticis, decernit, esse vere ordinatos, et D. Augustinus Lib. 6. de Baptismo, cap. 5. ubi ait: Potest Sacramentum tradere separatus, sicut habere.

2 Second, it is certain that these Schismatics are deprived of the faculty of using rightly and lawfully this power of the Character; and indeed are deprived of this power as to its lawful use. So St. Thomas *art. 3.* It is had in cap. Novatianus, causa 7. quaest. 1.

Secundo certum est, privari hos Schismaticos facultate utendi recte, et legitime huiusmodi potestate Characteris; atque adeo privari hac potestate, quo ad usum legitimum. Ita D. Thom. art. 3. Habetur cap. Novatianus, causa 7. quaest. 1.

3 Understand the Fathers of the Lateran Council in this sense, cap. 1. extra, de Schismaticis, saying: *We judge the ordinations made by Octavian and Guy, heresiarchs, to be null.* This Urban also says in can. Ordinationes, 9. quaest. 1.; for it must be understood as to their lawful execution, as the Gloss expounds there, and St. Thomas loco cit., and Turrecremata Lib. 4. summae, part. 1. cap. 7.

Hoc sensu intellige Patres Concilii Later. cap. 1. extra, de Schismaticis, dicentes: Ordinationes ab Octaviano, et Guidone, haeresiarchis, factas, irritas esse censemus. *Quod etiam ait Urbanus in can. Ordinationes, 9. quaest. 1. debet enim intelligi quo ad executionem earum legitimam, ut ibi exponit Glossa, et D. Thom. loco cit. ac Turrecremata Lib. 4. summae, part. 1. cap. 7.*

4 Yet in necessity it is lawful to receive Baptism from a Schismatic, as St. Thomas notes, *art. 4. ad 1.*

> *In necessitate tamen licet a Schismatico Baptismum accipere, ut notat D. Thom. art. 4. ad 1.*

5 Third, it is certain that these incur excommunication, laid down in can. Nulli, dist. 19., according to Sylvester, V. Schismatici, num. 5. after Archidiaconus, Hugo, Innocentius, and Ioan. Andreas, and in cap. Excommunicamus, de haeret., and in the Bulla coenae, as Valencia notes, quaest. 15 puncto 3., Tannerus disp. 2. quaest. 6. dub. 2.

> *Tertio certum est, hos incurrere excommunicationem, latam in can. Nulli, dist. 19. secundum Sylvestrum, V. Schismatici, num. 5. post Archidiaconum, Hugonem, Innocentium, et Ioan. Andream, et in cap. Excommunicamus, de haeret. et in Bulla coenae, ut notant Valentia quaest. 15 puncto 3. Tannerus disp. 2. quaest. 6. dub. 2.*

6 Fourth, it is certain that through Schism those who can incur excommunication lose jurisdiction ipso facto, and they are all below the Pope; for the Excommunicated lose jurisdiction, from whose power we are freed, as Valencia notes loco cit., drawing on Cajetan de authoritate Papae, cap. 22., indeed on Gregory VII, can. Nos sanctorum, 15. quaest. 6.

> *Quarto certum est, per Schisma amittere ipso facto iurisdictionem eos, qui possunt incurrere excommunicationem, qui sunt omnes infra Papam; nam Excommunicati amittunt iurisdictionem, a quorum potestate liberamur, ut notat Valentia loco cit. ex Caietano de authoritate Papae, cap. 22. imo ex Gregorio VII. can. Nos sanctorum, 15. quaest. 6.*

7 But the Pontiff cannot by excommunication fall from his dignity.

> *At vero Pontifex non potest per excommunicationem cadere a dignitate.*

8 Fifth, it is certain that pertinacious Schismatics can be punished by deposition, as is clear in Can. In nomine Domini, 23., and Turrecremata and Valencia note it above. And if they still do not come to their senses, they can be punished with corporal punishments, with the help of the secular arm, as Pope Pelagius orders, de Liguribus, 23. q. 5., and St. Thomas teaches, *art 4. ad 3.*, Tannerus num. 11.

> *Quinto certum est, Schismaticos pertinaces, posse puniri depositione, ut patet in Can. In nomine Domini, 23. et notant Turrecrem. et Valentia supra. Et si adhuc non resipiscant, possunt puniri poenis corporalibus, auxilio brachii secularis, ut iubet Pelagius Papa de Liguribus, 23. q. 5. et docet D. Thom. art 4. ad 3. Tannerius num. 11.*

9 The controversy, however, is whether by the force of Schism jurisdiction is lost, and indeed whether even the Pontiff, should he become a Schismatic, falls from the Papacy.

> *Controversia est autem, an ex vi Schismatis amittatur iurisdictio, atque adeo etiam Pontifex, si fiat Schismaticus, excidat a Papatu.*

10 The same question is about the sin of heresy: whether by its force jurisdiction, even papal, is lost.

> *Eadem quaestio est de peccato haeresis: an ex vi illius amittatur iurisdictio, etiam Papalis.*

11 The first opinion is that jurisdiction, especially papal, is never lost, neither through Heresy nor through Schism, which is the lesser. So Cajetan, de authoritate Papae, cap. 20. 21. and 22. Sotus seems to feel the same, 4. dist. 22. quaest. 2. art. 2.; Canus lib. 4. de locis, cap. 2. and cap. ult. ad arg. 22.; and others as gathered by Turrecremata, Lib. 4. summae, part. 2. cap. 19.

> *Prima sententia est, neque per Haeresim, neque per Schisma, quod minus est, amitti unquam iurisdictionem praesertim Papalem. Ita Caietanus de authoritate Papae, cap. 20. 21. et 22. Idem videtur sentire Sotus 4. dist. 22. quaest. 2. art. 2. Canus lib. 4. de locis, cap. 2. et cap. ult. ad arg. 22. et alii apud Turrecremata Lib. 4. summae, part. 2. cap. 19.*

12 The second opinion, extremely opposite, is that by Schism or heresy, even occult, the power of jurisdiction is lost, even papal. So St. Thomas hic, art. 3.; Turrecremata cap. 20.; Sylvester, verbo Schismatici, num. 3., where he says this is the unanimous sense of all the Doctors; and others as gathered by Valencia, disp. 3. quaest. 15. puncto 3.

> *Secunda sententia, extreme opposita, est, per Schisma, vel haeresim, etiam occultam, amitti iurisdictionis potestatem, etiam Papalem. Ita D. Thom. hic, art. 3. Turrecrem. cap. 20. Sylvest. verbo Schismatici, num. 3. ubi ait esse omnium Doctorum unanimem sensum, et alii apud Valentiam disp. 3. quaest. 15. puncto 3.*

13 The third opinion is the middle one: that the manifest Schismatic and heretic loses the power of jurisdiction ipso facto; but not the occult one, until he either becomes manifest or is declared by the sentence of the Church. All who judge that those do not altogether cease to be members of the Church who communicate with the other faithful, at least by external profession of faith and of the Sacraments, seem to hold this opinion. So Vuald. Tom. 1. Lib. 2. cap. 9. et 11.; Driedo Lib. 4. de Ecclesiasticis dog. et Scripturis, cap. 2. part. 2. sent. 2. et 7.; Castro Lib. 4. de locis, cap. 6. ad arg. 12.; Bellarm. Lib. 3. de Ecclesia, cap. 12. and Lib. 2. de Romano Pontifice, cap. 30.; Valencia supra, who says this opinion more easily avoids the confusions and dangers which could otherwise follow in the Church if the actions of Schismatics and heretics were invalid ipso facto; so also Tannerus disp. 3. quaest. 6. dub. 2. num. 22.

> *Tertia sententia media est, Schismaticum, et haereticum manifestum, ipso facto amittere potestatem iurisdictionis; non autem occultum, donec is, vel manifestus fiat, vel per sententiam Ecclesiae declaretur. Ita sentire videntur, quicumque arbitrantur non omnino desinere esse membra Ecclesiae, qui externa saltem professione fidei, et Sacramentorum communicant cum aliis fidelibus. Ita Vuald. Tom. 1. Lib. 2. cap. 9. et 11. Driedo Lib. 4. de Ecclesiasticis dog. et Scripturis, cap. 2. part. 2. sent. 2. et 7. Castro Lib. 4. de locis, cap. 6. ad arg. 12. Bellarm. Lib. 3. de Ecclesia, cap. 12. et Lib. 2. de Romano Pontifice, cap. 30. Valentia supra, qui ait, hanc sententiam vitare facilius confusiones, et pericula, quae alioqui sequi possunt in Ecclesia, si actiones Schismaticorum, et haereticorum essent ipso facto invalidae; sic et Tannerus disp. 3. quaest. 6. dub. 2. num. 22.*

14 Second, because this man, though he is not intrinsically a part of the Church, is nevertheless still a member of the Church by external union, through the profession and use of the Sacraments.

> *Secundo, quia hic licet non sit intrinsece pars Ecclesiae, tamen externa unione adhuc est Ecclesiae membrum per professionem, et usum Sacramentorum.*

15 It is confirmed by what Pope Coelestinus says, epist. ad clerum Constantinop., where he says that *Nestorius and his followers, after they began to preach their heresies, could not excommunicate anyone or remove anyone from his place, because they no longer had the power to do so.* He says the same in another letter to John of Antioch. The same is said of any Bishop in can. Audivimus, 24. quaest. 1.: that no one can condemn anyone from the moment he begins to preach a heresy of his own devising.

> *Confirmatur ex eo, quod ait Coelestinus Papa, epist. ad clerum Constantinop. ubi ait,* Nestorium, et asseclas, postquam suas haereses praedicare coeperunt, non potuisse ullum excommunicare, aut de suo loco movere, quia potestatem ad id amplius non habuerint. *Eadem dicit in alia epistola ad Ioannem Antiochenum. Idem dicitur de quovis Episcopo in can. Audivimus, 24. quaest. 1. Neminem posse damnare, ex quo haeresim, a se confictam, coeperit praedicare.*

16 Finally others, the Fathers, want it to hold absolutely, being brought forward by the Doctors of the second opinion, as Cyprian Lib. 1. epist. 6.; Ambrose Lib. 1. de poenit. cap. 2.; Augustine in Enchir,

cap. 65.; Optatus Lib. 1. cont. Parmen.; and Bede in cap. 18. Matthaei.

> *Tandem id omnino tantum volunt alii Patres, adducti a Doctoribus secundae sententiae, ut Cyprianus Lib. 1. epist. 6. Ambrosius Lib. 1. de poenit. cap. 2. Augustinus in Enchir, cap. 65. Optatus Lib. 1. cont. Parmen. et Beda in cap. 18. Matthaei.*

17 You will object, with the second opinion: He who has jurisdiction over the body of the Church must be a member united to it; for he who is divided cannot influence or move; but the Schismatic and heretic, even occult, is severed: Therefore. The minor is proved of the heretic; for Faith is the foundation of the union. As to the Schismatic, it is clear from the definition of Schism.

> *Obiicies cum secunda sententia. Qui habet iurisdictionem in corpus Ecclesiae, debet esse membrum illi unitum; nam, qui est divisus, non potest influere, aut movere; sed Schismaticus, et haereticus, etiam occultus, est seiunctus: Ergo. Minor probatur de haeretico; nam Fides est fundamentum unionis. Quo ad Schismaticum, patet ex definitione Schismatis.*

[Page 156 of the 1676 edition is missing from the only scan of this volume available to us, and therefore from this text. It held the end of this question, the opening of Disputation XVI, On War, and the beginning of its first question; the headings are supplied from the printed index.]

Disputation XVI: On War

Question I: Whether any war can be just

1 strike no one, wound no one; but because he knew that when they did these things as soldiers they were not homicides, but ministers of the law, and not avengers of their own injuries, but defenders of the public safety: he answered them: *shake no one down, etc.; but be content with your wages.*

> An bellum aliquod possit esse iustum.
>
> *neminem percutite, vulnerate neminem, sed quia sciebat, eos, cum haec militando facerent, non esse homicidas, sed ministros legis, et non ultores iniuriarum suarum, sed salutis publicae defensores: respondit eis:* neminem concutiatis, etc. sed contenti estote stipendiis vestris.

2 John the Baptist was certainly speaking on behalf of men even of the New Testament; for he was the precursor of Christ.

> *Loquebatur sane Baptista pro hominibus etiam novi testamenti; erat enim Christi praecursor.*

3 *IT IS PROVED* secondly from the Heroes, praised in Scripture as saints, who waged wars: thus Abraham, Moses, Josue, Gedeon, Sampson, David, Josias, the Machabees, and others.

> PROBATUR *secundo etiam ex Heroibus, in Scriptura laudatis ut sanctis, qui bella gessere, sic Abraham, Moyses, Iosue, Gedeon, Sampson, David, Iosias, Machabaei, et alii.*

4 *IT IS PROVED* thirdly from holy Pontiffs, who praised wars waged by Christians, or urged that they be waged: Damasus, in Theodorus *book 5, chapter 10;* Gregory *book 1, epistle 72;* Chrysostom *on Psalm 45;* Nazianzen *oration 3, on peace;* Ambrose *book 1 of Offices, chapters 40 and 41;* Jerome *on Micheas 4;* see the Holy Doctor in the sermons of the Hexaemeron.

> PROBATUR *tertio ex Pontificibus sanctis, qui bella gesta a Christianis laudarunt, vel gerenda suaserunt hi: Damasus apud Theodorum* lib. 5. c. 10. *Gregorius* lib. 1. epist. 72. *Chrysostomus* in Psalm. 45. *Nazianzenus* oratione 3. de pace, *Ambrosius* Lib. 1. offic. cap. 40. et 41. *Hieronymus* in 4. Micheae, *Vide S. Doctorem in sermonibus Hexaëmeronis.*

5 *IT IS PROVED* by reason, D. Bonaventure *at the place cited,* drawing on Aristotle *7 Politics, chapter 14,* and D. Augustine *epistle 207:* because peace is necessary to the human commonwealth, that we and ours may have the means of living; but this is often impeded by acts of violence, which cannot otherwise be repelled than by war; and it is a law of nature that we repel violence, whence the opposing arguments collapse.

> PROBATUR *ratione D. Bonauent.* loco allegando, *sumpta ex Aristotele* 7. Polit. cap. 14. *et D. Augustino* epist. 207. *quia pax humanae Reipublicae est necessaria, ut nos, nostraque habere possimus ad vivendum; sed haec saepe violentiis impediuntur, quae nequeunt aliter quam bello propulsari; est autem ius naturae, ut violentias propulsemus, ex quo argumenta adversa corruunt.*

6 The Holy Doctor confirms all this *on Luke 6,* in these words: *and he who strikes you on the cheek, etc.,* from D. Augustine *book 1 of the City of God, chapter 21,* where he says, expounding that precept: *Thou shalt not kill: Against this precept they did not act who, by God's authority, waged wars, or who, bearing the person*

of public power, and according to its laws — that is, by the most just command of reason — punished criminals with death.

> ID *totum confirmat S. Doctor* ad 6. Lucae, *in ea verba:* et qui te percutit in maxillam, etc. *ex D. Augustino* primo de civit. cap. 21. *ubi ait, exponens illud praeceptum:* Non occides: Contra hoc praeceptum non fecerunt, qui, Deo authore, bella gesserunt, aut personam gerentes publicae potestatis, secundum eius leges, hoc est, iustissimum rationis imperium, sceleratos morte punierunt.

7 It is confirmed *from the chapter Fortitudo 23, question 3,* which is by D. Ambrose *book 1 of Offices, chapter 27: Fortitude, which either defends the fatherland from barbarians in war, or at home defends the weak, or one's companions from robbers, is full of justice.*

> CONFIRMAT ex cap. Fortitudo 23. quaest. 3. *qui est D. Ambrosii* Lib. 1. de offic. cap. 27. Fortitudo, quae vel bello tuetur a barbaris patriam, vel domi defendit infirmos, vel a latronibus socios, plena iustitia est.

8 *YOU WILL OBJECT* first. It was said *in Isaias 2 and Micheas 4* that wars are to be put away in the time of grace.

> OBIICIES *primo. Praedictum est* Isaiae 2. et Micheae 4. *bella tempore gratiae abigenda.*

9 *IT IS ANSWERED* with D. Ambrose *on Psalm 45* and D. Jerome *on chapter 4 of Micheas,* that what was foretold was the peace to come in the whole world at the time of Christ's advent, so that it might be prepared to receive the Gospel.

> RESPONDETUR *cum D. Ambrosio* in Psalm. 45. et *D. Hieronymo* in cap. 4. Micheae, *praedictum tempore adventus Christi futuram pacem in toto orbe, ut recipiendo Evangelio esset paratus.*

10 *YOU OBJECT* secondly that in the Gospel it is commanded: *Matth. 5. Whoever strikes you on one cheek, offer him the other also. Matth. 26. Whoever takes up the sword shall perish by the sword. Rom. 12. Rendering to no one evil for evil.*

> OBIICIES *secundo in Evangelio praecipitur,* Matth. 5. Qui te percusserit in unam maxillam, praebe illi et alteram. Matth. 26. Qui acceperit gladium, gladio peribit. Rom. 12. Nulli malum pro malo reddentes.

11 *IT IS ANSWERED* from D. Augustine *epistle 5 to Marcellinus,* that this is forbidden lest it be done by private authority.

> RESPONDETUR *ex D. Augustino* epist. 5. ad Marcellinum, *id prohiberi, ne fiat privata authoritate.*

12 *TAKE NOTE* that in the Council of Nicaea, *canon 11,* those are condemned who, after first laying down the military belt lest they sacrifice to idols, returned again as a dog to its vomit, serving Pagan Emperors, Diocletian, Licinius, and others, who all dishonored the military belt of Christians unless they sacrificed to idols.

> ADVERTE *in Concilio Nicaeno,* can. 11. *damnari eos, qui prius deposito cingulo militari, ne idolis immolarent, rursus ad vomitum redibant, servientes Imperatoribus Paganis, Diocletiano, Licinio, et aliis, qui omnes Christianos cingulo militari dehonestabant, nisi immolarent Idolis.*

13 *Some* Fathers indeed condemn only unjust wars, or those which are occasions of sinning proximately, or dissuade men in religious orders, or urge them to enter religion, etc.

> ALIQUI *vero Patres damnant bella tantum iniqua, vel quae occasiones sunt proximae peccandi, vel dissuadent viris religiosis, vel suadent ad religionem ire, etc.*

14 *From* these you have that wars even against the Turks are lawful; for if God uses the Turks for our exercise, he also uses pestilence and famine, and yet we are bound to defend ourselves, lest they overwhelm the Christian world with superstitious clouds. See Valentia *at the place cited* and Bellarmine, *chapter 16.* For the Turks are unjust possessors of Christian kingdoms.

> EX *his habes, bella etiam contra Turcas esse licita; esto enim Deus utatur Turcis ad exercitium nostrum, utitur etiam peste, et fame, et tamen nos tenemur defendere, ne Christianum orbem superstitiosis nubibus obruant. Vide Valentiam* loco cit. *et Bellarminum,* cap. 16. *Sunt enim Turcae iniqui possessores Regnorum Christianorum.*

Question II: What conditions are required for a just war

1 Most excellently, after D. Augustine *book 22 against Faustus, chapter 74, and epistles 5 and 207,* the following wrote on this matter: D. Thomas *here;* Alensis *part 3, question 76, member 3;* Gandavus *quodlibet 15, question 16;* Gabriel *book 4, distinction 15, question 4;* Victoria *relectio on the Law of War;* Castro *book 2 on the just punishment of heretics, chapter 14;* Covarruvias *relectio on the chapter Peccatum, on the rules of law, part 2, §§ 9 and 10;* Bellarmine *book 3 on the Morals of the Church, chapter 14;* Bannes, Cajetan, and other Thomists *here;* Valentia *question 16, point 1;* Tannerus *disputation 2, question 6, dubium 3;* Sylvester and other Summists, *under the word Bellum.* The Canonists *question 23, qq. 1, 2 and 3;* and D. Bonaventure *in the Mirror of the Soul, chapter 1, at the end,* and *in the Bible of the Poor, chapter 82,* where from the Scriptures he gathers wondrous examples, outstandingly proving that the integrity and prayers of the Saints contribute more to victory than arms.

> Quae conditiones ad bellum iustum requirantur.
>
> *PRAECLARE post D. Augustinum* Lib. 22. contra Faustum, cap. 74. et epist. 5. et 207. *hac de re scripsere D. Thom.* hic *Alens.* 3. part. quaest. 76. memb. 3. *Gandau.* quodl. 15. quaest. 16. *Gabr.* 4. dist. 15. quaest 4. *Victoria* relect. de Iure belli, *Castro* Lib. 2. de iusta haeret. punit. cap. 14. *Couar.* relect. in cap. Peccatum de regulis iuris, part. 2. §. 9. et 10. *Bellarm.* Lib. 3. de moribus Ecclesiae, cap. 14. *Bannes, Caietanus, et alii Thomistae* hic, *Valentia* quaest. 16. puncto 1. *Tannerus* disp. 2. quaest. 6. dub. 3. *Syluester, et alii Summistae,* verbo Bellum. *Canonistae* 23. quaest. 1. 2 et 3. *et D. Bonauent.* in speculo animae, cap. 1. ad finem, *et* in Bibliis pauperum, cap. 82. *ubi e Scripturis mira colligit exempla, egregie probantia integritatem, orationesque Sanctorum magis ad victoriam conducere, quam arma.*

2 FIRST, then, the Holy Doctor requires three conditions for a just war *in the Mirror of the Soul, chapter 1,* from D. Augustine. The first is legitimate authority. So D. Augustine *at the place cited, against Faustus, chapter 74.* The second is a just cause; so D. Augustine *question 10 on Josue.* The third is a right intention; so D. Augustine *epistle 207.*

> *PRIMO autem tres conditiones ad iustum bellum requirit S. Doctor in* speculo animae, cap. 1. *ex D. Augustino. Prima est authoritas legitima. Ita S. Augustinus* loco citato, contra Faust. cap. 74. *Secunda est causa iusta; sic D. Augustinus* quaest. 10. in Iosue. *Tertia est intentio bona; ita S. Augustinus* epistola 207.

3 AS TO the first condition, only the Prince, or the Republic, ruling absolutely, can declare offensive war. Hence Princes who are parts of some whole dominion cannot do so: so Molina *disputation 100,* Tannerus *number 30,* and the common view. For defensive war, however, all peoples and Magistrates are admitted, because anyone may repel force with force.

> *QUOAD primam conditionem solus Princeps, vel Respublica, absolute dominantes, possunt offensivum bellum indicere. Hinc Principes, qui sunt partes alicuius totius dominii, id nequeunt: ita, Molina* disp. 100. *Tanner.* num. 30. *et*

> *communiter. Ad defensivum autem omnes populi, et Magistratus admittuntur, quia cuique licet vim vi repellere.*

4 AS TO the second, the cause must be against an enemy unjustly and gravely injuring, as D. Augustine admonishes *at the place cited.* I shall set out, moreover, the specific injuries for which war may be declared, which D. Bonaventure relates *in the Bible of the Poor, chapter 82.*

> *QUOAD secundam causam oportet, esse contra hostem, iniuste, graviter laedentem, et ut monet D. Augustinus* loco cit. *Referam autem iniurias certas, ob quas possit bellum indici, quas refert D. Bonavent.* in Bibliot. pauperum, cap. 82.

5 THE FIRST is if what is owed is denied: thus the sons of Israel made war on the Amorrhites, because they denied them an unmolested passage *Num. 21,* and D. Augustine notes this *question 43 on the Book of Numbers.*

> *PRIMA est, si negetur id, quod debitum est: sic filii Israel debellarunt Amorrhaeos, quia eis transitum innoxium negarunt* Num. 21. *et advertit S. Augustinus* quaest. 43. in Lib. Numerorum.

6 NOR indeed did Julius Caesar have a just cause, on the ground that the Romans denied access to the city, as Alphonsus a Castro thinks *book 2 on the penal law, chapter 14,* and Covarruvias *at the place cited, § 9:* for he was bound to lay down his arms at the Rubicon, since he was a subject of the Republic commanding it. Nor is just war made against the Indians on the ground that they deny free access to their provinces. So Molina *disputation 105,* Tannerus *number 34* — provided, however, they do not resist the preaching of the faith.

> *NEQUE vero iustam causam habuit Iulius Caesar, eo quod Romani aditum ad urbem negarent, ut putant Alphonsus a Castro* lib. 2. de lege poen. cap. 14. *et Coar.* loco cit. §. 9. *nam tenebatur ille ad Rubiconem arma deponere, cum esset subditus Reipublicae, id iubenti. Neque iustum bellum Indis infertur, eo quod negant liberum accessum ad suas prouincias. Ita Molina* disp. 105. *Tanner.* num. 34. *si tamen non resistant fidei praedicationi.*

7 THE SECOND cause is for recovering one's own possessions. Thus David fought against Isboseth, *2 Reg. 2.*

> *SECUNDA causa est, pro rebus propriis recuperandis. Sic pugnavit David contra Isboset,* 2. Reg. 2.

8 THE THIRD cause is to resist invaders of the Republic. Thus the Jews often fought against the Philistines, and the Machabees against Antiochus and Demetrius.

> *TERTIA causa est ad resistendum invasoribus Reipublicae. Sic pugnarunt saepe Iudaei adversus Philisthaeos, et Machabaei contra Antiochum, et Demetrium.*

9 THE FOURTH, if they render aid to unjust enemies; thus David fought against Syria of Damascus, because it brought aid to Adarezer, *2 Reg. 8.*

> *QUARTA, si hostibus iniquis suppetias exhibent; sic pugnavit David contra Siriam Damasci, eo quod ferebat opem Adarezer,* 2. Reg. 8.

10 THE FIFTH, to avenge a public injury. Thus David fought against Hannon, who had dismissed the messengers with contempt, *2 Reg. 10.*

> *QUINTA, ad ulciscendam publicam iniuriam. Sic Dauid pugnavit adversus Hannon, qui nuncios vilipendio dimiserat* 2. Reg. 10.

11 THE SIXTH, against rebellious subjects, thus David *2 Reg. 20.* Hence D. Gregory infers that war against pertinacious heretics is just, *book 1 of the Register, chapter 72.*

> *SEXTA adversus rebelles subditos, sic Dauid* 2. Reg. 20. *Unde iustum esse bellum contra pertinaces haereticos, infert D. Gregorius* Lib. 1. Registri, cap. 72.

12 THE SEVENTH, if some defend public malefactors, as D. Augustine teaches, question 10 on Josue; thus in Judges 20 the Hebrews fought against the Benjamites, their own fellow-citizens.

> *SEPTIMA, si aliqui publicos malefactores defendant, ut docet D. Augustinus quaest. 10. in Iosue, sic Iudicum 20. pugnarunt Hebraei contra Beniamitas, suos contribules.*

13 THE EIGHTH, on account of a violated pact; you have an example in Jotham and Josaphat, *4 Reg. 3.* Therefore the sole cause of a just war is injury — to be repelled by the right of defense, or compensated by the right of commutative justice, or avenged by the right of vindicative justice — and that, when due satisfaction is not otherwise rendered. So all agree with D. Augustine *book 22 against Faustus, chapter 74.*

> *OCTAVA, ob violatum pactum; exemplum habes in Iotam, et Iosaphat 4. Reg. 3. Itaque causa iusti Belli est sola iniuria, aut iure defensionis repellenda, aut iure commutativae iustitiae compensanda, aut iure vindicativae ulciscenda, idque, cum aliunde debita satisfactio non praestatur. Ita cum D. Augustino* Lib. 22. contra Faustum, cap. 74. *fatentur omnes.*

14 Making war, however, against infidels not baptized, Castro and others approve; but the common opinion is that it is not lawful; for no Prince has a right to this except as a member of the Church, which has no right over those not subject to it.

> *CONTRA infideles autem, non Baptizatos, agere Bellum, laudant Castro, et alii; sed communis sententia est, id non licere; non enim ad hoc ius habet Princeps aliquis, nisi ut membrum Ecclesiae, quae non habet ius in non sibi subditos.*

15 The Archbishop of Valencia relates in his *History of America* that not a few armies of Christian warfare went astray in this, who, making war upon the most wretched Indians for the sake of winning them to religion, utterly destroyed that people even to extermination: the Gospel surely does not command that nations be destroyed with such savagery, but that they be redeemed with supreme humanity and patience; it would rather be fitting to spend one's own blood on their behalf by labor and long-suffering preaching than to draw their blood off into streams; for the Apostles, Christ commands, are to be as sheep, handing them not a savage sword, but the sword of the tongue — namely, the word of God, which is more penetrating than every two-edged sword.

> *In hoc vero nonnullos Christianae militiae exercitus aberrasse narrat Archiepiscopus Valentinus in* historia Americae, *qui bellum miserrimis Indis, religionis conciliandae gratia, inferentes, gentem illam ad internecionem usque deleverunt: Id sane Evangelium non praecipit, ut ea immanitate gentes perimantur, sed ut summa humanitate, et patientia redimantur, potiusque esset proprium pro illis sanguinem labore, et longanimi praedicatione impendere, quam ipsorum cruorem in rivos ita deducere; ut enim oves sint Apostoli, praecipit Christus, non immanus, sed linguae gladium, verbum scilicet Dei, omni gladio ancipiti penetrabilius, ipsis tradens.*

16 One who makes a just war, however, CAN call others to his aid and partnership in the war; for so the Machabees demanded the alliance of the Romans, as Tannerus notes *number 52;* so also everywhere among the nations, while wars are waged, we have it as established that this is done. Yet

I do not refuse that where the scandal of the Christian name threatens, it is not lawful; so Molina *disputation 112,* Azor *tomus 1, book 8, chapter 25, question 14,* and Tannerus *as above.*

> *POTEST autem, qui Iuste bellum infert, alios sibi in adiutorium, et belli societatem advocare; sic enim et Machabaei Romanorum foedus expostularunt, ut Notat Tannerus* num. 52. *sic etiam ubique gentium, dum bella geruntur, fieri exploratum habemus; Non renuo tamen, ubi Christiani nominis Scandalum in se imminet, id non licere; Ita Molina* disp. 112. *Azorius* Tom. 1. lib. 8. cap. 25. quaestio 14. *et Tannerus* ut supra.

17 But since the necessity of the one calling them is so well known that he is recognized as compelled to do so for his own defense, not to the injury of the faith, no one will deny that scandal will arise from it for anyone. By this is clear the answer to what Valentia objects *disputation 3, question 16, point 2.*

> *Verum cum tam nota sit advocantis necessitas, ut id agere compulsus in propriam defensionem, non in fidei iniuriam, cognoscatur; nemini inde Scandalum obventurum nemo inficiabitur. Per haec patet ad ea, quae obiicit Valentia* disp. 3. quaest. 16. puncto 2.

18 One CAN also lay ambushes, and is not bound to announce the battle beforehand, as the Holy Doctor notes *in the Bibliotheca, chapter 82,* which he proves by the examples of Abraham *Genesis 14;* Josue 8 and 10; and of Gedeon, *Judith 8.* So Tannerus.

> *POTEST etiam infidias struere, nec tenetur certamen praenunciare, ut notat S. Doctor in* Bibliotheca, cap. 82. *quod probat exemplis Abrahae* Genesis. 14. Iosue 8. et 10. et Iudit. 8. *ex Gedeone. Ita Tannerus.*

19 In doubt, however, about the just cause, the condition of the possessor is the better one, as is commonly taught, according to Valentia. Nevertheless it is reasonable also to satisfy even the adverse party, as Victoria notes *number 28,* Molina *disputation 103,* Valentia *question 16, point 2,* Tannerus *number 41.*

> *IN dubio autem iustae causae melior est conditio possidentis, ut docent communiter apud Valentiam. Attamen rationabile est etiam parti adversae satisfacere, ut notant Victoria* num. 28. *Molina* disp. 103. *Valentia* quaest. 16. puncto 2. *Tanner.* num. 41.

20 TAKE NOTE, moreover, that a just cause once recognized does not mean war is at once to be declared, but satisfaction must first be sought, as is had *in Deuteron. 20;* otherwise the undertaking will be against justice, and consequently with guilt and the obligation of restitution. So Bannes *dubium 8,* Tannerus *numbers 32 and 51,* Valentia *point 2, at the end.*

> *ADVERTE autem, non statim agnita iusta causa, esse bellum indicendum, sed prius petendam satisfactionem, ut habetur* Deuter. 20. *alioqui erit contra Iustitiam initum, et consequenter cum reitate, et restitutionis obligatione. Ita Bannes* dub. 8. *Tannerus* num. 32. et 51. *Valentia* puncto 2. in calce.

21 If, however, neither party is in legitimate possession, the thing must be divided or done by the other according to the reasons, in proportion to compensation. See Tannerus *number 43.*

> *SI autem neuter sit in possessione legitima, res pro rationibus dividenda, aut facienda est ab altero, pro rata compensatione. Vide Tannerum* numero 43.

22 AS TO intention, it is so necessary that if the other conditions are present but this one is lacking, it does not give rise to the necessity of restitution. So, from the common view, Cajetan teaches, Bannes here, Valentia *point 2,* Molina *tomus 1 on justice, disputation 123,* Tannerus *dubium 2, number 28.*

QUOAD intentionem ita est necessaria, ut si adsint aliae conditiones, haec vero desit, non inducat necessitatem restitutionis. Ita ex communi docet Caietanus, Bannes hic, Valentia puncto 2. *Molina* Tom. 1. de iustitia, disp. 123. *Tanner.* dub. 2. num. 28.

23 War can indeed be just on both sides per accidens, if on one side there is invincible ignorance, in which way the wars of the Amorrhites with Israel seem to have been, as Tostatus teaches on *Josue 10;* and then, once the truth is recognized, they are bound to withdraw and restore those things that still survive, and by which they have been made richer; as Valentia notes. But Princes must first consult the learned; otherwise, in a matter of the gravest moment, they expose themselves to the danger of guilt. So Victoria *on the law of war, number 20,* Valentia *question 16, point 2,* Molina *disputation 109,* Tannerus *disputation 2, question 6, dubium 4, number 37.*

POTEST autem bellum utraque parte esse iustum per accidens, si ex una parte sit invincibilis ignorantia, quo pacto videntur fuisse bella Amorrhaeorum cum Israele, ut docet Tostatus ad 10. Iosue, *et tunc agnita veritate, tenentur recedere, et restituere ea, quae adhuc salva sunt, et in quibus sunt facti ditiores; ut notat Valentia; sed ante debent Principes consulere eruditos; alioqui in re gravissima exponitur periculo culpae. Ita Victoria* de iure belli, num. 20. *Valentia* quaest. 16. puncto 2. *Molina* disp. 109. *Tanner.* disp. 2. quaest. 6. dub. 4. num. 37.

24 BEYOND the conditions stated, to the substance of a just war there follows the manner of conducting it. First, indeed, in the damages to be inflicted: necessary reaction is indeed allowed, both to repair the damages inflicted and to establish peace; yet not all excesses are allowed — for instance, to kill innocents, such as women and infants, as is decreed *in Exodi 23, Deuteron. 20.* But if God at some time commanded that even women and infants be killed — *Josue 6, in Jericho; 1 Reg. 15, against Amalech* — there was a special cause by the will of the supreme Lord. So Molina, Valentia, Victoria, according to Tannerus *number 66.*

PRAETER allatas conditiones, ad substantiam belli iusti sequitur modus in eo gerendo. Primo quidem in damnis inferendis licere quidem reactionem necessariam, tum ad damna illata resarcienda, tum ad pacem stabiliendam; non tamen excessus omnes licere, puta occidere innocentes, ut mulieres, infantes, ut decernitur Exodi 23. Deuter. 20. *Quod si aliquando Deus praecepit, etiam mulieres, et infantes necari:* Iosue 6. in Ierico, primo Reg. 15. in Amalech, *fuit peculiaris causa ex voluntate supremi Domini. Ita Molina, Valentia, Victoria apud Tannerum* num. 66.

25 BEYOND children and women, however, others must be presumed innocent, as is had in *the chapter Innovamus, on truce and peace,* from Alexander III: *Innovamus, that Priests, monks, conversi, pilgrims, merchants, rustics, those going and returning, and the animals with which they plough and carry seed to the field, be let be with fitting service.* To these are added Legates or Orators, in *the chapter Paternarum 24, question 3.* See there.

PRAETER pueros autem, et mulieres, praesumi debent innocentes alii, ut habetur in cap. Innovamus, de Treuga, et pace, *ex Alexandro III.* Innovamus, ut Presbyteri, monachi, Conversi, Peregrini, Mercatores, Rustici, euntes, et redeuntes, et animalia, quibus arant, et semina portans ad agrum, servitute congrua laetentur. *Quibus adduntur et Legati, sive Oratores in* cap. Paternarum 24. quaest. 3. *Vide ibi.*

26 It would nevertheless be lawful per accidens, if the citadel could not otherwise be stormed, and that storming would bring very great advantage. So Tannerus *number 67,* with Victoria.

LICITUM esset tamen per accidens, si Arx non posset aliter expugnari, et plurimum expugnatio illa referret. Ita Tannerus num. 67. *cum Victoria.*

27 It is nevertheless lawful, Valentia says, to despoil innocent enemies — namely, those who are parts of the Republic which inflicted the injury. For this can contribute both to repairing the public damage and to confirming the peace, so that the enemies, deprived of those things and weakened, may seek peace. Or if innocents of ours have been despoiled; therefore Repressalia are granted. So also Cajetan *under the word bellum,* Victoria *on the law of war, number 41,* Covarruvias *on the rule Peccatum, part 2, question 4,* Molina *disputation 121,* Tannerus *number 71,* Valentia *at the place cited,* and others.

> *LICERE tamen expoliare innocentes hostes, ait Valentia, eos scilicet, quae sunt partes Reipublicae, quae intulit iniuriam. Hoc enim et ad damnum publicum resarciendum, et ad pacem confirmandam conferre potest, ne hostes illis rebus utantes, sed infirmati pacem quaerant. Vel si ex nostris innocentibus expoliati sint; ideo conceduntur Repressalia. Ita etiam Caietanus* verbo bellum, *Victoria* de iure belli, num. 41. *Corm.* in regula Peccatum, part. 2. quaest. 4. *Molina* disp. 121. *Tannet.* num. 71. *Valentia* loco cit. *et alii.*

28 Clerics and Churches, however, are excepted on account of their immunity, unless the enemy cannot otherwise be defeated, as Valentia notes *disputation 3, question 16, point 3,* with Sylvester *under the word bellum, question 3, 6,* and the holy Bannes *article 2, last dubium.*

> *EXCIPIUNTUR autem Clerici, et Ecclesiae propter immunitatem, nisi aliter hostes vinci queant, ut notat Valentia* disp. 3. quaest. 16. puncto 3. *cum Sylvest.* verbo bellum, 3. quaest. 6. *et S. Bannes* art. 2. dub. ult.

29 FURTHERMORE, such a manner is to be kept that neither the Leaders nor the soldiers act against justice — the former by not paying the soldiers their stipends; the latter by pillaging; for *in Luke 3* John laid it upon them: *be content with your stipends.*

> *PRAETEREA modus talis servandus est, ut neque Duces, neque milites contra iustitiam agant, illi non soluendo stipendia militibus: isti rapiendo, nam* Lucae 3. *Ioannes eis imposuit:* estote contenti stipendiis vestris.

30 Likewise, let them not act against fortitude by rashly exposing themselves to danger.

> *Similiter ne contra fortitudinem agant, temere se discrimini exponendo.*

31 The manner, too, constituted by the law of nations, must also be kept: that movable things acquired be the army's; immovable things, the Prince's. See Valentia and Bellarmine *at the place cited,* and Tannerus *number 75,* who assigns movables to those who take them; immovables are designated to the Prince, *the law si captivum, ff. de captivis.*

> *DEBET etiam servari modus, iure gentium constitutus, ut res mobiles aequisitae, sint exercitus; res vero immobiles sint Principis. Vide Valentiam, et Bellarminum,* loco citato, *ac Tannerum* num. 75. *qui mobilia capientibus dat; Immobilia vero Principi designantur* Leg. si captivum, ff. de captivis.

32 TAKE NOTE, with D. Bonaventure on the passage adduced from Luke, that soldiers sin knowingly who fight in an unjust war, or are ready to fight in every war. So, from the common view, Cajetan *under the word Bellum,* Bannes *here, question 40, article 1, dubium 6,* Valentia *question 16, point 2,* Molina *disputation as above, 103,* Tannerus *number 47.* The reason is that to do evil, or even to expose oneself to danger, is not lawful.

> *ADVERTE cum D. Bonavent. ad locum adductum Lucae, peccare milites, scienter in bello iniusto militantes, sive paratos in omni bello militare. Ita ex communi, Caietanus* verbo Bellum, *Bannes* hic, quaest. 40. art. 1. dub. 6. *Valentia* quaest. 16. puncto 2. *Molina* disp. ut. 103. *Tanner.* num. 47. *Ratio est, quia malum agere, seu periculo etiam se exponere non licet.*

33 Indeed, in a doubtful cause, subject soldiers, or perpetual stipendiaries, are not bound to know and examine the justice of the war, unless perhaps they have serious indications of injustice; but the rest are bound to inquire first, before they give their name to the militia. This is the common doctrine, according to Cajetan, Bannes, and others here, *question 40, article 1,* Victoria *number 25,* Molina *disputations 114 and 118,* Valentia *point 2,* Tannerus *number 48.* The Father, from *the canon Qui culpantur, 23, question 1,* after D. Augustine *book 22 against Faustus, chapter 75.* But Fuliensis *book 3, chapter 11* adds that even foreigners can fight in the first case, if the Prince be of good repute and a Christian, of whom well is presumed.

> *In dubia quidem causa milites subditi, vel stipendiarii perpetui, non tenentur iustitiam Belli scire, et examinare, nisi forte gravia indicia habeant de iniustitia : caeteri vero tenentur prius inquirere, antequam nomen dent militiae; Est doctrina communis apud Caietanum, Bannem, et alios hic,* quaest. 40. art. 1. *Victoriam* num. 25. *Molinam* disput. 114. et 118. *Valentia* puncto 2. *Tanner.* num. 48. *Pater ex* can. Qui culpantur, 23. quaest. 1. *post D. Augustinum* Lib. 22. contra Faustum, cap. 75. *At Fuliensis* lib. 3. cap. 11. *addit, etiam exteros posse in primo casu militare, si Princeps sit bonae famae, et Christianus, de quo bene praesumitur.*

Question III: By whom war may be waged

1 First it is certain that Clerics constituted in sacred orders, and monks even if Laymen, are prohibited by ecclesiastical law. Concerning Monks it is had in *the canon Eos qui, d. 20, question 3.* Concerning Clerics, *23, question 8,* especially *the canon Clerici,* and *the canon Quicunque ex clero.* So D. Thomas and others.

> ***A quibusnam BELLUM geri possit.***
>
> *Primo certum est, Clericos in sacris constitutos, et monachos etiam Laicos, iure Ecclesiastico prohiberi. De Monachis habetur* Can. eos qui, d. 20. quaest. 3. *De Clericis vero* 23. quaest. 8. *praesertim* Can. clerici, *et* can. Quicunque ex clero. *Ita D. Thom. et alii.*

2 That these, however, can fight by the license of the Pontiff in a case of necessity, Covarruvias notes *Relectio on the Clementine si furiosus,* Bannes *article 2,* Cajetan *in the same place,* Valentia *point 4.*

> *Posse tamen hos e licentia Pontificis pugnare in casu necessitatis, notant Couar.* Relect. in Clement. si furiosus. *Bannes* art. 2. *Caietanus* ibidem, *Valentia* puncto 4.

3 The reason is; because then the ecclesiastical law yields to the natural obligation. Yet the cited Canons do not forbid clerics to be present, to exhort, to help with spiritual aids. See D. Thomas *article 2,* Valentia *at the place cited,* Molina *disputation 108,* Suarez *tomus 5, disputation 47, section 6,* Tannerus *number 80.*

> *Ratio est; quia tunc obligatione naturali cedit ius Ecclesiasticum. Non prohibent tamen allegati Canones clericos, adesse, hortari, succurrere spiritualibus. Vide D. Thom.* art. 2. *Valentiam* loco cit. *Molinam* disp. 108. *Suarez* Tom. 5. disp. 47. sect. 6. *Tanner.* num. 80.

4 Therefore if Clerics fight without due justice and license, they become irregular, as is gathered from *the chapter De caetero, extra on homicide,* provided that someone is there killed.

> *Itaque si Clerici absque debita iustitia, et licentia pugnent, irregulares fiunt, ut colligitur,* cap. de caetero, extra de homicidio, *modo tamen aliquis ibi occidatur.*

5 Indeed, even if they merely exhort in an unjust war, it is gathered from *the chapter Quod in dubiis, extra on penalties,* and *the chapter Clericus, extra on homicide.*

> *Imo etiamsi in Bello iniusto tantum hortentur, ut colligitur ex* cap. Quod in dubiis, extra de Poenis, *et* cap. Clericus, extra de homicidio.

6 Therefore if Clerics fight in a just war by the Pope's license, even if they kill, they do not become irregular.

> *Itaque si Bello iusto pugnent clerici ex licentia pontificis, etiamsi occidant, non fiunt irregulares.*

7 But if they fight in a just war, yet without license, they still do not incur irregularity, according to the common opinion — Sylvester *under the word Bellum, question 3, 2,* Covarruvias *at the place cited, part 2, § 3, number 9,* Castro *book 2 on the penal law, chapter 14,* Valentia *at the place cited, point 4.*

> *Quod si bello iusto, sine tamen licentia pugnent, adhuc non incurrunt irregularitatem, iuxta communem sententiam, Sylvest.* verbo Bellum, 3. quaest. 2. *Couarru.* loco cit. part. 2. §. 3. num. 9. *Castro* Lib. 2. de lege poen. cap. 14. *Valentia* loco citato, puncto 4.

8 The reason is, because odious laws are not to be extended. Laws burden with irregularity only illicit homicide and the killing of public ministers of justice.

> *Ratio est, quia non sunt Iura odiosa amplianda. Iura vero solum homicidium illicitum, et ministrorum iustitiae publicorum, irregularitate onerant.*

9 Nor is it credible that on account of an act to which one is bound by the law of nature one should incur an impediment to one's own office.

> *Neque est credibile, quod propter actum, ad quem tenetur iure naturae, incurrat quis impedimentum ad suum officium.*

10 You will ask, at what time war is lawful. This is asked on account of feast days; it is certain, indeed, that on these days defensive war is lawful, as is had *in 1 Machab. 2.* It is proved: for if it is lawful to draw the ox out of the pit, as is said *in Luke 14,* and to heal a man, as is said *in John 7,* why would it not be lawful to fight for the preservation of the Republic? So Nicholas also decrees, *the canon si nulla, 23, question 8.*

> *Quaeres, quo tempore licitum sit Bellum. Hoc quaeritur ob dies festos, certum quidem est, hisce diebus bellum defensivum licere, ut habetur* primo Machab. 2. *Probatur; Nam si licet bovem extrahere e fovea, ut dicitur* Lucae 14. *et sanare hominem, ut dicitur* Ioan 7. *cur non licebit pro conservatione Reipublicae pugnare? sic decernit etiam Nicolaus* can. si nulla, 23. quaest. 8.

11 It is also lawfully done when it is necessary to the end of the war, namely to victory. This the aforesaid Nicholas affirms, that with urgent necessity it is lawful.

> *Licite etiam fit, quando est necessarium ad finem belli, nempe ad victoriam. Id e dictus Nicolaus, urgente necessitate, id licere affirmat.*

12 It is nevertheless not a mortal sin, outside necessity, to fight on a feast day, provided Mass is heard, as Cajetan says, according to Valentia and Tannerus *number 87,* adducing Bannes *here,* and Molina *disputation 111.*

> *Non est tamen peccatum mortale, extra necessitatem, die festo pugnare, dummodo audiatur Missa, ut ait Caietanus apud Valentiam, Tannerum* numero 87. *adducens Bannem* hic, *et Molinam* disput. 111.

Disputation XVII: On Quarreling and Sedition

1 In CHARITY is contained eminently FRIENDSHIP (which, according to the Philosopher, is perfected only between two persons); likewise also political peace, which makes many fellow-citizens of one will and one tongue, for repelling the assaults of outsiders; against the former, Quarreling fights from the opposite side; against the latter, Sedition; against Charity, however, both; therefore both must be briefly considered here.

> *In Charitate continetur eminenter Amicitia, (quae, iuxta Philosophum, perfecte inter duos tantum initur;) uti et pax politica, quae plures concives unius facit voluntatis, et labii, ad repellendos exteriorum insultus; contra priorem ex adverso pugnat Rixa; contra alteram Seditio; contra Charitatem vero utraque; quare de illis hic videndum breviter.*

Question I: What quarreling is, and what kind of sin

1 Rixa is derived from *Ringor*, because it signifies a private fight, such as the fight of dogs, which quarrel (ringunt): Hence it is gathered to have originated from anger.

> ***Quid RIXA, et quale peccatum.***
>
> *Rixa a* Ringor *dicta, quod significet pugnam privatam, qualis est pugna canum, qui ringunt: Hinc ab ira ortum habere colligitur.*

2 Riot is therefore, on the part of the aggressor, a mortal sin, as is had in *Galat. 5.*; but on the part of the one attacked, it can be mortal, if in gravely resisting he goes too far.

> *Est igitur Rixa, ex parte invasoris, peccatum mortale, ut habetur* Galat. 5. *ex parte vero invasi, potest esse mortale, si graviter repugnando excedat.*

3 It is described by D. Bonaventure in his explanation of Theological terms: *Rixa est audax voluntas vindicandi, in iniuriam facti procedens.*

> *Describitur a D. Bonavent. in declarat. terminorum Theolog.* Rixa est audax voluntas vindicandi, in iniuriam facti procedens.

4 Many examples of riots are related by S. Doctor in the *Bibliis pauperum, cap. 50. Genes. 26. The shepherds of Gerara quarrelled with Isaac.*

> *Multa Rixarum exempla refert S. Doctor in* Bibliis pauperum, cap. 50. Genes. 26. Rixati sunt pastores Gerarae cum Isaac.

5 *Exodus 2.* two Hebrews quarrelled, upon whom Moses came, reproving them.

> Exodi 2. *duo Hebraei Rixati sunt, quibus supervenit Moyses, reprehendens.*

6 Two women were contending before Solomon *3. Kings, 3.*

> *Duae mulieres litigant ante Salomonem* 3. Regum, 3.

7 The Jews contended about Christ *John 7.*

> *Litigabant Iudaei de Christo* Ioannis 7.

8 The Jews were disputing *Acts 11.* unwilling that the Gentiles be preached to.

Disceptabant Iudaei Act. 11. *nolentes praedicari Gentilibus.*

9 The multitude of Iconium was divided, some of whom stood for the Jews, others for the Apostles *Acts 14.* and another *cap. 15.* another *cap. 19.* another *cap. 21.* another *cap. 23.*

Divisa est multitudo Iconii, e quibus aliqui pro Iudaeis stabant, alii pro Apostolis Actorum 14. *et alia* cap. 15. *alia* cap. 19. *alia* cap. 21. *alia* cap. 23.

10 Here the duel is usually treated of, which is a riot of two by agreement.

Hic agi solet de duello, quod est Rixa duorum ex condicto.

11 On which Caietan writes excellently *2. 2. quaest. 95. art. 8.* Sanchez *lib. 2. cap. 39.* Filliucius *tract. 29. cap. 8.* Suarez *de cens. disp. 23.* Bonacina *tract. 3. disp. 11.* Fagundez *in the place to be cited*, with Tanner.

De quo egregie Caietanus 2. 2. quaest. 95. art. 8. *Sanchez* lib. 2. cap. 39. *Fillinc.* tract. 29. cap. 8. *Suarez* de cens. disp. 23. *Bonac.* tract. 3. disp. 11. *Fagundez* loco citando, *cum Tannero.*

12 It must be asserted, however, that the duel is illicit by the natural law, unless it be necessary to escape death.

Asserendum autem, duellum Iure naturae illicitum esse, nisi necessarium sit ad effugiendam mortem.

13 It is condemned moreover in the sacred Laws, as appears in *cap. Monomachiam, 2. quaest. 5.* and *cap. Henricus, extra de clericis in duello*, and the Council of Trent *sess. 25.* in the Decree on general reformation, cap. 19. and it is had from D. Augustine in 23. quaest. 1. They are condemned by the *Leg. unic. Cod. de gladiatoribus, Lib. 11.*

Damnatur autem in sacris Legibus, ut constat in cap. Monomachiam, 2. quaest. 5. *et* cap. Henricus, extra de clericis in duello, *et Concilio Trident.* sess. 25. *in Decreto de reformatione generali, cap. 19. et ex D. Augustino habetur 23. quaest. 1. Damnantur ex* Leg. unic. Cod. de gladiatoribus, Lib. 11.

14 And in our own time Louis XIII, justly acclaimed as the Just, King of France, sanctioned a most severe Law, by which he stamps the duel with the mark of infamy, condemns duelists to death and other penalties, so that he might avert so great an internecine slaughter of the most valiant Dukes and soldiers in his kingdoms.

Et Nostra tempestate Ludovicus XIII. Iustus merito acclamatus, Rex Galliae Legem severissimam sanxit, qua duellum infamiae nota obsignat, damnat duellantes morte, et aliis poenis, ut tantam in regnis suis strenuissimorum Ducum, ac militum internecionem averteret.

15 Most recently also, an offspring worthy of such a father, Louis XIV, with an immense zeal for Justice, adding to his unbent and intrepid spirit the grandeur whereby he is truly proclaimed Great, decreed this same thing by a royal Diploma, and established moreover, beyond the irremissible penalty of the head, the proscription of honors, to be stripped forever of the islands of nobility, those who among nobles have contended in that accursed fight; Nor indeed could a more efficacious remedy be applied to tempering the ebullition of the blood of gallant French brawlers, as the outcome daily proves, than that those who thus pursue glory be buried inglorious, both with the living and with the nobility of posterity. Wherefore that illustrious nation, unable to pour out blood in duelling, sheds it more gloriously in subduing the enemies of the Church far and near.

Novissime etiam tanto patre digna Soboles Ludovicus XIV. immenso Iustitiae zelo, infracti, et intrepidi animi adiciens magnitudinem, quo vere Magnus proclamatur, id ipsum regio Diplomate decrevit, statuitque insuper ultra capitis irremissibilem poenam, bonorunque proscriptionem, nobilitatis insulis in perpetuum exuendos, qui inter nobiles anathematisata ista pugna certaverint; Nec efficacius sane remedium generosae procerum gallorum sanguinis ebullitioni attemperandae potuit applicari, uti exitus quotidie comprobat, quam ut gloriam ita sectantes inglorius cum vixae etiam posteritatis nobilitate tumulentur. Quare quem sanguinem gens illa praeclara nequit effundere duellando, prope, longeque hostes Ecclesiae debellando gloriosius profundit.

16 Nor do duelists truly defend Honor; nay, they hunt ignominy for themselves; they do not rightly repay injuries, since this is not licit privately.

Nec Honorem sane defendunt duellantes; imo sibi aucupantur ignominiam; Non iniurias recte rependunt, cum private id non liceat.

17 That David in 1. Kings 18. engaged in combat, was for the defense of Divine honor, with the public authority of the King from a divine instinct, as the Gloss also has *in cap. Cura suscepi, de pugnatione ordinaria.*

Quod vero primo Reg. 18. David certamen inierit, fuit ad defensionem Divini honoris, publica authoritate Regis ex divino instinctu, ut habet et Glossa in cap. Cura suscepi, de pugnatione ordinaria.

18 They sin gravely, and even those cooperating in a duel are excommunicated. See the Council of Trent; nor are they excused by any custom, as D. Bonaventure notes *in speculo animae, cap. 1.* for in common all Doctors, Theologians and Jurists have cried out against it, as S. Doctor observes. Wherefore also the Council of Trent excommunicates ipso facto *sess. 25. cap. 19.* the Lords permitting it, or granting the place, the godfathers, the procurators from counsel, the spectators; and the Bull of Clement VIII. excommunicates those cooperating, even if the duel does not follow; if it did not stand through them, Gregory XIII. excommunicates, yet does not reserve. And so, besides infamy and the loss of Ecclesiastical burial, if they die in the duel, the duelists also incur excommunication reserved to the Pope; if it be done with solemnity, with godfathers and provocative challenges (chartulae), by the proper bull of Pius IV. Add, if the duel be merely private, according to the Bull of Gregory XIII. and Clem. VII. who extend the excommunication of the Council of Trent even to a private duel, as Suarez teaches with Navarre *Tom. 5. disp. 23. sect. 3.* Tanner *disp. 2. quaest. 6. dub. 7.* Fagundez *in 5. praecept. lib. 5. cap. 8. num. 5* and it is of the latae sententiae.

Peccant graviter, et excommunicati sunt etiam cooperantes duello. Vide Concilium Tridentinum; neque ex aliqua consuetudine excusantur, ut notat D. Bonavent. in speculo animae, cap. 1. *nam communiter omnes Doctores, Theologi et Iurisperiti reclamarunt, ut advertit S. Doctor. Ideo et Dominos id permittentes, vel locum concedentes patrinosque, procuratores a consilio, spectatores et excommunicat ipso facto Concilium Trident.* sess. 25. cap. 19. *et Bulla Clementis VIII. cooperantes, etsi duellum non sequatur; si per eos non stetit, excommunicat Gregorius XIII. non tamen reservat. Itaque praeter infamiam, et carentiam Ecclesiasticae sepulturae, si in duello moriantur, etiam excommunicationem incurrunt duellantes, Papae reservatam; si fiat cum solemnitate, patrinis, Chartulisque provocatoriis, ex propria bulla Pii IV. Adde si duellum sit tantum privatum, iuxta Bullam Gregorii XIII. et Clem. VII. qui excommunicationem Concilii Trident. ad privatum etiam duellum extendunt, ut cum Navarro docet Suarez* Tom. 5. disp. 23. sect. 3. *Tanner.* disp. 2. quaest. 6. dub. 7. *Fagundez* in 5. praecept. lib. 5. cap. 8. num. 5 *et est latae sententiae.*

19 The same penalties others cooperating incur. Now therefore the excommunication, even if not reserved by Gregory, is certainly reserved by Pius and Clement; Yet they can be absolved by Religious in Rome, and outside Italy. See Fagundez *num. 5.* on this more has been said in *prima secundae, tract. de actib. human. disput. 17. quaest. 10. ad propos. 2.* according to the Decree of Alexander VII.

> *Easdem poenas incurrunt alii cooperantes. Iam igitur excommunicatio, esto a Gregorio non reservata, sane reservata est a Pio et Clemente; Absolvi tamen possunt a Religiosis Romae, et extra Italiam, Vide Fagundez* num. 5. *de hoc plura dicta sunt* prima secundae, tract. de actib. human. disput. 17. quaest. 10. ad propos. 2. *iuxta Decretum Alexandri VII.*

Question II: What sedition is

1 Sedition is a dissension of citizens, as it were some going apart by themselves.

> *Seditio est civium dissensio, quasi aliqui seorsum eant.*

2 It is indeed, of its kind, a mortal sin, since it is repugnant to the peace of the Republic: And it is against Charity, nay even against justice. See D. Thom. *art. 2.* and Tanner *disp. 2. quaest. 6. dub. 7. num. 94.*

> *Est autem profecto ex genere suo mortale peccatum, cum paci Reipub. repugnet: Et est contra Charitatem, imo et iustitiam. Vide D. Thom.* art. 2. *et Tannerum* disp. 2. quaest. 6. dub. 7. num. 94.

3 Many Seditions, gravely punished by God, are related by S. Doctor in the *Bibliis pauperum, cap. 50.* especially against Moses. *Exodus 15. 16. Num. 11. 21.*

> *Multas Seditiones, a Deo graviter punitas, refert S. Doctor* in Bibliis pauperum, cap. 50. *praecipue contra Moysen.* Exodi 15. 16. Num. 11. 21.

4 He relates the sedition of the Ephraimites against Jephte *Judg. 12.* and of the Jews against Roboam *3. Kings 12.*

> *Narrat seditionem Ephraitarum contra Iephte* Iud. 12. *et Iudaeorum contra Roboam* 3. Reg 12.

5 It is certain, however, that on the part of those who defend justice and truth, it is not a sin, as D. Thom. teaches *art. 2.* Caietan *in summa, V. seditio*, Valencia *disp. 3. quaest. 17. puncto 2.* Whence these are not properly to be called seditious.

> *Certum est autem ex parte eorum, qui iustitiam, et veritatem defendunt, non esse peccatum, ut docet D. Thom.* art. 2. *Caietanus* in summa, V. seditio, *Valentia* disp. 3. quaest. 17. puncto 2. *Unde hi proprie non sunt vocandi seditiosi.*

6 Sedition moreover is a special sin against Charity, to which it is repugnant in a special way, differing from Discord, Schism, War, and Riot, as D. Thom. shows *art. 1.*

> *Est autem Seditio speciale peccatum contra Charitatem, cui speciali modo repugnat, differente a Discordia, Schismate, Bello, Rixa, ut ostendit D. Thom.* art. 1.

7 Discord indeed is only in the souls; sedition, however, breaks forth also outside.

> *Discordia quidem est tantum in animis; seditio vero etiam extra prodit.*

[8] Schism is opposed to the unity of the Church; sedition, however, to the political unity of the Republic.

> *Schisma adversatur unitati Ecclesiae; seditio autem unitati politicae Reipublicae.*

[9] War is between entire Republics; sedition, however, between the members of the same Republic.

> *Bellum est inter Respublicas integras; seditio vero inter membra eiusdem Reipublicae.*

[10] Riot is between two, or a few; but Sedition is among very many. Wherefore the Apostle 2. *Corinth.* 2. enumerates seditions as sins distinct from others.

> *Rixa est inter duos, aut paucos; sed Seditio est inter plurimos. Ideo Apostolus* 2. Corinth. 2. *seditiones recenset, ut peccata ab aliis distincta.*

[11] Sedition is therefore against the peace of Charity, but materially; it is also against justice, insofar as it inflicts damage on the Republic and its citizens. See Valencia.

> *Est igitur Seditio contra pacem Charitatis, sed materialiter; est etiam contra iustitiam, quatenus infert damnum Reipublicae, et eius civibus. Vide Valentiam.*

Disputation XVIII: On Scandal

1 To the example of a good work, whereby the Church of God is built up, Scandal is opposed, whereby the hostile man labors that it fall into ruin: for he dissolves the cement of Charity, and places in its stead stones of offense, upon which, falling from the structure, they strike their feet who walk iniquitously, as I shall soon say.

> *Boni operis exemplo, quo Dei Ecclesia aedificatur, opponitur Scandalum, quo satagit inimicus homo ut in ruinam procumbat: hoc enim Charitatis caementum dissolvit, ponitque eius loco lapides offensionis, in quos e structura decidentes, impingunt pedes inique ambulantium, ut mox dicam.*

Question I: What scandal is, and of how many kinds

1 Scandal signifies the striking of the foot against some stumbling block, as D. Jerome says *in cap. 15. Matth.* and D. Bonaventure *p. p. Compil. sect. 31.*

> *Scandalum significat impactionem pedis in aliquod offendiculum, ut ait D. Hieronymus* in cap. 15. Matth. *et D. Bonavent.* p. p. Compil. sect. 31.

2 It is from the Greek Scandalon, which signifies an obstacle, a stumbling block; Σκάνδαλον, which among the Greeks signifies that little wooden trigger in the trap, which when the mouse touches it, to gnaw the bait, the fall of the little board follows.

> *a Graeco Scandalon, quod significat obicem, offendiculum, Σκάνδαλον quod apud Graecos significat patulum illud lignum in muscipula, quod cum mus tetigerit, ut rodat escam, sequitur casus asserculi.*

3 THEREFORE Scandal among Theologians is that which is the occasion of spiritual ruin given to one's neighbor. Hence they define it: *Scandalum est dictum, vel factum minus rectum, praebens proximo occasionem spiritualis ruinae*, Thus D. Thom. here, Alensis *part. 2. quaest. 189. memb. 1.* Richard *4. dist. 38. art. ult. quaest. 1.* Durandus there, *quaest. 3.* Maior *quaest. ult. art. 1.* Adrian *quodl. 1. art. 1.* Sylvester and other Summists under the word *Scandalum*. Couar. *R. l. CL. in cap. Peccatum, de reg. iuris, part. 1. num. 5.* and D. Bonaventure *in speculo animae, cap. 1. et parte prima Centiloquii, sect. 31.*

> *IGITUR Scandalum apud Theologos est id, quod est occasio spiritualis ruinae, proximo data. Hinc illud definiunt:* Scandalum est dictum, vel factum minus rectum, praebens proximo occasionem spiritualis ruinae*, Ita D. Thom. hic, Alens.* part. 2. quaest. 189. memb. 1. *Richardus* 4. dist. 38. art. ult. quaest. 1. *Durandus ibi,* quaest. 3. *Maior* quaest. ult. art. 1. *Adrianus* quodl. 1. art. 1. *Sylvest. et alii Summistae verbo* Scandalum. *Couar.* R. l. CL. in cap. Peccatum, de reg. iuris, part. 1. num. 5. *et D. Bonavent.* in speculo animae, cap. 1. et parte prima Centiloquii, sect. 31.

4 It is said *dictum, vel factum* (a word or deed), because it must be something external. It is said *minus rectum* (less right), because it is not necessary that it be absolutely evil; but it suffices that it be less right, deficient in one circumstance of those integral ones whereby the good is constituted, according to D. Dionysius, *cap. 4. de divin. nominibus*. The omission of a duty is also included.

> *DICITUR vero* dictum, vel factum*, quia debet esse aliquid externum. Dicitur* minus rectum*, quia non est necesse, ut absolute sit malum; sed sufficit, ut minus rectum sit deficiens in una circumstantia ex illis integralibus, quibus bonum constituitur, secundum D. Dionysium,* cap. 4. de divin. nominibus. *Includitur etiam omissio debiti.*

[5] Scandal is DIVIDED first into Active and Passive. Active is that which we have just defined; Passive is the spiritual ruin itself of another. See S. Bonaventure in the place cited of the *Centiloquium*.

> *DIVIDITUR Scandalum primo in Activum, et Passivum. Activum est illud, quod modo definivimus; Passivum est ipsa spiritualis ruina alterius. Vide S. Bonavent. loco cit.* Centiloquii.

[6] SECOND, active Scandal is divided into Scandal per se, and Scandal per accidens. Scandal per se we call in this place, when from a certain and express intention the occasion of ruin is given, promoting it, soliciting it, persuading to it, exhorting to it. Per accidens is twofold: one with respect to the agent, not with respect to the work, as when one sins in the face of others with such a crime, as induces of itself to sin, even if he does not intend this; with such Scandal one sins in maintaining a concubine in the face of his sons, and it is called general. The other is per accidens, both with respect to the agent, who does not intend to induce others to sin; and on the part of the work, which is not of its own nature an incentive to sin, even if it abound with a defect (naevus).

> *SECUNDO dividitur Scandalum activum in Scandalum per se, et Scandalum per accidens. Scandalum per se hoc loco dicimus, cum ex certa, et expressa intentione datur occasio ruinae, eam promovendo, sollicitando, suadendo, hortando. Per accidens est duplex: alterum respectu operantis, non respectu operis, ut cum quis peccat, in facie aliorum, tali crimine, quod ex se inducit ad peccatum, tametsi is non hoc intendat; tali Scandalo peccat alendo concubinam in facie filiorum, et dicitur generale. Aliud est per accidens, tum respectu operantis, qui non intendit alios ad peccandum inducere; tum ex parte operis, quod non est suapte natura incentivum ad peccatum, esto naevo scateat.*

[7] They DIVIDE the Active per se further into that whereby the spiritual ruin of one's neighbor is formally intended; and into another, whereby only the pleasure or utility of the sinner is intended, but not formal ruin. And each of these is called special by many.

> *DIVIDUNT adhuc Activum per se in illud, quo intenditur formaliter ruina spiritualis proximi; et in aliud, quo intenditur sola voluptas, vel utilitas a peccante, non autem formalis ruina. Et utrumque a multis dicitur speciale.*

[8] Passive SCANDAL is subdivided into Given (Datum) and Taken (Acceptum). Scandal Given is that which arises from the Active Scandal of another; and it is called the Scandal of the little ones, which is to be guarded against, according to the saying of Christ, *Matth. 18. Qui autem Scandalizaverit unum de pusillis istis, expedit ei ut suspendatur mola asinaria in collo eius, et demergatur in profundum maris;* this also arises from the weakness of the beholders. Scandal Taken is that which arises not from the occasion given, but taken, from one's own malice, and it is also called Pharisaical. Of this Christ says *Matth. 15. Sinite illos: caeci sunt.* For of this one must not be concerned.

> *SCANDALUM passivum subdividitur in Datum, et Acceptum. Scandalum Datum est id, quod oritur ex activo alterius Scandalo; et vocatur Scandalum pusillorum, quod est cavendum, iuxta dictum Christi,* Matth. 18. Qui autem Scandalizaverit unum de pusillis istis, expedit ei ut suspendatur mola asinaria in collo eius, et demergatur in profundum maris; *oritur hoc etiam ex infirmitate videntium. Scandalum Acceptum est, quod non ex occasione data, sed accepta, propria malitia oritur, et dicitur etiam Pharisaeicum. De hoc ait Christus* Matth. 15. Sinite illos: caeci sunt. *De hoc enim non est curandum.*

Question II: Whether scandal is a special sin

[1] It is CERTAIN first, that every Scandal, even per accidens given, not by direct will, but from the work, is mortal of its own nature.

> ***An SCANDALUM sit speciale peccatum.***

CERTUM est primo, Scandalum omne, etiam per accidens datum, non voluntate directa, sed ex opere, esse mortale ex natura sua.

2 It is PROVED first from D. Bonaventure *p. p. Centil. sect. 31. et ad 17. Lucae* from that passage *Matth. 18. Vae homini illi, per quem Scandalum venit. Expedit ei ut suspendatur mola asinaria in collo eius, et demergatur in profundum maris*, which the B. Lucas likewise testifies, where from Bede in the Gloss he observes, that a most grave punishment is imposed to be rather endured than eternal; and that the former will be useful to him.

PROBATUR primo a D. Bonavent. p. p. Centil. sect. 31. et ad 17. Lucae *ex illo* Matth. 18. Vae homini illi, per quem Scandalum venit. Expedit ei ut suspendatur mola asinaria in collo eius, et demergatur in profundum maris*, quod idem testicat B. Lucas, ubi ex Beda in Glossa, observat, imponi poenam gravissimam potius subeundam, quam aeternam; illam vero fore illi utilem.*

3 It is PROVED secondly from D. Bonaventure *there*. Because it fights against Charity, leading souls down to hell. It is also against justice, snatching from Christ souls created, and redeemed by his blood; of which it is said *Sap. 11. Tua sunt omnia Domine, qui amas animas.* Hence the Apostle gravely, *prima Corinth. cap. 8. says: Peribit infirmus in tua scientia frater, propter quem Christus mortuus est? Sic autem peccantes in fratres, et in Christum peccatis.* Wherefore *Apoc. 2.* he declares: *Habes tenentes doctrinam Balaam, qui docebat Balac mittere Scandalum, etc. Poenitentiam age: si quo minus, etc.*

PROBATUR secundo a D. Bonaventura ibi. *Quia contra Charitatem pugnat, deducens ad infernum animas. Est etiam contra iustitiam, eripiens Christo animas, creatas, et suo sanguine redemptas; de quibus dicitur* Sap. 11. Tua sunt omnia Domine, qui amas animas. *Hinc graviter Apostolus,* prima Corinth. cap. 8. ait: Peribit infirmus in tua scientia frater, propter quem Christus mortuus est? Sic autem peccantes in fratres, et in Christum peccatis. *Ideo* Apoc. 2. *protestatur:* Habes tenentes doctrinam Balaam, qui docebat Balac mittere Scandalum, etc. Poenitentiam age: si quo minus, etc.

4 It is PROVED thirdly from S. Doctor, because as for one who builds up by good example a great reward is prepared, so for one who destroys the work of God, a great punishment. Wherefore *Rom. 14. Noli propter escam destruere opus Dei.*

PROBATUR tertio a S. Doctore, quia sicuti aedificanti bono exemplo grande paratur praemium, ita destruenti opus Dei, grandis poena. Ideo Rom. 14. Noli propter escam destruere opus Dei.

5 It is PROVED fourthly from S. Doctor, because it is a great cruelty to seduce the simple, as it is said *Levit. 19. Nec coram caeco pones offendiculum.*

PROBATUR quarto a S. Doctore, quia magna crudelitas est seducere simplices, ut dicitur Levit. 19. Nec coram caeco pones offendiculum.

6 It is PROVED fifthly, because one who scandalizes is held to that penalty: *Animam pro anima.*

PROBATUR quinto, quia scandalizans tenetur illi poenae: Animam pro anima.

7 But this is a greater sin in public persons, as Prelates and religious, of whom *Malach. 2. Legem requirent ex ore eius. Vos autem recessistis de via, et scandalizastis plurimos in lege: Propter quod et ego dedi vos contemptibiles.*

Hoc autem est maius peccatum in personis publicis, ut Praelatis, ac religiosis, de quibus Malach. 2. Legem requirent ex ore eius. Vos autem recessistis de via, et scandalizastis plurimos in lege: Propter quod et ego dedi vos

contemptibiles.

8 You will OBJECT that in *Matth. 18.* it is said: *Necesse est ut veniant Scandala.* But what is necessary is not a fault.

OBIICIES Matth. 18. *dicitur:* Necesse est ut veniant Scandala. *Quod autem est necessarium, non est culpa.*

9 S. Doctor ANSWERS, *in the place cited* that it speaks by supposition, that they are evil, and most truly of Passive Scandal by supposition of the active; nay, by supposition of malice, which is scandalized even at holy works, as the world was scandalized at Christ *John 7. Matth. 13. Mark 11. prima Petri 2.* and Paul says Christ was a Scandal to the Jews, and in *Luke 2.* it is said: *Positus in ruinam multorum.* Thus Valencia also answers *puncto 2. and others.*

RESPONDET S. Doctor, loco cit. *loqui ex suppositione, quod mali sint, maxime vero de Scandalo passivo ex suppositione activi; imo ex suppositione malitiae, quae scandalizatur etiam de operibus sanctis, sicuti scandalizatus est mundus de Christo* Ioan. 7. Matth. 13. Marci 11. prima Petri 2. *et Paulus, Christum, ait, Iudaeis esse Scandalum, et* Lucae 2. *dicitur:* Positus in ruinam multorum. *Ita respondent etiam Valentia* puncto 2. et alii.

10 It is CERTAIN also, that passive Scandal per se is a mortal or venial sin, according as the sin itself will be.

CERTUM est etiam, Scandalum passivum per se esse peccatum mortale, vel veniale, pro ut erit peccatum ipsum.

11 It is CERTAIN also, that Scandal from the intention of drawing into the ruin of souls, or into some crime, as such, is a special Scandal; for it is opposed to beneficent Charity.

CERTUM est etiam, Scandalum ex intentione trahendi in ruinam animae, seu ad aliquod crimen, ut sic, esse speciale Scandalum; nam opponitur beneficae Charitati.

12 The QUESTION is now: whether he who induced another by command, counsel, etc., even if he did not directly intend his ruin, is guilty of the special crime of Scandal. Moreover, whether also not only he who intends merely to draw others to that pleasure for himself, but also he who kindled by the sole wickedness of the work gives evil example, is guilty of a special Scandal against Charity.

QUAESTIO est iam: an ille, qui alium induxit iussu, concilio, etc. tametsi ruinam eius directe non intenderit, specialis criminis Scandali sit reus. Insuper, num etiam, non solum qui intendit solummodo ad illam voluptatem sibi attrahere, sed et qui e sola operis pravitate malo exemplo accenderit, sit Scandali specialis contra Charitatem reus.

13 The FIRST opinion is that it is a special sin. Thus Adrian in *4. dist. 38. quaest. ultim.* Antoninus *2. part. titul. 7. §. 4. cap. 4.* Navarre *relect. in cap. Consideret, de Poenit. disp. 5. and in the Manual, cap. 6. number 19.* Valencia *disp. 3. quaest. 18. puncto 2.* where he also cites Alensis *part. 2. quaest. 189. memb. 2.* The same think Peter Soto *Lect. 9. de confess.* Suarez *de Charitate, disput. 10. sect. 2.* Layman *Lib. 2. tract. 3. cap. 13.* Tannerus *disp. 2. quaest. 6. dub. 8.* citing also Victoria and the modern Thomists, Sylvius *2. 2.* The SECOND opinion is, that this scandal is a mere aggravating circumstance. Thus D. Bonav. in 4. dist. 38. dub. 2. lit. D. Thom. 2. 2. quaest. 43. art. 3. Caietan there, and in summa, V. scandalum, Couar. relect. in cap. Peccatum, part. 1. num. 5. Bannes quaest. 43. art. 4. Durandus 4. dist. 38. quaest. 3. Palud. there, quaest. 6. Fagundez part. 2. Lib. 4. cap. 4. Ledesma Tom. 2. Tract. 4. cap. 5. concl. 5. Lorca 2. 2. quaest. 43. sect. 3. disp. 56. num. 7. Villalob. summa, Tom. 2. tract. 3. diffic. 8. Becanus 2. 2. cap. 27. quaest. 2. Coninck de act. supernaturalibus, disp. 33. dub. 5. num. 35. Filliucius in Tom. 1. tract. 28. cap 6. num. 216. Sylvius 2. 2. quaest. 43. art. 3. Sanchez summa, Tom.

1. lib. 1. cap. 6. Vasquez prima secundae, disp. 102. cap. 4. Azor Lib. 4. cap. 7. quaestio 1. Diana part. 3. tract. 4. resol. 114. and part. 5. Tract. 2. which is entirely on scandal, where resol. 2. he refuses to recount the opinions of the Doctors, because this disputation seems metaphysical; for as to practice it matters little, because according to the common opinion of D. Bonaventure, in whatever way you give the occasion of spiritual ruin, you are bound to confess it. In the same manner speak some of those cited above, especially Layman, and Hurtado 2. 2. disp. 173. sect. 8. §. 61. Fuliensis lib. 2. cap. 12. Bassaeus, and others.

> *PRIMA opinio est esse peccatum speciale. Ita Adrianus in* 4. dist. 38. quaest. ultim. *Antoninus* 2. part. titul. 7. §. 4. cap. 4. *Navar.* relect. in cap. Consideret, de Poenit. disp. 5. et in Manuali, cap. 6. numero 19. *Valentia* disp. 3. quaest. 18. puncto 2. *ubi allegat etiam Alensem* part. 2. quaest. 189. memb. 2. *Idem sentiunt Petrus Soto* Lect. 9. de confess. *Suarez* de Charitate, disput. 10. sect. 2. *Layman* Lib. 2. tract. 3. cap. 13. *Tannerus* disp. 2. quaest. 6. dub. 8. *afferens etiam Victoriam, et modernos Thomistas, Sylvius* 2. 2. *SECUNDA sententia est, hoc scandalum esse meram circumstantiam aggravantem. Ita D. Bonav. in 4. dist. 38. dub. 2. lit. D. Thom. 2. 2. quaest. 43. art. 3. Caietanus ibi, et in summa, V. scandalum, Couar. relect. in cap. Peccatum, part. 1. num. 5. Bannes quaest. 43. art. 4. Durandus 4. dist. 38. quaest. 3. Palud. ibi, quaest. 6. Fagundez part. 2. Lib. 4. cap. 4. Ledesma Tom. 2. Tract. 4. cap. 5. concl. 5. Lorca 2. 2. quaest. 43. sect. 3. disp. 56. num. 7. Villalob. summa, Tom. 2. tract. 3. diffic. 8. Becanus 2. 2. cap. 27. quaest. 2. Coninch. de act. supernaturalibus, disp. 33. dub. 5. num. 35. Fillucius Tomo 1. tract. 28. cap 6. num. 216. Sylvius 2. 2. quaest. 43. art. 3. Sanchez summa, Tom. 1. lib. 1. cap. 6. Vasquez prima secundae, disp. 102. cap. 4. Azor Lib. 4. cap. 7. quaestio 1. Diana part. 3. tract. 4. resol. 114. et part. 5. Tract. 2. qui totus est de scandalo, ubi resol. 2. renuit sententias Doctorum referre, quia haec disputatio videtur metaphysica; nam quo ad praxim parum refert, quia iuxta communem D. Bonavent. sententiam, quocumque modo des occasionem spiritualis ruinae, teneris eam confiteri. Eodem modo loquuntur aliqui e supra allegatis, praecipue Layman, et Hurtadus 2. 2. disp. 173. sect. 8. §. 61. Fuliensis lib. 2. cap. 12. Bassaeus, et alii.*

14 I ASSERT with this opinion, that scandal of this kind is only an aggravating circumstance.

> *ASSERO cum hac sententia, huiusmodi scandalum solummodo esse circumstantiam aggravantem.*

15 It is *PROVED* from D. Bonaventure and D. Thom., because sin is not named from the person against whom it is; whence if anyone offended several with one contumely, he would commit one sin; but it is taken from the act about which it is, and about that which is per se intended, not about that which is per accidens. Therefore that which is beyond the formal intention pertains to the species of the act only reductively, as Valencia also acknowledges.

> PROBATUR *a D. Bonavent. et D. Thom. quia peccatum non nominatur ratione eius, in quem est; unde si quis una contumelia plures offendetet, unum peccatum committeret; sed sumitur ratione actus, circa quem est, et circa id, quod per se est intentum, non circa id, quod per accidens. Ideo id, quod est praeter intentionem formalem, non nisi reductive pertinet ad actus speciem, ut fatetur etiam Valentia.*

16 Valencia *ANSWERS* that the assumption is true of that which is beyond every intention and without all voluntariness; and that it does not look to the moral act, nor has anything whereby it is reckoned among moral acts. But it suffices for the Seraphic Doctor, if the act does not have moral being per se, but needs to be reduced to something else, that it not constitute a distinct species of moral act.

> RESPONDET *Valentia, assumptum verum esse de eo, quod est praeter omnem intentionem, et absque omni voluntario; neque spectat ad moralem actum, neque habet aliquid quo inter actus morales computetur. Ast, sufficit Seraphico, si actus non habeat esse morale per se, sed egeat ad aliud reduci, ut non constituat distinctam speciem actus moralis.*

17 Valencia *OBJECTS*. In every other matter in which sin is specified by the harm or injury inflicted, the tacit and indirect, or virtual intention, is equivalent to an express intention, at least for the commission of a sin of such a species: Therefore also in the matter of scandal. The antecedent is proved: For he truly commits the sin of detraction who rashly says something, from which follows damage to the reputation of his neighbor. Likewise he truly commits the sin of theft who takes another's property, not with the intention of harming his neighbor, but of benefiting himself; and he who commits fornication in a sacred place commits Sacrilege, although he does not expressly intend to inflict injury on the sacred place: Therefore. Caietan admits the knot of this argument, saying he does not know how to solve it, quaest. 53. art. 2. ad 3.

> OBIICIT *Valentia. In omni alia materia, in qua peccatum specificatur a nocumento, vel iniuria illata, intentio, et voluntas tacita, et indirecta, sive virtualis aequivalet intentioni expressae, saltem ut committatur peccatum talis speciei: Ergo et in materia scandali. Antecedens probatur: Nam vere committit detractionis peccatum, qui temere dicit aliquid, ex quo sequitur detrimentum famae proximi. Item committit vere peccatum furti; qui aufert rem alienam, non intentione nocendi proximo; sed sibi commodandi; et qui committit fornicationem in loco sacro, committit Sacrilegium, licet expresse non intendat inferre iniuriam loco Sacro: Ergo. Huius argumenti nodum fatetur Caietanus, se nescire dissolvere quaest. 53. art. 2. ad 3.*

18 Yet it is *ANSWERED* that the cases are different: for all have moral entity per se, nor do they need to lean on another; not so in our case. As to the first; many judge it probable that it is not a sin. As to the second case, there is a direct will, for he necessarily wills to snatch from another to benefit himself. The third case is of a different matter, about which the act per se takes place in the Church, if the fornicator wills certainly to fornicate in that place, even if he does not principally intend this.

> RESPONDETUR *tamen, diversos esse casus: nam omnes habent entitatem moralem per se, neque egent iam alteri inniti, non sic in casu nostro. Quo ad primum; probabile censent multi, non esse peccatum. Quo ad secundum casum, ea est voluntas directa, nam necessario vult eripere alteri, ut sibi commodet. Tertius casus est diversae materiae, circa quam actus per se fit in Ecclesia, si fornicans vult profecto fornicari in eo loco, esto principaliter id non intendat.*

19 You *OBJECT* secondly. He who scandalizes by a good act truly commits the sin of scandal, as Caietan and Paludanus concede; although he only indirectly wills the ruin of his neighbor: Therefore also he who scandalizes by an evil act. For the latter is not in a better condition than the former; nor does the fact that his act is otherwise evil stand in the way of its being, for another reason, at the same time in another species of sin, as appears from the doctrine of D. Thom. prima secundae, quaest. 18. art. 10. I do not think (says Valencia) this argument can be solved.

> OBIICIES *secundo. Qui per actum bonum scandalizat, vere committit peccatum scandali, ut concedant Caietanus, et Paludanus; licet is indirecte solum velit proximi ruinam: Ergo etiam, qui scandalizat per actum malum. Neque enim is est melioris conditionis, quam ille; nec, quod actus eius sit alioqui malus, obstat, quo minus alia ratione possit esse in alia simul specie peccati, ut patet ex doctrina D. Thom. prima secundae, quaest. 18. art. 10. Non puto (ait Valentia) hoc argumentum solvi posse.*

20 It is *ANSWERED* with D. Bonaventure by denying the Antecedent: For the former sins against prudence, and so that circumstance of the act is not a sin per se; and by this the third objection is answered.

> RESPONDETUR *cum D. Bonavent. negando Antecedens: Nam ille peccat contra prudentiam, atque adeo circumstantia illa actus est, non peccatum per se, et per hoc patet ad tertium.*

21 You *OBJECT* thirdly: If the formal intention is necessary for the special sin of scandal; rarely, or never, will one sin by the sin of scandal. For how rare is the man so imbued with diabolical poison as to will the special and spiritual ruin of others? and yet in Scripture this sin is described as frequent *Matth. 18. prima Corinth. 8.*

> OBIICIES *tertio: Si formalis intentio necessaria est ad speciale scandali peccatum; raro, aut nunquam peccato scandali peccabitur. Quotus quis enim est diabolico ita veneno imbutus, ut velit specialem, ac spiritualem aliorum ruinam? et tamen in Scriptura hoc peccatum, ut frequens describitur* Matth. 18. prima Corinth. 8.

22 It is *ANSWERED* easily, that a direct intention is not necessary, namely that you will to lead him directly into spiritual ruin, namely to hell; but it suffices that you will to lead him to sin in such a way, and persuade, solicit, threaten, etc. Alas, how frequent are these acts. In this sense some of the second opinion do not deny that it is a special sin. Thus D. Bonaventure *in speculo animae, cap. 1. et lib. 3. Phar. cap. 39.* where the SS. Fathers cited seem to think this, and *ad 17. Lucae, and in 4. in the place cited* he seems to speak the same.

> RESPONDETUR *facile, ad intentionem directam non esse necesse, ut velis illum inducere in ruinam spiritualem, nempe ad infernum directe; sed satis est, ut velis illum inducere ad peccandum tali modo, suadeasque, sollicites, mineris, etc. Heu quam frequentes sunt actus isti. Hoc sensu aliqui secundae sententiae non negant, esse peccatum speciale. Sic D. Bonavent.* in speculo animae, cap. 1. et lib. 3. Phar. cap. 39. *ubi id sentire videntur SS. Patres allati, et* ad 17. Lucae, et in 4. loco cit. *idem visus est loqui.*

23 From what has been said you will gather how one who has given scandal ought to behave in confession.

> *Ex dictis colliges; quomodo se debeat gerere in confessione, qui scandalum dedit.*

24 INDEED it seems that this circumstance need not be confessed, according to the doctrine of D. Bonav. *de circumstantiis aggravantibus, and I shall say 3. part. Tract. de Paenit. disp. 2. sect. 3. quaest. 5.* Thus many affirm on this matter.

> *SANE videtur, non esse confitendam hanc circumstantiam necessario, iuxta doctrinam D. Bonav.* de circumstantiis aggravantibus, et dicam 3. part. Tract. de Paenit. disp. 2. sect. 3. quaest. 5. *Ita multi hac de re afferunt.*

25 However, COMMONLY they teach that it is to be confessed. Thus Lorca, Villalobos, Becanus, Coninck, Fagundez, Ledesma, cited above, to whom Diana almost subscribes *Part 3. Tract. 4. resol. 114.* with D. Bonaventure. Nay, Sylvius, Filliucius, Sanchez, Layman above, Bonacina *de sacrament. disp. 5. quaest. 5. sect. 2. puncto 2. §. 3. diff. 3. num. 21. and Diana* point out that the number of persons and their condition must be expressed, to whom the scandal was given, even with a single sin, and in what way, whether in conversations about fornication? about unspeakable things? or about betrothed women (conjunctis)? Wherefore these two last cry out blind confessors who do not ask these things. Diana again subscribes *Part 5. Tract. 7. resol. 3.* adding Paludanus, Molsheim (Molfesium), Leo, and others.

> *COMMUNITER vero docent, eam confitendam. Ita Lorca, Villalobos. Becanus, Coninchius, Fagundez, Ledesma, supra citati, quibus subscribit fere Diana* Parte 3. Tract. 4. resol. 114. *cum D. Bonavent. Imo advertunt Sylvius, Filliucius, Sanchez, Layman supra, Bonacina* de sacrament. disp. 5. quaest. 5. sect. 2. puncto 2. §. 3. diff. 3. num. 21. et Diana, *debere exprimi numerum personarum, et earum conditionem, quibus scandalum datum est, etiam unico peccato, et qua ratione, num colloquiis de fornicatione? num de infandis? vel de coningatis? Quare caecos conclamant hi duo*

postremi confessarios, qui haec non interrogant. Subscribit iterum Diana Parte 5. Tract. 7. resol. 3. *addens Palaum, Molfesium, Leonem, et alios.*

26 NOTE truly first, that soliciting a defiled (patatam), or a prepared (paratam) woman,[1] is a probably direct scandal, to be said in confession, according to Sanchez *lib. 1. cap. 6. num. 14.* Bonacina *tract. 1. disp. 5. quaest. 5. puncto 2. §. 3.* Vasquez *quaest. 91. art. 1. disp. 4.* Fill. *tract. 28. num. 231.* They make an exception, if by an explicit act it were sufficiently perceived, as was said, that you fornicated with a woman, one could gather that you sought this; for a woman, for the most part, is not accustomed to ask.

1 Editor's note: the print/OCR reads 'sollicitare patatum, vel paratam' (djvu layer: 'follicitare pararum, vel paratam'); the first word is a corrupted form; rendered 'patatam' (defiled, feminine, agreeing with foemina), as the English rendering already assumed.

NOTA vero primo, sollicitare patatam, vel paratam, esse scandalum probabiliter directum, in confessione dicendum, apud Sanchez lib. 1. cap. 6. num. 14. *Bonacin.* tract. 1. disp. 5. quaest. 5. puncto 2. §. 3. *Vasquez* quaest. 91. art. 1. disp. 4. *Fill.* tract. 28. num. 231. *Excipiunt, si explicito actu satis perciperetur, ut dicto, te fornicatum cum foemina, colligere potest id to petiisse; non enim solet foemina, ut plurimum, petere.*

27 Others, however, admit it is not to be confessed; for it does not induce, since he finds it prepared. Thus Fagundez *praecept. 2. lib. 4. cap. 5.* Suarez *3. part. tract. 4. disp. 22. sect. 4. num. 18.* Henriquez *lib. 2. de paen. cap. 6. num. 7.* Diana *part. 1. tract. 7. res. 34.* Azor *tract. 2. lib. 12. cap. 16. quaestio 5.* Bassaeus §. 1.

ALII tamen non confitendum admittunt; non enim inducit, cum paratum inveniat. Sic Fagundez praecept. 2. lib. 4. cap. 5. *Suarez* 3. part. tract. 4. disp. 22. sect. 4. num. 18. *Henriquez* lib. 2. de paen. cap. 6. num. 7. *Diana* part. 1. tract. 7. res. 34. *Azor* tract. 2. lib. 12. cap. 16. quaestio 5. *Bassaeus §. 1.*

28 To SOLICIT one not yet prepared, however, is called by Diana indirect scandal; but I refuse it, for many do not excuse doing works in the face of the perfect which inflame; for even these fall, as David 2. Reg. 11. seeing Bethsabee in the bath. Solomon 3. Reg. 11. See D. Thom. art. 5. and 6. Perhaps you will excuse yourself, if you opine that the beholders are not to be moved, as many say with Diana, Tract. de scandalo, resol. 3. or if they have been so carried along that they are not moved on that account. See there.

SOLLICITARE vero non paratam, vocatur a Diana scandalum indirectum; sed renuo, Opera enim facere in facie perfectorum, quae incendunt, multi non excusant; nam et hi cadunt, ut David 2. Reg. 11. videns Bethsabeam in balneo. Salomon 3. Reg. 11. Vide D. Thom. art. 5. et 6. Excusaris forsan, si opineris, videntes non movendos, ut dicunt multi cum Diana, Tract. de scandalo, resol. 3. vel si ita pervecti sint, ut non moveantur ob id. Vide ibi.

Question III: What is to be done, and what omitted, to avoid scandal

1 WE do not treat here of scandal per se special, or inherent; but of the general kind arising from an action alone.

Quaenam sint facienda, et quae omittenda ad vitandum scandalum.

NON agimus de scandalo per se speciali, seu inherentio; sed de generali ex opere solum.

2 MANY rules are given on this matter by Gregory of Valentia disp. 3. quaest. 18. puncto 4. Tanner disp. 2. quaest. 6. dub. 9. after D. Bonav. p. 1. Centil. sect. 31. whose full import Bassaeus delivers, 2.

Scandalum, from num. 8.

> *MULTAE regulae dantur de hac re a Gregorio de Valentia disp. 3. quaest. 18. puncto 4. Tannero disp 2. quaest. 6. dub. 9. ex D. Bonau. p. 1. Centil. sect. 31. quorum late Bassaeus eas tradit 2. Scandalum, a num. 8.*

3 THE FIRST is, that to avoid scandal it is not lawful to do a thing, or to omit one, which to do or to omit would be a sin mortal of itself intrinsically. So D. Thom. 2. 2. quaest. 43. art. 7. and D. Bonav. loc. cit. and others cited below. The first reason is, because sin is not ordainable to good.

> *PRIMA est, non licere ad vitandum scandalum, facere aliquam rem, vel aliquam omittere, quam facere, vel omittere sit peccatum mortale per se intrinsece. Ita D. Thom. 2. 2. quaest. 43. art. 7. et D. Bonau. loc. cit. et alii infra cit. Ratio prima est, quia peccatum non est ordinabile in bonum.*

4 *It is PROVED secondly: For, as it is said Rom. 3. Evils are not to be done that goods may come of them.* And it is confirmed from the order of charity, for each man must keep himself more immune from spiritual ruin than another.

> PROBATUR secundo: Nam, ut dicitur Rom. 3. Non sunt facienda mala, ut eveniant bona. *Et confirmatur ex ordine charitatis, debet enim quisque se magis, quam alium, immunem a spirituali ruina servare.*

5 THE SECOND rule is, that neither is it lawful to do anything intrinsically venial. So D. Thom. art. 1. ad 5. Valentia loc. cit. and D. Bonav. above, Tanner. disp. 2. quaest. 6. dub. 9. Diana p. 5. tract. 7. resol. 21. and seq. Bass. num. 12. and others among these authors.

> *SECUNDA regula est, neque licere aliquid intrinsece veniale. Ita D. Thom. art. 1. ad 5. Valentia loc. cit. et D. Bonau. supra Tanner. disp. 2. quaest. 6. dub. 9. Diana p. 5. tract. 7. resol. 21. et seq. Bass. num. 12. et aliae apud istos.*

6 THE THIRD rule is, that to avoid the scandal of the weak, all those things are to be avoided which can be avoided without sin, lest the weak and simple fall. So D. Gregory homil. 7. in Ezech. Beda on cap. 9. of Mark, and the Doctors commonly.

> *TERTIA regula est, ad vitandum scandalum infirmorum, ea omnia vitanda, quae sine peccato vitari vallent, ne infirmi, et simplices cadant. Ita D. Gregorius homil. 7. in Ezech. Beda in cap. 9. Marci, et communiter Doctores.*

7 It is PROVED from the nature of charity, which is bound to provide for the neighbor's salvation in necessity, if it can. So also D. Bonaventura after D. Bernard, and the Saintly Doctor gathers this from that passage of Matthew 17. *But that we not scandalize them, go to the sea, etc.* Truly Christ was not bound to the tribute, nor the Apostles. Bassaeus adds num. 12. that when their scandal cannot otherwise be avoided, they must be made capable of the thing.

> *PROBATUR ex natura charitatis, quae tenetur proximi saluti in necessitate prospicere, si potest. Ita etiam D. Bonaventura ex D. Bernardo, et hoc colligit S. Doct. illo Matthaei 17.* Ne autem scandalizemus eos, vade ad mare, etc. *Sane tributo non tenebatur Christus, aut Apostoli. Addit Bassaeus num. 12. quando horum scandalum aliter vitari nequit, debent enim fieri capaces.*

8 THE SAINTLY Doctor gathers this rule also from the Gloss, on that passage Matt. 15. *Know that the Pharisees, having heard this word, were scandalized,* where it says: Everything that can be set aside, with the threefold truth preserved, namely of life, of doctrine, and of justice, is to be omitted on account of scandal. The *Truth of life* comprehends all actions conformable to reason, and therefore true, practically containing the precepts, indeed even the counsels. The *Truth of doctrine* contains those things which the duty of truth imposes on masters. The *Truth of justice* looks to Prelates, as to

punishing the wicked and rewarding and sustaining the just, and therefore in relation to another. So nearly also Valentia disp. 3. quaest. 18. punct. 4. with Adriano quaest. 1. art. 2.

> *HANC regulam colligit S. Doct. etiam ex Glossa, ad illud Matth. 15.* Scis quia Pharisaei audito verbo hoc, scandalizati sunt, ubi ait: Omittendum esse, propter scandalum, omne, quod potest praetermitti, salva triplici veritate, scilicet vitae, doctrinae, et iustitiae. *Comprehendit* Veritas vitae *omnes actiones conformes rationi, atque adeo veras, practice continentes praecepta, imo et consilia.* Veritas doctrinae *continet ea, quae ad veritatem magistris incumbit.* Veritas iustitiae *spectat ad Praelatos, quoad puniendos malos, et iustos praemiandos, ac sustentandos, atque adeo in ordine ad alterum. Ita fere etiam Valentia disp. 3. quaest. 18. punct. 4. cum Adriano quaest. 1. art. 2.*

9 These things truly, after D. Hieronymo, are not to be omitted for fear of scandal. But if scandal arise from the mere malice of the beholder, it is to be despised, as the Saintly Doctor admonishes there on 6. of John, citing that passage Matt. 15. *Let them alone: they are blind.* The Saintly Doctor has the same doctrine on 18. of Luke on those words: *It is impossible that scandals should not come.* The Apostle said he would abstain from meats lest he scandalize, *Rom.* 14. *and first Corinth.* 8. because scandal could arise from it. See also Tanner at number 15.

> *Haec sane ex D. Hieronymo non sunt omittenda ob metum scandali. Quod si scandalum oriatur ex mera malitia videntis, temnendum esse monet S. Doct. ibi ad 6. Ioan. afferens illud Matth. 15.* Sinite illos: caeci sunt. *Eandem doctrinam habet S. Doct. ad 18. Lucae ad ea verba:* Impossibile est ut non veniant scandala. *Apostolus dicebat, se abstinere a carnibus, ne scandalizet,* Rom. *14.* et prima Corinth. *8. quia scandalum poterat hinc oriri. Vide etiam Tannerum numero 15.*

10 THERE arises indeed the question: whether at some time, to avoid scandal, we are bound to omit some precept.

> *ORITUR vero quaestio: an aliquando ad vitandam scandalum, teneamur aliquod praeceptum omittere.*

11 Vasquez denies it, opusc. de scandalo, art. 8. dub. 1. Turrianus 2. 2. Tom. 1. disp. 96. dub. 1. Becanus 2. 2. Tom. 1. cap. 27. quaest. 5. Basilius Pont. de matrim. lib. 5. cap. 18. §. 2. Castrus Palaus T. 1. tract. 6. punct. 16. num. 3. It seems gathered from Innocent III. cap. *Cum ex iniuncto* de novi operis nunciatione.

> *Negant Vasquez opusc. de scandalo, art. 8. dub. 1. Turrianus 2. 2. Tom. 1. disp. 96. dub. 1. Becanus 2. 2. Tom. 1. cap. 27. quaest. 5. Basilius Pont. de matrim. lib. 5. cap. 18. §. 2. Castrus Palaus T. 1. tract. 6. punct. 16. num. 3. Videtur colligi ex Innocentio III. cap.* Cum ex iniuncto *de novi operis nunciatione.*

12 YET many AFFIRM it: Hurtado 1. 2. disp. 173. sect. 20. a §. 256. Valentia disp. 3. quaest. 18. punct. 4. Suarez disp. 10. sect. 3. num. 9. Bannes 2. 2. quaest. 43. art. 8. concl. 2. Tanner. T. 3. quaest. 6. quaest. 6. dub. 9. num. 120. Gordonus Tom. 1. lib. 6. quaest. 16. cap. 5. §. 1. Sà on the word *audire missa*, num. 3. Lorca 2. 2. quaest. 43. art. 8. num. 10. Henriquez lib. 8. cap. 47. Bannes brings the example of a woman who, lest she offend her jealous husband, omits the sacred rite.

> *AFFERMANT tamen Hurtado 1. 2. disp 173. sect. 20. a §. 256. Valentia disp. 3. quaest. 18. punct. 4. Suarez disp. 10. sect. 3. num 9. Bannes 2. 2. quaest. 43. art. 8. concl. 2. Tanner. T. 3. quaest. 6. quaest. 6. dub. 9. num. 120. Gordonus Tom. 1. lib. 6. quaest. 16. cap. 5. §. 1. Sà verbo* audire missa*, num. 3. Lorca 2. 2. quaest. 43. art. 8. num. 10. Henriquez lib. 8. cap. 47. Exemplum affert Bannes de muliere, quae, ne laedat virum zelotypum, omittit facrum.*

13 DIANA Tom. 5. tract. 7. de scandalo judges both probable, but embraces the first more; Yet if anyone wishes to follow this latter one, he ought to attend to when precepts are to be omitted to avoid scandal, which Hurtado delivers §. 268.

> *DIANA Tom. 5. tract. 7. de scandalo utramque probabilem censet, sed priorem magis amplectitur; At si aliquis posteriorem hanc sequi velit, advertere debet, quando praecepta sint omittenda ob vitandum scandalum, quae tradit Hurtado §. 268.*

14 FIRST, when the precept is human, and no evil follows from its omission, then it is to be avoided. For example. If I cannot hear the *Sacred rite* without giving someone occasion of grave anger, hatred, lust, I am bound to abstain from the Sacred rite. Valentia teaches the same loc. cit. Suarez disp. 10. sect. 3.

> *PRIMO quando praeceptum est humanum, et nullum malum sequitur ex eius omissione, tunc est vitandum. Exempli gratia. Si ego non possum audire* Sacrum*, quin alicui praebeam occasionem gravis iracundiae, odii, luxuriae, teneor abstinere a Sacro. Idem docet Valentia loc. cit. Suarez disp. 10. sect. 3.*

15 YET they judge the OPPOSITE of a woman who would be an object of concupiscence if she went to the Sacred rite: Castro Palao T. 1. tract. 6. disp. 6. punct. 16. Granado 2. 2. contr. 3. tract. 13. disp. 5. sect. 5. num. 28. Azorius tom. 2. lib. 12. cap. 18. quaestio 12. Vasquez opusc. de scandalo, quaest. 43. art. 8. dub. 2. num. 27. Diana loc. cit. resol. 22. Tannerus num. 121.

> *OPPOSITUM tamen censent de foemina, quae esset concupiscenda, si vadat ad Sacrum, Castro Palao T. 1. tract. 6. disp. 6. punct. 16. Granado 2. 2. contr. 3. tract. 13. disp. 5. sect. 5. num. 28. Azorius tom. 2. lib. 12. cap. 18. quaestio 12. Vasquez opusc. de scandalo, quaest. 43. art. 8. dub. 2. num. 27. Diana loc. cit. resol. 22. Tannerus num. 121.*

16 BUT IF from the omission of the precept another grave harm to the neighbor impends, the precept is not to be passed over; e. g. if I am bound to assist a needy person, and another, on seeing it, would detract and judge wickedly of a suspected conversation with that person, e. g. a widow, I am bound to help her. Whatever Bannes may say at art. 8.

> *SI vero ex omissione praecepti immineat aliud damnum grave proximo, non est praetereundum praeceptum, v. g. si ego teneor opitulari indigenti, et alius videns sit detracturus; et prave iudicaturus suspectam conversationem cum persona illa, v. g. vidua, teneor ei subvenire. Quidquid dicat Bannes art. 8.*

17 HENCE you may easily also discover: whether a woman is bound not to adorn herself, and not to go out in public, to avoid the scandal of others.

> *HINC facile etiam eruas: an foemina teneatur se non ornare, et in publicum non exire, ad vitandum aliorum scandalum.*

18 FOR I JUDGE that, no necessity existing, wanton adornments and empty outings are to be avoided. So many Doctors in Diana resol. 31. See also concerning the adornment of women Suarez disp. 10. sect. 3. n. 10. Gordonum tom. 1. lib. 6. quaest. 16. cap. 5. §. 2. num. 15. Sanchez T. 1. lib. 1. cap. 6. num. 17. Layman lib. 2. t. 3. cap. 13. num. 11. quaest. 13. who nevertheless says that women adorning themselves, exposing their breasts bare, are excused according to the custom of their country.

> *ARBITROR enim, nulla existente necessitate, esse evitandos esse ornatus lascivos, et egressus inanes. Ita multi Doctores apud Dianam resol. 31. Vide etiam circa ornatum mulierum Suarez disp. 10. sect. 3. n. 10. Gordonum tom. 1. lib. 6. quaest. 16. cap. 5. §. 2. num. 15. Sanchez T. 1. lib. 1. cap. 6. num. 17. Layman lib. 2. t. 3. cap. 13. num. 11. quaest. 13. qui tamen ait, excusari foeminas se ornantes, nudas mamillas ostendendo, iuxta morem patriae.*

19 THE DOCTORS also report VERY MANY cases, teaching when we are bound to undergo dangers to avoid scandal.

> *PLURIMOS etiam casus referunt Doctores, docentes, quandonam pericula subire teneamur ad vitandum scandalum.*

20 FIRST indeed the danger of damnation is not to be undergone, for instance if the necessity of confession presses, and no one is present except an unworthy Priest.

> *PRIMO quidem non est subeundum periculum damnationis, puta si urgeat necessitas confessionis, et non adsit, nisi Sacerdos indignus.*

21 INDEED many, in Diana resol. 4., beyond necessity, assert it is lawful to seek the Sacrament from an unworthy minister exposed; for he is not thereby induced to sin; indeed it is lawful to seek it even from an excommunicate who has not the absolving power. So Sanchez de Matrim. tom. 2. lib. 7. disp. 9. n. 8. Hurtado 2. 2. disp. 113. sect. 18. §. 249. They rely on the decree of the Council of Constance, and of Martin V. Therefore it will not be a scandal to ask.

> *IMO multi apud Dianam resol. 4. extra necessitatem, asserunt licere petere Sacramentum a ministro indigno exposito; non enim ille inducitur ad peccatum, imo licete petere etiam ab excommunicato, qui non habet absolventem. Ita Sanchez de Matrim. tom. 2. lib. 7. disp. 9. n. 8. Hurtado 2. 2. disp. 113. sect. 18. §. 249. Nituntur decreto Concilii Constantiensis, et Martini V. Quare non erit scandalum petere.*

22 SECOND, SECOND, there would not be a sin of scandal in the painter, ¶ should he paint the disgraceful image of the lover of Amasia, to avoid death. So many with Diana *resol. 5. Bassaeo. §. 5.*

> *SECUNDO SECUNDO, non esset scandali peccatum in pictore, ¶ turpis Amasiae imaginem pingeret amanti, ad mortem vitandam. Ita multi cum Diana* resol. 5. Bassaeo. §. 5.

23 For that cause many, in Diana *resol. 6.*, say it is permitted to paint an Idol; nevertheless that seems so evil that no excuse is left.

> *Ea de causa multi apud Dianam* resol. 6. *dicunt, posse pingere Idolum; attamen id adeo malum videtur, ut non relinquatur excusatio.*

24 The same some say, in Diana *resol. 27.*, of servants carrying disgraceful love letters; but this seems absurd, as Peter Ledesma notes, *sum. tom. 1. tract. 27. cap. 9. diff. 3.* and Martinus Ledesma *in 2. p. q. quaest. 17. art. 7.* Alphonsus de Leone *de offic. Confess. tom. 1. recoll. 14. num. 63.* Rebell. *p. 1. lib. 2. quaest. 14. num. 53.* Bonac. *de matrim. quaest. 4. p. 14. num. 6.* Laym. *lib. 2. tract. 3. cap. 13.* and it seems Sanchez *tom. 1. lib. 1. cap. 7. num. 26.* who nevertheless teaches the opposite *lib. 9. de matrim. disp. 46. num. 34.* as Diana notes.

> *Idem dicunt aliqui apud Dianam* resol. 27. *de servis, deferentibus litteras amatorias turpes; sed hoc videtur absurdum, ut notant Petrus Ledesma* sum. tom. 1. tract. 27. cap. 9. diff. 3. *et Martinus Ledesma* in 2. p. q. quaest. 17. art. 7. *Alphonsus de Leone* de offic. Confess. tom. 1. recoll. 14. num. 63. *Rebell.* p. 1. lib. 2. quaest. 14. num. 53. *Bonac.* de matrim. quaest. 4. p. 14. num. 6. *Laym.* lib. 2. tract. 3. cap. 13. *et videtur Sanchez* tom. 1. lib. 1. cap. 7. num. 26. *qui tamen oppositum docet* lib. 9. de matrim. disp. 46. num. 34. *ut advertit Diana.*

25 SOME assert, in Diana *resol. 28.*, that it is lawful for a servant, to avoid grave harm, to hand the ladder to his master ascending, to have intercourse with a woman. So also Bassaeus *num. 10. §. 1.* Similarly others, in Diana *resol. 29.*, for a like cause, say a maidservant can lead her master's concubine into the house of the heir. Bassaeus *in the place cited.*

ASSERUNT aliqui apud Dianam resol. 28. *licere servo, ad vitandum grave damnum, porrigere scalam hero ascendenti, ad rem habendam cum foemina. Sic et Bassaeus* num. 10. §. 1. *Similiter alii apud Dianam* resol. 29. *ob similem causam, aiunt posse famulam in domum heri ducere concubinam. Bassaeus* loco citato.

26 SIMILARLY many, in Diana *resol. 30.*, say that Christian galley slaves can help the Turks in war, and in laying waste the houses of Christians, that they may avoid death. So also others with Bassaeo *num. 10.* excepting, however, the case in which, if they did not help in the war, they would give us the victory.

SIMILITER multi apud Dianam resol. 30. *dicunt, posse ergastulos Christianos adiuvare in bello Turcas, et ad vastandas domos Christianorum, ut mortem vitent. Sic etiam alii cum Bassaeo* num. 10. *excipiunt tamen, si in bello, non iuvantes, darent nobis victoriam.*

27 In the same manner, to avoid death, many say, in Diana *resol. 33.*, that it is lawful to use the cap of the Jews, or the Turban of the Turks. So Gordonus *Summa, Tom. 2. lib. 6. quaest. 12. cap. 9. §. 3.* Duallius *2. 2. Tract. de fide, quaest. 3. art. 3.* Vuigers *2. 2. quaest. 3. art. 2. num. 50.* Tanner. *tom. 3. disp. 1. quaest. 7. dub. 5. num. 110.* Palaus *Tom. 1. tract. 4. disp. 1. punct. 17.* Coninch. *de fide, disp. 15. dub. 3. concl. 8.* Hurtadus *2. 2. disp. 48. sect. 3. §. 27.*

Eodem modo ad vitandam mortem dicunt multi apud Dianam resol. 33. *licere uti pileo Iudaeorum, vel Tobalia Turcarum. Ita Gordonus* Summa, Tom. 2. lib. 6. quaest. 12. cap. 9. §. 3. *Duallius* 2. 2. Tract. de fide, quaest. 3. art. 3. *Vuigers* 2. 2. quaest. 3. art. 2. num. 50. *Tanner.* tom. 3. disp. 1. quaest. 7. dub. 5. num. 110. *Palaus* Tom. 1. tract. 4. disp. 1. punct. 17. *Coninch.* de fide, disp. 15. dub. 3. concl. 8. *Hurtadus* 2. 2. disp. 48. sect. 3. §. 27.

28 Similarly others, in Diana *resol. 34.*, say that under such necessity it is lawful to use garments and other signs instituted for superstitions. See them there.

Similiter alii apud Dianam resol. 34. *dicunt, tali necessitate licitum esse uti vestibus, signisque aliis institutis ad superstitiones. Eos vide ibi.*

29 SIMILARLY many say, in Diana *resol. 35.*, that it is lawful for one passing through the lands of heretics to eat meats, to avoid grave harm.

SIMILITER dicunt multi apud Dianam resol. 35. *licere transeunti per loca haereticorum edere carnes, ad evitandum grave damnum.*

30 NOR do others, on a like reasoning, assert, in Diana *resol. 36.*, that it is lawful to sell an idol to a gentile, to avoid grave harm. See other cases in Diana himself *there.*

NEC dissimili ratione aiunt alii apud Dianam resol. 36. *vendere idolum gentili licere, ad evitandum grave damnum. Vide alia in ipso Diana* ibi.

31 THEY ASK also: whether the rule holds that one must not seek money from a usurer, ready to commit the sin of usury, without an honest cause.

QUAERUNT etiam: an teneat non petere pecuniam ab usurario, parato patrate peccatum usurae, sine causa honesta.

32 Palai ASSERTS it, *Tom. 1. tract. 6. disp. 6. p. 10.* Poncius *de matrim. lib. 5. cap. 18. num. 50.* Vasquez *opusc. de scandalo, art. 8. num. 33.* Suarez *disp. 10. sect. 3.* Molina *Tom. 2. tract. 2. disp. 335.*

ASSERUNT Palaus Tom. 1. tract. 6. disp. 6. p. 10. *Poncius* de matrim. lib. 5. cap. 18. num. 50. *Vasquez* opusc. de scandalo, art. 8. num. 33. *Suarez* disp. 10. sect. 3. *Molina* Tom. 2. tract. 2. disp. 335.

33 BUT Hurtad. DENIES it more probably, *2. 2. disp. 173. sect. 14. § 176. et 177.* Diana *resol. 8.* Indeed Sanchez *T. 1. lib. 3. cap. 8. num. 27.* Valentia *tom. 3. disp. 5. quaest. 21. punct. 4.* Molina *de Iustitia T. 2. disp. 335. concl. 5.* Bannes *2. 2. quaest. 78. art. 4. dub. 2.* say that one may say to the usurer: give me a loan, even with interest, which opinion Suarez judges probable *de Religione, T. 2. De Iurament. lib. 3. cap. 13. num. 9.* Diana *resol. 8.*

NEGANT tamen probabiliter Hurtad. 2. 2. disp. 173. sect. 14. § 176. et 177. *Diana* resol. 8. *Imo Sanchez* T. 1. lib. 3. cap. 8. num. 27. *Valentia* tom. 3. disp. 5. quaest. 21. punct. 4. *Molina* de Iustitia T. 2. disp. 335. concl. 5. *Bannes* 2. 2. quaest. 78. art. 4. dub. 2. *dicunt posse aliquem dicere usurario: da mihi mutuum, etsi ad usuras, quam sententiam probabilem censet Suarez* de Religione, T. 2. De Iurament. lib. 3. cap. 13. num. 9. *Diana* resol. 8.

34 From what has been said you have what must be said of the one paying usury; for the same reasoning holds in both cases. Wherefore Valentia judges the same of the one paying and the one seeking. See Diana *resol. 12.*

Ex dictis habes, quid dicendum de solvente usuras; eadem enim est in utroque ratio. Quare Valentia idem de solvente, et petente censet. Vide Dianam resol. 12.

35 From what has been said also you have nearly the manner in which goods, whether spiritual or temporal, are to be given up on account of scandal; of which Tannerus treats *dub. 9.*

Ex dictis etiam fere habes, qua ratione, bona sive spiritualia, sive temporalia dimittenda sint propter scandalum; De quibus agit Tannerus dub. 9.

36 FIRST therefore every action having the appearance of evil is to be omitted, as D. Thom. says *quaest. 43. art. 2.* and commonly among Sylvestrum, Caietanum, and Sà, see *Scandalum*, according to that text *Thessal. 5. From every appearance of evil abstain.* And first Corinth. 6. *All things are lawful to me, but all things are not expedient.* In a case, however, of great utility, which would greatly outweigh the ensuing scandal, Tannerus judges it not illicit. Peter seems an example of this, whom many Fathers also excuse from sin, and yet he was reproved by Paul. *Galat. 3.*

PRIMO igitur omittenda est omnis actio, habens mali speciem, ut ait D. Thom. quaest. 43. art. 2. *et communiter apud Sylvestrum, Caietanum, et Sà, v.* Scandalum*, iuxta id* Thessal. 5. Ab omni specie mala abstinete vos. *Et prima Corinth. 6.* Omnia mihi licent, sed non omnia expediunt. *In casu tamen magnae utilitatis, quae valde praeponderaret secuturo scandalo, existimat Tannerus non esse illicitum. Huius exemplum videtur Petri, quem a peccato excusant etaim Patres multi, et tamen reprehensus fuit a Paulo.* Galat. 3.

37 THEN spiritual goods, here and now necessary to salvation, are not to be omitted to avoid scandal. So with Thom. *art. 7.* and D. Bonav. *above*, all Theologians teach.

DEINDE non sunt ad scandalum vitandum omittenda spiritualia, hic et nunc, ad salutem necessaria. Ita cum Thom. art. 7. *et D. Bonav.* supra*, docent omnes Theologi.*

38 THIRDLY, spiritual goods which are not necessary to salvation are not to be omitted on account of the scandal of the Scribes. So D. Thom. *art. 7.* and it is established by that text *Matt. 15. Let them alone.* See Bassaeus.

TERTIO, bona spiritualia, quae non sunt necessaria ad salutem, non sunt omittenda ob scandalum Scribarum. Ita D. Thom. art. 7. *et constat illo* Matth. 15. Sinite illos. *Vide Bassaeum.*

39 FOURTHLY, spiritual goods, not necessary to salvation, are to be deferred, lest the weak suffer scandal, until they become capable of them.

QUARTO, spiritualia, non necessaria ad salutem, sunt differenda, ne scandalum patiantur pusilli, donec rei fiant capaces.

40 FIFTHLY, certain works ordered to removing scandal are to be omitted, if scandal would arise from them. Such is the punishment of certain criminals. So D. August. *lib. 3. contra epistolam Parmen. cap. 2.* Such also is fraternal correction.

QUINTO, sunt omittenda aliqua opera, ad removendum scandalum ordinata, si ex eis oriturum sit scandalum. Talis est aliquorum punitio sceleratorum. Ita D. August. lib. 3. contra epistolam Parmen. cap. 2. *Talis est etiam correctio fraterna.*

41 SIXTHLY, the truth of doctrine indeed is not to be abandoned on account of scandal, so that falsehood be taught; nevertheless the act of teaching is sometimes to be omitted. So D. Bonav. *above*, and D. Thom. *art. 7.* Yet not so that instruction necessary in the faith be omitted.

SEXTO, Veritas quidem doctrinae ob scandalum non est deserenda, ita ut falsum doceatur; attamen actus docendi nonnunquam omittendus. Ita D. Bonav. supra, *et D. Thom.* art. 7. *Non ita tamen, ut necessaria in fide instructio omittatur.*

42 SEVENTHLY, the Evangelical counsels, and works of mercy, are not to be omitted simply on account of the danger of scandal. So D. Thom. and D. Bonav. *above;* because, according to D. Hieronym. *ad 15. Matth. in Gloss. ordin.* related above by the Saintly Doctor: *On account of scandal everything is to be given up that can be set aside, with the threefold truth preserved, of life, of justice, and of doctrine.* Under these are comprehended those things by which one comes to salvation more easily.

SEPTIMO consilia Evangelica, et opera misericordiae, non sunt simpliciter omittenda ob periculum scandali. Ita D. Thom. et D. Bonav. supra; *quia iuxta D. Hieronym.* ad 15. Matth. in Gloss. ordin. *relatum supra a S. Doctore:* Propter scandalum dimittendum est omne, quod potest praetermitti, salva triplici veritate, vitae, iustitiae, et doctrinae. *Sub his comprehenduntur ea, quibus facilius ad salutem venitur.*

43 AS TO temporal goods. Those of which we are masters are, on account of the scandal of the weak, either to be given up, or the scandal otherwise to be settled: yet not on account of the scandal of the Scribes. So D. Thom. *art. 8.* and commonly.

QUOAD bona vero temporalia. Ea, quorum nos domini sumus, propter scandalum infirmorum, aut dimittenda, aut aliter scandalum sedandum: non tamen ob Scribarum scandalum. Ita D. Thom. art. 8. *et communiter.*

44 Tanner. ADDS *num. 116.* that this is true, unless elsewhere, for the good of others, the loss of such temporal things is to be disregarded, as if a Prince were rather to introduce heresy into his Province than by restitution of ecclesiastical goods, as Caietan. Valentia, Bannes, and Sà teach *in the places cited.*

ADDIT Tanner. num. 116. *id verum, nisi aliunde ob aliorum bonum, eiusmodi temporalium rerum iactura sit negligenda, ut si Princeps haeresim potius in suam Provinciam introducturus sit, quam restitutione bona Ecclesiastica, ut docent Caietan. Valentia, Bannes, et Sà* locis citatis.

45 But those goods which are not ours, but handed over to us to conserve, as the goods of the Church, entrusted to Prelates, are not to be given up on account of scandal, according to D. Thom. *loc. cit.* and the common opinion; since we are bound to defend them under necessity: and this is confirmed by the example of S. Thomas of Canterbury.

> *Ea vero bona, quae nostra non sunt, sed nobis tradita ad conservandum, ut bona Ecclesiae, commissa Praelatis, non sunt dimittenda propter scandalum, iuxta D. Thom.* loc. cit. *et communem sententiam; cum ea sub necessitate tueri teneamur: Idque confirmatur exemplo S. Thomae Cantuariensis.*

46 Add nevertheless, that Prelates ought sometimes to dissemble usurpation.

> *Adde tamen, debere aliquando Praelatos dissimulare usurpationem.*

47 YOU WILL ASK first: whether it is lawful to invite to dinner one ready to break the fast.

> *QUAERES primo: an liceat invitare ad coenam, paratum frangere ieiunium.*

48 THE FIRST opinion is negative. So Vasquez *de scandalo quaest. 43. art. 1. disp. 3. num. 17.* Palai *Tom. 1. tract. 6. disp. 6. p. 9.* Turriani, *Tract. 1. in 2. 2. disp. 95. dub. 6.* Poncii *de matrim. lib. 3. cap. 8. §. 7.* Suarez *de charitate, disp. 10. sect. 3.* (they say) otherwise anyone could invite one ready for venery, for that, and not for the feast.

> *PRIMA opinio est negativa. Ita Vasquez* de scandalo quaest. 43. art. 1. disp. 3. num. 17. *Palai* Tom. 1. tract. 6. disp. 6. p. 9. *Turriani,* Tract. 1. in 2. 2. disp. 95. dub. 6. *Poncii* de matrim. lib. 3. cap. 8. §. 7. *Suarez* de charitate, disp. 10. sect. 3. *alioqui (aiunt) posset quis etiam paratum ad venerea, illum hic, et non ad ea invitare.*

49 BUT Hurtado ASSERTS this to be LICIT, *2. 2. disp. 175. sect. 12. §. 154.* Azorius *p. 1. lib. 7. cap. 31. quaesito 12.* Salas *de empt. dub. 47. num. 10.* who cites Sà and others.

> *LICITUM tamen id asserunt Hurtado* 2. 2. disp. 175. sect. 12. §. 154. *Azorius* p. 1. lib. 7. cap. 31. quaesito 12. *Salas* de empt. dub. 47. num. 10. *qui citat Sà, et alios.*

50 The same teach Naldus *v. Ieiunium,* Nauar. and Caietanus, *v. Ieiunium,* Tanner. *2.2. disp. 3. quaest. 3. dub. 5. num. 94.* Filliuc. *de offic. Sacer. Tom. 1. p. 2. lib. 3. c. 25.* and *Tom 2. tract. 27. p. 1. cap. 5. num. 94.* Ortiz *in Summa, cap. 19. mand. 2.* Villalob. *Sum. Tom. 1. tract. 23. diff. 3.* which opinion Diana says is probable *Parte 1. Tract. 9. resol. 38. et part. 5. tract. 7. resol. 7.*

> *Idem docent Naldus* v. Ieiunium, *Nauar. et Caietanus,* v. Ieiunium, *Tanner.* 2.2. disp. 3. quaest. 3. dub. 5. num 94. *Filliuc.* de offic. Sacer. Tom. 1. p. 2. lib. 3. c. 25. *et* Tom 2. tract. 27. p. 1. cap. 5. num. 94. *Ortiz* in Summa, cap. 19. mand. 2. *Villalob.* Sum. Tom. 1. tract. 23. diff. 3. *quam opinionem probabilem ait Diana* Parte 1. Tract. 9. resol. 38. et part. 5. tract. 7. resol. 7.

51 By these servants and maids are excused, who sell and cook forbidden foods for masters unwilling to fast. So Azorius *p. 1. lib. 7. cap 31. quaestio 11. et p. 2. lib. 12. cap. ult. quaestio 5.* Villalob. above, Caietanus *2. 2. quaest. 147. art. 4.* Bassaeus *num. 9.* citing others; for they do not serve the breaking of the fast. But this reason is vain.

> *Ex his excusantur servi, et ancillae, vendentes, et coquentes cibos vetitos heris, nolentibus ieiunare. Ita Azorius* p. 1. lib. 7. cap 31. quaestio 11. et p. 2. lib. 12. cap. ult. quaestio 5. *Villalob. supra, Caietanus* 2. 2. quaest. 147. art. 4. *Bassaeus* num. 9. *citans alios; non enim serviunt fractioni ieiunii. At haec ratio est vana.*

52 Hence Diana *Tom. 1. tract. 9. resol. 39.* dispatches another question: Whether Innkeepers, setting out dinner indifferently to all on a fast day, sin.

> *Hinc Diana* Tom. 1. tract. 9. resol. 39. *aliam expedit quaestionem: An Caupones, proponentes indifferenter caenam omnibus in die ieiunii, peccent.*

53 He ANSWERS, however, negatively with Ledesma in *Summa, Tom. 2. tract. 27. cap. 2. concl. 6. diffic. 4. fol. 698.* For it Sanchez *T. 1. lib. 1. cap. 7. num. 34.* citing Saloniam, Martinum de Ledesma, Rodriquez, and others, and Homobonus follows it *de exam. Ecclesiae, p. 2. tract 8. cap. 7. quaest. 21.*

> Respondet *autem negative cum Ledaesma in* Summa, Tom. 2. tract. 27. cap. 2. concl. 6. diffic. 4. fol. 698. *Pro ea Sanchez* T. 1. lib. 1. cap. 7. num. 34. *citant Saloniam, Martinum de Ledesma, Rodriquez, et alios, eamque sequitur Homobonus* de exam. Ecclesiae, p. 2. tract 8. cap. 7. quaest. 21.

54 Yet the *Opposite* opinion is held by Fernandez in *exam. Theol. p. 2. cap. 8. §. 2. num. 22.* Toletus *Summa, lib. 6. cap. 5.* Nauar. *in manuali, cap. 21. num. 26.* Gabriel. *in 4. dist. 16. quaest. 3. art. 3. dub. 9.* Medina, and others.

> Oppositam *tamen tenent Fernandez in* exam. Theol. p. 2. cap. 8. §. 2. num. 22. *Toletus* Summa, lib. 6. cap. 5. *Nauar.* in manuali, cap. 21. num. 26. *Gabriel.* in 4. dist. 16. quaest. 3. art. 3. dub. 9. *Medina, et alii.*

55 Yet the middle opinion *seems* probable, that it is lawful when it cannot otherwise be done without grave inconvenience. Filliuc. holds it *Tom. 2. tract. 27. p. 2. cap. 4. num. 93.* Lessius *lib. 4. cap. 2. dub. 4. num. 24.* Sanchez *Tom. 1. lib. 1. cap. 7. num. 37.* nor does Diana refuse it *loc. cit.* Bassaeus says, provided they would otherwise find the preparer elsewhere.

> Videtur *tamen probabilis media sententia, licere, quando non potest aliter fieri sine gravi incommodo. Eam tenent Filliuc.* Tom. 2. tract. 27. p. 2. cap. 4. num. 93. *Lessius* lib. 4. cap. 2. dub. 4. num. 24. *Sanchez* Tom. 1. lib. 1. cap. 7. num. 37. *nec renuit Diana* loc. cit. *Bassaeus ait, si alioquin alibi invenirent parantem.*

56 ¶ You will *ask* secondly: Whether it is lawful to seek an oath from someone when I fear he will perjure himself.

> ¶ Quaeres *secundo: An liceat petere iuramentum ab aliquo, quando timeo, illum peieraturum.*

57 Suarez ASSERTS it, *T. 2. lib. de Relig. lib. 3. de iuram. cap. 15.* Hurtado *2.2. disp. 173. sect. 15. §. 197.* Diana *Tract. 7. de Scandalo, resol. 9.* Provided, however, that a just cause be present, and it be not sought so that he swear falsely.

> Asserunt *Suarez* T. 2. lib. de Relig. lib. 3. de iuram. cap. 15. *Hurtado* 2.2. disp. 173. sect. 15. §. 197. *Diana* Tract. 7. de Scandalo, resol. 9. *Dummodo tamen adsit iusta causa, et non petatur, ut falsum iuret.*

58 The *Opposite* opinion is held by D. Thom. in Sylvium *2.2. quaest. 98. art. 4.* D. Bonav. *3. dist. 39. art. 2. quaest. 3.* and others in Suarez *loc. cit.* Sotus *de Iust. lib. 8. quaest. 2. art. 14.* Vasquez *opusc. de Scandalo quaest. 43. art. 9.* Basil. Ponc. *de Matrim. lib. 5. cap. 18. §. 8. num. 57.* But it is the opinion of D. August. *serm. 2. decoll. S. Ioannis.* If you say: *Let him look to himself, destroying himself.* S. August. answers *serm. 28. de verbis Apostoli, cap. 10. That one destroys himself by his own perjury; but this one pressed the hand of the killer,* as S. Bonav. relates *arg. 2. to the opposite.* If you say, it concerns you to receive an oath from that man. S. August. answers *in that sermon 2. Was it not better that you lose your goods, than that you destroy the soul of that man by false swearing?* Hence the argument of Suarez *loc. cit. and of Diana* is solved.

¶ Oppositam *sententiam tenent D. Thom. apud Sylvium* 2.2. quaest. 98. art. 4. *D. Bonav.* 3. dist. 39. art. 2. quaest. 3. *et alii apud Suarez* loc. cit. *Sotus* de Iust. lib. 8. quaest. 2. art. 14. *Vasquez* opusc. de Scandalo quaest. 43. art 9. *Basil. Ponc.* de Matrim. lib. 5. cap. 18. §. 8. num 57. *Est autem sententia D. August.* serm. 2. decoll. S. Ioannis. *Si dicas:* Ipse viderit se perimens. *Respondet S. August.* serm. 28. de verbis Apostoli, cap. 10. Ille suo periurio se perimit; sed iste manum interficientis pressit, *ut refert S. Bonav.* arg. 2. ad oppositum. *Si dicas, tua interesse, iuramentum ab homine illo accipere. Respondet S. August.* serm. illo 2. Nonne melius erat, ut rem tuam perderes, quam hominis istius animam falsa iuratione perimeres? *Hinc solvitur argumentum Suarez* loc. cit. et Dianae.

59 ¶ You will *object* first. Would not men take from this an occasion for frauds, if they understood that it is not lawful for actors to seek an oath from those swearing falsely?

¶ Obiicies *primo. Num homines hinc acciperent ansam ad furta, si intelligerent, non licere actoribus petere iuramentum a falso iurantibus.*

60 It is *Answered,* by denying the consequence; for robbers fear hanging from the testimonies of others, and tortures are applied to deniers to extort the truth.

Respondetur*, negando sequelam, latrones enim timent suspendium ex aliorum testimoniis, et negantibus dantur torturae ad extorquendum verum.*

61 ¶ You will *object* secondly. It would follow that a Judge cannot require oaths from the accused; for he ought to doubt whether they wish to speak the truth.

¶ Obiicies *secundo. Sequeretur, non posse Iudicem exigere iuramenta a reis; nam dubitare debet, ne velint dicere verum.*

62 It is *Answered,* that the accused can often evade and deny. But if the Judge knew that the accused would perjure himself, and could otherwise draw out the truth, he would do badly in requiring the oath.

Respondetur*, posse reos saepe tergiversari, et negare. Quod si sciret Iudex, reum peieraturum, et posset aliter veritatem excutere, male faceret iuramentum exigendo.*

63 ¶ You will *ask* thirdly: whether I can persuade someone to swear to a thing true, yet unknown to him.

¶ Quaeres *tertio: an possim persuadere alicui, ut iuret rem veram, illi tamen ignotam.*

64 Hurtado ANSWERS *disp. 173. sect. 15. §. 200.* that it is not lawful, unless the one about to swear first persuades himself that the thing is so on a probable foundation, from which a practical judgment of the honesty of the oath can be formed. See also Diana *loc. cit. resol. 10.*

Respondet *Hurtado* disp. 173. sect. 15. §. 200. *non licere, nisi iuraturus prius sibi persuadeat, rem ita esse probabili fundamento, ex quo possit formari dictamen practicum de honestate iuramenti. Vide etiam Dianam* loc. cit. resol. 10.

65 Moreover, when they are scandalized from their own malice, it is not to be heeded, as Christ says, *Matt. 15. Let them alone; they are blind,* as the Saintly Doctor observes, and all follow him.

Caeterum, quando ex malitia propria scandalizantur, non est curandum, ut ait Christus, Matth. 15. Sinite illos; caeci sunt*, ut observat S. Doct. ipsumque omnes sequuntur.*

66 Bassaeus ADDS *num. 10. § 4.* that masters and parents are excused, who do not take from their sons or servants the occasion of stealing, that they may test them; nor yet as it were offer them the thing; just as neither can a husband persuade his wife to pretend assent to her lover, that he may be caught.

> *Addit Bassaeus* num. 10. § 4. *excusari heros, et parentes, qui filiis, vel famulis non auferunt occasionem furandi, ut eos experiantur; neque uti rem eis offerre; sicuti nec maritus potest suadere uxori, ut fingat assentiri amasio, ut deprehendatur.*

Question IV: Whether it is lawful to persuade one resolved upon a great evil to a lesser evil

1 This question pertains to the matter of scandal. It is understood, however, on the supposition that you cannot recall him in any other way; and he is thinking only of that great evil, not rather of choosing that lesser one, because if he were thinking of choosing that, you would be suggesting an evil absolutely.

> *Haec quaestio ad materiam scandali pertinet. Intelligitur autem, supposita, quod nequeas eum revocare alia ratione; et ille non cogitet nisi de illo malo grandi, non de illo minori potius eligendo, quia si hoc cogitaret eligere, suaderes malum absolute.*

2 *The first* opinion is negative. So teach Cajetan *2.2. quaest. 78. art. 4. notab. 3.* Gabriel *in 4. dist. 15. quaest. 11. art. 3. dub. 4.* Azorius *t. 1. lib. 12. cap. 16. quaestio 8.* Covarruvias *in 4. decr. p. 1. cap. 4. in princ.* Valencia *Tom. 3. disp. 5. quaest. 21. punct. 4.* Sà, *s.v. peccatum, number 8.* Castro Palao *Tom. 1. tract. 6. disp 6. p. 6. num. 9.* Hurtado *2. 1. disp. 173. sect. 10. §. 110.* Layman *lib. 2. tract. 3. cap. 13.* where he cites others. So Lyra *Genes. 19. et Iudicum 19.* St. Bonaventure also seems to, *in 4. dist. 33. quaest. penult. ad 2.*

> Prima *opinio est negativa. Ita docent Caietanus* 2.2. quaest. 78. art. 4. notab. 3. *Gabr.* in 4. dist. 15. quaest. 11. art. 3. dub. 4. *Azorius* t. 1. lib. 12. cap. 16. quaestio 8. *Couar.* in 4. decr. p. 1. cap. 4. in princ. *Valentia* Tom. 3. disp. 5. quaest. 21. punct. 4. *Sà,* v. peccatum, numero 8. *Castro Palao* Tom. 1. tract. 6. disp 6. p. 6. num. 9. *Hurtado* 2. 1. disp. 173. sect. 10. §. 110. *Layman* lib. 2. tract. 3. cap. 13. *ubi alios refert. Sic Lyra* Genes. 19. et Iudicum 19. *Videtur D. Bonav.* in 4. dist. 33. quaest. penult. ad 2.

3 *The second* opinion is the affirmative one. So Abbas *in cap. super eo, num. 4. de usuris* Adrian *quodl. 1. art. 3. et quodl. 9. art. 3.* Navarre *cap. 14. num. 40. et cap. 17. num. 263.* Soto *lib 6. de Iustitia, quaest. 1. art. 5.* Bartholomew Medina *prima 2. quaest. 96. art. 4.* Rodriguez *tom. 1. sum. cap. 12 concl. 9.* Molina *t. 2. disp. 335.* Sanchez *lib. 7. de matrim. §. 11. num. 15.* Becanus *cap. 27. quaest. 4.* Vasquez *opusc. de scandalo, super quaest. 40. art. 1. dub. 1.* Turrianus *t. 1. Tom. 1. disp. 99. dub. 6.* Basil Pontius *de matrim. lib. 3. cap. 28. §. num. 16.* Diana *Part 3. Tract. 5. resol. 37. et p. 5. Tract. 7. resol. 18.* Bassaeus, *s.v. Restitutio, num. 4.* and others cited by these.

> Secunda *sententia est affirmans. Ita Abbas* in cap. super eo, num. 4. de usuris *Adrian.* quodl. 1. art. 3. et quodl. 9. art. 3. *Nauar.* cap. 14. num. 40. et cap. 17. num. 263. *Sotus* lib 6. de Iustitia, quaest. 1. art. 5. *Bartholomeus Medina* prima 2. quaest. 96. art. 4. *Rodriquez* tom. 1. sum. cap. 12 concl. 9. *Molina* t. 2. disp. 335. *Sanchez* lib. 7. de matrim. §. 11. num. 15. *Becanus* cap. 27. quaest. 4. *Vasquez* opusc. de scandalo, super quaest. 40. art. 1. dub. 1. *Turtianus* t. 1. Tom. 1. disp. 99. dub. 6. *Basilius Poncius* de matrim. lib. 3. cap. 28. §. num. 16. *Diana* Parte 3. Tract. 5. resol. 37. et p. 5. Tract. 7. resol. 18. *Bassaeus,* v. Restitutio, num. 4. *et alii apud istos.*

4 ¶ *I assert* first, that the first opinion is the more probable.

> ¶ Assero *primo, probabiliorem esse primam sententiam.*

5 *It is proved* first. *Evils are not to be done that good may come of them: therefore much less, that lesser evils may;* yet that sin is truly an evil, and (as I suppose) forbidden: therefore. It is confirmed, because you are truly the cause of that sin by inducing it. This is the argument of St. Bonaventure *loc. cit.*

> Probatur *primo*. Non sunt facienda mala, ut eveniant bona: Ergo multo minus, ut minora mala; *at peccatum illud est vere malum, ut suppono vetitum: Ergo. Confirmatur, quia illius peccati tu vere causa es inducens. Est argumentum D. Bonav.* loc. cit.

6 *They answer*, that that evil is not being urged absolutely; but under a condition, that the greater evil be willed; and that what is being urged is not that evil, but the preferring of the lesser evil, so that the greater be avoided, being otherwise unavoidable.

> Respondent, *non persuaderi illud malum simpliciter; sed sub conditione, quod maius malum velit; et suaderi non malum illud, sed antepositionem minoris mali, ut maius vitetur, alioqui inevitabile.*

7 *Against this;* because it is still an evil, not to be chosen so that any good whatsoever come of it, as the Apostle presses; much less, so that a graver evil be avoided. For that lesser evil is still forbidden, and nowhere is it granted to be chosen, but to be avoided.

> Contra; *quia adhuc illud est malum, non eligendum, ut quodcumque bonum eveniat, ut impetat Apostolus; multo minus, ut malum gravius vitetur. Nam adhuc vetitum est illud minus malum, nec usquam eligendum conceditur, sed vitandum.*

8 *I assert* second, that the second opinion is also probable.

> Assero *secundo, probabilem esse etiam secundam sententiam.*

9 *It is proved* first from *Genes. 19.* where Lot spoke to the Sodomites, that he might turn them away from that unspeakable intercourse with the young men: *I have two daughters who as yet have not known man; I will bring them out to you, and abuse them, provided you do no evil to these men.*

> Probatur *primo ex* Genes. 19. *ubi Lot Sodomitis locutus est, ut a nefando complexu illo masculorum adolescentum removeret:* Habeo duas filias, quae necdum cognoverunt virum, educam eas ad vos, et abutimini eis, dummodo viris istis nihil mali faciatis.

10 Layman answers that this was not counsel or an inducement, but a comparative permission, thus: Rather would I prostitute my daughters than permit this. In which sense Absalom spoke, that he might induce his Father to admit him freely into the hall: *If thou rememberest my iniquity, kill me.* So interpret Cajetan, Basil, Sà, Valencia in the places cited, Sanchez *loc. cit. disp. 1. num. 28.* Molina *disp. 335.* In this way the Holy Doctor concedes it.

> Respondet *Layman, fuisse hoc, non consilium, aut inductionem, sed permissionem comparativam, sic: Potius filias prostituerem, quam hoc permitterem. Quo sensu dixit Absalon, ut Patrem induceret ad libere se in aulam admittendum:* Quod si memor es iniquitatis meae, interfice me. *Sic interpretantur Caietanus, Basilius, Sà, Valentia locis citatis, Sanchez* loc. cit. disp. 1. num. 28. *Molina* disp. 335. *Tali modo concedit S. Doct.*

11 Although St. Augustine, Abulensis, and Lyra think that Lot sinned; but less gravely, on account of the perturbation of mind, says Layman.

Quamvis S. August. Abulensis, et Lyra existiment, Lot peccasse; sed minus graviter ob animi perturbationem, ait Layman.

12 *Surely* his words clearly show the opposite, indeed a command: *abuse them*, and not merely a manner of speaking, which is set aside.[1]

1 Editor's note: the print/OCR reads 'non autem eum modum dicendi, qui praetetnur'; 'praetetnur' is not Latin; rendered 'qui praetereuntur' (which are passed over), per the translating agent's conjecture; 'praetenditur' (which is alleged) is also possible but the print's letterforms favor the former.

Profecto *verba eius clare ostendunt oppositum, imo iussionem:* abutimini eis*, non autem eum modum dicendi, qui praetereuntur.*

13 *That* Lot did not sin, however, I show; for at the time when he went out from Sodom, he is said to have been *Just*, *2. Petri 2.* as Diana, Pontius, and others observe with St. Bonaventure in *1. dist. 43. dubio 2.*

Quod *vero non peccaverit Lot, ostendo; nam eo tempore, quo egressus est Sodomis, dicitur* Iustus *fuisse* 2. Petri 2. *ut observant Diana, Poncius, et alii cum D. Bonav. in* 1. dist. 43. dubio 2.

14 *It is proved* second from that passage of *Iudic. 15.* where the Levite urged fornication upon those most filthy men, that they might be recalled from things more unspeakable. That he did not sin, many assert, citing Lyra, although Lyra himself does not excuse him.

Probatur *secundo ex illo* Iudic. 15. *ubi Levita suasit fornicationem spurcissimis illis, ut ab infandioribus revocarentur. Hunc vero non peccasse, multi apud Lyranum asserunt, licet ipse eum non excuset.*

15 *It is proved* third from St. Augustine *lib. 2. de adulterinis coniug. cap. 15.* and it is cited *in cap. si quod verius 33. quaestione 2.* If he is going to do what is not licit, let him now commit adultery, and not homicide; and while his wife lives let him take another, and not shed human blood (that is, of his wife).

Probatur *tertio ex D. August.* lib. 2. de adulterinis coniug. cap. 15. *et refertur* in cap. si quod verius 33. quaestione 2. Si facturus est, quod non licet, iam faciat adulterium, et non faciat homicidium; et vivente uxore alteram ducat, et non humanum sanguinem (idest uxoris) fundat.

16 The Gloss answers that it was not the counsel of St. Augustine, but a comparative permission, namely, that if one of the two sins must be committed, he would rather permit adultery, although he urges neither; wherefore he straightway adds: *But if both are unspeakable, namely, to kill the wife, and while she lives to take another, he ought not to perpetrate one for the other; but to avoid both.*

Respondet *Glossa, non fuisse consilium D. August. sed comparativam permissionem, si alterutrum peccatum committendum sit, potius se permissurum adulterium, quamvis neutrum suadeat; Quare statim subiungit:* Quod si est utroque nefarium, videlicet uxorem occidere, et altera vivente, aliam ducere, non debet alterum pro altero perpetrare; sed utrumque vitare.

17 *It is proved* fourth; for all confess that it is licit to ask justice of one's own cause from a Tyrant, as Cajetan, Armilla, Sà *s.v. Tyran.* Navarre *cap. 14. num. 4.* Lessius *lib. 2. cap. 29. dub. 9.* teach; and yet the Tyrant sins in exercising jurisdiction.

Probatur *quarto; nam omnes fatentur, licitum esse, a Tyranno iustitiam suae causae petere, ut docent Caietanus, Armilla, Sà* v. Tyran. *Navar.* cap. 14. num. 4. *Lessius* lib. 2. cap. 29. dub. 9. *et tamen Tyrannus peccat exercendo*

> *iurisdictionem.*

18 Layman answers that the Community tacitly consents that the Tyrant, meanwhile, while he will not yield his principate, judge at least justly. Hence no sin is committed while justice is demanded of him, as Lessius also notes *num. 73.*

> Respondet *Layman, Communitatem tacite consentire, ut Tyrannus interim, dum principatum cedere non vult, saltem iuste iudicet. Idco non peccari, dum ab eo ius postulatur, ut notat etiam Lessius* num. 73.

19 Layman concedes *loc. cit.* with Azorius *c. 17. quaestio 1.* that the lesser sin can then be urged when it is part of a greater sin; as to a robber who wishes to carry off everything, I can urge that he at least leave part; to one who wishes to kill, that he be content with a blow on the possessions [as pledge]; to one who wishes to commit adultery, that he fornicate with an unmarried woman.

> Concedit *Layman* loc. cit. *cum Azorio* c. 17. quaestio 1. *posse tunc minus peccatum suaderi, quando est pars maioris peccati; ut latroni, volenti totum abripere, possum suadere, ut partem relinquat saltem; Volenti occidere, ut percussione pignorum contentus sit; volentem adulterare, ut fornicetur cum soluta.*

20 Yet he admonishes that the urging of the lesser evil ought not to be to the detriment of a third party, e.g. that he who wishes to commit adultery fornicate with such and such a determined woman; or that he who wishes to steal a hundred from Titius steal fifty from Caius.

> Admonet *tamen, suasionem minoris mali non debere esse in damnum tertii, v. g. ut qui vult adulterare, fornicetur cum tali determinata; vel qui vult furari centum a Titio, furetur quinquaginta a Caio.*

21 Diana moves *another* example *resol. 19.* whether it is licit, for one who wishes to rob a poor man of his money, to urge him to steal a determined sum from a rich man.

> Aliud *exemplum movet Diana* resol. 19. *an sit licitum volenti rapere nummos pauperi, suadere, ut a divite surripiat determinato.*

22 Castro Palao *Tom. 1. tract. 6. disp. 6. part. 6. num. 12.* Hurtado *2. 2. disp. 173. sect. 10. §. 156.* deny this last.

> *Hoc ultimum negant Castro Palao* Tom. 1. tract. 6. disp. 6. part. 6. num. 12. *Hurtado* 2. 2. disp. 173. sect. 10. §. 156.

23 Yet Vasquez, as cited by Palao, Basil Pontius *de Matrim. lib. 5. cap. 18. §. num. 28* Turrianus *2. 2. tom. 1. disp. 95. dub. 6.* hold the opposite.

> Oppositum *tamen censent Vasquez apud Palaum, Basilius Poncius* de Matrim. lib. 5. cap. 18. §. num. 28 *Turrianus* 2. 2. tom. 1. disp. 95. dub. 6.

24 But that it is not licit when the person is not determined, Palao teaches. But Sanchez teaches the very opposite *de matrim. Tom. 2. lib. 7. disp. 11. num. 24.* Molina *de Iust. tract. 2. disp. 335.* Diana, Sanchez, and others add consequently that the one urging is not bound to make restitution to the rich man, if the theft has followed.

> *At non determinando personam, adhuc non licere docet Palaus. Verum enim vero oppositum docent Sanchez* de matrim. Tom. 2. lib. 7. disp. 11. num. 24. *Molina* de Iust. tract. 2. disp. 335. *Addunt autem consequenter Diana, Sanchez, et alii, non teneri suadentem ad restituendum diviti, si furtum secutum sit.*

25 Diana adds *nay more*, that the one urging the lesser theft, with respect to the same person, can even cooperate, because he works for a good.

> Imo *addit Diana, posse suadentem ad minus furtum, respectu eiusdem etiam cooperari, quia in bonum operatur.*

26 Yet it is not licit to cooperate for the goods of life, e.g. to cut off the nose of him whom he wished to kill: the reason for the disparity is, because he is master of the goods of fortune, and is presumed to assent, but not of the goods of life. So teach Diana *loc. cit.* Basil. Pontius *loc. cit. cap. 18. §. 5. num. 28.* Vasquez *art. 1. num. 13.* Turrian. *disp. 95. dub. 6.* Hurtado *§ 122.* who *§. 119.* concedes even that to one who wills a greater evil another lesser evil can be proposed, not by urging, if he wills an unspeakable sin; let a greater pleasure be proposed, taken with women. But here he returns to our opinion; for such a lesser evil is proposed so that he be allured to it, and consent.

> Ad *bona tamen vitae non licet cooperari, v. g. ad rescindendum nasum ei quem volebat occidere: Ratio disparitatis est, quia bonorum fortunae ille est dominus, et praesumitur assentiri, non autem bonorum vitae. Ita docent Diana* loc. cit. *Basil. Poncius* loc. cit. cap. 18. §. 5. num. 28. *Vasquez* art. 1. num. 13. *Turrian.* disp. 95. dub. 6. *Hurtado* § 122. qui §. 119. *concedit etiam, posse proponi ei, qui maius malum vult, aliud minus, non suadendo, si is velit infandum peccatum; proponatur Maior delectatio capitur cum foeminis. Sed hic ad nostram sententiam revertitur; nam proponitur tale malum minus, ut ad illud alliciatur, et consentiat.*

27 They raise *a doubt*: Whether, to prevent the betrayal of a city, it is licit to make a traitor drunk, if you cannot in any other way turn him aside.

> Movent *dubium: An ad impediendam proditionem urbis, liceat traditorem inebriare, si alio modo ipsum avertere non vales.*

28 Less. *lib. 4. cap. 3. disp. 4.* Villalob. *tom. 2. tract. 60. diff. 6.* assert it is, because drunkenness is then not an evil, and as I could strike him, so, etc. I wonder that Bassaeus reproves this, with Vulgers *tract. de Temper. cap. 1. disp. 7.* Laym. *lib. 3. sect. 4.* For the public good prevails over the private.

> Asserunt *Less.* lib. 4. cap. 3. disp. 4. *Villalob.* tom. 2. tract. 60. diff. 6. *quia ebrietas tunc non est mala, et sicut eum possem ferire, ita, etc. Miror Bassaeum hoc reprobare cum Vulgers* tract. de Temper. cap. 1. disp. 7. *Laym.* lib. 3. sect. 4. *Nam bonum publicum privato praevalet.*

Disputation XIX: On the Gift of Wisdom

1 Although charity may make the yoke easy,[1] it is not relishing without wisdom, which affects the affective and the intellective powers together, and the rest, through redundancy; and it is deservedly called a GIFT, because it is not acquired by study, but given by inspiration; wherefore St. James says *cap. 1.* as the Seraphic Doctor has *in Diaeta, tit. 7. cap. 4. toward the end: If anyone lacks Wisdom, let him ask it of God:* Therefore it is compared there to the SUN, most splendid, illuminating all things; to HONEY, most flavorsome, whose taste makes all else insipid; to the SEA finally, most profound, whose ways and paths are unsearchable; see the Seraphic Doctor.

[1] Editor's note: the print opens the clause with spaced display capitals 'E V E licet' (OCR 'EVE licet'); no Latin reading is possible with 'EVE', so it is rendered 'Et licet' ('And although charity makes the yoke [easy]...'), preserving the print's display form here.

> ***De Dono Sapientiae.***
>
> *Et licet Iugum faciat charitas, non tamen sapidum absque sapientia, quae affectivam simul, et intellectivam, caeterasque facultates afficit per redundantiam; diciturque merito DONUM, quia non studio acquiritur, sed inspiratione donatur; quare ait D. Iacob.* cap. 1. *ut habet Seraphicus* in Diaeta, tit. 7. cap. 4. ad finem: Si quis indiges Sapientia, postulet a Deo: *Propterea comparatur ibidem SOLI splendidissimo, omnia illustranti, MELLI sapidissimo, cui degustato caetera desipiunt: MARI denique profundissimo, cuius viae, et semitae sunt investigabiles: vide Seraphicum.*

Question I: What kind of gift wisdom is

1 IT IS TO BE NOTED with St. Bonaventure *de septem Itineribus aeternitatis, Itinere 3. dist. 3. art. 3. et de septem donis, de dono Sapientiae, cap. 1. et 3. p. Centiloquii, sect. 45. et aliis locis, Multas enumerari sapientias.* I omit the wisdom of the flesh, an enemy to God, as is said Rom. 8., and *the wisdom of this world; which is called by St. James, cap. 3., animal, and diabolical,* and by Paul is called *foolishness, since it prefers transitory goods to eternal ones, as iron to gold.* See St. Bonaventure *LL. cc.*

> Quale donum sit SAPIENTIAE.
>
> *NOTANDUM ex D. Bonav.* de septem Itineribus aeternitatis, Itinere 3. dist. 3. art. 3. et de septem donis, de dono Sapientiae, cap. 1. et 3. p. Centiloquii, sect. 45. et aliis locis, Multas enumerari sapientias. *Omitto Sapientiam carnis, inimicam Deo, ut dicitur Rom. 8. et* Sapientiam huius mundi; quae dicitur a D. Iacobo, cap. 3. animalis, et diabolica*, et a Paulo dicitur* Stultitia, quippe quae bona transitoria aeternis praefert, veluti auro ferrum. *Vide D. Bonaventuram* LL. cc.

2 THERE is Uncreated Wisdom, whose panegyrics the author of Sap. cap. 7. wove together: *The brightness of eternal light, the unspotted mirror, etc.*, which the Holy Doctor elegantly pursues in his Commentary, and St. Augustine lib. 1. de Genes. ad litt. cap 5. Now this wisdom is the SON OF GOD, not a Gift, but the Giver of gifts.

> *EST Sapientia Increata, cuius Panegyricos contexuit Sap. cap. 7.* Candor lucis aeternae, speculum sine macula, etc. quae eleganter prosequitur S. Doct. in Commentario, et D. August. lib. 1. de Genes. ad litt. cap 5. *Est autem haec sapientia FILIUS DEI, non Donum, sed Donator donorum.*

3 A twofold Created Wisdom is GIVEN: one, which is acquired by human study, and is an intellectual virtue, of which Aristotle *lib. 1. Metaph. cap. 2.* and St. Augustine lib. 14. de Trinit. cap. 1. say that it is

the universal cognition of all things divine and human. This indeed can be called wisdom, because it is sapid knowledge, although not perfectly seasoned; although Aristotle in his *Ethics* brings forward admirable delights in it, yet St. Thomas adds that these are imperfect, because they are not seasoned with the oil of grace.

> *DATUR duplex Sapientia Creata: Altera, quae studio humano acquiritur, et est virtus intellectualis, de qua Aristoteles* lib. 1. Metaph. cap. 2. et D. August. lib. 14. de Trinit. cap. 1. *aiunt, esse universalem cognitionem omnium rerum divinarum, et humanarum. Haec sane potest dici sapientia, quia est sapida scientia, tametsi non perfecte condita: Quamvis admirabiles in ea delectationes afferat Aristoteles* in Ethicis; *eas tamen imperfectas esse, addit S. Doct. quia non sunt oleo gratiae conditae.*

4 BUT that Wisdom can have a judgment somewhat right concerning divine things, as Hugh shows *super caelestem Hierarchiam, cap. 1.*

> *POTEST vero illa Sapientia aliqualiter rectum habere iudicium circa res divinas, ut ostendit Hugo* super caelestem Hierarchiam, cap. 1.

5 There is also that Wisdom which deals with the most abstract and divine things, which Aristotle calls *Metaphysics*; but we more fittingly name it *Theology*, at whose splendor earthly wisdom has been eclipsed and has dissolved into fictions. We acquire it, however, with labors, faith presupposed.

> *Est autem Sapientia, quae de rebus abstractissimis, atque divinis agit, quam Aristoteles* Metaphysicam *vocat; nos autem aptius* Theologiam *nuncupamus, ad cuius splendorem eclipsata est, et in figmenta est resoluta terrena sapientia. Eam vero laboribus acquirimus, supposita fide.*

6 FURTHER there is also the other, infused Wisdom, as St. James 3. says, whose object is God, not under the aspect of the naked true, but of the true as to be tasted for good; and this is truly Sapid Knowledge. Of this Sap. 11.: *The Spirit of the Lord shall rest upon him, the Spirit of Wisdom, etc.*

> *PORRO est etiam altera Sapientia infusa, ut ait. Iacobi 3. cuius obiectum est Deus, non sub ratione nudi veri, sed veri, ut ad bonum degustandum; et haec est vere Sapida Scientia. De hac Sap. 11.* Requiescet super eum Spiritus Domini, Spiritus Sapientiae, etc.

7 The act of THIS is to contemplate God, not in any manner whatever, but from love with a certain experimental sweetness and affection. Hence St. Augustine 15. de Trinitate, cap. 7. says: *Where there is no love (namely, gratuitous), who says that there is any Wisdom?* And Bernard *serm. 85. in Cant.* Nor would I say it is blameworthy, if anyone should define wisdom as the savor of the good. Hence Isidore, lib. 10. Ethymol.: The wise man is so called from savor; for as taste is apt for the discernment of the savor of foods, so the wise man is apt for discerning the savors of things and of causes.

> *HVIUS actus est contemplari Deum, non quocumque modo, sed ex dilectione cum quadam experimentali suavitate, et affectu. Hinc D. August 15.* de Trinitate, cap. 7. ait. Ubi nulla est dilectio, (scilicet gratuita) quis ullam dicit esse Sapientiam? *Et Bernardus* serm. 85. in Cant. Nec dixerim reprehendendum, si quis sapientiam saporem boni definierit. *Unde Isidorus, lib. 10. Ethymol.* Sapiens dictus est a sapore: Quia sicut gustus aptus est ad discretionem saporis ciborum, sic sapiens ad dignoscendum sapores rerum, atque causarum est aptus.

8 From these you have that the Gift of Wisdom is a supernatural habit, infused into the soul by the Holy Spirit, for knowing God and loving him with relish. It is thus defined: *It is a habit, infused by God, rendering the soul easily mobile toward loving and tasting the Gifts out of love, or Charity.* Therefore its act is to

contemplate God, not in any manner whatever, but from love, with a certain experimental sweetness and affection.

> *Ex his habes, Donum Sapientiae esse habitum supernaturalem, animae a Spiritu Sancto infusum, ad Deum cognoscendum, et saporose diligendum. Sic autem definitur:* Est habitus, a Deo infusus, reddens animam facile mobilem ad Dona amanda, et degustanda ex dilectione, seu Charitate. *Itaque actus eius est contemplari Deum, non quocumque modo, sed ex dilectione, cum quadam experimentali suavitate, et affectu.*

9 The principal OBJECT, therefore, of Wisdom is God, not under the aspect of the true absolutely; but under the aspect of the true in relation to the aspect of the good, as it is excitatory of the will toward its sapid delectation. Hence Wisdom is called, as it were, sapid knowledge, as the Holy Doctor often says. The quasi-subject of Wisdom is indeed the intellect, but one overflowing its operations into the will, as the sun in the fourth heaven influences the other orbs, and the elements. Therefore the Holy Doctor proves that it does not stop in the intellect *lib. de septem donis, De Dono sapientiae, cap. 1. et in Diaeta, tit. 6. cap. 4. et in 1. quaest. 3. Prooem.* from Scripture, and the Fathers.

> *OBIECTUM igitur Sapientiae principale est Deus, non sub ratione veri absolute; sed sub ratione veri in relatione ad rationem boni, ut est excitativum voluntatis ad eius saporosam delectationem. Ideo dicitur Sapientia, quasi sapida scientia, ut saepe ait S. Doct. Sapientiae quasi subiectum est intellectus quidem, sed redundans operationes ad voluntates, sicut Sol in quarto caelo influit in alios orbes, et in elementa. Probat igitur S. Doct. eam non sistere in intellectu* lib. de septem donis, De Dono sapientiae, cap. 1. et in Diaeta, tit. 6. cap. 4. et in 1. quaest. 3. Prooem. *e Scriptura, et Patribus.*

10 FIRST indeed Eccles. 6. says: *For wisdom is according to its name [the doctrine of it], that is, sapid knowledge.*

> *PRIMO quidem Eccles. 6. dicitur:* Sapientia enim Doctrinae est secundum nomen eius, idest, sapida scientia.

11 St. Thomas answers *quaest. 45. art. 2. ad 2.* Tanner *disp. 2. quaest. 4. dub. 3. num. 44. et alii,* that this does not seem to be the true interpretation of the name wisdom, namely, that it is Wisdom, as it were sapid knowledge.

> *RESPONDET D. Thom.* quaest. 45. art. 2. ad 2. *Tanner.* disp. 2. quaest. 4. dub. 3. num. 44. et alii, *hanc non videri veram sapientiae nominis interpretationem, quod scilicet sit Sapientia, quasi sapida scientia.*

12 AGAINST this, because thus the Holy Fathers, cited by the Holy Doctor, interpret it. St. Bernard, *sermone 85. in Cant.* Nor would I say it is blameworthy, if anyone should define wisdom as the good. Isidore, lib. 10. Ethymol., word Sapiens: *The wise man is so called from Savor; for as taste is apt for the discernment of the savor of foods, so the wise man is apt for discerning the savors of things and of causes, as I had noted just above.*

> *CONTRA quia sic interpretantur SS. PP. relati a S. Doct. D. Bernardus,* sermone 85. in Cant. Nec dixerim reprehendendum, si quis sapientiam boni definierit. *Isidorus, lib. 10. Ethymol. verb. Sapiens.* Sapiens dictus est a Sapore; quia sicut gustus aptus est ad discretionem saporis ciborum, sic sapiens ad dignoscendos sapores rerum, atque causarum aptus est, ut modo supra notaveram.

13 He CONFIRMS it from *cap. 24.* where Wisdom says: *My spirit is sweeter than honey.*

> *CONFIRMAT ex* cap. 24. *Ubi Sapientia ait:* Spiritus meus super mel dulcis.

14 St. Thomas answers that this is had in the Latin, not in the Greek; but the sense is, that Wisdom is according to its name, that is, Great, nor is it less than its name, that is, Fame. But in the Greek it is read, according to its name, τὸ ὄνομα.

> *RESPONDET S. Thom. id in Latino haberi, non in Graeco; sed sensum esse, Sapientiam esse secundum nomen, idest Magnam, nec minorem suo nomine, idest Fama. Sed in Graeco habetur secundum nomen τὸ ὄνομα.*

15 THEN I say that it cannot be without charity. It is proved by the Holy Doctor *ad id Sap. 1.* Into a malevolent soul Wisdom shall not enter.

> *DEINDE dico, eam non posse esse sine charitate. Probatur a S. Doct.* ad id Sap. 1. In malevolam animam non introibit Sapientia.

16 It is PROVED by the Holy Doctors, because it makes rightness of judgment: toward itself and of savor concerning divine things, according to the divine rules to which it is connatural, which indeed are through Charity.

> *PROBATUR a SS. DD. quia facit rectitudinem iudicii: ad se et saporis circa divina, secundum regulas divinas sibi connaturales, quae quidem sunt per Charitatem.*

Question II: What is the usefulness, and necessity, of this gift

1 IT IS TO BE NOTED first with St. Bonaventure *de Dono Sapientiae, cap. 2.* from St. Bernard *lib. de natura, et dignitate amoris Divini, cap. 7.* that: As the body has its five senses, by which it is joined to the soul, life mediating; so the Soul has its five spiritual senses, by which it is joined to God, Charity mediating; and as all the senses, without the sense of Taste, are weakened and dulled in their operations; so all the spiritual senses are weakened and languish in their works without the sapiential taste, which makes spiritual things relishable and flavorful. This savor, as St. Bernard says, serm. 85. in Cant., we lost in the eating of the sour apple, infected with poison, from which our cravings now have a taste for us. But this sense is repaired through wisdom, so that divine things become sweet to us; whence the powers of the soul are revived, as St. Bernard says above, cap. 10. Therefore the sense of Hearing it excites to hearing the word of God; the sense of Smell to following the Beloved, so as to say: *We shall run in the odor of your ointments;* the sense of Touch to holding the Beloved firmly, so as to say: *I held him, and I will not let him go. I will bring him into my father's house, and into the chamber of her that bore me. Cant. 3.*

> Quae sit utilitas, et necessitas huius Doni.
>
> *NOTANDUM primo cum D. Bonav.* de Dono Sapientiae, cap. 2. *ex D. Bernardo* lib. de natura, et dignitate amoris Divini, cap. 7. quod: Sicut corpus habet suos quinque sensus, quibus animae coniungitur, vita mediante; sic Anima habet suos quinque sensus spirituales, quibus Deo coniungitur, mediante Charitate; et sicut sensus omnes, sine sensu Gustus, infirmantur, et hebetantur in operationibus suis; sic omnes sensus spirituales infirmantur, et languescunt in operibus suis, sine gustu sapientiali, qui gustabilia spiritualia sapida facit. Hunc saporem, ut ait S. Bernardus, serm. 85. in Cant. perdidimus in esu pomi acidi, veneno infecti, ex quo sapiunt nobis concupita. Hic autem sensus per sapientiam reparatur, ut divina nobis suavia fiant; unde vegetantur vires animae, ut ait S. Bernardus supra, cap. 10. *Sensum itaque Auditus excitat ad verbum Dei audiendum; Sensum Olfactus ad dilectum sectandum, ut dicat:* In odorem curremus unguentorum tuorum; *sensum Tactus ad dilectum firme tenendum, ut dicat:* Tenui eum, nec dimittam. Introducam in domum patris mei, et in cubiculum genetricis meae. Cant. 3.

2 THEREFORE all the spiritual senses are excited by the taste of wisdom to the highest appetible thing, as St. Augustine lib. 10. Confess. cap. 6. teaches.

> *ITAQUE omnes sensus spirituales, gustu sapientiae excitantur in summum appetibile, ut docet D. August. lib. 10. Confess. cap. 6.*

3 Of this wisdom James says, cap. 3.: *The wisdom that is from above, first indeed is chaste: because it avoids the corruptions of sin; indeed peaceable, and modest, keeping the mean in all things, etc.*

> *De hac sapientia dicit Iacobus, cap. 3.* Sapientia, quae desursum est, primum quidem pudica est: quia vitat corruptelas peccati; pacifica quidem, et modesta est, in omnibus tenens medium, etc.

4 Therefore the gift of Wisdom not only teaches one to contemplate divine things with right judgment, but also teaches to regulate human acts in a more excellent manner than the wisdom that is an intellectual virtue teaches. St. Augustine 12. de Trin. cap. 14. brings the reason, saying: *The higher part of reason is deputed to wisdom; the lower, however, to knowledge. But the higher reason is for meditations supernal, namely divine, to be beheld and consulted. To be beheld, indeed, insofar as divine things are contemplated in themselves. But to be consulted, insofar as through divine things it indicates concerning human ones, directing human acts by divine rules, so that man be assimilated to God not only according to the image, but also according to the operations, as far as he can.* Hence St. Augustine, de serm. Domini in monte cap. 9. says: *Wisdom is the contemplation of truth, pacifying the whole man, and taking on the likeness of God. Wisdom is more precious than all works, and all things that are desired are not worth comparison with it.*

> *Igitur donum Sapientiae, non solum docet secundum iudicium rectum contemplari divina, sed etiam docet regulari humanos actus excellentiori modo, quam doceat sapientia, quae est virtus intellectualis. Rationem affert D. August. 12. de Trin. cap. 14. dicens:* Superior pars rationis sapientiae deputatur; inferior autem scientiae. Superior autem ratio meditationibus supernis scilicet divinis, et conspiciendis, et consulendis. Conspiciendis quidem, secundum quod divina in se ipsis contemplantur. Consulendis autem, secundum quod per divina indicat de humanis, per divinas regulas dirigens actus humanos, ut homo non solum assimiletur Deo secundum imaginem, sed etiam secundum operationes, prout potest. *Unde S. August. de serm. Domini in monte cap. 9. ait:* Sapientia est contemplatio veritatis, pacificans totum hominem, et suscipiens similitudinem Dei, Pretiosior est sapientia cunctis operibus, et omnia, quae desiderantur, non valent huic comparari.

5 From what has been said the Holy Doctor, with St. Thomas art. 3., deduces that Wisdom is practical. Hence the Apostle Coloss. 4. says: *Walk in wisdom:* hence it is elicited also, toward which operation it orders, namely, that the divine things sapidly tasted be judged by a palate cleansed, not infected, and that we famished ones aspire avidly to them, the infection of the evil humor having been removed, in the manner in which, after the gall has been purged by savoring sugar, necessary foods afterwards taste good to us. The same St. Augustine has, 12. de Trin. cap. 14.

> *Ex dictis deducit S. Doct. cum D. Thom. art. 3. Sapientiam esse practicam. Unde Apostolus Coloss. 4. ait:* In sapientia ambulate: *inde elicitur etiam, ad quam operationem ordinet, nempe, ut saporose degustata divina, iudicentur palato emundato, non infecto, et ad ea avide famelici aspiremus, sublata infectione mali humoris, ad modum, quo Saccaro rosito expurgata bile, sapiunt nobis postea cibi necessarii. Idem habet S. August. 12. de Trin. cap. 14.*

6 The reason is, because the higher any virtue is, the more things it extends to, as is had in lib. de causis, prop. 10. Therefore since wisdom, which is a gift, is more preeminent than wisdom

intellectual acquired, which is directed to contemplation, it follows that it extends also to action, as Tannerus also argues num. 39.

> *Ratio est, quia quanto aliqua virtus est altior, tanto ad plura extenditur, ut habetur lib. de causis, prop. 10. Cum igitur sapientia, quae est donum, sit praecellentior sapientia intellectuali acquisita, quae ad contemplationem dirigit; sequitur, ad actionem etiam extendi, ut arguit etiam Tannerus num. 39.*

7 You will say that Sap. 8. has: *No bitterness is in her conversation (namely, Wisdom's), nor tedium in her company, but joy and gladness.* Yet in action tedium and bitterness are found, as St. Gregory lib. 6. Moral. cap. 28. says: *In contemplation the principle, which is God, is sought; in operation, however, one labors under heavy necessity of the bundle.*

> *Dices Sap. 8. habetur:* Non habet amaritudinem conversatio illius (scilicet Sapientiae,) nec taedium convictus illius, sed laetitiam et gaudium. *Cum tamen in actione taedium, et amaritudo reperiatur, ut ait D. Gregorius lib. 6. Moral. cap. 28. dicens:* In contemplatione principium, quod Deus est, quaeritur; in operatione autem sub gravi necessitate fascis laboratur.

8 It is answered that the bitterness which is in action does not come from Wisdom; but rather is turned by it into sweetness, as Tannerus observes number 40., from St. Bonaventure on that passage of Wisdom, and St. Thomas.

> *Respondetur, amaritudinem, quae est in actione, non provenire a Sapientia; sed ab ea potius in dulcedinem verti, ut observat Tannerus numero 40. ex D. Bonaventura ad eum locum Sapientiae, et D. Thoma.*

Question III: How the gift of wisdom is obtained from God

1 The Holy Doctor observes that Wisdom is found through cognition; but possessed through love; through cognition, indeed, to be seen; through love, however, to be embraced and tasted. To see pertains to the intellect; but to embrace and taste to the will, as Richard says lib. 4. de contempl. cap. 15.: *As God is heard through memory, seen through the intellect: so he is embraced and tasted, or bound, through affection, and thus held: And this indeed is more perfect than merely to see, which St. Augustine shows lib. 9. de Trinitate, cap. 12., where he says that the act of embracing is the proper act of the will.*

> ***Qua ratione DONUM SAPIENTIAE A Deo obtineatur.***
>
> *Observat S. Doctor, Sapientiam inveniri per cognitionem; sed possideri per dilectionem; per cognitionem quidem videri; per dilectionem autem amplexari, et gustari. Videre pertinet ad intellectum; sed amplexari, et gustare ad voluntatem, ut ait Richard. lib. 4. de contempl. cap. 15. dicens:* Sicut Deus per memoriam auditur, per intellectum videtur: ita per affectum amplexatur, et gustatur, vel astringitur, et sic tenetur: Et hoc utique est perfectius, quam solum videre, quod ostendit D. August. lib. 9. de Trinitate, cap. 12. ubi ait, actum amplexandi esse proprium voluntatis actum.

2 Therefore the wise man teaches to seek Wisdom, Prov. 2.: *If you shall seek Wisdom as money, and shall dig for her as for treasures: then you shall understand the fear of the Lord, which is the beginning of wisdom.* Expounding which words Jerome says: *He who digs for treasures casts aside the earth, digs a pit deep down, diligently persists, until he finds what he seeks. So he who desires to find the treasures of wisdom, let him cast off from himself every earthly weight, make in himself a pit of humility, and not rest, until he finds.* These are his words: *For wisdom itself is easily seen by those who seek her:* and to think of her is a sense brought to perfection. Wisdom, therefore, is to be sought, for as she herself says, Prov. 8.: *He who shall find me, shall find life, and shall draw salvation from the Lord.*

Igitur docet sapiens Proverb. 2. quaerere Sapientiam: Si quaesieris Sapientiam quasi pecuniam, et sicut Thesauros effoderis illam: tunc intelliges timorem Domini, qui est initium sapientiae. *Quae verba exponens Hieronymus ait:* Qui thesauros effodit, terram reiicit, foveam in altum fodit, sedulus insistit, donec inveniat quod quaerit. Sic qui thesauros sapientiae invenire desiderat, omne pondus terrenum a se reiiciat, in se fossam humilitatis faciat, nec quiescat, donec inveniat. *Haec ille:* Ipsa enim sapientia facile videtur ab his, qui quaerunt eam: *et cogitare de illa, sensus est consummatus. Est igitur quaerenda Sapientia, quia sicut ipsa dicit, Prov. 8.* Qui me invenerit; inveniet vitam, et hauriet salutem a Domino.

3 But how you may recognize that wisdom has been found by you, St. Bernard teaches in his Sentences: *You have plainly found wisdom, if you weep for the sins of your former life, if you esteem lightly the desirable things of this age, if you desire eternal beatitude with your whole desire. You have found wisdom, if each of these things tastes to you as they are, so that these indeed are bitter, and altogether to be fled; those also, as it were falling and transitory, to be despised; but these, as perfect goods, to be desired with the whole desire, which you judge and discern with a certain deepest savor of the soul.*

Quomodo autem agnoscas, inventam a te sapientiam, docet S. Bernardus in sententiis: Invenisti plane sapientiam, si prioris vitae peccata defleas, si huius saeculi desiderabilia parvipendas, si aeternam beatitudinem toto desiderio concupiscas. Invenisti sapientiam, si tibi horum singula sapiunt, prout sunt, ut haec quidem amara, et omnino fugienda; illa quoque, velut caduca, et transitoria contemnenda; ista vero ut perfecta bona, toto desiderio appetenda, quae intimo quodam animi sapore diiudices, et discernas.

4 Therefore this gift, which is a supernatural habit, is to be earnestly asked of God, as James says, cap. 1.: *If any of you want wisdom, let him ask of God, who giveth to all men abundantly, and upbraideth not; and it shall be given him. But let him ask in faith, nothing wavering.*

Igitur hoc donum, quod est habitus supernaturalis, est a Deo enixe postulandum, ut ait Iacobus, cap. 1. Si quis vestrum indiget sapientia, postulet a Deo, qui dat omnibus affluenter, et non improperat, et dabitur ei. Postulet autem in fide, nihil haesitans.

5 He adds, however, four conditions: First, indigence in the one asking: *If anyone wants.* Second, Petition, which is that of sons, as is said Psal. 2.: *Ask of me, etc.* As asking is of a servant. Hence you have that wisdom is not infused except to sons adopted by grace. Hence Sap. 7. says: *God loves no one, except him who dwells with wisdom.* Third, the liberality of the giver: *Who giveth abundantly to all,* whence 3. Reg. cap. 3. it is said to Solomon, who was asking for Wisdom: *But even these things, which you did not ask, I have given you, riches and glory.* Fourth, the confidence of the one asking: *nothing wavering.* These things the Holy Doctor says concerning Wisdom. See many Holy Fathers in St. Bonav. lib. 3. Pharetrae, cap. 32.

Quatuor autem conditiones apponit: Primam, indigentiam in postulante: Si quis indiget. *Secundam, Postulationem, quae est filiorum, ut dicitur Psal. 2.* Postula a me, etc. *Sicut rogare est servi. Unde habes, sapientiam non infundi, nisi filiis gratia adoptatis. Idco Sap. 7. dicitur:* Neminem diligit Deus, nisi eum, qui cum sapientia habitat. *Tertiam, largitatem donatoris:* Qui dat affluenter omnibus, *unde 3. Reg. cap. 3. dicitur Salomoni, qui Sapientiam postulabat:* Sed et haec, quae non postulasti, dedi tibi, divitias, et gloriam. *Quartam, postulantis fiduciam:* nihil haesitans. *Haec S. Doct. de Sapientia. Vide multos SS. PP. in D. Bonav. lib. 3. Pharetrae, cap. 32.*

Question IV: On the illumination that wisdom brings

1 Wisdom is as it were the Sun, bringing a day luminous with knowledge, and fervent with affection. Hence Alan of Lille: *Wisdom is the Sun, through whom the light of the mind dawns in darkness, the eye of the*

heart, the fruit of inward love, the delightful paradise of the soul. It converts the earthly to the heavenly, the mortal to the immortal, man to God, with the authority of deifying transformation. This luminous wisdom he desired, who said, Sap. 7.: I invoked, and the Spirit of Wisdom came into me: and I preferred to have her for light: for her light is inextinguishable. And all good things came to me together with her, for she is the Mother of all these good things. See the Holy Doctor in Diaet; tit. 6. cap. 4., saying wondrous things.

> ***De illuminatione, quam affert Sapientia.***
>
> *Sapientia est veluti Sol, diem afferens lucentem cognitione, et ferventem affectu. Idco Alanus de insulis:* Sapientia est Sol, per quem lumen mentis diescit in tenebris, cordis oculus, fructus internae dilectionis, deliciosa animae paradisus. Haec in caelestem terrenum, in immortalem caducum, hominem in Deum deifica mutationis auctoritate convertit. Hanc luminosam sapientiam desideravit, qui dicebat, Sap. 7. Invocavi, et venit in me Spiritus Sapientiae: et praeposui pro luce habere illam: quoniam inextinguibile est lumen illius. Venerunt autem mihi omnia bona pariter cum illa, quoniam horum omnium bonorum Mater est. *Vide S. Doctorem in Diaet; tit. 6. cap. 4. mira dicentem.*

2 Tully first de legibus says: *The mother of all good things is Wisdom, than which nothing is more fruitful, nothing more preeminent, for the good of life was given by it. For since it taught all other things, it also taught what is most difficult, that we know ourselves.* See St. Bernard sermone 85. in Cant. and serm. 3. de circumcisione, where he shows that from wisdom there arise adornment in the soul, the clarity of conscience, than whose testimony nothing is clearer, since truth shines in the mind, and the mind sees itself in truth. This day, the most serene Sabbath of the mind, he says shines in contemplation, which day indeed, the seventh, namely the seventh gift, has no evening, but here has dawn, and in heaven eternal noon. For the Lord calls it the best part, Luke 10. Hence Anselm lib. de similitudinibus, cap. 131. says: *The Gift of Wisdom pertains to the contemplative life, which is the best part, which Mary chose, which shall not be taken from her: But more it shall be perfected in the fatherland.* Hence the Gloss there says: *The contemplative life here begins, and is perfected in the heavenly fatherland; for love is a fire, which begins to burn, but when it shall see him whom it loves, it shall further glow in love.* These things the Holy Doctor, whom see.

> *Tullius primo de legibus ait:* Mater omnium bonorum rerum est Sapientia, qua nihil uberius, nihil praestantius, quia bonum vitae datum est. Haec enim cum caeteras res omnes docuit; tum quod difficillimum est docuit, ut nos nosceremus. *Vide D. Bernardum sermone 85. in Cant. et serm. 3. de circumcisione, ubi ostendit, ex sapientia oriri decorem in anima, conscientiae claritatem, cuius testimonio nihil clatius, Cum veritas in mente fulget, et mens in veritate se videt. Hunc diem, serenissimum Sabbathum mentis, in contemplatione ait fulgere, qui sane dies septimus, septimum scil. donum, non habet vesperam, sed hic auroram habet, et in caelo aeternum meridiem. Optimam enim partem vocat eum Dominus, Lucae 10. Unde Anselmus lib. de similitudinibus, cap. 131. ait:* Donum Sapientiae pertinet ad vitam complativam, quae est optima pars, quam Maria elegit, quae non auferetur ab ea: Sed magis in patria perficietur. *Unde Glossa ibidem dicit:* Contemplativa vita hic incipit, et in caelesti patria perficitur; quia amor est ignis, qui ardere incipit, sed cum ipsum, quem amat, videbit, amplius in amore ignescet. *Haec S. Doct. quem vide.*

Question V: On the spiritual delights of wisdom

1 The Holy Doctor elegantly treats of these from chapter 5, *on the Gift of Wisdom*, where under the figure of a banquet he expounds the spiritual delights of the Gift of Wisdom.

> ***De Sapientiae spiritualibus deliciis.***

EDisserit haec eleganter S. Doct. a cap. 5. de Dono Sapientiae, *ubi sub specie conuiuii exponit spirituales delicias Doni Sapientiae.*

2 This banquet is expounded from Canticle 5: *Eat, O friends, and drink, and be inebriated, my dearest.* Where he shows a threefold banquet prepared by Wisdom. The first is for just friends, that they may eat, chewing by labor, whence it is said: *By the labors of your hands, for you shall eat.* The second banquet is the sweet drinking of the soul after this life. The third is the inebriation of man after the body has been resumed in the resurrection; and these are called the dearest. See St. Bernard, book *On Loving God*, where he has: *He feeds those laboring in this life, gives drink to those resting after this life, and inebriates those reigning in eternal life, etc.*

Hoc conuiuium exponitur Cant. 5. Comedite amici, et bibite, et inebriamini charissimi. *Ubi triplex conuiuium praeparatum ostendit a Sapientia. Primum amicis iustis, ut comedant, labore masticando, unde dicitur:* Labores manuum tuarum, quia manducabis. *Secundum conuiuium est potatio suauis animae post hanc vitam. Tertium est mebriatio hominis post reassumptum corpus in resurrectione; et hi vocantur charissimi. Vide D. Bernardum lib. de diligendo Deo, ubi sic habet:* Cibat in hac vita laborantes, potat post hanc vitam quiescentes, et inebriat in aeterna vita regnantes, etc.

3 THE FIRST, therefore, banquet is that of friends, for whom the Holy Spirit prepares the banquet of Wisdom. In this the soul eats the bread of Wisdom, but in the sweat of the face. This food is the very work, to do the will of God; whence Christ said, John 4: *My food is to do the will of my Father.* Of this St. Gregory, book 1 of the Morals, chapter 16: *Wisdom makes a banquet in its day: because it refreshes the mind with the hope and certainty of eternal things. Of this food they partake who by meditation eat the bread that came down from heaven,* as is said in John 4. See St. Bonaventure setting forth marvelous things about these.

PRIMUM igitur conuiuium est amicorum, quibus Spiritus Sanctus praeparat conuiuium Sapientiae. In hoc anima edit Sapientiae panem, sed in sudore vultus. Hic cibus est ipsum opus, facere voluntatem Dei; unde Christus Ioan. 4. dicebat: Meus cibus est ut faciam voluntatem Patris mei. *De hoc D. Gregorius lib. 1. moral. cap. 16.* Sapientia in die suo conuiuium facit: quia mentem de aeternorum spe, et certitudine reficit. Hoc cibo vescuntur, qui mandunt meditatione panem, qui de caelo descendit, *ut dicitur Ioan. 4. Vide D. Bonauent. mirabilia de his promentem.*

4 He proceeds, chapter 6, to set forth the wine of wisdom, of which Proverbs 9: *Drink the wine which I have mingled for you.* This the worldly lack, John 2: *They have no wine*, as the Holy Doctor and St. Gaudentius, Bishop of Brescia, excellently expound. Whence the spouse rejoices, Canticle 2: *He brought me into the cellar of wine:* This is uncreated Wisdom, the eternal Word, containing all the treasures of the wisdom of God hidden away.

PERGIT cap. 6. apponere vinum sapientiae, de quo Prouerb. 9. Bibite vinum, quod miscui vobis. *Hoc carent mundani, Ioan. 2.* Vinum non habent, *ut egregie exponit S. Doct. et S. Gaudentius Brixiae Episcopus. Unde laetatur sponsa Cant. 2.* Introduxit me Rex in cellam vinariam: *Haec est Sapientia increata, Verbum aeternum, continens omnes thesauros Sapientiae Dei absconditos.*

5 This was the generous wine, of which Assuerus was warmed in figure, Esther 15. Of this Canticle 8: *I will give you a cup of spiced wine.* See the Holy Doctor.

Hoc erat vinum generosum, de quo umbratice Esther 15. incaluit Assuerus. De hoc Cant. 8. Dabo tibi poculum de vino condito. *Vide S. Doctorem.*

6 He explains, chapter 7, who are the friends and dearest ones invited to the banquet of Wisdom.

> *Explicat vero cap. 7. qui sint amici, et charissimi ad conuiuium inuitati Sapientiae.*

7 ORIGEN, on that verse of the Canticle *I languish with love*, distinguishes between simple love, ardor, and languor, saying: *Beginners love, the proficient burn, but the perfect languish in love.* Therefore, those who love with the greater love are loved by God: *I love those who love me.* Proverbs 8. The dearest of God are those who take their greatest delight in God, because they love the most. Whence Canticle 7 the Beloved says: *How beautiful are you, and how comely, dearest, in delights.* Hence the Vercellense: *How beautiful are you in affections that burn with fervor and spirit, dearest, on account of your surpassing beauty and ardent love.*

> *ORIGENES ad illud Cant.* Amore langueo*, distinguit inter simplicem amorem, ardorem, et languorem, dicens:* Amant incipientes, ardent proficientes, sed languent in amore perfecti. *Igitur, qui maiori amore diligunt, diliguntur a Deo:* Ego diligentes me diligo. *Prouerb. 8. sunt charissimi Deo, qui maxime Deo delectantur, quia maxime diligunt. Unde Cant. 7. dicit Dilectus:* Quam pulchra es, et quam decora charissima in deliciis. *Hinc Vercellensis* Quam pulchra es fervoribus affectualibus, et spiritualibus, charissima, propter praecipuam pulchritudinem, et feruidam dilectionem.

8 FURTHER, St. Dionysius in the letter to Titus, and the Vercellense, on those words of the Canticle 5, *Be inebriated, my dearest*, expound that inebriation as the abundance of heavenly theorias, that is, the frequency and experiential overflowing of revelations. Such, says Richard, book *On Benjamin*, chapter 37, was that of Paul, 1 Corinthians 11: *Whether in the body, or out of the body, I know not, God knows.* To this alludes Psalm 67: *There is Benjamin, a stripling, in ecstasy of mind.* But he had said before: *God will voluntarily separate a rain for his inheritance, and it was weakened, etc.* For inebriation effects an alienation of mind, as Richard says, book 4 on contemplation, chapter 16. Whence Psalm 35: *They shall be inebriated with the plenty of your house, and you shall make them drink of the torrent of your pleasure.*

> *PORRO ebrietatem illam exponunt S. Dionysius epist. ad Titum, et Vercellensis ad ea verba Cant. 5.* Inebriamini charissimi*, per abundantem caelestium theoriarum, idest reuelationum frequentiam, et experimentalem redundantiam. Talem, ait Richard. lib. de Beniam. cap. 37. fuisse illam Pauli, prima Corinth. 11.* Siue in corpore, siue extra corpus nescio, Deus scit. *Cui alludit Psal. 67.* Ibi Beniamin adolescentulus in mentis excessu. *Dixerat autem antea:* Pluuiam voluntariam segregabis Deus haereditati tuae, et infirmata est, etc. *Ebrietas enim alienationem mentis efficit, ut ait Richard. lib. 4. de contempl. cap. 16. Unde Psal. 35.* Inebriabuntur ab ubertate domus tuae, et torrente voluptatis tuae potabis eos.

9 IF, therefore, we wish to be drenched with this inebriation, let us strive to love the Lord intimately. For thus transformed into God we shall live outside ourselves, as Paul used to say. So great, indeed, is the force of love and of the beautiful, as the Vercellense says in the prologue on the Canticle, that it snatches not only men and Angels outside themselves into God, but even draws God himself outside himself toward creatures. This he learned from St. Dionysius, chapter 4 on the divine names, where he says: *One must dare to say what is true, that God himself, by love of what is beautiful and good, goes forth out of the abundance of his amative goodness, as it were outside himself.*

> *SI igitur cupimus hac ebrietate madere, satagamus, Dominum intime diligere. Sic enim in Deum transformati, extra nos viuemus, ut aiebat Paulus. Tanta est enim vis amoris, et pulchri, ut ait Vercellensis in prologo super Cant. ut non solum homines, et Angelos extra se in Deum rapiat, sed et Deum ipsum extra se eliciat ad creaturas. Hoc didicit a D. Dionysio*

cap. 4. de diuinis nominibus, ubi ait: Audendum est dicere pro vero, quia ipse Deus omnium, tam pulchro, et bono amore exit per abundantiam amativae bonitatis, quasi extra seipsum.

10 HENCE, therefore, the Holy Doctor, chapter 8, ascends to expound the second banquet in glory, where the soul, stripped of the flesh, drinks wine with milk that brings sleep. Canticle 5.

HINC igitur S. Doctor cap. 8. ascendit ad secundum conuiuium exponendum in gloria, ubi anima, carne exuta, bibit vinum cum lacte Soporiuuo. Cant. 5.

11 LIKEWISE, chapter 9, he expounds the third banquet of those reigning after the resurrection; of which Luke 22: *I dispose to you a kingdom, as my Father has disposed to me, that you may eat and drink at my table, etc.* See the Holy Doctor.

PERINDE cap. 9. tertium exponit conuiuium regnantium post resurrectionem; de quo Lucae 22. Ego dispono vobis regnum, sicut disposuit mihi Pater, ut edatis, et bibatis super mensam meam, etc. *Vide S. Doctorem.*

12 Then, chapter 10, he describes the series of those banqueting at that royal feast of wisdom, where he relates wondrous things woven together from the Holy Fathers.

Mox cap. 10. Conuiuantium in illo regali sapientiae epulo seriem describit, ubi mira e Sanctis Patribus contexta enarrat.

13 LASTLY, chapter 11, according to the number of the seven gifts, he expounds the beatitude of those banqueting. See him, divinely eloquent.

POSTREMO, cap. 11. iuxta numerum septem donorum, conuiuantium beatitatem exponit. Eum vide diuinitus eloquentem.

14 From what has been said above you can gather in what the gift of Wisdom differs from the other gifts. It differs from the gift of Understanding, because Wisdom is a knowledge of God absolutely; Understanding, however, comparatively, namely in relation to creatures. Second, because by Understanding God is known through illumination from what has been heard in Scripture; but Wisdom is known by experience. Thus through Understanding we know God; through Wisdom we taste his sweetness; whence Wisdom is said to be, as it were, science seasoned with the savor of virtues. And so, just as the gift of Understanding is for speculation, that the intellect may be easily moved toward divine things as they are such in themselves; the gift of Wisdom, however, is practical, rendering the intellect easily movable to perceive divine things as they are good and desirable, and to judge that they are to be adhered to, as St. Bonaventure teaches, book 5 of the Compendium of Theology, chapter 46, St. Thomas, articles 2 and 3, Cajetan there, and question 46, and Valentia, dispute 3, question 20, point 1.

Ex supra dictis colligere potes, differre donum Sapientiae ab aliis donis. A dono intellectus differt, quia Sapientia est cognitio Dei absolute; intellectus vero collatiue, scilicet in comparatione ad creaturas. Secundo, quia intellectu cognoscitur Deus per illuminationem de auditis in Scriptura; Sapientia autem cognoscitur experimento. Itaque per Intellectum Deum cognoscimus; per Sapientiam dulcedinem eius gustamus; unde Sapientia dicitur, quasi sapore virtutum condita scientia. Atque adeo, sicut donum Intellectus est ad speculationem, ut intellectus facile moueatur ad res diuinas, prout in se sunt tales. Donum autem Sapientiae est practicum, reddens intellectum facile mobilem ad percipiendas res diuinas, ut sunt bonae, et expetibiles, et ut iudicet illis inhaerendum, ut docet D. Bonau. lib. 5. Compendy Theologiae, cap. 46. D. Thom. art. 2. et 3. Caietanus ibi, et quaest. 46. et Valentia disp. 3. quaest. 20. punct. 1.

15 IT DIFFERS also from the gift of science, because this renders the intellect ready to judge what created things are to be adhered to, and in what manner; and it teaches this according to created reasons. The gift of Wisdom, however, shows how one is to adhere to divine things, and according to divine reasons. See St. Bonaventure on the seven gifts, on the Gift of science.

> *DIFFERT etiam a dono scientiae, quia hoc reddit intellectum facilem ad iudicandum, quibus rebus creatis, et quomodo inhaerendum; atque hoc secundum rationes creatas docet. Donum vero Sapientiae monstrat, quomodo rebus diuinis, et secundum rationes diuinas sit haerendum. Vide D. Bonau. de septem donis, de Dono scientiae.*

16 It differs also from the Gift of Counsel; for this teaches what is to be done here and now: Wisdom, however, is universal. See on the Gift of Counsel the Seraphic Doctor..

> *Differt etiam a Dono Consilii; nam hoc edocet quid hic, et nunc agendum: Sapientia vero universalis est. Vide de Dono de Consilii Seraphicum..*

Question VI: How folly is opposed to wisdom

1 FOOLISHNESS is opposed to Wisdom, which is called false Wisdom by St. Gregory, *book 13 of the Morals, chapter 14*, cited by St. Bonaventure, *book 3 of the Pharetra, chapter 32*; by Paul it is called: *the wisdom of this world*, 1 Corinthians 1; and by Gregory, *book 31, chapter 20*, it is called: *Foolishness before God*, before whom is the right judgment of things.

> Quo pacto stultitia opponatur Sapientiae.
>
> *SAPIENTIAE opponitur stultitia, quae dicitur falsa Sapientia a D. Gregorio* lib. 13. Moral. cap. 14. *apud D. Bonav.* lib. 3. Pharetrae, cap. 32. *a Paulo dicitur:* Sapientia huius mundi, prima Cor. 1. *et a Gregorio* lib. 31. cap. 20. *vocatur:* Stultitia apud Deum*, apud quem est rectum rerum iudicium.*

2 THIS, however, consists in a perverse judgment, which postpones divine things to fleeting ones, as St. Augustine says, *book 2 on free choice, chapter 16, and On the quantity of the soul, chapter 19, and book 10 on the city of God, chapter 28*; and this is called *to be wise in a bad sense*, and *to be foolish*, by St. Bernard, *the book on the degrees of humility, degree 1*; and on the verse: Behold us, etc., he calls it the accursed wisdom, which supplants, and earthly, animal, diabolical, as the Holy Doctor notes, *loc. cit. Pharetra*, whom see.

> *HAEC autem consistit in pravo iudicio, quod divina postponit caducis, ut ait D. August.* lib. 2. de lib. arb. cap. 16. et de quantitate animae, cap. 19. et lib. 10. de civit. cap. 28. *et hoc vocatur* male sapere*, et* desipere *a D. Bernardo* lib. de gradibus humil. gradu 1. et in illud: Ecce nos, etc. *vocat eam maledictam sapientiam, quae supplantat, et terrenam, animalem, diabolicam, ut notat S. Doct.* loc. cit. Pharetrae*, quem vide.*

3 IN THE SAME way it is called such by St. James, *chapter 3*, as the Holy Doctor excellently expounds, *on the gift of Wisdom, chapter 1*. It is indeed called *diabolical*, because it deceives so as to destroy. See St. Thomas, *question 46, article 2*.

> *EODEM pacto vocatur a D. Iacobo* cap. 3. *ut egregie exponit S. Doct.* de dono Sapientiae, cap. 1. *Dicitur sane* diabolica*, quia fallit ad perdendum. Vide D. Thom.* quaest. 46. art. 2.

4 JUST as Wisdom gives savor, sweetness, and taste in divine things; so foolishness in fleeting things. Of this, *the second book of Wisdom*, where those young men cried out: *Come, let us enjoy good things, etc. Let us leave everywhere signs of our joy*, as the Holy Doctor expounds, *sermon 2 within the octave of the Nativity.*

> *SICUTI autem Sapientia dat saporem, suavitatem, et gustum in rebus Divinis; sic stultitia in rebus caducis. De hac* secundo Sapientiae*, ubi iuvenes illi conclamabant:* Venite, fruamur bonis, etc. Ubique relinquamus signa laetitiae nostrae*, ut explicat S. Doct.* serm. 2. infra octavam Nativitatis.

5 From this it is deduced that foolishness is a sin of the same species as that object which is preferred before God. See also St. Thomas, *articles 2 and 3*.

> *Ex quo deducitur, stultitiam esse peccatum eius generis, cuius est obiectum, quod Deo anteponitur. Vide etiam D. Thomam* art. 2. et 3.

Question VII: Whether the seventh beatitude corresponds to the gift of wisdom

1 ST. AUGUSTINE, *in the book On the Sermon on the Mount*, distributing the gifts among the beatitudes, says: *Wisdom befits the peacemakers, in whom there is no rebellious motion, but one obeying reason.*

> An septima Beatitudo respondeat dono Sapientiae.
>
> *D. AUGUST.* lib. de serm. Domini in monte*, distribuens dona per beatitudines, ait:* Sapientia convenit pacificis, in quibus nullus motus est rebellis, sed rationi obtemperans.

2 THEREFORE Wisdom corresponds to this seventh beatitude: *Blessed are the peacemakers; for they shall be called the children of God:* The reason, St. Bonaventure, *part 5 of the Breviloquium, chapter 6*, is; because Wisdom joins us to the supreme and true good, in which is the end and tranquillity of our whole rational appetite; once this peace is attained, there necessarily follows a superabundant spiritual delight, which is contained in the twelve fruits of the Spirit.

> *IGITUR Sapientia respondet huic septimae beatitudini:* Beati pacifici; quoniam filii Dei vocabuntur: *Ratio D. Bonav.* 5. p. Breviloq. cap. 6. *est; quia Sapientia iungit nos summo, et vero bono, in quo est finis, et tranquillitas totius nostri rationalis appetitus; Qua pace adepta, necessario sequitur superabundans delectatio spiritualis, quae in duodenario fructuum Spiritus continetur.*

3 WHY, however, Wisdom is ordered to peace, St. Thomas also explains, *question 45, article 6*; for peace is the tranquillity of order, as St. Augustine says, book 19 *On the city of God;* but to order belongs to Wisdom, as Aristotle teaches *at the beginning of the Metaphysics*, and therefore *to be a peacemaker* is attributed to Wisdom.

> *CUR autem Sapientia ordinet ad pacem, explicat etiam S. Thom.* quaest. 45. art. 6. *nam pax est tranquillitas ordinis, ut ait D. August. 19.* de civitate; *ordinare autem pertinet ad Sapientiam, ut docet Aristoteles* initio Metaph. *et ideo* esse pacificum *attribuitur Sapientiae.*

Disputation XX: On Prudence

1 AFTER the Theological virtues the theologians treat of the Cardinal virtues, the first of which is reckoned to be Prudence. For this is set over the whole OEconomy of the moral virtues, and directs them, either by discerning, as Counselor, or by defining, as Commander, to their acts: it reviews things past, disposes of things present, and provides for things to come; hence it has as its subjective parts the Memory of things past, the Intelligence of things present, and the providence of things to come; moreover it holds the reins of the passions, and if ever they rise up with a sudden impulse, it restrains them at once and reduces them to concord; sometimes it is worldly, in heaping up riches; human, in pursuing the comforts of the flesh; but Divine, it is enslaved to eternal observances, as the Holy Doctor notes in the places to be noted below; its nature and quality still remain to be investigated.

> *POST virtutes Theologicas agunt Theologi de Cardinalibus, quarum prima recensetur Prudentia. Haec namque praeficitur toti moralium virtutum OEconomiae, easque, vel discernendo, ut Consiliarius, aut diffiniendo, ut Imperator, ad suos actus dirigit: praeterita recognoscit, de praesentibus disponit, futurisque providet; hinc habet partes suas subiectivas, praeteritorum Memoriam, praesentium Intelligentiam, et futurorum providentiam; insuper passionum retinet habenas, et si quando repentino motu insurgunt, eas subito cohibet, et in concordiam redigit; aliquando mundana est in cumulandis divitiis; humana, in carnis sectandis commodis; Divina vero obsequiis mancipatur aeternis, ut notat S. Doctor locis infra notandis; huius adhuc natura, et qualitas investiganda est.*

Question I: What prudence is

1 THE name of prudence is taken in various ways, as St. Bonaventure teaches, *book 5 of the Compendium of Theology, chapter 34, in the Dieta, title 5, chapter 5, and in the opuscule On the four Cardinal virtues, and On the seven Journeys, Journey 7, distinction 5, and in the Pharetra, book 2, chapter 27.*

> Quid sit PRUDENTIA.
>
> *VARIIS modis accipitur nomen prudentiae, ut docet D. Bonav.* lib. 5. Compendii Theol. cap. 34. in Dieta, tit. 5. cap. 5. et opusc. de quatuor virtutibus Cardinalibus. Et de septem Itineribus, Itinere 7. dist. 5. et in Pharetra, lib. 2. cap. 27.

2 First, indeed, it signifies any knowledge of truth acquired by human study; thus it is taken by St. Ambrose, *book 1 on offices, chapter 24*, by Tully, *book 1 on offices and book 2 on Invention*, cited by St. Bonaventure, *in the Pharetra and part 3 of the Centiloquium, section 41, and sermon 6 of the Hexaëmeron.*

> *Primo enim significat quamcumque veri cognitionem, humano studio comparatam, sic accipitur a D. Ambrosio* lib. 1. de offic. cap. 24. *a Tullio* lib. 1. de offic. et lib. 2. de Inventione *apud D. Bonav.* in Pharetra et 3. p. Centiloquii, sect. 41. et serm. 6. Hexaëmeronis.

3 SECOND, it signifies only practical knowledge of things that ought to be sought or repudiated. Thus St. Augustine takes it, *book 1 on free choice, chapter 13, and book 83 questions, question 31*: that Prudence is the science of things to be sought and avoided: thus it is taken also by the Holy Doctor, *in the Pharetra*, and by St. Isidore, *in the Etymologies, book 10*, under the word Prudentia: *The prudent man is so called, as it were one seeing far ahead; for he is perspicacious, and foresees the chances of uncertain things.* Whence in Greek it is φρόνησις. And in this way it is taken by the Holy Doctor, *in the Exposition of the*

Terms of Theology, and in the Centiloquium, loc. cit., and by St. Gregory. But neither is this proper Prudence, which ought both to know and to provide.

> *SECUNDO significat cognitionem tantum practicam rerum, quae vel expeti, vel repudiari debent. Sic illud accipit D. August.* lib. 1. de lib. arb. cap. 13. et lib. 83. qq. quaest. 31. *Prudentiam esse rerum appetendarum, et vitandarum scientiam: ita accipitur et apud S. Doctorem* in Pharetra*, et D. Isidorum* in Ethymol. lib. 10. *verbo Prudentia:* Prudens dicitur, quasi porro videns, perspicax est enim, et incertorum praevidet casus. *Unde in Graeco habetur φρόνησις. Et hoc modo accipitur a S. Doct.* in declaratorio Terminorum Theologiae, et in Centilog. loc. cit. *a D. Gregorio. Sed neque haec est propria Prudentia, quae debet, et scire, et providere.*

4 THIRD, Prudence is taken for all the faculties of the practical intellect that contribute, or are even necessary, to rightly instituting the actions of human life. Thus it is frequently taken by the Philosopher, book 6 of the Ethics, chapters 5, 10 and 11.

> *TERTIO sumitur Prudentia pro omnibus facultatibus intellectus practici, quae ad recte instituendas humanae vitae actiones conducunt, aut etiam sunt necessariae. Sic accipitur frequenter a Philosopho lib. 6. Eth. cap. 5. 10. et 11.*

5 FOURTH, Prudence, in the most proper sense, names a certain faculty of the practical intellect for rightly determining what is to be done in any particular act.

> *QUARTO Prudentia, maxime propria, nominatur facultas quaedam intellectus practici ad recte statuendum, quid agendum sit in quovis actu particulari.*

6 Furthermore, Aristotle defines this Prudence, book 6 of the Ethics, chapter 5: *Prudence is a habit of the intellect, active with true reason, concerning those things which are good and bad for man.*

> *Porro hanc Prudentiam definit Aristoteles lib. 6. Eth. cap. 5.* Prudentia est habitus intellectus, vera cum ratione activus circa ea, quae homini et bona, et mala sunt.

7 The same St. Doctor wills, in On the seven Journeys, Journey 7, distinction 5, defining: *Prudence is to direct all things according to the norm of reason.*

> *Idem vult S. Doct. de septem Itineribus, Itinere 7. dist. 5. definiens:* Prudentia est ad rationis normam universa dirigere.

8 And in the opuscule On the four Cardinal virtues: *Prudence is the discernment of good things and bad, both with the flight of evil and the choice of good: from which proceed circumspection, docility, and caution.* Circumspection is the wariness of contrary vices, by which we flee avarice and guard against prodigality, etc. Docility is the power of teaching, in this order, that you first instruct yourself, and afterward others. Caution is the prudence of discerning vices that bear the appearance of virtues.

> *Et in opusculo de quatuor virtutibus Cardinalibus:* Prudentia est bonarum rerum, et malarum discretio, utraque cum fuga mali, et electione boni: de qua procedit circumspectio, docilitas, et cautio. *Circumspectio est cautela contrariorum vitiorum, qua fugimus avaritiam, et cavemus prodigalitatem, etc. Docilitas est potentia erudiendi, hoc ordine, ut prius te, et postea alios instruas. Cautio est prudentia discernendi vitia, virtutum speciem inferentia.*

9 To this is referred also the definition of Macrobius, book 1 on the dream of Scipio: *Prudence is to direct all things, which it considers, whatever it does, according to the norm of reason, and to will or do nothing besides what is right.* Thus St. Bonaventure, book 6 of the Compendium of Theology, chapter 34.

Huc refertur etiam definitio Macrobii lib. 1. in somn. Scipionis: Prudentia est ad rationis normam, quae cogitat, quaecumque agit, universa dirigere, ac nihil praeter rectum velle, vel facere. *Sic D. Bonav. lib. 6. Compend. Theologiae, cap. 34.*

10 It is defined also by Tully, On the repose of the mind: *Prudence is the science of good things and bad, with the love of one or the other and the detestation of the rest:* cited by St. Bonaventure, part 3 of the Centiloquium, section 41.

DEFINITUR etiam a Tullio de requie mentis: Prudentia est rerum bonarum, et malarum, cum alterutrum dilectione, et reliquarum detestatione scientiarum: *apud D. Bonav. 3. p. Centiloquii, sect. 41.*

11 SIMILAR is the definition of St. Augustine, On the morals of the Church, book 1, chapter 15, cited by St. Bonaventure, loc. cit. of the Centiloquium: *Prudence is love, sagaciously discerning those things by which it is aided toward God from those by which it is hindered.* And book 83 questions, 52, he defines: *It is the knowledge of things to be sought and fled.*

SIMILIS est definitio D. August. de moribus Ecclesiae, lib. 1. cap. 15. apud D. Bonavent. loc. cit. Centiloquii. Prudentia est amor, ea, quibus adiuvatur in Deum, ab his, quibus impeditur, sagaciter discernens. *Et lib. 83. qq. 52. definit:* Est cognitio rerum appetendarum, et fugiendarum.

12 He DESCRIBES, moreover, Prudence as it is a purgatorial virtue, from Macrobius, book 1 on the dream of Scipio: *Prudence is to despise this world, and all things that are in the world, through the contemplation of divine things, and to direct all the knowledge of the soul to the divine alone.* But Prudence, as it is the virtue of a purified mind, is defined: *It is to know the divine alone, and to gaze upon it as if nothing else existed.* Thus it is defined in book 5 of the Compendium of Theology, chapter 34, and in the opuscule On the four Cardinal virtues, and elsewhere.

DESCRIBIT autem Prudentiam, ut est virtus purgatoria, ex Macrob. lib. 1. in somn. Scip. Prudentia est mundum istum, et omnia, quae in mundo sunt, divinorum contemplatione despicere, et omnem animae cognitionem in sola divina dirigere. *Prudentia autem, prout est virtus purgati animi, definitur:* Est sola divina noscere, et tanquam nihil aliud existat, eam intueri. *Sic definitur lib. 5. Compend. Theol. cap. 34. et opusc. de quatuor virtutibus Cardinalibus, et alibi.*

Question II: Whether prudence is a virtue

1 IT IS CERTAIN that Prudence is a Virtue.

CERTUM est, Prudentiam esse Virtutem.

2 IT IS PROVED by St. Bonaventure, book 1 on chapter 8 of Wisdom, and in book 3, distinction 33, questions 1 and 4, from those words: *He teaches Sobriety, and Prudence, and Justice, and Virtue,* that is, Fortitude. The same is proved by that verse of Proverbs 8: *Prudence is mine, fortitude is mine. By me kings reign, and lawmakers decree just things.*

PROBATUR a D. Bonav. 1. ad 8. Sap. et in 3. dist. 33. quaest. 1. et 4. ex illis verbis: Sobrietatem, et Prudentiam docet, et Iustitiam, et Virtutem, *idest Fortitudinem. Idem probat illo Proverb. 8.* Mea est prudentia, mea est fortitudo. Per me Reges regnant, et Legum conditores iusta decernunt.

3 IT IS PROVED secondly by St. Bonaventure in the Dieta, title 5, chapter 5, and by other places of Scripture, Proverbs 28: *A leader lacking prudence shall oppress many, etc.*

PROBATUR secundo a D. Bonavent. in Diaeta tit. 5. cap. 5. et aliis Scripturae locis, Proverb. 28. Dux indigens prudentia, multos opprimet, etc.

4 PROVERBS 6: *O sluggard, go to the ant, and learn Prudence; which, though it has no guide, nor master, nor prince, prepares for itself food in the summer, and gathers in the harvest what it may eat.*

PROVERB. 6. O piger, vade ad formicam, et disce Prudentiam; quae cum non habeat ducem, nec praeceptorem, nec principem, parat in aestate cibum sibi, et congregat in messe, quod comedat.

5 PROVERBS 30. The prudent man is compared to four little animals, praised in the same place. *There are four little ones of the earth, and they are wiser than the wise: The ant, a people without strength, which prepares its food in the harvest: The rabbit, a weak folk, which makes its bed in the rock: The locust has no king, and goes forth all together by its bands: The stellio supports itself on hands, and dwells in the houses of kings.* These four animals are set before us as Masters of prudence, as Lyranus notes there, together with St. Bonaventure, who there excellently expounds these animals for us in mystical parallels; that we may imitate the rabbit, making our bed in the rock, which is Christ, as is said 1 Corinthians 10. The stellio, or lizard, which, having no wings, supplies by its hands the lack of nature; so too let diligent prudence supply in acting the defect of nature: the locust, which mounts on high and at once descends to the earth; for so also the prudent man mounts high through holy desires, and at once descends to the knowledge of his own infirmity, and thence acknowledges the necessity of divine help; according to Psalm 110: *He ascends even to the heavens, and descends even to the abysses.* And according to St. Gregory below. Lastly, let us imitate the ant, that we may prudently lay up merits for ourselves, according to John 9: *Work while it is day.*

PROVERB. 30. Comparatur prudens quatuor animalculis, ibidem laudatis. Quatuor sunt minima terrae, et ipsa sunt sapientiora Sapientibus: Formica, populus infirmus, qui praeparat in messe cibum suum: Lepusculus, plebs invalida, quae collocat in petra cubile suum: Regem Locusta non habet, et egreditur universa per turmas suas: Stellio manibus nititur, et moratur in aedibus regis. *Haec quatuor animalia proponuntur Magistri prudentiae, ut notat Lyranus ibi cum S. Bonav. ubi egregie haec animalia mysticis parallelis exponit nobis; ut imitemur Lepusculum, ponentes cubile in petra, quae est Christus, ut dicitur prima Cor. 10. Stellionem, vel Lacertum, qui alas non habens, supplet manibus indigentiam naturae, sic et prudens diligentia in operando suppleat defectum naturae: Locustam, quae alte ascendit, et statim ad terram descendit; sic enim et prudens alte per sancta desideria ascendit, et descendit statim ad propriae infirmitatis cognitionem, atque inde divini auxilii necessitatem recognoscit; Iuxta id Psal. 110.* Ascendit usque ad caelos, et descendit usque ad abyssos. *Et iuxta D Gregorium infra. Denique Formicam imitemur, ut prudenter paremus nobis merita, iuxta id Ioan. 9.* Operamini dum dies est.

6 Matthew 10: *Be therefore prudent as serpents,* to which comparison the Holy Doctor best expounds in the place cited with five parallels.

Matth. 10. Estote ergo prudentes, sicut serpentes, *ad quam similitudinem optime exponit S. Doct. loc. cit. quinque parallelis.*

7 FIRST, indeed, the serpent exposes its whole body to blows, that it may save its head; so the prudent Christian exposes all things, that he may preserve the honor of Christ the Head, as is said Philippians 3: *Those things that were gains to me, I have counted as loss for Christ.*

PRIMO enim serpens totum corpus exponit ictibus, ut caput servet, sic prudens Christianus exponit omnia, ut honorem Christi Capitis servet, ut dicitur Philip. 3. Quae mihi fuerunt lucra, haec arbitratus sum, propter Christum,

detrimenta.

8 SECONDLY, the serpent, among narrow and smooth rocks, strips off its old skin; so too the Christian ought to put off the old man, as the Apostle admonishes, Ephesians 4.

SECUNDO, serpens inter angustas, ac radentia saxa pellem exspoliat veterem; sic et Christianus debet veterem hominem exuere, ut monet Apostolus Ephes. 4.

9 THIRDLY, the serpent beguiles the charmer, as is said Psalm 57. So too prudent Saints beguile the demon, stopping one ear with the tail, that is, the memory of last things; according to Ecclesiastes 7: *Remember your last things, and you shall not sin forever;* and they stop the other ear, in the manner of the serpent, in the earth, by the memory of their own fragility, because it is said Genesis 4: *You are dust, and into dust you shall return.*

TERTIO serpens deludit incantatorem, ut dicitur Psal. 57. Sic et prudentes Sancti daemonem deludunt, unam aurem obturant cauda, idest memoria novissimorum; iuxta id Eccles. 7. Memorare novissima tua, et in aeternum non peccabis; *et alteram aurem, more serpentis obturant in terra, memoria propriae fragilitatis, quia dicitur Genes. 4.* Pulvis es, et in pulverem reverteris.

10 FOURTHLY, the serpent lies in wait for the heel; so prudent men conquer the desires of the flesh, attending to what the end of pleasure is, namely infernal death, according to Romans 6: *The end of them is death.*

QUARTO, insidiatur serpens calcaneo; sic viri prudentes superant desideria carnis, attendentes, quis finis delectationis, scilicet mors infernalis, iuxta id Rom. 6. Finis illorum mors.

11 FIFTHLY, the serpent flees woman on account of the enmities, Genesis 3, declared against it; so the prudent man flees the occasions of fornication, according to the counsel of Paul, 1 Corinthians 10.

QUINTO, fugit mulierem ob inimicitias, Genes. 3. intimatas; sic prudens fugit occasiones fornicationis, iuxta consilium Pauli prima Corinth. 10.

12 ANOTHER prudence of the serpent the Holy Doctor expounds in the sermon on the Holy Apostles Philip and James, for when it feels itself weighed down by poison, it eats a certain herb, by whose virtue it vomits up the poison; then it hastens to a bath of water, and there washes itself, and remains fasting for many days; whence the skin is loosened from the flesh, and amid the smooth narrows of the rock it sheds its skin, that it may put on a new one. So too man, prudent, wishing to become a new man from the old, ought to wash himself with tears, eat the bitter herb of penance, and thus vomit up the poison of sins by confessing; then pass through the narrow gate of satisfaction, and thus, stripped of the spoils of faults, put on grace. See the holy Doctor there.

ALIAM prudentiam serpentis exponit S. Doct. serm. de SS. Philippo, et Iacob, nam cum se sentit veneno gravatum, herbam quandam edit, cuius virtute venenum evomit; mox ad balneum aquae properat, ibique se lavat, et multis diebus ieiunus permanet; ex quo cutis a carne relaxatur, inter radentes angustias petrae pellem exuit, ut novam induat. Sic et homo prudens, volens ex veteri fieri novus homo, debet se lacrymis lavare, amaram poenitentiae herbam edere, et sic venenum peccatorum confitendo evomere; mox per satisfactionis foramen arctum transire, et sic spoliis culparum exutus, induere gratiam. Vide ibi Sanctum Doctorem.

13 The SAME comparisons he has in sermon 2 on one Holy Doctor, which is sermon 31, and sermon 33, where he speaks according to Aristotle in the book on the history of animals, book 8, chapter 17:

> *EASDEM comparationes habet sermone 2. de uno S. Doctore, qui est 31. et serm. 33. ubi loquitur iuxta Aristotelem libro de historia animalium, 8. capite 17:*

14 IN THE sermon 2 on St. Anthony of Padua, from *Job 38*, he praises the prudence of the cock: *Who gave the cock understanding*. And in the sermon on St. Lucy he recounts many examples of prudence from sacred and profane histories. That it is a virtue, indeed, confess Aristotle, books 3 and 6 of the *Ethics, chapters 5 and 13*, Cicero, *books 1 and 2 of the Tusculans, 99*, Seneca, *letter 68*, Plutarch, *in the book on the virtue of morals*, Juvenal, *Satire 10*, Valerius Maximus, *on prudence*. See the Holy Doctor also *in book 3, distinction 33, question 3, citing them*.

> *SERMONE vero 2. de S. Antonio de Padua ex* Iob. 38. *Galli prudentiam laudat:* Quis dedit Gallo intelligentiam. *Et serm. de S. Lucia, multa prudentiae exempla refert ex historiis Sacris, et prophanis. Eam enim esse virtutem fatentur Aristoteles 3. et 6.* Eth. cap. 5. et 13. *Cicero* lib. 1. et 2. Tuscul. 99. *Seneca* epist. 68. *Plutarchus* in lib. de virtute morum, *Iuvenalis* Satyra 10. *Valerius Maximus* de prudentia. *Vide S. Doct. etiam* in 3. dist. 33. quaest. 3. illos referentem.

15 IT IS PROVED thirdly by the Holy Doctor, *in the book cited, the Pharetra, chapter 27, from the Holy Fathers unanimously asserting it*.

> *PROBATUR tertio a S. Doct.* lib. citato Pharetra, cap. 27. e SS. PP. id unanimiter asserentibus.

16 ST. AUGUSTINE, *book 1 on the morals of the Church, chapter 15*, divides the four Cardinal virtues, as St. Bonaventure also teaches in *book 3, distinction 33, question 2, to the first argument;* then in *the Soliloquies, book 1, chapter 14*, he teaches that the perfect work is made by prudence, saying: *Great care must be taken, while we act in this body, lest the feathers of our wings be impeded by any viscous thing of the senses: these must be whole and perfect, that we may fly forth to that light from these darknesses*.

> *D. AUGUST.* lib. 1. de moribus Ecclesiae, cap. 15. *dividit quatuor virtutes Cardinales, ut docet etiam D. Bonav. in* 3. dist. 33. quaest. 2. ad 1. argumentum; *mox in* soliloquiis lib. 1. cap. 14. *docet, opus perfectum prudentia fieri, dicens:* Cavendum est magnopere, dum hoc corpus agimus, ne quo sensibilium visco pennae nostrae impediantur: quibus integris, perfectisque, opus est, ut ad illam lucem ab his tenebris evolemus.

17 ST. AMBROSE, *on offices, book 1, chapter 10*: The wise man, that he may speak well, first considers many things, what he may say, and to whom, in what place and time, *and chapter 27*, says: *The first fount of duty is prudence*. St. Gregory, *book 2 of the Morals, chapter 36*, says: *The solid edifice of our mind is sustained by these four virtues, of which the first is prudence,* and book 7 of the Morals, chapter 15: *When the uprightness of Saints raises men to liberty of voice, consideration of one's own infirmity guards them in humility*.

> *D. AMBROSIUS* de offic. lib. 1. cap. 10. Sapiens, ut loquatur, multa prius considerat, quid dicat, et cui dicat, quo in loco, et tempore, et cap. 27. *ait:* Primus officii fons, prudentia est. *D. Gregorius* lib. 2. Moral. cap. 36. *ait:* Solidum mentis nostrae aedificium sustineri his quatuor virtutibus, e quibus prima est prudentia, et lib. 7. Moral. cap. 15. Cum rectitudo Sanctorum viros ad libertatem vocis erigit, consideratio infirmitatis propriae in humilitate custodit.

18 St. Bernard on the Canticle, sermon 49: *Discretion is not so much a virtue as a certain moderator and charioteer of the virtues, and the orderer of affections and the directress of morals: Take this away, and virtue will be vice*. In the same way speaks St. Isidore, the book On Synonyms, chapter 16: *Whatever you do well with*

discretion is virtue; whatever you carry out without discretion is vice. For virtue without discretion is reputed as vice. And *book 2 on the supreme good, chapter 25*: It helps nothing, that we discern with a more prudent sense between good and evil, unless by our works we guard against ill-conceived thoughts, or carry forward good things begun.

> *D. Bernardus super Cant. serm. 49.* Discretio est non tam virtus, quam quaedam moderatrix, et auriga virtutum, ordinatrixque affectuum, et morum directrix: Tolle hanc, et virtus vitium erit. *Eodem modo loquitur D. Isidorus, lib. de Synon. cap. 16.* Quidquid bono cum discretione feceris, virtus est; quidquid sine discretione gesseris, vitium est. Virtus enim indiscreta, pro vitio reputatur. *Et* lib. 2. de summo bono, cap. 25. Nihil iuvat, quod inter bonum, et malum sensu prudentiore discernimus, nisi opere, aut male cogitata caveamus, aut bona inchoata faciamus.

19 And St. Jerome on Hosea, *book 2, chapter 7*: Prudence without goodness is malice.

> *Et D. Hieronymus in Oseam,* lib. 2. cap. 7. Prudentia absque bonitate, malitia est.

20 And Cassian, *Conference 1, chapter 23*, from the opinion of Abbot Moses, on Discretion, or Prudence, says: *This holds among all the virtues the citadel and primacy.*

> *Et Cassianus,* Coll. 1. cap. 23. *ex sententia Abb. Moyfis de Discretione, seu Prudentia ait.* Haec inter cunctas virtutes arcem, et primatum tenet.

21 And *conference 2, chapter 2*: For this is that which is named in the Gospel the eye and lamp of the body, according to that saying of the Savior: The lamp of your body is your eye; and Matthew 6, and Luke 11. Because (he says) it discerns all the thoughts and acts of man, it foresees and surveys all things that are to be done. The same the Holy Doctor has here, and on that place of Luke, though he expounds the lamp as intention. In which way also St. Gregory mingles prudence with intention, *homily 22 on Ezechiel*: It remains that at last we be wearied in the ministry of the word, or bestow on the needy, or tame the flesh by abstinence, or be moved by Zeal, or at times mildly bear with evil things through patience, that we ought above all to examine our intention, that whatever we do we may do not with our own, but with the Zeal of the Lord.

> *Et* coll. 2. cap. 2. Haec namque est, quae oculus, et lucerna corporis in Evangelio nuncupatur, secundum illam sententiam Salvatoris: Lucerna corporis tui est oculus tuus; et Matth. 6. Et Lucae 11. Eo quod (inquit) ipsas cogitationes hominis universas, actusque discernens, cuncta, quae agenda sunt, praevidet, atque perlustret. *Eadem habet S. Doct. hic, et ad eum Lucae locum, tametsi per lucernam intentionem explicet. Quo pacto etiam D. Gregorius, prudentiam cum intentione permiscet,* homil. 22. in Ezech. Restat ut fine in verbi ministerio fatigemur, seu indigentibus nostra largiamur, seu per abstinentiam carnem domemus, seu Zelo moveamur, seu per patientiam aliquando leniter prava toleremus, ut summopere debemus in intentione nostra discutere, quatenus omne, quod facimus, non nostro, sed Domini Zelo faciamus.

22 He recounts OTHER places of the Holy Fathers, the Holy Doctor, in *book 3, distinction 33*, as of St. Jerome on chapter 8 of Wisdom, St. Augustine, *book 12 on the Trinity, chapter 14, and book 14, chapter 9*, Bede, *in the Gloss, on chapter 26 of Exodus; and the Gloss on Genesis 1: A fountain went forth from Paradise, which is divided into four heads.* Juvenal, *Satire 10*, closes all the Encomia of this virtue:

> *ALIA loca Sanctorum Patrum refert S Doct. in* 3. dist. 33. *ut D. Hieronymi ad 8. Sap. D. August.* 12. de Trinitate, cap. 14. et lib. 14. cap. 9. *Bedae* in Glossa, ad 26. Exodi; et Gloss. in id 1. Genes. Fons egrediebatur de Paradiso, qui dividitur in quatuor capita. *Omnia huius virtutis Encomia claudit Iuvenalis,* Satyra 10.

23 *No deity is absent, if prudence be present.* — And this is what the Holy Fathers cited say, that prudence is the Leader and Charioteer of all the virtues.

> Nullum numen abest, si sit prudentia. — *Et hoc est, quod dicunt SS. Patres allegati, prudentiam esse Ducem, et Aurigam Virtutum omnium.*

24 IT IS PROVED fourthly by the reasoning which the Holy Doctor uses in nearly all the places cited, especially in *book 3 of the Sentences, distinction 33, throughout.* Every habit good and fitting to man is a virtue; But that habit of prudence is of this kind: Therefore. The major is evident; for virtue is that which makes its possessor good, leading him to his end, and renders its act good, as Aristotle teaches in the *Ethics, book 3, chapters 1, 8 and 12, and book 6*, and Tully, *book 2 on Invention*, cited by St. Bonaventure, *book 3, distinction 33, question 3*, and St. Augustine, *book 83 questions, question 31, and book 1 of the Soliloquies, chapter 6*, cited by St. Bonaventure, *in the place cited.* The minor is proved: for it is best and most fitting to the nature of man for reason to establish and set before itself for pursuit or flight those things which according to right reason are to be sought or fled, which is the office of Prudence. The Holy Doctor confirms this, *questions 1 and 3*, from the contrary. For evil is that which is against prudence, which is the same as against reason, which indeed St. Dionysius confesses to be perverse, *chapter 4 on the divine names, part 4.*

> *PROBATUR quarto ratione, qua utitur S. D. omnibus fere allegatis locis, praecipue in* tertio sententiarum, dist. 33. passim. *Omnis habitus bonus, et conveniens homini, est virtus; Sed habitus ille prudentiae est huiusmodi: Ergo. Maior patet; nam virtus est, quae bonum facit habentem, ducens in eius finem, et actum eius reddit bonum, ut docent Aristot. in* Ethicis, lib. 3. cap. 1. 8. et 12. et lib. 6. *et Tullius* lib. 2. de Invent. *apud D. Bonau.* 3. dist. 33. quaest. 3. *et D. August.* lib. 83. qq. quaest. 31. et lib. 1. soliloq. cap. 6. *apud D. Bonavent.* loco citato. *Minor probatur: nam optimum, et convenientissimum est naturae hominis, ratione constituere, et sibi praefigere ad expetendum, vel fugiendum ea, quae secundum rectam rationem sunt expetenda, vel fugienda, quod est officium Prudentiae. Quod confirmat S. Doct.* quaest. 1. et 3. *a contrario. Malum est enim, quod contra prudentiam est, quod idem est ac contra rationem, quod sane pravum fatetur esse S Dionysius* cap 4. de divinis nominibus, p. 4.

25 I ASSERT secondly, that Prudence is a rational, intellectual, and moral Virtue. It is indeed rational, because it is in reason, as the Holy Doctor observes in *book 3, distinction 33, question 3, in the body, §. To make evident.* For it directs in discerning, which is proper to reason, as the Holy Doctor notes from Aristotle, *book 6 of the Ethics, chapter 3.* The same St. Thomas teaches, *part 1-2, question 57.*

> *ASSERO secundo, Prudentiam esse Virtutem rationalem, intellectualem, et moralem. Est sane rationalis, quia in ratione, ut observat S. Doct. in* 3. dist. 33. quaest. 3. in corpore, §. Ad evidentiam. *Nam dirigit in discernendo, quod rationis proprium est, ut notat S. Doct. ex Aristotele* 6. Eth. cap. 3. *Idem docet S. Thomas* 1. 2. quaest. 57.

26 THE office of reason, however, is twofold, to discern and to define. These, however, are the functions of prudence, as St. Bonaventure teaches, *in the places cited above.* Hence in *the Dieta salutis, chapter 5*, he compares it to the assessor of a judge, who by judging directs the judge, or king, yet not by commanding; so Prudence rules reason: Wherefore Valentia does not define it rightly, *first point*: It is a faculty of the practical intellect for rightly determining, by an act of imperium, what is to be done. For imperium is nowhere conceded to the intellect, against the Thomists, *part 1-2, question 57, article 6*, and Tanner, *dispute 3, question 1, dubium 1*, and others, refuted in *part 1-2, treatise 1, Disputation on Imperium.* It is truly a moral virtue extrinsically, inasmuch as the intellect is moved and stirred by the appetite rightly ordered through the inclinations of the moral virtues, that through Prudence it may follow the good to be done, consentaneous to the right appetite.

RATIONIS autem duplex est officium, discernere, et definire. Haec autem sunt munera prudentiae, ut docet S. Bonav. locis supra allegatis. *Hinc in* Diaeta sal. c. 5. *Eam comparat Iudicis assessori, qui iudicando dirigit iudicem, vel regem, non tamen imperando; ita regit Prudentia rationem: Quare non recte Valentia eam definit* puncto primo. *Est facultas intellectus practici ad recte statuendum, per actum imperii, quid agendum sit. Nullum enim imperium intellectui usquam conceditur, contra Thomistas* prima 2. quaest. 57. art. 6. *Tannerum* disp. 3. quaest. 1. dub. 1. et alios *confutatos* prima secunda, Tract. 1. Disput. de Imperio. *Est vero virtus moralis extrinsece, quatenus ab appetitu recto per inclinationes moralium virtutum movetur, et excitatur intellectus, ut per Prudentiam sequatur agibile bonum, et appetitui recto consentaneum.*

27 I ASSERT thirdly, that Prudence is a Virtue distinct from the others.

ASSERO tertio, Prudentiam esse Virtutem, a caeteris distinctam.

28 IT IS PROVED by St. Bonaventure above with the authorities, which reckon it to be a special virtue.

PROBATUR a D. Bonav. supra authoritatibus, quae eam specialem esse virtutem recensent.

29 SECONDLY it is proved by him in *book 3, distinction 33, questions 2 and 3*, from the diverse reason of the object, which is the ratio agibilis according to reason, as conforming to the right appetite, and thus as the practical true, or good. Tanner uses this reason, *number 12*.

SECUNDO probatur ab eo in 3. dist. 33. quaest. 2. et 3. *ex ratione obiecti diversa, quae est ratio agibilis secundum rationem, ut conformis appetitui recto, atque adeo ut practice vero, seu bono. Hac ratione utitur Tannerus* num. 12.

30 THIRDLY it is proved by the Holy Doctor from the acts of Prudence, which are to direct all the acts of virtue according to the right dictate of reason.

TERTIO probatur a S. Doct. ex actibus Prudentiae, qui sunt dirigere ad omnes actus virtutis, secundum rectum dictamen rationis.

31 IT IS PROVED fourthly from the powers in which the Cardinal virtues are subjected, and which each directs; for Prudence directs the Rational, Temperance the Concupiscible, Fortitude the Irascible.

PROBATUR quarto ex potentiis, in quibus subiectantur Virtutes Cardinales, quasque dirigunt, quia Prudentia dirigit Rationalem, Temperantia Concupiscibilem; Fortitudo Irascibilem.

32 IT IS PROVED fifthly by St. Bonaventure from the opposed vices; for one is opposed to one; for under one aspect there are opposed to Prudence Precipitancy, Inconsideration, Inconstancy, Negligence, Craft, Guile, Fraud, which are surely not opposed to the other virtues.

PROBATUR quinto a S. Bonav. ex vitiis oppositis; unum enim uni opponitur; nam Prudentiae sub una ratione opponuntur Praecipitatio, Inconsideratio, Inconstantia, Negligentia, Astus, Dolus, Fraus, quae sane aliis non opponuntur virtutibus.

33 IT IS PROVED sixthly by the Holy Doctor from the mean points; for Prudence is a mean between extremes, between which the other virtues mediate; for so Prudence is between Inconsiderateness, Precipitancy, Craftiness, Guile, etc.

PROBATUR sexto a S. Doct. ex medietatibus; nam Prudentia est media inter extrema, inter quae mediant aliae virtutes, sic enim Prudentia est inter Inconsiderantiam, Praecipitationem, Astutiam, Dolum, etc.

34 *You will object*, first. The ratio agibilis, as it is the practical truth by conformity with the right appetite, is so widely extended, and is more common, than the ratio agibilis as it is moral good, by conformity with right reason, or with the right appetite; but this ratio of good does not constitute any special virtue, but only the genus of moral virtue: Therefore neither will that ratio constitute the special virtue of Prudence.

> Obiicies *primo. Ratio agibilis, ut est verum practice per conformitatem cum appetitu recto, tam late patet, et communior est, quam ratio agibilis, ut est bonum morale, per conformitatem cum ratione recta, seu cum appetitu recto; sed haec ratio boni non constituit specialem aliquam virtutem, sed solum genus moralis virtutis: Ergo neque illa ratio constituet specialem virtutem Prudentiae.*

35 *The Holy Doctor answers, distinction 33, question 2, to the fifth*, that they are equal in a certain universality of predication; but not at all in order; for the Practical True has order only to reason, because it is difficult to rectify in one way, therefore one virtue is necessary: But the matters of the powers, in order to good, suffer various difficulties.

> Respondet *S. Doct.* dist. 33. quaest. 2. ad 5. *universalitate quadam praedicationis esse pares; sed ordine nequaquam; nam Verum practicum habet ordinem solum ad rationem, quia uno modo rectificare difficile est, ideo una virtus est necessaria: At materiae potentiae, in ordine ab bonum, varias patiuntur difficultates.*

36 *You will object*, secondly. It belongs to Prudence to inspect the mean, which also befits every virtue; for whatever sees the essential mean of its end: Therefore it is not a special virtue.

> Obiicies *secundo. Prudentiae est inspicere medium, quod cuilibet virtuti etiam convenit; quaecumque enim videt medium essentiale sui finis: Ergo non est virtus specialis.*

37 *The Holy Doctor answers*, that to see its own mean by the mode of a determinate inclination is appropriated to each virtue; but that it is nevertheless proper to prudence to see the mean by the mode of direction. Wherefore Prudence sees the mean for itself and for others by directing; for it perfects the rational power, whose it is to consider and discern, and in this mode it is proper to Prudence. Wherefore as the eye sees for itself and for the other members, so prudence directs, seeing itself and the other virtues. Although as regards inclination all tend toward their end, and move, as it were, like a weight, in the manner in which gravity is said to look toward the center of the world; for so every virtue is said to look toward the mean of right living.

> Respondet *S. Doct. appropriari cuilibet virtuti videre suum medium per modum determinatae inclinationis; sed tamen proprium esse prudentiae videre medium per modum directionis. Quare Prudentia sibi, et aliis hoc modo videt medium dirigendo; perficit enim potentiam rationalem, cuius est considerare, et discernere, et hoc modo proprium est Prudentiae. Quare sicut oculus videt sibi, et aliis membris, sic prudentia dirigit, se videns, ac virtutes caeteras. Tametsi quoad inclinationem omnes tendant ad suum finem, atque quasi pondus moveant, ad modum quo gravitas dicitur aspicere ad centrum mundi; sic enim omnis virtus dicitur aspicere ad medium recte vivendi.*

Question III: What the offices of prudence are

1 From the argument recently adduced we have, first, with D. Bonaventure, that the office of Prudence is not to propose to the moral virtues their intrinsic ends, insofar as they are formally ends, but only to propose to them the means by which they may attain such ends. The same is held by D. Thomas *here, art. 6.* and his disciples, and by Tannerus *disput. 3. question 1. dub. 3.* against Scotus *in 3.*

dist. 36. single question, art. 2., where he contends that the ends themselves are set before the moral virtues by Prudence.

> ***Quaenam sint PRUDENTIAE munera.***
>
> *Ex nuper allato argumento habemus primo cum D. Bonavent. Prudentiae munus non esse proponere virtutibus moralibus earum fines intrinsecos, quatenus sunt formaliter fines, sed solum proponere ipsis media, per quae attingant huiusmodi fines. Idem sentiunt D. Thom.* hic, art. 6. *et discipuli, ac Tannerus* disput. 3. quaest. 1. dub. 3. *contra Scotum* in 3. dist. 36. quaest. unica, art. 2. *ubi contendit, fines ipsos praefigi virtutibus moralibus a Prudentia.*

2 *It is proved* by D. Bonaventure *loc. cit.* from the doctrine of Aristotle 6 *Eth. cap. 12.*, where he affirms that the moral virtue intends the end at the impulse of reason, namely through Synderesis; while Prudence directs and makes right those things that are toward the end: *The work* (he says) *is effected from Prudence and from moral Virtue: for Virtue proposes the goal; Prudence, however, makes right those things that tend toward it, and cap. 13. Virtue [assigns] the end; Prudence [makes right] those things that tend toward the end, so that we may act.*

> Probatur *a D. Bonavent.* loc. cit. *ex doctrina Aristotelis 6.* Eth. cap. 12. *ubi affirmat, ab ipsa virtute morali intendi finem ex impulsu rationis, nimirum per Synderesim; a Prudentia vero dirigi, et recta effici ea, quae sunt ad finem:* Opus *(ait)* ex Prudentia, et ex morali Virtute efficitur: Virtus enim propositum scopum: Prudentia autem, quae ad ipsum tendunt, recta efficit, et cap. 13. Virtus finem; Prudentia, quae ad finem tendunt, ut agamus, facit.

3 *Secondly* it is proved by Valentia *disp. 4. question 1. punct. 3.* with a reason drawn from the difference between Synderesis and Prudence; for the office of Synderesis is to set before the virtue the good appointed to it as an end, as that Temperance should use pleasures moderately, as D. Bonaventure teaches *in 2. dist. 39. art. 2. question 1.*, and this indeed moves the affection as a kind of weight, as S. Bonaventure teaches *there, and in 3. dist. 33. question 2.*. Prudence therefore directs toward the means, by ordering reason; otherwise, if both were directed to the same thing, it would be necessary to posit another directive habit of reason.

> Secundo *probatur a Valentia* disp. 4. quaest. 1. punct. 3. *ratione ducta ex differentia Synderesis, et Prudentiae; nam munus Synderesis est praefigere virtuti bonum, ei praestitutum in finem, ut Temperantiae esse utendum delectationibus moderate, ut docet D. Bonavent.* in 2. dist. 39. art. 2. quaest. 1. *et haec sane movet, quasi pondus, affectum, ut docet S. Bonav.* ibi, et in 3. dist. 33. quaest. 2. *Prudentia ergo dirigit ad media, ordinando rationem, alioqui si ambae essent ad idem, oporteret ponere alium habitum rationis directivum.*

4 *It is proved* thirdly from the connection of Counsel and Prudence; for Prudence is concerned only with those things about which there is consultation, as the holy Fathers teach, as related from D. Bonaventure and from other cited places of the Seraphic Doctor, as is evident. But consultation is about means to an end, not about the formal ends of the virtues themselves: Therefore also Prudence. The major is clear from the Philosopher *lib. 6. Eth. cap. 5. and 7.*, where he says: *Prudence is concerned with human goods, and with those that fall under consultation. For we say that the chief task of the prudent man is to counsel well.* The minor is proved; for consultation is only about doubtful things, and the ends of the virtues themselves are not such, as Aristotle teaches *cap. 7.*, saying: *About those things no one consults which cannot come about otherwise, nor about those whose end is not some [end].*

> Probatur *tertio ex connexione Consilii, et Prudentiae; nam Prudentia circa illa solum versatur, de quibus est consultatio, ut docent SS. PP. relati ex D. Bonavent. et ex aliis locis citatis Seraphici constat. Consultatio autem est de*

mediis ad finem, non de ipsis virtutum finibus formaliter: Ergo etiam Prudentia. Maior patet ex Philosopho lib 6. Eth. cap. 5. et 7. *ubi ait:* Prudentia circa humana bona versatur, atque ea, quae in consultationem cadunt. Prudentis enim id maxime opus esse dicimus, ut recte consuletur. *Minor probatur; nam consultatio est tantum de rebus dubiis tales autem non sunt ipsi fines virtutum, ut docet Aristoteles* cap. 7. *dicens:* De illis autem consulat nemo, quae evenire aliter nequeunt, neque de iis, quorum finis aliquis non est.

5 *Note*, however, with D. Bonaventure *opusc. de septem donis, cap. 6.*, that Prudence and Counsel are toward the end: first, insofar as it sets forth means in order to it, and so intends it as that for whose sake, as Caietanus also teaches *question 47. art. 6.*, and Valentia *puncto 3.*.

Adverte *tamen cum D. Bonav.* opusc. de septem donis, cap. 6. *Prudentiam, et Consilium esse ad finem, Primo quatenus media praefigit in ordine ad eum, atque adeo intendit eum, ut id, cuius gratia, ut docet etiam Caietanus* quaest. 47. art. 6. *et Valentia* puncto 3.

6 *Then*, Prudence is said to tend toward the ends, insofar as it judges and determines, in the manner of Affection, in which mediocrities the reason of the end of the virtue lies, as the S. Doctor teaches in *Diaeta, loc. cit.*, with Aristotle 2 *Eth. cap. 6.* and D. Thomas *art. 7.*.

Deinde *Prudentia dicitur tendere ad fines, quatenus iudicat, et decernit ad modum Affectionis in quibus medietatibus sit ratio finis virtutis, ut docet S. Doct. in* Diaeta, loc. cit. *cum Aristotele 2.* Eth. cap. 6. *et D. Thom.* art. 7.

7 *The S. Doctor assigns*, moreover, in *Diaeta, tit. 6. cap. 12.*, the difference of Prudence from Counsel; for Counsel, he says, [determines] whether something is to be done: Prudence, however, shows for what end and with what circumstances applied, of time, place, etc.; just as it belongs to one science to know whether it is expedient for someone to be saved, and to another to know how he is to be saved, etc.

Assignat *autem S. Doct.* in Diaeta, tit. 6. cap. 12. *differentiam Prudentiae a Consilio, nam Consilium dicit: utrum sit aliquid agendum: Prudentia vero ostendit, quo fine, et quibus circumstantiis adhibitis, temporis, loci, etc. sicut alterius est scientiae cognoscere: An expediat aliquem salvari, alterius vero scire qualiter sit salvandus, etc.*

8 *You will object*, first, with Scotus. Every moral virtue supposes the dictate of Prudence: Therefore [it is] toward the end.

Obiicies *primo cum Scoto. Omnis virtus moralis supponit dictamen Prudentiae: Ergo ad finem.*

9 *It is answered*, that it supposes this dictate only in order to the means; but toward the end it supposes the dictate of Synderesis, as I said.

Respondetur, *Supponere hoc dictamen in ordine ad media tantum; circa finem autem supponere dictamen Synderesis, ut dixi.*

10 *You will object*, secondly. Unless prudence sets the end before the virtue, there will not be able to be one prudence in the matter of each moral virtue.

Obiicies *secundo. Nisi prudentia praefigat finem virtuti, non poterit esse una prudentia in materia cuiusque moralis virtutis.*

11 *It is answered*, that there is one Prudence, common to all the virtues.

Respondetur, *esse unam Prudentiam, communem omnibus virtutibus.*

12 I assert, thirdly, that Prudence does not set the means before the virtues by the command of reason.

> *Assero tertio, Prudentiam non praefigere media virtutibus per rationis imperium.*

13 *It is proved,* because command belongs to the will, which is as it were the queen, as I showed in the *Treatise on the Soul, disp. 9. cap. 5. question 8.* and in other places.

> Probatur*, quia imperium est voluntatis, quae est veluti regina, ut ostendi* Tractatu de Anima, disp. 9. cap. 5. quaest. 8. *et aliis locis.*

14 Nor indeed does Aristotle 6 *Eth. cap. 10.* make it preceptive by the command of reason, as Valentia thinks.

> *Neque vero Aristoteles 6.* Eth. cap. 10. *eam ex rationis imperio praeceptivam facit, ut putat Valentia.*

15 I assert, fourthly, that the dictate of Prudence is with a certain solicitude. Therefore Aristotle *lib. 6. Eth. cap. 9.* says: *The things you have counseled are to be done quickly; but one must counsel slowly and at length, especially in grave matters,* as D. Gregory also teaches *lib. 2. Regist. indic. 10. cap. 6.,* cited by D. Bonaventure *lib. 2. Pharetra, cap. 27.,* where he says: *In the highest matters, counsel ought not to be hasty.*

> *Assero quarto, dictamen Prudentiae esse cum quadam sollicitudine. Ideo Aristoteles* lib. 6. Eth. cap. 9. *ait:* Cito agenda esse, quae consultaveris; tarde vero, ac diu consultandum, maxime in rebus gravibus*, ut docet etiam D. Gregorius* lib. 2. Regist. indic. 10. cap. 6. *apud D. Bonav.* lib. 2. Pharetra, cap. 27. *ubi ait:* Summis in rebus, citum non oportet esse consilium.

16 *It is proved* from the contrary. For negligence, sloth, and torpor are reproved, as you will see in D. Bonaventure *p. 1. Centil. sect. 8. and lib. 3. Pharetra, cap. 8. and in Diaeta tit. 1. cap. 7.*

> Probatur *ex contratio. Negligentia enim, desidia, et torpor vituperantur, ut videbis apud D. Bonav.* p. 1. Centil. sect. 8. et lib. 3. Pharetra, cap. 8. et in Diaeta tit. 1. cap. 7.

17 *Hence* he observes there that the slothful man is greatly reproved. *Proverb. 21. The desires of the slothful kill him. Proverb. 10. the slack hand has wrought poverty. So Matth. 12.* an idle [house] is entered by seven demons. And Matth. 25. *Take from him the talent.* Eccles. 22. *On a lump of mud the slothful shall be stoned.* Prov. 18. *Fear casts down the slothful.* Prov. 24. *I passed by the field of the slothful man: and behold it was all filled with nettles.* And in the same place: *How long, sluggard, do you sleep?* And Proverb. 6. *Go to the ant, O sluggard.* See there the S. Doctor differing excellently.

> Hinc *observat ibi, valde reprehendi pigrum.* Proverb. 21. Desideria occidunt pigrum. Proverb. 10. egestatem operata est manus remissa. Sic Matth. 12. *otiosum ingrediuntur septem daemones. Et Matth. 25.* Tollite ab eo talentum. *Eccles. 22.* In lapide luteo lapidabitur piger. *Prov. 18.* Timor deiicit pigrum. *Prov. 24.* Per agrum hominis pigri transivi : et ecce totum repleverant urticae. *Et ibidem :* Usquequo piger dormis ? *Et Proverb. 6.* Vade ad formicam o piger. *Vide ibi S. Doct. egregie differentem.*

18 I ADD, that Prudence sets forth means for all ends, even those of the public good.

> *ADDO, Prudentiam praefigere media pro omnibus finibus, etiam publicae commoditatis.*

19 IT IS PROVED: For in 6. Eth. cap. 5. Aristotle says that Prudence is right reason of things to be done: Therefore also concerning the public good; especially since this is the more necessary, the more necessary the public good is, truly especially for the Christian; of whom it is said in 1 Cor. 13: *Charity*

seeketh not her own. The Romans observed this, as related by Valerius Maximus lib. 6. cap. 4. For every man was hastening to increase the goods of his country, not his own. The reason is because, as Aristotle says 1. Eth. cap. 2., even if the good be the same for one man and for a city, yet the good of the city seems a greater and more divine thing both to acquire and to conserve. And indeed even each man can be content, if it be for one alone; yet it is more beautiful and more divine if the good be brought about for one people and for cities.

> *PROBATUR : Nam 6. Eth. cap. 5. ait Aristoteles, Prudentiam esse rectam rationem agibilium : Ergo etiam circa bonum publicum : eo vel maxime, quia haec magis necessaria est, quo magis necessarium est bonum publicum, maxime vero Christiano; de quo prima Cor. 13. dicitur :* Charitas non quaerit quae sua sunt. *Hoc observabant Romani apud Valerium maximum lib. 6. cap. 4. Patriae enim rem unusquisque, non suam augere properabat. Ratio est, quia, ut ait Aristoteles 1. Eth. cap. 2. etiamsi et uni hominum, et civitati bonum idem sit; bonum tamen civitatis et acquirere, et conservare, maius quid, ac divinius videtur. Ac contentus quidem esse etiam unicuique potest, si uni soli; pulchrius tamen, ac divinius, si uni genti, ac civitatibus bonum efficiatur.*

20 THEREFORE Prudence can be divided, so that one kind is Regal, or Legislative in the community of a Kingdom: another Political in a City: another Oeconomical in a household: another Military in an Army; as Aristotle seems to hold 6. Eth. cap. 8. See D. Thomas at greater length, question 50.

> *IGITUR dividi potest Prudentia, ut alia sit Regalis, seu Legislativa in communitate Regni : Alia Politica in Civitate : Alia Oeconomica in domo : Alia militaris in Exercitu; ut videtur sentire Aristoteles 6. Eth. cap. 8. Vide latius D. Thomam quaest. 50.*

Question IV: Who share in prudence

1 FIRST a question arises: Whether Prudence is in subjects; for Aristotle 3. Eth. capit. 3. seems to deny it; but he speaks of subjects, as subjects are. For truly, since Prudence is connected with the other moral virtues, with which even subjects can be endowed, there is no doubt that prudence is in them. Aristotle therefore speaks of subjects formally, as subjects are, as D. Thomas says in article 12.

> ***Quinam sint PRUDENTIAE participes.***
>
> *PRIMO oritur quaestio : An Prudentia sit in subditis; nam id videtur negare Aristoteles 3. Eth. capit. 3. sed loquitur de subditis, ut subditi sunt. Enim vero cum Prudentia connexa sit cum caeteris virtutibus moralibus, quibus praediti esse possunt etiam subditi, non est dubium, quin in eis sit prudentia. Loquitur ergo Aristoteles de subditis formaliter, ut subditi sunt, ut ait Divus Thomas articulo 12.*

2 There is doubt also concerning sinners; for Aristotle 6. Ethic. cap. 12. says: *It is manifest that no one can be prudent unless he be good.* But on the contrary it stands strong, because in cap. 5. he says that even many wicked men are strong in counsel.

> *De peccatoribus etiam dubitatur; nam Aristoteles 6. Ethic. cap. 12. ait :* Manifestum esse, non posse quempiam prudentem esse, nisi bonus sit. *In contrarium vero viget, quia cap. 5. multos etiam improbos consilio valere dicit.*

3 I SAY, first, that in sinners prudence is false; I speak of those sinning mortally: Of this Rom. 8. *The prudence of the flesh is death.* And Luke 16. *The children of this world are more prudent than the children of light in their generation,* as S. Bonaventure notes on this passage, and in the places adduced at the beginning of quest. 1.

DICO primo, in peccatoribus falsam esse prudentiam; loquor de mortaliter peccantibus : De hac Rom. 8. Prudentia carnis mors est. *Et Lucae 16.* Filii huius saeculi prudentiores filiis lucis in generatione sua sunt, *ut advertit S. Bonav. ad hunc locum, et locis adductis initio quaest. 1.*

4 I SAY, secondly, that infused prudence is not in those sinning lethally.

DICO secundo, prudentiam infusam non esse in peccantibus lethaliter.

5 IT IS PROVED: For the moral virtues are infused, connected with Charity; as I showed in the first part of the second part, *Treatise on the Virtues.*

PROBATUR : Sunt enim virtutes infusae morales, connexae Charitati; ut ostendi prima secundae, Tract. de Virtutibus.

6 I ASSERT, thirdly, that acquired true Prudence is not in those who sin very frequently. For it is connected with the moral virtues, and is destroyed by frequently opposite acts.

ASSERO tertio, Prudentiam acquisitam veram non esse in iis, qui valde frequenter peccant. Est enim connexa cum virtutibus moralibus, et actibus frequenter oppositis destruitur.

7 I ASSERT, fourthly, that infused Prudence concerning one's own good is in the just.

ASSERO quarto, Prudentiam infusam circa bonum proprium esse in iustis.

8 IT IS PROVED, because it is connected with charity, as I showed in the place cited above.

PROBATUR, quia connexa est cum charitate, ut ostendi loco supra citato.

9 I ASSERT, fifthly, that in the young there is no acquired prudence.

ASSERO quinto, In iuvenibus non esse prudentiam acquisitam.

10 IT IS PROVED from Aristotle 6. Ethic. cap. 8. *But the cause is, that prudence is of particular things, which become known to us by experience; but the young man is without experience; for experience is produced by length of time.*

PROBATUR ex Aristotele 6. Ethic. cap. 8. Causa autem est, quia prudentia est singularium, quae experientia nobis innotescunt; Iuvenis autem expertus non est; experientiam enim temporis efficit longitudo.

Question V: How prudence is acquired, and lost

1 FIRST, therefore, it is acquired by experience of long time, as is said Job 12. *And in much time Prudence.* And Aristotle teaches 6. Eth. cap. 8. and 11.

Quomodo acquiratur, Prudentia et amittatur.

PRIMO igitur acquiritur longi temporis experientia, ut dicitur Iob. 12. Et in multo tempore Prudentia. *Et docet Aristoteles 6. Eth. cap. 8. et 11.*

2 SECONDLY, by the instruction of wise elders, as Aristotle teaches in that cap. 11. and D. Gregory Nazianzen *oratione ad Nicolaum*; and Cassianus *coll. 2. cap. 10.* Therefore we are warned in Proverb. 3.: *Lean not on your own prudence; be not wise in your own sight.* And Eccles. 6. *If you have loved to hear, you will be wise. Stand in the multitude of prudent Elders, and join your heart to their Wisdom.* See Cassianus above.

SECUNDO, eruditione seniorum sapientiorum, ut docet Aristoteles cap. illo 11. et D. Gregorius Nazianzenus, oratione ad Nicolaum*; et Cassianus* coll. 2. cap. 10. *Ideo Proverb. 3. monemur :* Ne innitaris prudentiae tuae; ne sis sapiens apud temetipsum. *Et Eccles. 6.* Si dilexeris audire, sapiens eris. In multitudine Presbyterorum prudentium sta, et Sapientiae illorum ex corde coniungere. *Vide Cassianum supra.*

3 It is indeed LOST, partly by forgetfulness, and by wicked affections. By forgetfulness indeed, insofar as it depends on experience, and this on memory, as the Philosopher teaches 1. Metaph. cap. 1. By wicked affections, however: for it depends on a right appetite. Therefore Exodi 23. *Do not accept gifts, which even blind the prudent.* Rom. 1. *When they had known God, they did not glorify him as God, etc. for their foolish heart was darkened.*

AMITTITUR vero, partim oblivione, et affectibus pravis. Per oblivionem quidem, quatenus pendet ab experientia, et haec ex memoria, ut docet Philosophus 1. Metaph. cap. 1. Per pravos autem affectus : nam pendet ex appetitu recto. Ideo Exodi 23. Ne accipias munera, quae etiam excaecant prudentes. *Rom. 1.* Cum cognovissent Deum, non sicut Deum glorificaverunt, etc. obscuratum est enim insipiens cor eorum.

Question VI: On the parts of the virtue of prudence

1 UNANIMOUSLY the Philosophers acknowledge that Prudence has certain parts; of which Aristotle 6. Ethic. cap. 8. and following. Cicero lib. 2. de Invent. August. lib. 83. qq. quaest. 61. Macrobius lib. 1. in somn. Scipionis, cap. 8. relates them; from these the S. Doctor everywhere lib. 5. Compend. Theol. cap. 34. And 3. p. Centileg. sectione 41. and the opusc. de quatuor virtutibus Cardinalibus.

De partibus Virtutis PRUDENTIAE.

UNANIMES fatentur Philosophi, Prudentiae aliquas esse partes; de quibus Aristoteles 6. Ethic. cap. 8. et sequent. Cicero lib. 2. de Invent. August. lib. 83. qq. quaest. 61. Macrobius lib. 1. in somn. Scipionis, cap. 8. eas refert ex his S. Doct. passim lib. 5. Compend. Theol. cap. 34. Et 3. p. Centileg. sectione 41. et opusc. de quatuor virtutibus Cardinalibus.

2 The parts of Prudence are of THREE kinds. Some are integral, without which the perfect use of Prudence is not had: Others are subjective, in the manner in which species, subjected to a genus, are called subjective parts of the genus, as Man and Lion are parts of animal, because, namely, animal is predicated of them as of a subject. Others are potential parts of Prudence by similitude with the potential parts of the soul.

TRIPLICIS generis sunt partes Prudentiae. Aliae integrales, sine quibus non est perfectus usus Prudentiae : Aliae subiectivae ad modum, quo species, subiectae generi, dicuntur partes subiectivae generis, ut Homo, et Leo sunt partes animalis, quia, scilicet animal, de illis, tanquam de subiecto praedicatur. Aliae sunt Prudentiae partes potentiales per similitudinem partium potentialium animae.

3 The Integral Parts of Prudence, which integrate it as it were in the manner in which members integrate a body, are eight. Memory, which is cognition of past things; Understanding, which is cognition of present things; Docility, which is cognition through another's instruction; Solertia, which is cognition through one's own discovery; nem; Ratio of this, is because it is cognition by the inference of one thing from another; Providence, which is the ordination of means to an end; Circumspection, which is the consideration of the circumstances of the business; Caution, which is a certain contrivance against those things which can stand in the way and be an impediment.

PARTES Integrales Prudentiae, quae eam veluti integrant ad modum, quo membra integrant corpus, sunt octo. Memoria, quae est cognitio praeteritorum; Intelligentia quae est cognitio praesentium; Docilitas, quae est cognitio per alterius eruditionem; Solertia, quae est cognitio per propriam inventionem; Ratio huius, est quia est cognitio per illationem unius ex alio; Providentia, quae est ordinatio mediorum ad finem; Circumspectio, quae est animadversio circumstantiarum negotii; Cautio, quae est machinatio quaedam adversus ea, quae obstare, et impedimento esse possunt.

4 The perfect use of Prudence indeed depends on Memory, because it depends on experience; and this on many experiments, and experiments on many memories, as D. Thom. teaches *quaest. 49. art. 1. ex* Aristotle at the beginning of 1. *Metaph.*

A Memoria sane pendet usus perfectus Prudentiae, quia is pendet ab experientia; ea vero a multis experimentis, et experimenta a multis memoriis, ut docet D. Thom. quaest. 49. art. 1. ex *Aristotele initio 1.* Metaph.

5 It depends also on Understanding, which is the cognition of particulars with which Prudence is concerned, which cognition is from the intellect, partly through conversion to phantasms, partly also in the interior sense, or the cogitative power.

Ab Intelligentia etiam pendet, quae est cognitio particularium, circa quae versatur Prudentia, quae cognitio est ab intellectu, partim per conversionem ad phantasmata, partim etiam in sensu interiori, seu potentia cogitativa.

6 It DEPENDS on Docility, which Cicero praises *Lib. 2. qq. Academ.*; hence the S. Doctor defines it to be the power of instructing first oneself; then others.

PENDET etiam a Docilitate, quam laudat Cicero Lib. 2. qq. Academ. *hinc definit S. Doctor, eam esse potentiam erudiendi prius se; deinde alios.*

7 It DEPENDS on Solertia, which is swift conjecture, as Aristotle teaches *6. Eth. cap. 9.* and D. Thom. *quaest. 49. art. 4.*

PENDET a Solertia, quae est celeris coniectatio, ut docet Aristoteles 6. Eth. cap. 9. *et D. Thom.* quaest. 49. art. 4.

8 It DEPENDS on reason, which is the cognition of one thing from another by inference; for Consultation, on which the decrees of Prudence depend, is altogether with ratiocination, as the Philosopher teaches *6. Eth. cap. 10.* and D. Thomas *art. 5.*

PENDET a ratione, quae est cognitio unius ex alio per illationem; nam Consultatio, ex qua pendent decreta Prudentiae, omnino est cum ratiocinatione, ut docet Philosophus 6. Eth. cap. 10. *et D. Thomas* art. 5.

9 It DEPENDS on Prudence, which is the ordination of suitable means to an end; for Prudence is concerned with things to be done on account of an end, as the S. Doctor explains in the places alleged, and D. Thom. *art. 6.*

PENDET a Prudentia, quae est ordinatio mediorum idoneorum in finem; versatur enim Prudentia circa agibilia propter finem, ut explicat S. Doctor locis allegatis, et D. Thom. art. 6.

10 It DEPENDS on Circumspection; for prudence is concerned with particular things to be done, good on every side, consonant with reason; but the goodness of human actions depends on the circumstances, as I showed *prima secundae, Treatise 1. disput. 9. question 5. and 10.*

PENDET a Circumspectione; nam prudentia versatur circa particularia agibilia, undequaque bona, rationi consona; pendet autem bonitas actionum humanarum e circumstantiis, ut ostendi prima secundae, Tract. 1. disput. 9. quaest. 5. et 10.

11 It DEPENDS also on Caution, which is provision against contrary evils, which the S. Doctor calls the Prudence of discerning vices, bearing the appearance of virtues.

> *PENDET etiam ex Cautione, quae est provisio adversus mala contraria, quam S. Doctor vocat Prudentiam discernendi vitia, virtutum speciem prae se ferentia.*

12 As to the subjective parts of Prudence, D. Thom. treats *quaest. 50.* It is divided into governing Prudence and the particular prudence of the one acting. Again, Gubernativa is divided into Legislative, which is in the Prince, or Republic; into Political, which is in subjects concerning the same good of the Kingdom, or city; into Oeconomical, which is concerning the domestic good; and Military, concerning which the good of the army is concerned. Of the Gubernativa the S. Doctor treats excellently *de Eccl. Hierarchia.* But particular prudence is one most special species.

> *Quo ad partes Prudentiae subiectivas, agit S. Thom.* quaest. 50. *Dividitur in Prudentiam gubernativam, et singularem operantis. Rursus Gubernativa dividitur in Legislativam, quae est in Principe, vel Republica; in Politicam, quae est in subditis circa idem bonum Regni, vel civitatis; in Oeconomicam, quae est circa bonum familiare; et Militarem, circa quae bonum exercitus versatur. De Gubernativa agit egregie S. Doctor* de Eccl. Hierarchia. *Prudentia vero particularis est una specie specialissima.*

13 The potential Parts of Prudence are three intellectual virtues adjoined, serving prudence, namely, EUBULIA, which is rightly counseltative, as you have *6. Eth. cap. 9.* SYNESIS is rightly judgmental by common rules; and GNOMES, which is rightly judgmental in natural reason beyond the common rules, when these fail because of the circumstances of a particular case. See D. Thomas *quaest. 51.*, easily declaring these.

> *PARTES Prudentiae potentiales sunt tres virtutes Intellectuales adnexae, deservientes prudentiae, scilicet, EUBULIA, quae est recte consiliativa, ut habes* 6. Eth. cap. 9. *SYNESIS est recte iudicativa per communes regulas; et GNOMES, quae est recte iudicativa in naturali ratione praeter communes regulas, quando hae deficiunt ob circumstantias casus particularis. Vide D. Thomam* quaest. 51. *facile haec declarantem.*

14 Of these S. Bonaventure also treats *in the places everywhere adduced here.*

> *DE his agit etiam S. Bonavent.* locis passim hic adductis.

Question VII: How certain rules of prudence, applicable to the monastic and the political state, are drawn from the angelic hierarchy

1 SINCE the Church Militant is governed and ordered according to the order of the Church Triumphant, as it is said *sap 9. Thou hast commanded me to build a temple, and an Altar according to the likeness of thy holy Tabernacle, which thou hast prepared from the beginning,* the Seraphic Bonaventure, the wonderful sublimity of whose genius shines forth pre-eminently here, discourses on how the threefold state of those to be saved is conformed to the threefold Choir of Angels, both in public and private governance: And he says this threefold state is designated in that Ezechielis 14. *If there be in the city these three men (namely Daniel, Noe, and Iob), shall they deliver their own souls.* Daniel indeed, obtaining that supernatural Understanding by the merit of Abstinence, bears the Type of the Cloistered, who by abstaining even from things licit and illicit merit to be illumined from above. Noe, however, Governing the Ark, indicates prelates, to whom the Ark of the Church, to be saved from the Deluge of sin, has been entrusted by God. Truly Iob, a married man, intent on the works of piety and mercy, designates the assembly of the active and of married men.

Quomodo ex Angelica Hierarchia eruantur quaedam regulae prudentiae, statui Monastico et Politico Applicabiles.

CUM Iuxta ordinem Ecclesiae Triumphantis regatur, et disponatur Ecclesia Militans, ut dicitur sap 9. Dixisti me aedificare templum, et Altare secundum similitudinem sancti Tabernaculi, quod praeparasti ab initio, *Seraphicus Bonaventura, cuius Ingenii stupenda sublimitas hic praeclare elucit dissertit, quomodo triplex salvandorum status, triplici Angelorum Choro, tam publico, quam privato regimine conformetur: Et hunc triplicem statum ait designari illo Ezechielis 14.* Si fuerint in Civitate hi tres viri (scilicet Daniel, Noë, et Iob) Num liberabunt animas suas. *Daniel quidem Abstinentiae merito obtinens istam supernaturalem Intelligentiam, Typum gerit Claustralium, qui et a licitis, illicitisque abstinendo merentur desuper illuminari. Noë autem Arcam Gubernans, praelatos indicat, quibus Ecclesiae Arca a peccati Diluvio salvanda, a Deo commissa est. Verum Iob coniugatus, pietatis, et misericordiae operibus intentus, Coetum activorum, et coniugatorum designat.*

2 Of these, the first, entrusted to God by the vow of Religion, and emulating the supreme perfection and the better Charisms, are compared to the supreme choir of Angels; for these indeed pre-eminently surpass the others both in the fire of Love and in the privilege of Knowledge and in the balance of Justice.

Ex his primi, Religionis voto Deo saccati, et supremam perfectionem, ac meliora Charismata aemulantes, supremo Angelorum choro comparantur; hi etenim, et Amoris incendio, et Cognitionis privilegio, ac Iustitiae perpendiculo, caeteris praeeminent.

3 The SECOND, however, who exercise the office of Prelacy, are assimilated to the other Angelic choir; for Prelacy was instituted by God, either for the discipline and correction of morals, on account of which there is the sacerdotal dignity — to the Dominations they correspond: or for rescinding disputes and composing peace, which the judicial power serves, conformed to the Powers: or finally for coercing malice and Tyranny; and for this end the Regal, or Imperial Power was given, configured to the Potestates.

SECUNDI autem, qui Praelationis funguntur officio, alteri choro Angelico assimilantur; Praelatio enim a Deo est Instituta, vel ad morum Disciplinam, et correctionem, propter quam est dignitas sacerdotalis. Dominationibus respondent: vel ad lites rescindendas, pacemque componendam, cui inservit Iudiciaria potestas, Virtutibus conformis: vel denique ad malitiam, et Tirannidem coercendam; et hunc in finem data est Potestas Regalis, seu Imperialis, Potestatibus configurata.

4 The LAST are truly compared to the third choir; for if they are subjects and humble, they are like the principalities; if continent, like the Archangels; if finally devoted to the works of piety, they are configured to the ANGELS.

ULTIMI vero tertio choro comparantur; si enim subditi sunt et humiles, principatibus sunt similes; si continentes Archangelis; si denique operibus pietatis mancipati, ANGELIS configurantur.

5 Of the first state we must first treat briefly in certain sections.

DE primo statu prius breviter nobis quibusdam sectionibus agendum.

Section I: On the Prudence That Men Bound by Solemn Vows Claim from the First Choir of Angels

1 S. Doctor SUPPOSES here those three Hierarchical operations, to Purify, to Illuminate, and to Perfect; and by the names of Angels he proves at once private persons on account of certain excellences, and also rectors and Princes on account of their governance. Thus *Matth. 11. John* is called

an Angel; and II. Reg. 14. and 19. David is compared to an Angel. So too in Apoc. the Rectors of the Churches are called Angels.

> De Prudentia, quam viri votis sollemnibus obstricti, ex primo Angelorum choro sibi vindicent.
>
> *SUPPONIT hic S. Doct. tres illas Hierarchicas operationes, Purgare, Illuminare, et Perficere; Angelorum autem nominibus tum privatas personas ob aliquas excellentias, tum etiam rectores, et Principes ob regimen comprobat. Sic* Matth. 11. Ioannes *dicitur Angelus; et II. Reg. 14. et 19. David Angelo comparatur. Ita etiam in Apoc. Rectores Ecclesiarum Angeli dicti sunt.*

2 Therefore he first applies the supreme Hierarchy to the Religious, and to all perfect in vows.

> *Primo igitur supremam Hierarchiam Religiosis, et vitis omnibus perfectis applicat.*

3 He calls the Religious SERAPHIM, named from the divine fires of Charity, to whom he applies Heb. I. *Who maketh his angels spirits, and his ministers a flame of fire*, and Apoc. 10. *I saw an Angel, whose face was as the sun, and his feet as a pillar of fire.* And Isa. 6. *One of the Seraphim flew to me, and in his hand a live coal*, etc. Therefore thus the servants of God, kindled, ought to imitate the nature of fire: for fire is always raised upward, it consumes rust, and resolves earthly things into itself; it is moved most swiftly, it spreads itself to all things to be converted to itself.

> *SERAPHIM, a divinis incendiis Charitatis denominatos, Religiosos nominat, quibus id Heb. I. applicat.* Qui facit Angelos suos spiritus, et ministros suos flammam ignis*, et Apoc. 10.* Vidi Angelum, cuius facies ut Sol, et pedes eius, tanquam columna ignis. *Et Isa. 6.* Volavit ad me unus de Seraphim, et in manu eius calculus ignitus*, etc. Sic igitur servi Dei accensi debent ignis naturam imitari, semper enim sursum attollitur ignis, consumit rubiginem, et terrena in se resolvit, velocissime movetur, expanditur ad omnia in se convertenda.*

4 THUS the Religious, kindled with the fire of Charity, will be proved, if they ascend swiftly, despising earthly things; if they strive to resolve all things into the love of God; if they work swiftly and with speed, as it is said: Isa. 18. *Go, ye swift angels*, and Ezech. I. *Whithersoever the Spirit went, the wheels were lifted up following him, for the spirit of life*, etc.; that is, they ought to shine with the best example of Charity, for the life of the religious is the exemplar of others. Therefore Deuter. 17. *They shall receive the exemplar of the law from the priests*, and I Timot. IV. *Be thou an example of the faithful.*

> *ITA Religiosi igne Charitatis accensi probabuntur, si velociter ascendunt, terrena spernentes; si omnia in amorem Dei resolvere satagant; si velociter operentur, et celeres, ut dicitur: Isa. 18.* Ite Angeli veloces*, et Ezech. I.* Quocunque ibat Spiritus, rotae levebantur sequentes eum, spiritus enim vitae*, etc. idest Charitatis splendere debent optimo exemplo, nam religiosi vita est aliorum exemplar. Ideo Deuter. 17.* Accipient legis exemplar a sacerdotibus*, et prima Timot. IV.* Esto exemplum fidelium.

5 They ought moreover to PURIFY others, as it is said Malach. III. *He shall sit like a refiner's fire, and shall purge the sons of Levi.* Therefore the Seraphim say to Isaias: *Thy iniquity shall be taken away, and thy sin shall be purged.*

> *DEBENT autem alios purgare, ut dicitur Malach. III.* Erit quasi ignis conflans, et sedebit, et purgabit filios Levi. *Ideo Seraphim Isaia dicunt:* Auferetur iniquitas tua, et peccatum tuum purgabiur.

6 They ILLUMINATE also, Matth. V. *You are the light of the world*, Ephes. V. *Walk as children of the light in love.*

> *ILLUMINANT etiam, Matth. V.* Vos estis Lux mundi*, Ephes. V.* Ut filii lucis ambulate in dilectione.

7 FROM the Seraphim of Isa. VI. shining forth, he argues what kind of flame the religious ought to shine with, for the example of others.

> *E SERAPHIM Isa. VI. lucentibus, arguit quali flamma lucere debeant religiosi, in aliorum exemplum.*

8 FIRST they are said to have been two, whereby is expressed their dwelling together in Charity. Therefore also *the Lord sent his disciples two by two*. Lucae X. and Ecclesiasticus IV. *It is better that there be two together than one: for they have the advantage of their society.* And Genes. XIX. *Two Angels were sent into Pentapolis*. Whereby a grave precept of prudence is given, that life in the Coenobia is safer than in the solitude of the Anachoretic life.

> *PRIMO enim dicuntur fuisse duo, quo exprimitur in Charitate cohabitatio. Ideo et* Dominus binos misit discipulos. *Lucae X. et Ecclesiastici IV.* Melius est duos esse simul, quam unum: habent enim emolumentum societatis suae. *Et Genes. XIX*. Duo Angeli missi sunt in Pentapolim. *Quo grave praeceptum prudentiae datur securiorem esse vitam in Coenobiis, quam in solitudine Anacoreticha.*

9 SECONDLY, those Seraphim were not seated, but stood. Whence in Psalm. 121. *Our feet were standing in thy courts, O Jerusalem.*

> *SECUNDO Seraphim illi non sedebant, sed stabant. Unde in Psalm. 121.* Stantes erant pedes nostri in atriis tuis Hierusalem.

10 HIEREMIAE VI. *Stand upon your ways, and see, and ask which is the good way?* and Psalm. V. *In the morning I will stand before thee, and will see*, and Habac. II. *I will stand upon my watch*, and Apoc. VIII. *An Angel stood near the altar of the temple.* Therefore the unwearied raising of the intention to God is handed down in all things.

> *HIEREMIAE VI.* State super vias vestras, et videte, et interrogate, quae sit via bona? *et Psalm. V.* Mane astabo tibi, et videbo*, et Habac. II.* Super custodiam meam stabo*, et Apoc. VIII.* Angelus stetit iuxta aram templi. *Igitur impigra elevatio intentionis in Deum in omnibus traditur.*

11 Each had six wings singly, that is twelve, whereby the spiritual and corporal works of mercy are signified, and they were joined one to another, as is said Ezech. I. With these wings he ought swiftly to work for the salvation of all.

> *HABEBANT singuli sex alas, idest duodecim, quibus opera misericordiae spiritualia, et corporalia signantur, et invicem iunctae sunt, ut dicitur Ezech. I. His alis debet velox operari ad salutem omnium.*

12 With these wings they veiled their hands and their feet, by working, that they might not be seen, of which Matth. VI. *Let not thy left hand know what thy right hand doth.* Therefore he veils his head, hands, and feet, who desires neither in the beginning, nor in the end, nor in the middle to be praised for his works.

> *HIs alis velabant manus, et pedes, operando, ut non videantur, de quibus Matth. VI.* Nesciat sinistra tua, quid faciat dextera tua. *Caput igitur, manus, et pedes velant, qui nec in principio, nec in fine, nec in medio laudari appetunt de operibus suis.*

13 THESE flew, because the religious ought always to be borne higher into God. Whence Psalm. 54. *Who will give me wings*, etc. Therefore with the multiplied motion of spiritual wings, they ought assiduously by contemplation and action to ascend on high, never languishing, nor ever idling.

HI volabant, quia religiosi semper altius in Deum ferri debent. Unde Psalm. 54. Quis dabit mihi pennas*, etc. Igitur multiplicato alarum spiritualium motu, debent assidue contemplatione, et actione in altum ascendere, nunquam torpendo, nunquamve otiando.*

14 THESE cried: HOLY, HOLY, HOLY, *one to the other*, because in the Divine praises they are held to cry out perpetually. Thrice they pray, that they may be rightly instructed, promoted, and brought to salvation. Therefore Ioan. XVII. *Sanctify them in truth, that they themselves may be sanctified, and consummated in one*, etc.

HI clamabant: SANCTUS, SANCTUS, SANCTUS, alter ad alterum*, quia in Divinis laudibus tenentur perpetuo inclamare. Ter autem orant, ut recte instituantur, promoveantur, et perducantur ad salutem. Ideo Ioan. XVII.* Sanctifica eos in veritate, ut ipsi sanctificati sint, et consummati in unum*, etc.*

15 WHEN indeed the lips of Isaias, defiled, were purged with a burning coal, and it kindled him, that he might offer himself for the divine missions, it expresses that the religious, most pure in themselves, are held bound to purify others with holy fire, to illuminate, and to kindle them unto works of salvation; thus Moses Num. XI. purged Mary the leper by prayers in a figure, and S. Job his friends, Iob in the last chapter.

QUOD vero labia Isaiae polluta calculo purgatint ignito, atque ipsum accenderint, ut se ad divinas missiones exhiberet, exprimit, religiosos in se purissimos, teneri ad alios igne sancto purgandos, illuminandos, et accendendos ad opera salutis; sic Moyses Num. XI. Mariam leprosam orationibus umbratice purgavit et S. Iob amicos suos Iob. ultimo.

16 There FOLLOWS the order of the Cherubim from the wisdom, with which religious men are held to be endowed and to illuminate others. Now this wisdom is practical, or prudence, as the holy Doctor advertises, Lib. I. cap. 3., which is not worldly wisdom, of which Lucae XVI. *The children of this world are more prudent than the children of the light*, which is in the avaricious; nor ought it to be the prudence of the flesh, which is death, as is said Rom. VIII., and it is in the voluptuous, because this wisdom *is not found in the land of them that live sweetly*, Iob 28.; nor ought it to be diabolical, of which Isa. V. *Woe to you that are wise in your own eyes*, etc. Therefore recourse must be had to the wisdom that is from above, which is chaste, peaceable, etc.

SEQUITUR ordo Cherubim a sapientia, qua viri religiosi esse praediti tenentur et alios illustrare. Haec autem sapientia est practica, seu prudentia, ut advertit S. Doctor Lib. I. cap. 3. quae non est mundana, de qua Lucae XVI. Filii huius saeculi prudentiores filiis lucis sunt*, quae est in avaris; neque debet esse prudentia carnis, quae mors est, ut dicitur Rom. VIII. et est in voluptuosis, quia haec,* non invenitur in terra suaviter viventium*, Iob 28. neque debet esse diabolica, de qua Isa. V.* Vae qui sapientes estis in oculis vestris*, etc. Ideoad sapientiam, quae desursum est recurrendum, quae est pudica, pacifica, etc.*

17 Now TWO Cherubim of gold are indicated Exodi 25., because there must be in them a twofold wisdom, and prudence. One of the things to be done concerning themselves and their neighbor: the other of the things to be done concerning God; and both golden, that is of Charity. Therefore gold most pure is given for the Cherubim, primo Paral. 28., which signifies the purity of conscience, from which it follows that they see God, which is beatitude, given to the clean of heart. Then indeed it follows that, radiated with divine light, they see most clearly (as the holy Doctor says). Therefore the Cherubim Ezech. I. and Apoc. IV. were full of eyes before and behind, because men compared to the Angels, the Cherubim, by the grace of circumspection, and the gift of providence, which are parts of

prudence, see gilded on every side, they provide, and each keeps watch over the perils of the other. Whence also the Cherubim looked upon one another above the Propitiatory.

> *DVO autem Cherubim aurei indicuntur Exodi 25. quia debet eis inesse duplex sapientia, et prudentia. Altera agendorum circa se, et proximum: Altera agendorum circa Deum, et utraque aurea e Charitate. Ideo aurum purissimum datur ad Cherubim, primo Paral. 28. quod puritatem significat conscientiae, ex qua sequitur, eos videre Deum, quae est beatitudo, mundis corde data. Deinde vero sequitur, ut divina luce radiati videant clarissime (ut ait S. Doctor) Ideo Cherubim Ezech. I. et Apoc. IV. erant oculis pleni ante, et retro, quia viri Angelis Cherubim comparati circumspectionis gratia, et providentiae dono, quae sunt partes prudentiae, dorati undique vident, provident, et alter ad alterius pericula invigilat. Unde et Cherubim se mutuo respiciebant in Propitiatorio.*

18 THESE are raised up into God with holy quiet. Therefore God dwells in them, *who sitteth over the Cherubim*; and these also draw others. Therefore Ezech. X. *when the Cherubim were lifted up, the others also were lifted up*; for upon the holiness of the religious hangs also the salvation of seculars. Therefore Iudith, cap. 8., says: *and now, brethren, since you are the priests in the people of God, upon you depends their soul.*

> *HI sancta quiete in Deum elevantur Ideo in eis residet Deus,* qui sedet super Cherubim*; et hi trahunt etiam alios. Ideo Ezech. X.* dum levarentur Cherubim, caetera etiam elevabantur*; ex sanctitate enim religiosorum, pendet et saecularium salus. Ideo Iudith, cap. 8. ait:* et nunc fratres, quoniam vos estis praesbyteri in populo Dei, et ex vobis pendet anima illorum.

19 THESE are the interpreters of God; therefore in a figure from the propitiatory, between the two Cherubim, the voice of God went forth, Num. VII. and Ezech. I.: *The sound of the wings of the Cherubim was as the voice of God.*

> *HI sunt interpretes Dei, ideo umbratice e propitiatorio inter duos Cherubim egrediebatur vox Dei, Num. VII. et Ezech. I:* Sonus alarum Cherubim erat sicut vox Dei.

20 THESE ought to keep the way of the tree of life, and to show it with the flaming sword, as is said Genes. III., and to cry out to all that word of Hierem. VI. *This is the way, walk ye in it.*

> *HI debent viam ligni vitae custodire, et flammeo gladio ostendere, ut dicitur. Genes. III. omnibusque clamare illud Hierem. VI.* Haec est via, ambulate in ea.

21 The THIRD order is that of the Thrones, in which Divine Justice dwells, Psalm. IX. *Thou sittest upon the throne, who judgest justice.*

> *TERTIUS ordo est Thronorum, in quibus residet Iustitia Divina, Psalm. IX.* Sedes super Thronum, qui iudicas iustitiam.

22 God dwells upon the humble, as Isa. 66. says, and Dan. VII. *His throne is a flame of fire.* These are the Religious, as Origenes expounds there: *For as the Thrones are the seats of God, compacted and joined into one, as D. Hieronymus says, cap. 7. de coelesti Hierarchia; so the religious, compacted into one place of quiet, are the Thrones of the Most High:* These are the ivory Thrones, shadowed forth in the Throne of Solomon, of which II. Paral. IX. III. Reg. X. and Cant. II., the symbol of chastity, in which God rests, who feeds among the lilies: Therefore he rested in the womb of the B. Virgin, which is called ivory, Cant. V.

> *RESIDET Deus super humiles, ut ait Isa. 66. et Dan. VII.* Thronus eius flamma Ignis. *Hi sunt Religiosi, ut exponit ibi Origenes:* Sicut enim Throni sunt sedes Dei, in unum compactae, atque coniunctae, ut ait D. Hieronymus cap. 7. de coelesti Hierarchia; Ita religiosi, in unum compacti quietis locum, sunt Throni Altissimi: *Hi sunt Throni eburnei, adumbrati in Throno Salomonis, de quo II. Paral. IX. III. Reg. X. et Cant. II.*

Simbolum pudicitiae, in quo Deus requiescit, qui pascitur inter lilia: Ideo in ventre B. Virginis requievit, qui dicitur eburneus Cant. V.

23 They ought to be Thrones of Sapphire, of which Ezech. I.

DEBENT esse Throni e Sapphito, de quo Ezech. I.

24 Ezech. I. *The likeness of the Throne was as the appearance of a Sapphire.* Now the Sapphire is a gem of heavenly color, starred, which signifies heavenly conversation. In the Sapphire the Law of Moses was written by God: so the religious are raised up from earthly things by poverty. To them it is said Isa. LVIII. *I will lift thee up above the height of the earth, and I will feed thee with the inheritance of Jacob thy father, etc.*

Ezech. I. Similitudo Throni quasi aspectus Sapphiri. *Est autem Sapphirus gemma coloris coelestis stellata, quae significat coelestem conversationem. In Sapphiro, scripta fuit a Deo Lex Moysi: Ita religiosi a rebus terrenis per paupertatem elevantur. His dicitur Isa. LVIII.* Sustollam te super altitudinem terrae, et cibabo te haereditate Iacob Patris tui, etc.

25 See the holy Doctor there, wonderfully eloquent, on how he becomes the best of religious who shall have drawn these lessons from things above.

Vide S. Doctorem ibi mira eloquentem, quomodo optimus ille evadat religiosus, qui haec documenta e supernis hauserit.

Section II: On the Government of the Prelates of the Church, Likened to the First Choir of the Second Hierarchy, the Dominations

1 The S. Doctor compares the Dominations to Pontiffs and other Prelates of the Church.

Dominationes Pontificibus, aliisque Ecclesiae Praelatis S. Doctor comparat.

2 Now they are called Dominations because, as S. Isidorus says, Lib. VII. Ethymol. cap. V., dominating over the inferior Angels, they instruct and inform them how in the office of prelacy they ought to recall their subjects to the Deiform likeness, and, without tyranny, liberally to order the deeds of their subjects. Whence S. Dionysius, de coelesti Hierarchia, cap. VIII.: *The naming of the Dominations declares an absolute and free Anagogy, bearing itself liberally without any tyrannical servitude, and removed from all ignominious subjection.* As if to say: *As by Anagogy, that is, by universal excellence over the other Angels, they are raised up without subjection; so by no tyranny are they inclined to the depression of others. Of whose domination is both liberal and severe: liberal in benignity; severe in power; and this properly befits Prelates, who singly dominate in spiritual things; as Priests and Bishops, who are accounted worthier than others in the spiritual office.* Such is the word of the S. Doctor.

Dicuntur autem Dominationes, quia, ut ait S. Isidorus Lib. VII. Ethymol. cap. V. inferioribus Angelis dominantes, eos instruunt, et informant qualiter in praelationis officio debeant subditos ad Deiformem similitudinem revocare, et sine tyrannide subditorum facta liberaliter ordinare. Unde S. Dionysius de coelesti Hierarchia, cap. VIII. Nominatio Dominationum absolutam, et liberam Anagogen absque ulla tyrannica servitute liberaliter ferentem, et ab omni subiectione ignominiosa remotam declarat. *Quasi dicat:* Sicut per Anagogen, idest, per excellentiam universalem super alios Angelos, sine subiectione elevantur; ita per nullam tyrannidem ad depressionem aliorum inclinantur. Quorum dominatio, et liberalis est, et severa: liberalis in benignitate; severa in potestate, et hoc proprie convenit Praelatis, qui in spiritualibus singulariter dominantur; sicut Sacerdotes, et Episcopi, qui in spirituali officio reputantur aliis digniores. *Haec S. Doctor.*

[3] Therefore they are called Dominations, who preside purely in spiritual things; because true dominion is obtained, when vices are overcome, and virtuous works dominate in the kingdom of the soul, or of the Church. But evils cannot be extirpated, so that goods may effectively dominate, except through the ministry of prelates, to whom authority has been conferred from heaven, that through their office and the Ministries of the Sacraments vices may be done away, and morals corrected in men, and thus the minds of subjects be reformed by the discipline of morals to the Deiform likeness. And therefore in Prelates of souls is the authority of such a Domination left by the Lord, that, with them cooperating, the servitude of sin may be banished, and the true liberty of the Spirit may dominate through their ministry. Whence it is said Sap. IX. *In thy wisdom thou hast constituted man, that he may have dominion over thy creature, which was made by thee, that he may dispose the circle of the earth in equity, and direction of heart, and justice.*

> *Dicuntur igitur illi, qui praesunt pure in spiritualibus, Dominationes; quia verum dominium obtinetur, quando superantur vitia, ac virtuosa opera in regno animae, sive Ecclesiae dominantur. Non autem possunt extirpari mala, ut bona efficaciter dominentur, nisi per praelatorum ministerium, quibus coelitus collata est auctoritas, ut per ipsorum officium, et Sacramentorum Ministeria evacuentur vitia, et mores in hominibus corrigantur, et sic subditorum mentes per morum disciplinam ad Deiformem similitudinem reformentur. Et ideo apud Praelatos animarum istiusmodi Dominationis auctoritas est a Domino relicta, ut ipsis cooperantibus peccati servitus exulet, et vera libertas Spiritus per eorum ministerium dominetur. Unde dicitur Sap. IX.* In sapientia tua constituisti hominem, ut dominaretur creaturae tuae, quae a te facta est, ut disponat orbem terrae in aequitate, et directione cordis, et iustitia.

[4] Let them recognize therefore (says the S. Doctor) the Pontiffs of Christ and the Priests, that from the Dominator of the whole earth they have received supreme Dominion, and from the days of the ages utterly unheard of not only by men but by Angelic spirits, because, as Bernardus says in his *sermone de coena Domini*, it is nowhere read as attributed to Kings or Princes, to make the glorious and most holy body of Christ, offering it to God. This gift has been granted to Prelates not for extorting base gain, nor for boasting, or oppressing subjects; but rather for reducing subjects to the state of true liberty through the ministry of Priests; and this Zachar. VI. says: *He shall sit, and shall rule, and shall be a priest upon his throne, and there shall be a counsel of peace between them, and the crowns shall be memorials in the temple of the Lord.*

> *Recognoscant igitur (ait S. Doctor.) Pontifices Christi, ac Sacerdotes, quod a Dominatore universae terrae receperunt supremum Dominium, et a diebus saeculi non solum hominibus, sed et Angelicis spiritibus penitus inauditum, quia ut dicit Bernardus* sermone de coena Domini, *nec Regibus, nec Principibus legitur attributum, ut conficiant gloriosum, ac Sanctissimum Christi corpus, illud offerentes Deo. Istud donum concessum est Praelatis non ad turpem quaestum extorquendum, neque ad superbiendum, vel subditos opprimendos; sed potius ad verae libertatis statum per Sacerdotum ministerium reducendum, et hoc dicit Zachar. VI.* Sedebit, et dominabitur, et erit Sacerdos in solio suo, et erit consilium pacis inter eos, et erunt coronae memoriales in templo Domini.

[5] Therefore the Priests of Christ are so called, not that they should bear themselves as dominating in their chapters unto pride, but that they should show themselves in heart and deed a pattern to the flock, *prima Petri V.*, and unto the likeness of the Angels promote their subjects by word and example.

> *Dicuntur igitur Christi Sacerdotes, non ut tanquam dominantes in cleris se gerant ad superbiam, sed ut formam gregi ex animo sese ostendant,* prima Petri V. *et ad Angelorum conformitatem verbo, et exempla promoveant subditos.*

[6] Therefore the Prelates of the Church are compared to the Dominations. First, because, as these are subject to the dignity of no earthly domination, as S. Dionysius says, *de coelesti Hierar. cap. VIII.*: so

Ecclesiastics have pre-eminence over Laymen, nor are they subjected to any of their laws pressing against Ecclesiastical immunity. Whence there is said to them the same Deuter. XV. *Thou shalt have dominion over every nation, and none shall have dominion over thee.*

> *Igitur Praelati Ecclesiae Dominationibus comparantur. Primo quia, sicut illae nullius terrestris dominationis dignitati subditae sunt, ut ait S. Dionysius de* coelesti Hierar. cap. VIII.*: ita Ecclesiastici Laicis praeeminent, nec ullis eorum legibus, contra Ecclesiasticam immunitatem urgentibus, subduntur. Unde eis dicitur id Deuter. XV.* Dominaberis omni nationi, et nullus tibi dominabitur.

7 Next, because, as the heavenly Dominations exercise no tyrannical or heavy power over the subject Angels, but simply condescend to them; so ought the life of clerics to be.

> *Deinde quia, sicuti coelestes Dominationes nullam in subditos Angelos tyrannicam, vel gravem exercent potestatem, sed simpliciter eis condescendunt; ita debet talis esse clericorum vita.*

8 Thirdly, because, as the Dominations are called by S. Dionysius in the place cited *onward and higher*, because converted in their own order they convert other inferiors, and perfect in themselves they perfect and illuminate others; so those who preside should allure by word and example; and he who hears, let him say: Come, Apoc. in the last chapter; and let it be as Ecclesiasticus X.: *Such as is the Lord, or ruler of the city, such are they that dwell in it.*

> *Tertio quia, sicuti Dominationes vocantur a S. Dionysio loco citato* sursum altius, quia conversi ex suo ordine alios inferiores convertunt, et perfecti in se, alios perficiunt, et illuminant; sic illi, qui praesunt verbo, et exemplo alliciant; et qui audit, dicat: Veni, Apoc. ultimo, et fiat id Ecclesiastici X. Qualis est Dominus, vel rector civitatis, tales sunt, qui habitant in ea.

9 Fourthly, because, as the Angelic Dominations are called Liberal with severity; so Ecclesiastical Prelates, liberal and benign toward the humble, severe toward the proud and rebellious, punishing them with censures. Thus the Apostle admonishes Bishops, Timotheum, and Titum, that they do so: *Reprove, beseech, etc.*

> *Quarto quia, sicut Dominationes Angelicae dicuntur Liberales cum severitate; Ita Praelati Ecclesiastici liberales, et benigni circa humiles, severi circa superbos, et rebelles, censuris eos puniendo. Sic monet Apostolus Episcopos, Timotheum, et Titum, ut faciant:* Increpa, obsecra, etc.

10 Fifthly, because, as the Angelic Dominations are set apart with a great dissimilitude of perfection, because nothing unseemly of divine likeness is found in them; so Ecclesiastics should have pre-eminence from sinners with a great disparity of life, lest there be said to them the word Rom. II. *Thou that preachest that men should not steal, dost thou steal?* Or that of Isaia VIII. *Hear ye deceivers, who rule over my people.*

> *Quinto quia, sicuti Dominationes Angelicae sunt magna perfectionis dissimilitudine segregatae, quia nihil indecens divinam similitudinem in illis reperitur; Ita Ecclesiastici magna vitae disparitate a peccatoribus praeemineant, ne illis dicatur id Rom. II.* Qui praedicas non furandum, furaris. *Vel id Isaia VIII.* Audite illusores, qui dominamini super populum meum.

11 Sixthly, because as the Dominations of the Angels are so called because they dominate most powerfully even over themselves, as S. Dionysius says *loco cit.*, so those dominating in the Church ought to dominate their own passions, that even as Melchisedech, without father, without mother,

without genealogy, they acknowledge not even their dear ones, where the duty of their office must be fulfilled.

> *Sexto, quia sicuti Dominationes Angelorum dicuntur, quia hi dominantur potentissime etiam sibi ipsis, ut ait S. Dionysius* loco cit. *sic dominantes in Ecclesia debent suis dominari passionibus, ut veluti Melchisedech sine patre, sine matre, sine Genealogia, etiam charos non agnoscant, ubi ratio sui officii est adimplenda.*

12 Seventhly, because as the Angels are called Dominations because they hold a good and stable immutability of affection in God, so that nothing appearing to them may dominate, but they be perpetually converted to the true immutable Being: so also Ecclesiastics should so stand in God as not to be converted to vanities and follies, as Tobias says cap. IV. *Never suffer pride to rule in thy sense.*

> *Septimo quia, sicuti Angeli Dominationes dicuntur, quia bonam, et stabilem affectus immutabilitatem tenent in Deo, ita ut nihil eis apparens dominetur, sed ad verum Ens incommutabile sint perpetuo conversi: Sic et Ecclesiastici ita in Deo stent, ut ad vanitates, et insanias non convertantur, ut ait Tobias cap. IV.* Nunquam in tuo sensu superbiam dominari permittas.

13 Therefore thus the Ecclesiastics purge, illuminate, and perfect all inferiors, that they may not be purged by them, etc. For as the Spirit has pre-eminence over the body and excels it, so the Spiritual power over the corporal. Whence it rightly receives the name of Domination. Whence the Regal power is subject to the spiritual Domination. Therefore Petrus, prima cap. II. *You are a Regal Priesthood, a holy nation.* For the temporal kingdom, as a certain thing adjoined, is subject to the Priesthood in the new testament; albeit in the old testament the Priesthood of temporal promises, being but a figure, seems to be adjoined to the regal power, Exodi 19. *a regal Priesthood*, as the S. Doctor says with D. Hieronym., lib. 1. *cont. Pelag.*, and epist. *ad Dardan.*, August., quaest. 33. *in Num.*, and lib. 19. *cont. Faust. cap.* 31. Although it is adjoined there also as adding the dignity and virtue necessary to the superior Order; for without Religion kingdoms fall. Hence 27. *Num.* God commands even the Prince Josue to depend on the Pontiff, and *Lev.* 4. a higher Sacrifice is exacted for the Priest than for the King: as seems to be Philo lib. *de victoria*, Theodoretus quaest. 1. *in Levit.*, Procop. *in cap.* 4. *Levit.* But if it be objected that Abiathar the Pontiff was deposed by Salomon; say with S. Bonav., according to the former Doctrine, that the case is unlike: or that it was done *by the word of the Lord, as is said* 3. *Reg.* 2. See on this matter at large the Seraphic Doctor, *cap.* 1. *de ecclesiast. Hierarchia, part.* 2., near the end.

> *Sic igitur Ecclesiastici omnes inferiores, purgant, illuminant, et perficiunt, ut ab eis nec purgentur, etc. Sicut enim Spiritus praeest corpori, eique praecellit; sic Spiritualis potestas corporali. Unde bene sortitur nomen Dominationis. Unde Regalis potestas spirituali subest Dominationi. Ideo Petrus prima cap. II.* Vos estis Regale Sacerdotium, gens sancta. *Nam temporale regnum, velut quoddam adiectum subiacet Sacerdotio in novo testamento; tametsi in veteri testamento Sacerdotium temporalium promissionum umbraticum, regiae potestati adiectivum videatur apponi, Exodi 19.* regnum Sacerdotale*, ut ait S. Doctor cum D. Hieronym. lib. 1.* cont. Pelag. *et epist.* ad Dardan. August. quaest. *33.* in Num. et lib. *19.* cont. Faust. cap. *31. Quamvis adiectivum apponatur ibi etiam, ut adiiciens dignitatem, et virtutem necessariam Ordinis superioris; nam sine Religione regna corruunt. Hinc 27.* Num. *iubet Deus, Principem etiam Iosue a Pontifice pendere, et* Lev. *4. exigitur altius Sacrificium pro Sacerdote, quam pro Rege: ut videtur Philo lib.* de victoria Theodoretus quaest. *1.* in Levit. *Procop.* in cap. *4.* Levit. *Quod si Abiathar Pontifex a Salomone depositus opponatur; dic cum S. Bonav. iuxta priorem Doctrinam, disparem esse rationem: Vel, id factum,* iuxta verbum Domini, ut dicitur *3.* Reg. *2. Vide de hac re fuse Seraphicum* cap. *1.* de ecclesiast. Hierarchia, part. 2. *prope finem.*

14 Now truly, that Pontiffs may be able to be free for God, and at the same time raise and reform the vast multitude of the people to the Deiform likeness, they ought to take others into a share of the solicitude. Therefore also Iethro advised Moses, Exodi 18.: *The business is above thy strength; thou alone canst not sustain it, etc. Be thou to the people in those things that pertain to God, to refer what is said to him: and show thou to the people the ceremonies and the rite of worshipping God, and the way by which they must walk, and the work they must do. Provide therefore able men, and fearing God, in whom there is truth, and who hate avarice, and appoint of them Tribunes, who may judge the people at all times, and it shall be lighter for thee, the burden being divided among others:* And such are the Decani, Praepositi, Archidiaconi, and Iudices, whether ordinary or delegated, who soothe lawsuits and strive to recall men to concord. And such are compared to the heavenly Powers and Virtues, as I shall say at once *sect. seqq*.

> *ENIM vero ut Pontifices etiam Deo valeant vacare, simulque populum ingentem ad Deiformem similitudinem elevare, atque reformare, debent alios in partem sollicitudinis assumere. Ideo et Iethro Moysi suasit, Exodi 18*. Ultra vires tuas est negotium, solus illud sustinere non poteris, etc. Esto tu populo in his, quae ad Deum pertinent, ut referas, quae dicuntur ad eum: ostendasque populo ceremonias, et ritum colendi Deum, viamque, per quam ingredi debeant, et opus quod facere debeant. Provide ergo viros potentes, et timentes Deum, in quibus sit veritas, et qui oderint auaritiam, et constitue ex eis Tribunos, qui iudicent populum in omni tempore, leviusque sit tibi, partito in alios onere: *Et tales sunt Decani, Praepositi, Archidiaconi, et Iudices, sive ordinarii, sive delegati, qui lites sopiunt, et ad concordiam satagunt revocare. Et tales Potestatibus, et Virtutibus caelestibus comparantur, ut statim dicam* sect. seqq.

Section III: On the Prudence of Judges, Compared with the Virtues, from the Second Order of the Second Hierarchy

1 The ANGELS are called Virtues on account of their firm and immutable virility for the reception of divine illuminations, as S. Dionysius says *cap*. 8. *de caelesti Hierarchia*, in no wise infirm, but virilely reduced to the imitation of God, not forsaking the Deiform manner of life, but firmly bearing it toward the supersubstantial and potentific virtue proceeding deiformly.

> *ANGELI Virtutes dicuntur propter firmam, et immutabilem virilitatem ad susceptionem divinarum illuminationum, ut ait S. Dionysius* cap. *8*. de caelesti Hierarchia*, nullatenus infirmam, sed viriliter in Dei imitationem reductam, Deiformem morum non derelinquentem, sed firmiter ferentem in supersubstantialem, et potentificam virtutem deiformiter provenientem.*

2 The VIRTUES are especially commended for the zealous defence of Justice, for the imitation of Divine wisdom, for the prompt determination of the cause of the poor, for the constant flight from Avarice and gifts, and lastly for the vigorous liberation of the oppressed.

> *VIRTUTES praecipue commendantur ob Impensam Iustitiae defensionem, ob Divinae sapientiae imitationem, ob expeditam causae pauperum determinationem, ob Avaritiae, munerumque constantem fugam, ob strenuam denique oppressorum liberationem.*

3 LET these things be directed to those who exercise judicial power; for without these, Justice is easily perverted in giving judgments; for those who violate Justice, how can they administer it to others? Those who do not devote themselves to the pursuits of divine wisdom will in no wise be able to set forth the Judgments of God; nor can those who indulge the Rich bestow equity upon the poor, etc.

HAEC ad illos, qui Iudiciaria funguntur potestate, dirigantur; absque his enim in iudiciis ferendis Iustitia facile pervertitur; nam qui Iustitiam violant, quomodo aliis eam possunt administrare; Qui divinae sapientiae studiis non vacant, Dei nullatenus Iudicia poterunt proferre; nec, qui Divitibus indulgent, pauperibus aequitatem valent impendere, etc.

4 BUT since these things pertain not so much to the prudence of Judges as to the unblemished equity of Judgments, therefore I defer them to the next disputation, where I shall treat of Justice.

VERUM cum haec non tam ad Iudicum spectent prudentiam, quam ad intemeratam Iudiciorum aequitatem, ideo in proximam disputationem, ubi de Iustitia egero, ea remitto.

Section IV: On the Government of Princes, Likened to the Powers

1 HERE there would be question of the government of Princes, on which D. Thomas interweaves a prolix little work, which is the twentieth.

HIC agendum esset de regimine Principum, de quo prolixum opusculum, quod est vigesimum, intexit D. Thomas.

2 REPEAT moreover the subjective parts of prudence, numbered above.

REPETE autem partes subiectivas prudentiae, supra numeratas.

3 Aristotle indeed asserts, 3. *Eth. cap.* 3., that Prudence is the proper virtue of the Prince. The reason is, because to prudence belongs to govern and to command; and therefore where the special character of government and of command is found in human acts, there also the special character of prudence is found. Now it is manifest that in him who not only governs himself, but also a perfect community, or a kingdom, there is found the perfect character of government. For the more universal a government is, extending itself to more things and attaining a further end, the more perfect it is; and therefore to the King, to whom it belongs to govern a city or a kingdom, prudence belongs by a special character, and indeed the most perfect one.

Ponit vero Aristoteles 3. Eth. cap. *3. Prudentiam esse propriam virtutem Principis. Ratio est, quia ad prudentiam spectat regere, et praecipere; et ideo ubi invenitur specialis ratio regiminis, et praecepti in humanis actibus, ibi etiam invenitur specialis ratio prudentiae. Manifestum est autem in eo, qui non solum seipsum regit, sed etiam communitatem perfectam, vel regnum, inveniri perfectam rationem regiminis. Tanto enim regimen perfectius est, quanto universalius est, ad plura se extendens, et ulteriorem finem attingens; ideoque Regi, ad quem pertinet regere civitatem, vel regnum, prudentia competit speciali ratione, et quidem perfectissima.*

4 To this there corresponds the Political prudence in subjects, that they be moved and governed; for since they are not governed and moved in the manner of irrational creatures — nay, they move themselves by free will — therefore there is required in them a certain rectitude of government, by which they direct themselves to obeying those who rule; and to this pertains that species of prudence which is called Political, as D. Thomas says *in article* 3.

Huic respondet Politica in subditis, ut moveantur, atque regantur; sed enim quia non reguntur, et moventur ad modum irrationalium, imo seipsos movent per liberum arbitrium; ideo requiritur in eis quaedam rectitudo regiminis, per quam seipsos dirigant ad obediendum principantibus, et ad hoc pertinet species prudentiae, quae Politica vocatur, ut ait D. Thomas articulo *3.*

5 FROM these however differs another prudence, which is called Oeconomical, and is midway between the prudence of princes and of individual persons; for it is ordered to the government of the

household, which is a part of the city.

> *AB his autem differt alia prudentia, quae dicitur Oeconomica, et est media inter prudentiam principum, et singularum personarum; nam ordinatur ad regimen domus, quae est pars civitatis.*

6 THAT however I may come nearer: the fourth subjective species of governing Prudence is the Military, as is intimated *Proverb.* 24. The reason is, because things done according to art and reason ought to be conformable to those that are according to nature, which were instituted by the divine reason. Now nature tends to two things. First indeed to governing each thing in itself; second truly to resisting external assailants and corruptive agents. Wherefore it gave to animals not only the concupiscible power, by which they are moved to those things that are accommodated to their salvation, but also the irascible power, by which the animal resists assaults. Wherefore also in those things that are according to reason there must be not only Political prudence, by which those things are ordered that pertain to the common good, but also Military prudence, by which the assaults of enemies are repelled.

> *UT autem propius accedam, quarta species subiectiva Prudentiae gubernativae est Militaris, ut innuitur* Proverb. *24. Ratio est, quia ea, quae secundum artem, et rationem aguntur, debent esse conformia his, quae sunt secundum naturam, quae a ratione divina sunt instituta: Natura autem ad duo tendit. Primo quidem ad regendam unamquamque rem in se ipsa: Secundo vero ad resistendum extrinsecis impugnantibus, et corruptivis. Propter quod non dedit animalibus solum vim concupiscibilem, per quam moveantur ad ea, quae sunt saluti eorum accomoda; sed etiam vim irascibilem, per quam animal resistit impugnationibus. Quare, et in his, quae sunt secundum rationem, non solum oportet esse prudentiam Politicam, per quam disponantur ea, quae pertinent ad bonum commune, sed etiam Militarem, per quam hostium insultus repellantur.*

7 BOTH indeed shine forth in the celestial Potestates, as D. Bonavent. teaches; for they are ordered both to governing the inferiors subordinated to the Dominations, and especially to blunting the assaults of the infernal enemies, as St. Dionysius teaches *de caelesti Hierarchia, cit.* whence he defines the celestial Potestates thus, in the Seraphic Doctor.

> *UTRAQUE vero in caelestibus Potestatibus elucet, ut docet D. Bonavent. nam et ad regendos inferiores subordinate Dominationibus ordinatae sunt, et praecipue ad insultus hostium infernorum retundendos, ut docet S. Dionysius* de caelesti Hierarchia, cit. *unde caelestes definit Potestates apud Seraphicum sic.*

8 THE designation of the holy Potestates teaches a powerful, and well-adorned, and undistorted ordination with regard to divine receptions, not precipitating the inferior things tyrannically by sheer command, but mightily reducing them to the divine; and assimilating them, as far as is lawful, to the potent causal power; and converting the inferior things to God, who is the prince of all power, according to the hierarchical disposition, making the divine and luminous power resplendent in the inferior things. Whence the Angels of that order restrain and check all who impede the hierarchical ordination of prelation and subjection. Whence they do not permit the power of prelation to be contemned by subjects, and they do not allow subjects to be oppressed by violence by iniquitous lords; nay, they meet every injury of these and of those most powerfully, and resist it.

> *SANCTARUM Potestatum cognominatio docet potentem, et bene ornatam, et inconfusam circa divinas susceptiones ordinationem, non tyrannice inferiora potestative praecipitantem, sed potenter in divina reducentem; et ad potentificam causalem potentiam, quantum fas est, assimilantem, et ad Deum, qui princeps est omnis potestatis, secundum hierarchicam dispositionem, inferiora convertentem, divinam, et lucentem potentiam in inferioribus resplendere*

facientem. Unde Angeli illius ordinis refraenant, et coercent omnes, hierarchicam praelationis, et subiectionis ordinationem impedientes. Unde praelationis potestatem a subditis contemni non permittunt, et subditos per violentiam ab iniquis dominis opprimi non sinunt, imo omni iniuriae istorum, et illorum obviant potentissime, et resistunt.

9 ¶ NOW Princes and Kings ought to contemplate the holy and celestial potestates, namely that they rule wisely, live in an orderly manner, and mightily repress and vindicate evil, spare the innocent, and not permit injury to be done to wretched persons; so that they also do not grow proud of the power they have received, but rather condescend to the humble.

¶ *Iam Principes, et Reges debent sanctas, et coelestes intueri potestates, scilicet ut sapienter regant, ordinate vivant, et potenter malum reprimant, et vindicent, innocentibus parcant, et iniuriam fieri miseris personis non permittant, ut etiam de suscepta potestate non superbiant, sed potius humilibus condescendant.*

10 ¶ THEREFORE secular Power will be well ordered, disposed in the similitude of the celestial potestates, if those placed in power be wise, that is, proceeding in each matter not according to the impulse of will, but according to the helm of reason, as is said Proverb. 1. *The wise man, hearing, will be wiser, and the understanding man will possess governments.* Hence Solomon at the beginning of his reign asked for wisdom, saying 3. Reg. 3. *Thou, O God, hast made me to reign in place of my father, and I am a little child, ignorant of my going out and my coming in. Give therefore to thy servant an understanding heart, that he may be able to judge thy people, and discern between good and evil.* For as in spiritual jurisdiction, so neither in temporal ought anything to be done without wisdom and discretion. Hence it is commanded Deuter. 17. *When the King shall sit on the throne of his kingdom, he shall cause the Deuteronomy to be written out for himself, etc.* Hence men of advanced age, and old men, were wont to be chosen as Princes and as kings, because wisdom is found not in children, but in the aged, who compose many experiences from the memory of things past, whence prudence is perfected, as I said. Hence Roboam lost the kingdom 3. *Reg.* 12. because, having left the counsel of the elders, he yielded to the counsel of the young. Wherefore it is said Eccles. 10. *Woe to thee, O land, whose king is a child.*

¶ *Ordinata igitur erit Potestas saecularis, secundum similitudinem coelestium potestatum disposita, si in potestate constituti fuerint sapientes, idest non secundum voluntatis impetum, sed secundum rationis gubernaculum in singulis procedentes, ut dicitur Proverb. 1.* Audiens sapiens, sapientior erit, et intelligens gubernacula possidebit. *Ideo Salomon initio regni petiit sapientiam, dicens 3. Reg. 3.* Deus tu me fecisti regnare pro patre meo, et ego sum puer parvulus, ignorans egressum, et introitum meum. Da ergo servo tuo cor docile, ut possit iudicare populum tuum, et discernere inter bonum, et malum. *Sicut enim in spirituali iurisdictione, sic nec in temporali, sine sapientia, et discretione est agendum. Ideo praecipitur Deuter. 17.* Cum sederit Rex in solio regni sui, faciet sibi describere Deuteronomium, etc. *Ideo provectae aetatis homines, et senes solebant eligi in Principes, et in reges, quia non in pueris, sed in antiquis sapientia reperitur, qui multa experimenta ex memoria praeteritorum componunt, unde prudentia integratur, ut dixi. Hinc Roboam perdidit regnum 3.* Reg. *12. quia relicto consilio seniorum, iuvenum consilio acquievit. Quare dicitur Eccles. 10.* Vae terrae, cuius Rex est puer.

11 ¶ THEN they will be like the celestial potestates if, adorned in morals, they show to subjects a good and innocent life. For nothing profits to be clothed in purple, to be marked with the diadem, to shine with glittering gems, and to be sordid in disordered morals; hence the Potestates are said to have received from the Lord a well-ordered and undistorted power. For as the Poet says:

¶ *Deinde similes erunt potestatibus coelestibus, si ornati moribus vitam bonam, et innocentem subditis ostendant. Nihil enim prodest vestiri purpura, diademate insigniri, gemmis lucentibus splendere, et moribus incompositis sordescere, itaque dicuntur Potestates bene ordinatam, et inconfusam accepisse a Domino potestatem. Nam sicut ait Poëta:*

12 *Virtue is not sought from without. He who abounds in morals within needs nothing outward; Nobility alone is that which adorns the soul with morals.*

> Virtus non quaeritur extra. Non eget exterius, qui moribus intus abundat, Nobilitas sola est, animum, quae moribus ornat.

13 ¶ THEREFORE the Lord does not attend in potestates to the nobility of the world or of the flesh, or to the comeliness of body or of dress, but to the nobility of morals and the honesty of conscience; and this is what is said primo Reg. 16. *Do not look on his countenance, nor on the height of his stature; because I have rejected him; nor do I judge according to the look of man.*

> ¶ *Dominus itaque non attendit in potestatibus, mundi, vel carnis nobilitatem, sive corporis, sive habitus venustatem, sed nobilitatem morum, et conscientiae honestatem, et hoc est, quod dicitur primo Reg. 16.* Non respicias vultum, neque altitudinem staturae eius: quoniam abieci eum, neque iuxta intuitum hominis ego video.

14 ¶ ALSO they are like the celestial Potestates who, animated by love of justice, pursue all malice in the reprobate, and those disturbing the public peace, as is said of Iuda, 1. Machab. 3. *He persecuted the wicked, searching out those who troubled the people, etc.* For the power of Kings is among men ordained by the Lord, that by their fear the audacity of the wicked be restrained, which would so prevail that, did not the public power resist, even human society would be utterly dissipated. Hence Exodi 18. *Choose for thyself men of power.* And Psalm. 44. *Upon thy thigh, O most mighty one.*

> ¶ *Item Potestatibus coelestibus sunt similes, qui amore iustitiae animati omnem malitiam in reprobis vindicantes, et pacem publicam perturbantes persequuntur, ut dicitur de Iuda, 1. Machab. 3.* Persecutus est iniquos, perscrutans eos, qui populum conturbabant, etc. *Est enim potestas Regum inter homines a Domino ordinata, ut ipsorum metu, malorum audacia refrenetur, quae quidem tantum invalesceret, ut si non resisteret potestas publica, etiam humana societas penitus dissiparetur. Ideo Exodi 18.* Elige tibi viros potentes. *Et Psalm. 44.* Super femur tuum potentissime.

15 ¶ ALSO they imitate the celestial Potestates who govern subjects, and guard the innocent, not with tyrannical cruelty, but rather with human, nay Angelic benignity. Hence it is said Esther. 12. *When I commanded over many nations, and had subdued the whole world to my dominion, I would not abuse the greatness of my power, but to govern my subjects with clemency and lenity, that passing their life without terror they might enjoy the peace they desired.*

> ¶ *Item Potestates coelestes imitantur, qui non tyrannica crudelitate, sed potius humana, imo Angelica benignitate subditos regunt, et custodiunt innocentes. Ideo dicitur Esther. 12.* Cum pluribus gentibus imperarem, et universum orbem meae ditioni subiugassem, nolui abuti potentiae magnitudine, sed cum clementia, et lenitate gubernare subiectos, ut absque terrore vitam transigentes, optata pace fruerentur.

16 ¶ LIKEWISE Princes and Kings are compared to the Potestates if they do not grow proud of power. Nay, the more they excel the rest, the more they should humble themselves before every one, as Eccles. 3 admonishes: *The greater thou art, the more humble thyself, etc.* As the Son of God, the supreme power, Virtue, and arm of the Father, emptying himself, was made subject to all, and redeemed the world by meekness; so they are warned Psalm. 146. *He shall not have his will in the strength of the horse.* Therefore he is most powerful who, trusting in God, distrusts himself. Whence observe that Kings and Leaders have always triumphed more by the aid of God than by arms; and that those who trusted most in the strength of their armies were scattered. Therefore a great act of prudence is to provide for

oneself before God, and afterwards before men, and not to wish that the power over the whole earth be in the hand of God, as is said Eccl. 10.

> ¶ *Itidem Potestatibus comparantur Principes, et Reges, si de potestate non superbiant. Imo quanto magis eminent caeteris, tanto humilientur singulis, ut monet Eccles. 3.* Quanto maior es, tanto plus te humilia, etc. *Sicut Dei filius, suprema potestas, Virtus, et brachium Patris, semet exinaniens, omnibus subiectus factus est, et per mansuetudinem mundum redemit; ita monentur Psalm. 146.* Non in fortitudine equi voluntatem habebit. *Ille igitur potentissimus, qui in Deo confidens, de seipso diffidit. Unde observa, Reges, et Duces magis semper Dei auxilio, quam armis triumphasse; eos porro, qui in fortitudine exercituum confidebant plurimum, dissipatos. Ideo magnus actus prudentiae est providere sibi coram Deo, et postea coram hominibus, et nolle, in manu Dei esse potestatem universae terrae, ut dicitur Eccl. 10.*

17 ¶ SIMILARLY Princes are likened to the supernal potestates, procuring the peace of the whole earth, which indeed would not be preserved unless the Royal potestates endeavored it, as the Machabaei acknowledged, Lib. 2. cap. 4. Therefore the Princes ought to remember that they carry the sword, that they may crush the potestates that rise up against, and are rebellious to, the Church, which fear their power, as is said Rom. 13.

> ¶ *Similiter supernis potestatibus similantur Principes, pacem universae terrae procurantes, quae sane non conservaretur, nisi Regales potestates id conarentur, quod agnovere Machabaei Lib. 2. cap. 4. Ideo debent recordari Principes, se gladium portare, ut adversus, ac rebelles Ecclesiae comprimant potestates, quae a potestate eorum timent, ut dicitur Rom. 13.*

18 ¶ SIMILARLY, as the celestial potestates make the luminous power of God resplendent in the inferior things, as St. Dionysius says; so that the truth, goodness, and power which shines forth in them may, through the mediation of the superior angels, transfulge into the lower ones, who are thereby reduced to like participations of grace and glory: so Princes should, now by severity and justice, now by clemency and benignity, lead the simple people back to the knowledge of God, and the powerful to the inviolable observance of the laws of divine justice. Hence it is said Eccles. 44. *Those ruling in their potestates, men endowed with great virtue and prudence.* For thus they ought prudently to preside, that by the light of their virtues they may shine forth before all their subjects, more than they superintend by power. As God *made the Sun into the power of the Day, and the Moon into the power of the Night.* Psalm. 135. So, as the Sun presides over the Day with a resplendent and beneficent light, dissipating the darkness, drawing upward the depraved humors, that they may be resolved into rains and dews fertilizing the earth, aiding all inferior causes toward their effects, as a universal cause; so Princes, the darkness of vices having been put to flight, should scatter, illuminate, warm, kindle, and inflame virtues everywhere, terrifying the animals inimical to the light. Hence Proverb. 19. *As the roaring of the lion, so also the anger of the king; and as the dew upon the herb, so his cheerfulness.* Thus will they be worthy that *every soul be subject to the higher potestates*, as is said Rom. 13. Whence Peter also says, prima, cap. 2. *obey your lords, etc., whether to the King as to the preeminent one, etc.*

> ¶ *Similiter, sicuti coelestes potestates lucentem Dei potentiam in inferioribus resplendere faciant, ut ait S. Dionysius; ita ut veritas, bonitas, et potentia, quae in eis elucet, mediantibus angelis superioribus, transfulgeat in ferioribus, qui in consimiles participationes gratiae, et gloriae inde reducantur. Ita Principes nunc per severitatem, et iustitiam; nunc per clementiam, et benignitatem populum simplicem ad Dei reducant cognitionem, et potentes ad inviolabilem legum divinae iustitiae observationem. Ideo dicitur Eccles. 44.* Dominantes in potestatibus suis, homines magna virtute, et prudentia praediti. *Sic enim prudenter debent praeesse, ut luce suarum virtutum subditis omnibus adspleandeant,*

magis quam potestate supersint. Sicuti Deus fecit Solem in potestatem Diei, et Lunam in potestatem noctis. *Psalm. 135. ut sicuti Sol praeclaro, et benefico lumine Diei praeest, tenebras dissipans, pravos humores sursum rapiens, ut in pluvias, et rores terrae foecundos resolvat, omnes causas inferiores adiuvat ad suos effectus, tanquam causa universalis; ita Principes, tenebris vitiorum fugatis, virtutes usquequaque spargant, illuminent, calefaciant, accendant, atque inflamment, terrendo animalia inimica lucis. Hinc Proverb. 19.* Sicuti fremitus Leonis, ita et Regis ira; et sicut ros super herbam ita hilaritas eius. *Sic erunt digni, ut* omnis anima potestatibus sublimioribus subdita sit*, ut dicitur Rom. 13. Unde ait et Petrus prima, cap. 2.* obedite Dominis vestris, etc. sive Regi tanquam praecellenti, etc.

19 ¶ ANOTHER treatise the Saintly Doctor has on the government of prelates, which is graced with this title: *De sex alis Seraphim.* For since the Seraphim preeminate among the Angels, therefore they are likened to the prelates of the Church. But since these appeared adorned with six wings, Isa. VI. Apoc. IV. Now the senary number is perfect, consisting of its aliquot parts; therefore he labors to expound the virtues of the Antistes from this winged number, that by them they may fly to the mark.

¶ *Alium tractatum habet S. Doctor de regimine praelatorum, qui titulo hoc decoratur:* De sex alis Seraphim. *Quia enim Seraphim inter Angelos praeeminent, ideo praelatis similantur Ecclesiae. Quoniam vero hi senis alis decorati apparuere Isa. VI. Apoc. IV. Numerus autem senarius perfectus est, constans ex partibus suis aliquotis; ideo virtutes Antistitis ex hoc alatum numero explicare satagit, ut his ad scopum evolent.*

20 THEREFORE the FIRST Wing of the Rector is the zeal of justice, whereby he cannot without murmuring tolerate any evil whatsoever. For anyone is to be esteemed so much the better, the more he detests evil and pursues good: not only by way of disposition, so as not to be willing to desert the sweetness of his own quiet, after the manner of the Fig tree of Iudit. IX. which was unwilling to forgo its sweetness so as to preside over the trees; but such men ought to be such that, forgetful even of their own quiet, they take no delight in the profits of their own salvation, unless they promote others to salvation, as Paulus. prima Cor. XIII. *seeketh not the things that are his own, but those that are Jesus Christ's.* With this zeal indeed they ought to burn above all who bear the person of Christ; for of Christ it is said Psalm. XLIV. *Thou hast loved justice, and hated iniquity; therefore God, thy God, hath anointed thee with the oil of joy.* This justice is the observance of all those things that are necessary to salvation, as are the precepts of Charitas, of the Decalogue, and the rest, which flow from the eternal law; as the virtues, humility, chastity, mercy. Then also those which are constituted by human law in the law of the Church, as the rites of the Sacraments and of the rest, with the positives belonging to the law that are adjoined.[1]

1 Editor's note: the print reads 'adiunctis positivi legem pertinentium', ungrammatical as printed; rendered as 'adjunctis positivis legem pertinentibus' (with the positive things pertaining to the law that are adjoined).

PRIMA igitur Ala Rectoris est zelus iustitiae, quo nequit malum quodcumque sine murmure sustinere. Tanto enim bonus est aliquis aestimandus, quanto malum detestatur, et bonum prosequitur, non modo ordinatio, ut nolit deserere dulcedinem suae quietis ad modum Ficus Iudit. IX. quae noluit deferere dulcedinem suam, ut arboribus praeesset; sed tales esse debent, ut propriae etiam quietis obliti non delectentur salutis propriae profectibus, nisi alios ad salutem promoveant, veluti Paulus. prima Cor. XIII. Non quaerit quae sua sunt, sed quae Iesu Christi. *Hoc sane zelo, maxime Christi vicem gerentes, debent aestuare; sic enim de Christo dicitur Psalm. XLIV.* Dilexisti iustitiam, et odisti iniquitatem; propterea unxit te Deus, Deus tuus oleo laetitiae. *Haec iustitia est observantia omnium, quae sunt ad salutem necessaria, ut sunt praecepta Charitatis, Decalogi, et caetera, quae a lege aeterna manant; ut virtutes, humilitas, castitas, misericordia. Deinde etiam, quae iure humano constituta sunt lege Ecclesiae, ut ritus Sacramentorum, et caeterorum, adiunctis positivi legem pertinentium.*

21 THESE however let them take care to observe both in themselves and in others, but in due order, lest they be of those of whom Lucae XI. *you pay tithe of mint, and rue, and leave the things that are weightier*, as certain Praelati, who are more inflamed for one inclination in the choir than for grave transgressions; more for one rubric neglected than for a scandal.

> *HAEC autem et in se, et in aliis observanda curent, sed ordine debito, ne sint ex his, de quibus Lucae XI.* Decimatis mentam, et rutam, et relinquitis, quae graviora sunt, *sicuti quidam Praelati, qui pro una inclinatione in choro, magis accenduntur, quam pro gravibus transgressionibus: magis pro una rubrica neglecta, quam pro scandalo.*

22 THEY ought moreover diligently to offer remedies rather for public sins; especially that the study of prayer, which is necessary, be preserved.

> *DEBENT autem sedulo magis pro peccatis publicis remedia porrigere; Praecipue vero ut studium orationis necessarium servetur.*

23 EVERY Religion is arid (says D. Bonavent.) that is not fattened with this oil. Unstable is the structure of good works which is not compacted by the frequency of devout prayer, like a wall of stones without cement. In every religion, where the fervor of prayer has grown tepid, the fabric of the other virtues also begins to fail, and to approach ruin; and the lamps of the foolish virgins, without oil, are extinguished, as is said Matth. XXV.

> *Arida est omnis Religio (ait D. Bonavent.) quae non oleo isto saginatur. Instabilis est bonorum operum structura, quae devotae orationis frequentia non compaginatur, sicut paries lapidum sine caemento. In omni religione, ubi fervor orationis tepuerit, etiam aliarum virtutum machina incipit deficere, et propinquare ruinae; Lampades quoque fatuarum virginum sine oleo extinguuntur, ut dicitur Matth. XXV.*

24 THEN there is to be guarded against negligence of exterior discipline, lest anything be left uncorrected or unpunished, lest he be condemned with Heli primo Reg. IV. This mark, for discerning laudable religion from the relaxed one, the Saintly Doctor offers: not that no one sinning be found in the reformed religions, but that no one be allowed to sin with impunity, and the approaches to sinning be studiously precluded, and the incorrigible and the other infecters be eliminated, and the good be cherished and loved, that they may persevere. For since depravity has been found even in the convent of Angels and the college of Apostles, although they lived under the mastership of God; what order of good men in this life will arrogate to itself that no sin be found in it?

> *DEINDE cavenda est negligentia exterioris disciplinae, ne aliquid incorrectum, aut impunitum relinquat, ne cum Heli damnetur primo Reg. IV. Hanc autem notam ad internoscendam laudabilem religionem a relaxata praebet S. Doctor, non quod, nullus peccans in reformatis religionibus reperiatur, sed quod nullus impune peccare sinatur, et peccandi aditus studiose praecludatur, et incorrigibiles, et alii inficientes eliminentur, et boni foveantur, et diligantur, ut perseverent. Nam cum in conventu Angelorum, et Collegio Apostolorum inventa sit pravitas, etiamsi sub magisterio Dei viverent; quis ordo bonorum in hac vita sibi arrogabit, nullum in eo peccatum reperiri.*

25 THEREFORE the Saintly Doctor concludes, the Prelate will render a heavy account to God; First for his own non-observance and omission of office, Sap. VI. *When you were ministers of his kingdom, you judged not rightly, you kept not the law of justice, nor walked according to the will of God. Horribly, and speedily shall things appear to you: for the judgment shall be most hard on those who preside.* Second, for the sins of the subjects, which they could and ought to have corrected and forestalled, and did not correct or forestall. Hence it is said Ezech. XXXIII. *If thou hadst not spoken, to keep the wicked from his way: the wicked himself shall die in his iniquity, but his blood I will require at thy hand.* Which exposition the Saintly Doctor

learned from the Seraphic P. Francisco. Third, they will render an account for the abuse of power for their own profit and honor. Hence Matth. XXV. *Take away the talent from him, and cast the unprofitable servant out*.

CONCLUDIT igitur S. Doctor, Praelatum graviter Deo rationem redditurum; Primo pro inobservantia sua, et omissione officii, Sap. VI. Cum essetis ministri regni eius, non recte iudicastis, custodistis legem iustitiae, neque secundum voluntatem Dei ambulastis. Horrende, et cito apparebit vobis: quoniam iudicium durissimum his, qui praesunt, fiet. *Secundo peccata subditorum, quae poterant, et debuerant correxisse, et praecavisse, non correxerunt, aut praecaverunt. Ideo dicitur Ezech. XXXIII.* Si non fueris locutus, ut se custodiat impius a sua via: ipse impius in iniquitate sua morietur, sanguinem autem eius de manu tua requiram. *Quam expositionem e Seraphico P. Francisco didicit S. Doctor. Tertio reddent rationem pro abusione potestatis ad proprium commodum, et honorem. Ideo Matth. XXV.* Tollite ab eo talentum, et inutilem servum eiicite.

26 THE SECOND Wing of the Antistites is Pietas, that as the Charitas of God inflames him to the zeal of justice, so fraternal love may form him to piety; for although to vices there is due the striking rod, yet to infirmity there is necessary the sustaining staff; of these Psalm. XXII. *Thy rod, and thy staff, they have comforted me*. The Praelati moreover ought to be prudent spiritual physicians, that they may discern the various infirmities, and have remedies apt for all. Nor let them be of those of whom Psal. LXVIII. *For whom thou hast struck, they have persecuted.* And so let them flourish in piety, lest he who is cast off utterly perish, as the prudent Tecuitis says II. Reg.; but as is said primo Reg. XXIII. let them be able to have the subjects say: *Blessed be you of the Lord, for you have had compassion on my case*.

SECUNDA Ala Antistitum est Pietas, ut sicut eum Charitas Dei ad zelum iustitiae inflammat; ita fraterna dilectio ad pietatem informet; nam, etsi vitiis deberetur virga percutiens; infirmitati tamen necessarius est baculus sustentans; de his Psalm. XXII. Virga tua, et baculus tuus, ipsa me consolata sunt. *Debent autem Praelati esse prudentes medici spirituales, ut infirmitates internoscant varias, et remedia omnibus apta habeant. Neque de illis sint, de quibus Psal. LXVIII.* Quoniam quem tu percussisti, persecuti sunt. *Itaque pietate vigeant, ne penitus pereat, qui abiectus est, ut ait II. Reg. prudens Tecuïtis; sed ut dicitur primo Reg. XXIII. possint dicere subditi:* Benedicti vos a Domino, quia doluistis vicem meam.

27 NEITHER say (says the Saintly Doctor.) Worthily is help given to those of whom there is hope of convalescence; but in those of whom it is not presumed that they will ever recover, the expenses are uselessly consumed; for mercy is exhibited on account of the merit of Charitas, and not on account of its own utility; therefore it behooves the Pontiff to experience infirmities, that he may be able to be compassionate, as is said Heb. IV.

NEQUE dicas (ait S. Doctor.) Illis digne subvenitur, de quibus est spes convalescentiae; in illis vero, de quibus non praesumitur, quod aliquando convalescant, inutiliter consumuntur expensae; nam misericordia propter meritum Charitatis exhibetur, et non propter utilitatem suam; oportet igitur Pontificem experiri infirmitates, ut possit compati, ut dicitur Heb. IV.

28 ADMONISHES moreover the Saintly Doctor that in his mind regarding the infirm there are three kinds. The first are those who from an affect of devotion, prone to scandals, easily fall, as the Apostle says, prima Cor. XI. *Among you many are infirm.* The second, who, although devout, yet are either easily moved to impatience by correction, or despair through diffidence. The third are all the imperfect, who, agitated by the passions, waver. Of these, he says, the occasions of scandal are to be removed, the opportunities of sinning, lest they see or hear what would weaken them; nor let them be allowed to wander outside the house. For Dina Genes. XXXIII. having gone out of the house, was corrupted.

These are to be removed by examples, and exhortations, nor let them be provoked to anger, as is said Coloss. III. *Fathers, provoke not your children to indignation, that they become not pusillanimous.* The Praelati ought to be compassionate with all these, as Iacob said XXXIII. *Thou knowest that I have little children, tender, and the sheep and cows with young with me, which, if I make them labor more in walking, all the flocks will die in one day.* Hence Paulus prima Thessal. II. *We became little ones in the midst of you, as if a nurse cherish her sons,* which doubtless means: thus humbly and piously was I gentle with you, condescending to your tenderness and imperfection.

> *ADMONET autem S. Doctor, infirmorum mente tria esse genera. Primi sunt, qui ex devotionis affectu proni ad scandala facile cadunt, ut ait Apostolus, prima Cor. XI.* Inter vos multi infirmi. *Secundi, qui, licet devoti, tamen facile ex correptione, vel commoventur impatientia, vel diffidentia desperant. Tertii sunt imperfecti omnes, qui passionibus agitati vacillant. Hic amovendas ait occasiones scandali, opportunitates peccandi, ne videant, vel audiant, unde infirmentur, ne extra domum vagari sinantur. Dina enim Genes. XXXIU. egressa domum, corrupta est. Hi per exempla, et exhortationes amovendi, neque ad iracundiam provocentur, ut dicitur Coloss. III.* Patres nolite ad indignationem provocare filios vestros, ut non pusillo animo fiant. *Debent Praelati his omnibus compati, ut aiebat Iacob XXXIII.* Nosti, quod parvulos habeam teneros, et oves, et boves faetas mecum, quas, si plus in ambulando fecero laborare, morientur una die cuncti greges. *Ideo Paulus prima Thessal. II.* Facti sumus parvuli in medio vestrum, tanquam si nutrix foveat filios suos, *quod ita nimirum humiliter, et pie blanditus sum vobis, condescendens vestrae teneritudini, et imperfectioni.*

29 ON THE CONTRARY the Lord complains of the hard pastors, Ezech. XXXIII. *That which was infirm you have not strengthened, and that which was sick you have not healed, and that which was broken you have not bound up, and that which was lost you have not sought, etc. but you ruled them with harshness, and with power.* Hence Bernardus, sermone XXIII. in Cant. *Why do you weigh down your yoke, when you behold the disciples, whose yoke you ought rather to carry? Lay aside the burdens, bring forth the udders, milk the breasts, let them rest. And if at times severity be needed, let it be paternal, not tyrannical, according to that Num. XI. Bear them in thy bosom, as the woman bears her infant, and carry them into the land for which I swore, etc.*

> *E contra de duris pastoribus conqueritur Dominus, Ezech. XXXIU.* Quod infirmum fuit non consolidastis, et quod aegrotum non sanastis, et quod confractum non colligastis, et quod perierat non quaesistis, etc. sed cum austeritate imperastis, et cum potentia. *Ideo Bernardus, sermone XXIII. in Cant.* Ut quid gravatis iugum vestrum, cum cernitis discipulorum, quorum vos potius iugum portare debetis? Ponite onera, producite ubera, pectora lactent, quiescant. Et si interdum severitate opus sit, paterna sit, non tyrannica, iuxta id Num. XI. Porta eos in sinu tuo, sicut portat mulier infantulum suum, et defer in terram, pro qua iuravi, etc.

30 THE THIRD Wing of the Antistites is patience, and constant longanimity; for as the covering of the tabernacle received the rains, the winds, and the dusts, that the interior things might remain clean; so the Prelate ought to receive the tempests, that he may preserve the interior things, and, like the Hen for her chicks, expose himself to the Kite. For three reasons however is patience necessary to them: First, on account of the various occupations pressing in. On account of this also Moses was most wretched Deuter. 1. *I am not able alone to sustain your affairs, etc.* Second, on account of the slow progress of those for whom he labors; wherefore Psalm. 118. *My zeal hath made me to languish.* Third, on account of the ingratitude of those for whom he labors, who, never contented, always complain.

> *TERTIA Ala Antistitum est patientia, et constans longanimitas; sicut enim tabernaculi tectum pluvias excepit, ventos, et pulveres; ut interiora manerent munda; ita Praelatus debet suscipere tempestates, ut interiora servet, et veluti Gallina*

pro pullis, se Miluo obiicere. Propter tria autem est eis necessaria patientia: Primo propter varias ingruentes occupationes. Propter hoc et Moyses erat miserrimus Deuter. 1. Non valeo solus vestra negotia sustinere, etc. *Secundo propter tardum eorum profectum, pro quibus laborat; Quapropter Psalm. 118.* Tabescere me fecit zelus meus. *Tertio ob ingratitudinem eorum, pro quibus laborat, qui nunquam contenti, semper conqueruntur.*

31 WITH these, and other adversities, by which he is assailed, let the prudent man oppose himself with the triple shield of patience. First, that he answer maturely, and benignly, each thing, and repress the impulse of fervor, lest he show impatience by voice, or countenance. For then he more calms the impatient, as Iudic. 8. Gedeon checked the quarrelers; for, as the Wise man witnesses: *A mild answer breaks wrath; a hard word stirs up fury.* Second, let him strive to be peaceable in the house, that he neither avenge himself of the injuries inflicted, nor hate them in his heart, but imitate the supernal Father: *Who is benign over the ungrateful, and the evil.* Third, that he not on that account less promptly apply himself to his office, as is said 2. Paral. 15. *Be you therefore comforted; and let not your hands be weakened.*

HIs, et aliis adversis, quibus impetitur, triplici patientiae scuto vir prudens se opponat. Primo ut mature, et benigne ad singula respondeat, et impetum fervoris reprimat, ne voce, aut vultu impatientiam ostendat. Tunc enim magis sedat impatientes, sic Iudic. 8. Gedeon compescuit iurgantes, nam teste Sapiente: Responsio mollis frangit iram; sermo durus suscitat furorem. *Secundo studeat in domo esse pacificus, ut nec vindicet se de illatis iniuriis, nec in corde oderit illos, sed imitetur Patrem supernum:* Qui benignus est super ingratos, et malos. *Tertio ut non ob id minus prompte incumbat officio suo, ut dicitur 2. Paral. 15.* Vos ergo confortamini; et non dissolvantur manus vestrae.

32 THE FOURTH Wing is the exemplary life. For he himself ought to be the norm of living, that what he teaches in words he may show in the figures of his actions, as one who teaches Geometry describes the demonstrations of the figures on the tablets, that what he says may be better grasped. Thus of Christ it is said, Act. 1. *Jesus began to do, and to teach*, and Ioan. 13. *I have given you an example*, and Iudic. 7. Gedeon says *What you shall see me do, that do.*

Qvarta Ala est exemplaris vita. Ipse namque debet esse norma vivendi, ut quae docet verbis, ostendat actionum figuris, sicut qui Geometriam docet, describit in tabulis figurarum demonstrationes, ut quod dicit, melius capiatur. Sic de Christo dicitur, Act. 1. Coepit Iesus facere, et docere, *et Ioan. 13.* Exemplum dedi vobis, *et Iudic. 7. ait Gedeon* Quod me facere videritis, hoc facite.

33 ALTHOUGH however the rector ought to precede the subjects in all examples of the virtues; yet especially in these three: in the conformity, namely, of common observance; in the humility of meekness; and in the honesty of maturity. Whence ad Titum 2. *In all things show thyself an example of good works, in doctrine, in integrity, in gravity, etc.*

Quamvis autem in omnibus virtutum exemplis debeat rector praecedere subditos; specialiter tamen in his tribus: In communis scilicet observantiae conformitate: In mansuetudinis humilitate. Et in maturitatis honestate. Unde ad Titum 2. In omnibus te ipsum praebe exemplum bonorum operum, in doctrina, in integritate, in gravitate, etc.

34 LET him observe a common life with others in food, clothing, and labor, that he be not given to banquets and drinkings, nor be unlike in habit to those with whom is his common profession: he ought to become all things to all men, that he may make all men saved, as is said 2. Cor. 9. See the Saintly Doctor.

Commvnem vitam cum aliis observet in victu, vestitu, et labore, ut non vacet conviviis, et potationibus, nec sit eis dissimilis habitu, quibuscum est professio communis: Omnia omnibus debet fieri, ut omnes faciat salvos, ut dicitur 2.

Cor. 9. Vide S. Doctorem.

35 THE FIFTH Wing of the Praelati is Prudence, and circumspect discretion. This is the chief one, as the Council of Trent teaches, which the Saintly Doctor pursues at length cap. 7. Therefore also Solomon 3. Reg. 3. having from God the option of asking whatsoever he wished, asked for this: *Give therefore, Lord, to thy servant an understanding heart, that he may be able to judge thy people, and discern between good, and evil.* And Sap. 6. *To you therefore, O Kings, are these my words, that you may learn wisdom, and not fall.* And Psalm. 2. *And now, O Kings, understand; be instructed, you that judge the earth.* For the Rector is the eye of the people, and D. Bernardus, sermone 49. in Cant. *Take away discretion, and virtue will be a vice.* On this account, Levit. 2. *in every thy oblation thou shalt offer salt.* See the Saintly Doctor, treating these wondrously differently: From the Rational of the ancient Pontiff, and from the four orders of gems, the rector has four things necessary to observe. First, how he may govern the subjects in the due state, that they may profit by his good example. Second, how he may raise up the fallen, and correct the straying. Third, in what manner he may dispose the exterior affairs. Fourth, how he may guard and conduct himself in these.

Qvinta Ala Praelatorum est Prudentia, et circumspecta discretio. Haec est praecipua, ut docet Concilium Tridentinum, quam late prosequitur S. Doctor cap. 7. Propterea etiam Salomon 3. Reg. 3. habens a Deo optionem postulandi quidquid vellet, hanc petiit: Dabis ergo Domine servo tuo cor docile, ut iudicare possit populum tuum, et discernere inter bonum, et malum. *Et Sap. 6.* Ad vos ergo Reges sunt hi sermones mei, ut discatis sapientiam, et non excidatis. *Et Psalm. 2.* Et nunc Reges intelligite, erudimini, qui iudicatis terram. *Rector enim est oculus populi, et D. Bernardus, sermone 49. in Cant.* Tolle discretionem, et virtus vitium erit. *Ob id, Levit. 2.* in omni oblatione tua offeres sal. *Vide S. Doctorem, de his mire differentem: Ex Rationali antiqui Pontificis, et ex quatuor ordinibus gemmarum, quatuor necessaria habet rector observanda. Primo, quomodo in statu debito subditos gubernet, ut boni exemplo suo proficiant. Secundo, quomodo lapsos elevet, et devios corrigat. Tertio, quo pacto exteriora negotia disponat. Quarto, quomodo in his se custodiat, et gerat.*

36 IN each order of stones there were three, signifying three things pertaining to each of the aforesaid, that the burdens of whomever may be aptly, and gently disposed, as is said Num. 4. *Aaron, and his sons shall go in; they also shall dispose the burdens of each one.*

In singulis ordinibus lapidum erant tres, signando tria ad praedicta singula pertinentia, ut onera quorumcumque apte, et suaviter disponantur, ut dicitur Num. 4. Aaron, et filii eius intrabunt, ipsi quoque disponent onera singulorum.

37 NOW there is a threefold observance expressed in those triple gems.

Est autem triplex observantia in gemmis illis triplicibus expressa.

38 THE FIRST, concerning those things that are of the necessity of salvation, according to the profession of each one.

Prima circa ea, quae sunt de necessitate salutis iuxta cuiusque professionem.

39 THE SECOND, concerning those things that respect the exercise of a higher, singular perfection: namely the patience to be admitted, the stupendous humility, the arduous Charitas, the eminent sobriety, etc. to which the Rector ought to allure sweetly. Therefore let him hold this gem in his breast, that he may direct the subjects, animated to eminent virtue.

Secvnda circa ea, quae respiciunt exercitium altioris perfectionis singularis; patientiae scilicet admittendae, humilitatis stupendae, Charitatis arduae, sobrietatis eximiae, etc. ad quae Rector allicere suaviter debet. Igitur hanc gemmam in pectore teneat, ut ad eximiam virtutem subditos animatos dirigat.

40 THE THIRD are those which are instituted for the attainment of both, as silence, fasts, etc. In these let the Prelate conduct himself discretely, even by dispensing, if it be necessary.

Tertia sunt quae ad utriusque instituta sunt consecutionem, ut silentium, ieiunia, etc. In quibus discrete Praelatus se habeat, etiam dispensando, si oporteat.

41 FOR the correction of the fallen, Prudence is necessary, as is said Galat. 6. *If a man be overtaken in any fault, you who are spiritual, instruct such a one in the spirit of lenity*, supporting him, as Christ tolerated Iudam, and as Matth. 13. the zizania are left untouched until the harvest. But they are to be cut off, when they bring perdition, as is said Galat. 5. prima Cor 5. secunda Cor. 7. Lucae 13. and in Numer. 5. lepers are permitted apart; yet he warns with that Eccles. 32. *Do all things with counsel, and after the deed you will not repent.*

Circa lapsorum correctionem Prudentia est necessaria, ut dicitur Galat. 6. Si praeoccupatus fuerit homo in aliquo delicto, vos qui spirituales estis, huiusmodi instruite in spiritu lenitatis*, ipsum supportando, sicut Christus Iudam toleravit, et sicut Matth. 13. zizania usque ad messem intacta relinquuntur. Abscindantur vero, cum perniciem afferunt, ut dicitur Galat. 5. prima Cor 5. secunda Cor. 7. Lucae 13. et Numer. 5. permittuntur leprosi; monet tamen illud Eccles. 32.* Omnia cum consilio fac, et post factum non poenitebis.

42 IN the affairs, some it is expedient that the Prelate accomplish by himself, others through others; thus Christ committed the purses to Iudas, and was unwilling to divide the goods between two brothers; thus the Apostles said, Actorum 6. *It is not equal that we leave the word of God, and serve tables, etc.*

Circa negotia, alia expedit a Praelato per se perfici, alia per alios; sic Christus Iudae loculos commisit, et noluit inter duos fratres dividere bona; sic dixere Apostoli, Actorum 6. Non est aequum, nos relinquere verbum Dei, et ministrare mensis, etc.

43 THEREFORE he ought to preside as the head, and share out motion, and sense with the members, and so act, as about to render an account for the subjects, Heb. 15.

Igitur debet tanquam caput praesidere, et motum, et sensum membris compartiri, et ita agere, tamquam rationem pro subditis redditurus, Heb. 15.

44 SUPERFLUOUS affairs however it is expedient to cut off, as is said Ecclesiastici 11. *Son, let not thy acts be many, etc.*

Svperflva vero negotia expedit praecidere, ut dicitur Ecclesiastici 11. Fili ne in multis sint actus tui, etc.

45 ABOVE all the Rector ought to look around upon himself. For what does it profit a man, if he save others, and harm his own soul? Matth. 16.

Svper omnia debet Rector se ipsum circumspicere. Quid enim prodest homini, si alios salvet, et animae suae obsit? Matth. 16.

46 THEREFORE let him always keep his conscience clean, that he will nothing, act nothing, or permit nothing illicit, and indecent, contrary to his profession, in which sin, or scandal be detected, etc. See the Seraphicum cap. 7. setting forth wondrous things.

Igitur semper conscientiam mundam servet, ut nihil velit, agat, vel permittat illicitum, et indecens, professionique suae contrarium, in quo peccatum, scandalumve deprehendatur, etc. Vide Seraphicum cap. 7. mirabilia promentem.

47 ANOTHER circumspection is concerned with exterior morals; for since he desires to live as an example for many, he needs great discretion; lest he be of those of whom Ezech. 34. *But you ruled them with harshness, and with power, and my sheep were scattered.* And Eccles. 4. *Be not as a lion in thy house, etc.* Let him rather imitate the meekness of Christ.

Alia circumspectio versatur circa externos mores, qui enim pluribus ad exemplum cupit vivere, eget magna discretione; ne sit, de quibus Ezech. 34. Vos autem cum austeritate imperabatis eis, et cum potentia, et dispersae sunt oves meae. *Et Eccles. 4.* Noli esse quasi Leo in domo tua, etc. *Imitetur potius mansuetudinem Christi.*

48 FINALLY let the circumspection itself look around upon itself, lest it be as the eye that sees others, not itself, namely that it savor not more than it ought, nor be wise to itself. Whence Prou. 26. *Have you seen a man wise in his own eyes? the fool shall have more hope than he.* Therefore he ought to consult others; for thus Moses also, to whom God spoke face to face, consulted his father-in-law Exodi 18. and the Apostle, who had been rapt to the third heaven, consulted the other Apostles. But let him avoid the counsels of flatterers, as is said Isa. 3. and of detractors, as is said. Esth. 16.

Tandem ipsa circumspectio circumspiciat seipsam, ne sit ut oculus videns alios, non se, ut scilicet non plus sapiat, quam oportet, nec sibimetipsi sapiens sit. Unde Prou. 26. Vidisti hominem sapientem sibi videri, magis illo spem habebit stultus. *Debet igitur alios consulere, sic enim et Moyses, cui Deus facie ad faciem loquebatur, consuluit Socerum Exodi 18. et Apostolus, qui fuerat ad tertium coelum raptus, consuluit alios Apostolos. Vitet autem consilia adulatorum, ut dicitur Isa. 3. et detractorum, ut dicitur. Esth. 16.*

49 THE SIXTH Wing of the Praelati is devotion; for by this the zeal of justice is kindled, piety is fostered, patience is strengthened, the good example is founded, discretion is clarified. This is the unction of the Spirit, teaching all things 1. Ioan. 2. See the Saintly Doctor, in the cited chapter *de sex alis Seraphim, ala 5.*

Sexta Ala Praelatorum est devotio; per hanc enim zelus iustitiae accenditur, pietas confovetur, patientia roboratur, exemplum bonum conditur, discretio clarificatur. Haec est unctio spiritus, docens omnia 1. Ioan. 2. Vide S. Doctorem, capite citato de sex alis Seraphim, ala 5.

Section V: On the Prudence of Individuals, from the Lowest Hierarchy

1 THE choirs of the lowest Hierarchy are the Principalities, Archangels, and Angels, who exhibit to subjects the norm of Prudence.

De Prudentia singularium ex Hierarchia infima.

INFIMAE Hierarchiae chori sunt Principatus, Archangeli, et Angeli, qui normam subditis exhibent Prudentiae.

2 PRINCIPALITIES therefore, as St. Isidore says, are those Angels who above the rest possess the gift of reverence; hence their ministry is to teach men to show reverence to each one according to his degree.

PRINCIPATUS igitur, ut ait S. Isidorus, dicuntur Angeli, qui prae caeteris possident donum reverentiae; unde eorum ministerium est docere homines, exhibere unicuique reverentiam, secundum gradum suum.

3 Of these St. Dionysius, de coelest. Hier. cap. 6. *The holy Principalities are Deiformly moved toward the principal principality, and restoratives of the inferior ones by holy and fitting ordination, and wholly convertive*

toward the super-principal Prince of every principality, and clearly manifestative of his ordination, etc. Therefore subjects are likened to Principalities; who, just as the Princes wish to preside over them without tyranny, so do they reverently obey them, and they also wonderfully reduce their inferiors, subject to them by Oeconomical subjection, to the laws of obedience, both toward God and toward Princes, whether Ecclesiastical or secular. Of these the Scriptures hand down many admonitions *Rom. 13. Coloss. 3. prima Cor. 7. secunda Cor. 13. Lev. 19. Iob. 29. Most beautiful is the saying of Isa. 9. His principality was made upon his shoulder, etc.*

> *De his S. Dionysius de coelest. Hier. cap. 6.* Sancti Principatus ad principalem principatum Deiformiter sunt motivi, et inferiorum ordinatione sancta, et convenienti reductivi, et ad superprincipalem omnis principatus principem totaliter conversivi, et ordinationis eius manifeste ostensivi, etc. *Igitur Principatibus similantur subditi; qui sicuti Principes volunt sibi absque tyrannide praeesse; ita ipsi reverenter iis obediunt, et sibi etiam inferiores Oeconomica subiectione subditos ad obedientiae leges, tum in Deum, tum in Principes, sive Ecclesiasticos, sive saeculares, mirifice reducunt. De his multa tradunt monita Scripturae* Rom. 13. Coloss. 3. prima Cor. 7. secunda, Cor. 13. Lev. 19. Iob. 29. Perpulchrum est dictum Isa. 9. Factus est principatus super humerum eius, etc.

4 HENCE he above all obtains true principality; for *the obedient man shall speak of victories, and Iosue 10. The heavenly spheres, obedient, stood still at the voice of an obedient prince; nay, God obeyed the voice of a man, fighting for Israel.* Therefore they themselves also ought to be reverent toward superiors; hence *Exodi 22. Thou shalt not speak ill of the gods, and thou shalt not curse the prince of thy people.* See the Saintly Doctor, cap. 1. de Eccl. Hierarchia.

> *HINC verum principatum super omnia obtinet; nam* vir obediens loquetur victorias, et Iosue 10. Coelestes Sphaerae obedientes steterunt ad vocem principis obedientis, Imo obediente Deo voci hominis, et pugnante pro Israël. *Propterea, et ipsi debent esse superioribus reverentes; Ideo* Exodi 22. Diis non detrahes, et Principi populi tui non maledices. *Vide S. Doctorem, cap. 1. de Eccl. Hierarchia.*

5 IN subjects moreover there ought to be both cleanness and innocence, assimilating them to the Archangels. The Scriptures commend this cleanness *Matth. 5. Prov. 22. In the resurrection they shall be as the Angels of God.*

> *IN subditis autem debet esse et munditia, et innocentia, Archangelis assimilans. Hanc munditiam commendant Scripturae* Matth. 5. Prov. 22. In resurrectione erunt sicut Angeli Dei.

6 Of the Archangels St. Dionysius says that this order communicates with the Principalities and the superior orders, as to the reception of illuminations and its reduction to the first principle; they communicate also with the inferior ones through their reduction to God. For, united to God through the other superior orders by love, they strive to unite the Angels of the inferior order, and men, to God, just as they themselves are united; hence they are said to have a single and simple virtue. Therefore the innocent and chaste, especially Virgins, are like them, who by a wondrous example draw others to purity, and so are enriched with graces.

> *De Archangelis ait S. Dionysius, quod hic ordo communicat cum Principatibus, et superioribus ordinibus, quantum ad susceptionem illuminationum, et sui ad primum principium reductionem; communicant etiam cum inferioribus per eorum ad Deum reductionem. Nam uniti Deo mediantibus aliis ordinibus superioribus per amorem, Angelos inferioris ordinis, et homines nituntur unire Deo, quemadmodum et ipsi sunt uniti, ideo unicam, et simplicam dicuntur habere virtutem. His igitur similes sunt innocentes, et casti, maxime Virgines, qui miro alios rapiunt ad puritatem exemplo, et ita gratiis ditantur.*

7 OBSERVES moreover the Saintly Doctor that the Archangels are always prelated over the more dignified offices, as he judges of Michael, *Daniel. 10.* Raphael, *Tob. 6.* Gabriel, *Lucae 1.*; on the contrary, impurity casts out and rejects men, as is evident in Samson *Iud. 16.* and in those senses *Daniel. 13.*; for he was blinded, weakened, and prostrated; those senses being overturned, *they turned away their eyes, that they might not behold heaven.* Therefore the Saintly Doctor warns, with D. Thom. and others, that Luxury especially harms Prudence, because it blinds the mind. See the Saintly Doctor treating this wondrously.

> *OBSERVAT autem S. Doctor, Archangelos semper dignioribus officiis praelatos, ut putat de Michaele,* Daniel. 10. *Raphaele,* Tob. 6. *Gabriele* Lucae 1. *e contra immunditia abiicit, et proiicit homines, ut patet in Samsone* Iud. 16. et Daniel. 13. *in illis sensibus; ille enim excaecatus, infirmatus, et prostratus est; isti sensibus eversis,* declinaverunt oculos, ne aspicerent coelum. *Ideo monet S. Doctor cum D. Thom. et aliis, Luxuriam maxime Prudentiae obesse, quia mentem excaecat. Vide S. Doctorem mire differentem.*

8 ANGELS finally are those who are immediately related to the Ecclesiastical hierarchy, so as to purify, perfect, and illuminate it, so that through them there be upward toward God action, conversion, communication, and union, as St. Dionysius says. Now Angel is the name of an office, not of a nature; hence they carry down to us the illuminations received from above. To these Angels good subjects are likened, on account of the works of mercy, which corresponds to the gift of Counsel annexed to Prudence. See the Saintly Doctor treating these exquisitely, where he enjoins solicitude in the works of piety, and swiftness and unwearying labor. Hence also the Angels are painted young and winged. From what has been said the other question can almost be defined.

> *ANGELI tandem sunt, qui immediate se habent ad Ecclesiasticam hierarchiam, ut eam purgent, perficiant, et illuminent, ut illis mediantibus sit sursum in Deum actio, conversio, communicatio, et unitio, ut ait S. Dionysius. Est autem Angelus nomen officii, non naturae, unde illuminationes e superis acceptas ad nos deferunt. Istis Angelis similantur boni subditi, propter opera misericordiae, quae respondet dono Consilii adnexo Prudentiae. Vide S. Doctorem, haec eximie pertractantem, ubi sollicitudinem in operibus pietatis iniungit, et celeritatem, ac indefessum laborem, Unde, et Angeli iuvenes pinguntur alati. Ex dictis fere potest definiri alia quaestio.*

Question VIII: Whether there is one prudence for all the moral virtues

1 WITH immense applause all Thomists admit one Prudence with D. Thomas *quaest. 60. art. 1.*, where Caietanus, Medina, Conradus, Alvarez, Durandus *3. dist. 36.*, Buridanus *6. Eth. quaest. 13.*, Valentia *prima secundae, disput. 85. cap. 2.*, Tanner. *disput. 3. quaest. 1. dub. 2. num. 50. et alii.* On the contrary, Scotus in *3. dist. 36. §. Quantum ergo ad istum,* held that there are as many formal Prudences, specifically distinct, as there are acquired moral virtues about them, and consequently that to each moral virtue its own proper Prudence corresponds. The Nominalists follow, and all Scotists, in MASTRIUS *disput. 7. quaest. 7.* Arriaga *disput. 34. sect. 3.* Nominalists in Tannerus, Lessius *Lib. I. cap. 2. disp. 2.*

> ***An una sit PRUDENTIA pro omnibus Virtutibus moralibus.***
>
> *PLAUSU ingenti unam admittunt Prudentiam Thomistae omnes cum D. Thoma* quaest. 60. art. 1. *ubi Caietanus, Medina, Conradus, Alvarez, Durandus* 3. dist. 36. *Buridanus* 6. Eth. quaest. 13. *Valentia* prima secundae, disput. 85. cap. 2. *Tanner.* disput. 3. quaest. 1. dub. 2. num. 50. et alii.

2 On the other hand, Scotus in *3. dist. 36. §. Quantum ergo ad istum,* held that there are as many formal Prudences, and specifically distinct, as there are acquired moral virtues about them, and consequently that to each moral virtue its own proper Prudence responds. The Nominalists follow, and all the Scotists, in Mastrius *disput. 7. quaest. 7.* Arriaga *disput. 34. sect. 3.* the Nominalists in Tannerus, Lessius *Lib. I. cap. 2. disp. 2.*

> *E regione, Scotus in* 3. dist. 36. §. Quantum ergo ad istum, *voluit, tot esse Prudentias formales, et specie distinctas, quot sunt virtutes morales acquisitae circa ipsas, atque adeo cuilibet virtuti morali suam propriam Prudentiam respondere. Sequuntur Nominales, et Scotistae omnes apud Mastrium* disput. 7. quaest. 7. *Arriaga* disput. 34. sect. 3. *Nominales apud Tannerum, Lessius* Lib. I. cap. 2. disp. 2.

3 THIS seems to me to be the Sentiment of D. Bonaventure *Lib. V. compend. Theol. c. 14.*, where he also indicates the reason by which Scotus strives; it is this: as Art regards things makeable, so also Prudence things doable, indeed it expands further; for Art alone has the objects of artificial order; but Prudence ought to govern the other moral virtues, not only as to Ethics, that is, its own moral governance: Oeconomics of the family: Politics of the Republic: But since man has several ends, that is, the natural, as to human nature, and as to the world outside; and the divine, as to supernatural beatitude, and in order to all these he must give rules to the governance of the body in the deliberations of the mouth in speaking, and in human dealings and works, in all moral actions, in which so many various honesties, not subserving one another, must be taken up as a rule; it does not seem how a single rule of Prudence suffices, but surely as with respect to different things makeable by art different arts are given, as is evident; so different species of Prudences must be assigned. We see indeed that he who has the rules of the Architectonic art does not have the art of Goldsmiths; and he who has the Tailor's art, consequently does not have the Medical art; and he who has the smith's, straightway does not have the wool-working and weaving. Much more therefore must many Prudences be assigned to so many orders of things, so many different honesties, etc. so that means be assigned to each; for he who knows the mean of Temperance does not straightway have the mean of Justice, or of Fortitude, etc.

> *HAEC mihi videtur Sententia D. Bonavent.* Lib. V. compend. Theol. c. 14. *ubi rationem etiam indicat, qua Scotus nititur; est autem haec: Sicut ars respicit factibilia; ita etiam Prudentia agibilia, imo amplius se expandit; nam ars sola obiecta ordinis artificialis habet; at Prudentia debet regere caeteros virtutes morales, non solum quo ad Ethicam, idest, sui gubernationem moralem: Oeconomicam familiae: Politicam Reipublicae: Sed quia plures habet homo fines, idest, naturalem, quo ad naturam humanam, et quo ad mundum extra; et divinum, quo ad supernaturalem beatitudinem, et in ordine ad haec omnia debet dare regulas regimini corporis in deliberationibus oris in loquendo, et in humanis commerciis, et operis, in omnibus actionibus moralibus, in quibus tam variae honestates ad invicem non inseruientes, pro regula debent adiri; non videtur quo pacto unica regula Prudentiae sufficiat, sed profecto sicuti respectu diversorum arte factibilium dantur diversae artes, ut constat; ita debent assignari diversae Prudentiarum species. Videmus sane, eum, qui habet regulas Architectonycae artis, non habere artem Aurificum; et qui habet artem Sartoriam; non habere consequenter artem Medicam; et qui habet fabrilem, illico non habere lanificam, et textrilem. Multo igitur magis plurimae Prudentiae sunt assignandae tot ordinibus rerum, tot diversis honestatibus, etc. ut singulis media assignentur; non enim, qui novit medium Temperantiae, illico habet medium Iustitiae, vel Fortitudinis, etc.*

4 The Thomists REPLY that the reason of arts and of Prudence in doable things is diverse, because in these there is one mode of judging in finding the mean for the virtue, and one mode of taking counsel. So Caietanus *ad 1. But if these things are firm, it will be necessary to reduce all arts into one; for all arts agree in the mode of taking counsel about their matters, and all moral virtues will be reduced into one, because all*

operate in the same way in seeking their mean; whence as there is one directing prudence, so one direct virtue, which nevertheless is false; for the mean in the matter of fortitude toward terrible things, or in the matter of Temperance toward foods, seek considerations far different on the part of the intellect from the mean required in humiliation, prayer, contracts, etc. Arriaga further declares this diversity, num. 28. For, that a man judge prudently whether, danger of life being imminent, it be licit to omit the Sacred [rite]; and that with the same danger imminent he may kill the Aggressor, quite diverse principles are required. It is confirmed by Rubione from D. Bonaventure, for prudence about the governance of others is a virtue specifically distinct from that which governs oneself, which is called Monastic Prudence. And again the prudence governing others is multiple, and is divided into Regnative, Political, Oeconomic, and Military, as Vasquez, Tannerus, and others concede from the opponents: Therefore the same will have to be said of prudence with respect to the virtues.

> *RESPONDENT Thomistae, diversam esse rationem artium, et Prudentiae in agibilibus, quia in his unus est modus iudicandi inveniendo mediocritatem virtuti, et unus modus consultandi. Ita Caietanus* ad 1. At si haec firma sunt, oportebit omnes artes in unam redigere; nam omnes artes conveniunt in modo consulandi circa suas materias, et omnes virtutes morales in unam redigentur, quia omnes eodem modo operantur in quaerenda sua mediocritate; unde sicuti una est dirigens prudentia, ita una virtus directa, quod tamen est falsum; nam mediocritas in materia fortitudinis erga terribilia, vel in materia Temperantiae erga cibos, longe diversas petunt considerationes ex parte intellectus, a mediocritate requisita in humiliatione, oratione, contractibus, etc. Hanc diversitatem amplius declarat Arriaga num. 28. Nam, ut homo iudicet prudenter; utrum imminente periculo vitae liceat omittere Sacrum; et imminente eodem periculo possit Aggressorem interficere, diversa plane principia repetuntur. *Confirmatur a Rubione ex D. Bonavent. nam prudentia circa aliorum regimen, est distincta specie virtus a sui regitiva, quae dicitur Prudentia Monastica. Et rursus prudentia aliorum regitiva, est multiplex, et dividitur in Regnativam, Politicam, Oeconomicam, et Militarem, ut concedunt Vasquez, Tannerus, et alii ex adversis: Ergo idem erit de prudentia dicendum, respectu virtutum.*

5 IT IS CONFIRMED; for a habit respecting several objects according to diverse formal reasons is not one, but several in species, as is had from Aristotle 3. *de anima;* But Prudence is such: Therefore. The minor is proved; for the objects to be directed are constitutive of the diverse virtues, and consequently they need directions of the intellect diverse in species.

> *CONFIRMATUR; nam habitus, respiciens plura obiecta secundum diversas rationes formales, non est unus, sed plures specie, ut habetur ex Aristotele 3.* de anima; *Sed Prudentia est talis: Ergo. Minor probatur; nam obiecta dirigenda, sunt constitutiva diversarum virtutum, atque adeo egent diversis specie directionibus intellectus.*

6 I URGE, for Prudence regards no less the governance of the singular virtues under their diverse objects than the latter in it are borne toward and tend to the same rules. Nor indeed is it enough for Prudence to dictate the mean of the virtues in common, but it must show to each its proper means.

> *URGEO, nam Prudentia respicit non minus regimen virtutum singularium sub diversis earum obiectis, quam ipsae in ea obiecta ferantur, et tendant, iuxta easdem regulas. Neque enim satis est, Prudentiam dictare mediocritatem virtutum in communi, sed debet singulis singula media ostendere.*

7 Nor should the Thomists say that this is done by one reason of good, otherwise there would be no reason why Prudence labors so much about the precise, individual, and various goodnesses, about which, sweating, it acquires species about that mean, for instance of Fortitude; and yet meanwhile species about the mean of Temperance are not at the same time acquired, as experiment shows, and

as Scotus acutely argues, and this argument a posteriori, as Mastrius says, is most evident. Then Bassolis argues thus. Those habits are essentially distinct, one of which being acquired the other is not acquired; but so the matter stands, as I showed: Therefore.

> *NEQUE dicant Thomistae, id fieri una ratione boni, alioqui non erit cur adeo laboret Prudentia circa praecisas, individuas, variasque bonitates, circa quas insudans, acquirit species de illa mediocritate, puta Fortitudinis; neque tamen interea simul acquiruntur species circa medium Temperantiae, ut experimento constat, et acute arguit Scotus, et haec ratio a posteriori, ut ait Mastrius, est evidentissima. Tunc sic arguit Bassolis. Illi sunt distincti essentialiter habitus, quorum uno acquisito non acquiritur alius; sed sic res habet, ut ostendi: Ergo.*

8 Vasquez REPLIES that the habit first acquired about one virtue is afterwards extended, by way of superaddition, to a new act of another virtue.

> *RESPONDET Vasquez, eum habitum primo acquisitum circa unam virtutem, postea per modum superadditum extendi ad novum actum alterius virtutis.*

9 AGAINST, because, as Arriaga argues, there is no reason for saying one of those abilities to be a habit, the other a mode, since each is disparate and independent, and hence diverse as to object.

> *CONTRA, quia, ut arguit Arriaga, non est ratio dicendi, unam ex illis habilitatibus esse habitum; alteram esse modum, cum utraque sit disparata, et independens, adeoque obiecto diversa.*

10 The Thomists REPLY that all these are parts of the habit, yet united among themselves and constituting one habit.

> *RESPONDENT Thomistae, eas omnes esse partes habitus, tamen inter se uniri, unumque constituere habitum.*

11 AGAINST, because if the habits of Prudence are united, the habits of the moral virtues also could come together into one. Then, if they are diverse parts: Therefore there is not one habit, but many parts of Prudence, one for one virtue, another for another.

> *CONTRA, quia si habitus Prudentiae uniuntur, poterunt etiam habitus virtutum moralium in unum coire. Deinde, si sunt diversae partes: Ergo non unus est habitus, sed multae partes Prudentiae, una pro una virtute; alia pro alia.*

12 There is therefore ONE generic Prudence, and many species; just as there is one virtue of Temperance, and under it several species are enclosed. They OBJECT first from Aristotle 6. Eth. c. 13., where he says: *For since Prudence, which is one, is present, all will be present at the same time,* (that is, the virtues.) The reason is, because all have one mode of seeking the mean for the virtues.

> *UNA est igitur Prudentia generica, et multae species; sicuti una est virtus Temperantiae, et sub ea plures clauduntur species.*

13 They OBJECT first from Aristotle 6. Eth. c. 13., where he says: *For since Prudence, which is one, is present, all will be present at the same time,* (that is, the virtues.) The reason is, because all have one mode of seeking the mean for the virtues.

> *OBIICIUNT primo ex Aristotele 6. Eth. c. 13. ubi ait:* Etenim cum Prudentia, quae est una, simul inerunt omnes, *(idest virtutes.) Ratio est, quia omnes habent unum modum quaerendi mediocritatem virtutibus.*

14 It is ANSWERED, that although Prudence labors about the mean, or about the moral good, nevertheless it does not act in the genus, seeking the end, or means, in generic goods, and of mediocrity; otherwise it would not direct sufficiently to the special objects, nor would the virtues be

directed sufficiently; but as the singular virtues with diverse tendencies are borne toward their own peculiar objects, so many Prudences direct in those objects, nor have the Thomists known how to assign a diversity in this: Aristotle however speaks of Prudence in the genus, as it is extended to the directing of all the virtues.

> *RESPONDETUR, quod licet laboret Prudentia circa mediocritatem, seu circa bonum morale, tamen non agit in genere, quaerendo finem, aut media in genere bona, et mediocritatis; alioqui non satis dirigeret ad obiecta specialia, neque virtutes satis dirigerentur; sicut autem virtutes singulae diversis tendentiis in peculiaria obiecta propria feruntur; ita Prudentiae multae in ea obiecta dirigunt, neque Thomistae in hoc assignare noverunt diversitatem: Aristoteles vero loquitur de Prudentia in genere, pro ut ad omnes virtutes dirigendas extenditur.*

15 They OBJECT secondly: The object of Prudence is the true; but the reason of the true is the same in any matter of moral virtue, which Prudence judges: Therefore the virtue of Prudence is one.

> *OBIICIUNT secundo: Obiectum Prudentiae est verum; sed eadem est ratio veri in quavis materia moralis virtutis, quam iudicat Prudentia: Ergo una est virtus Prudentiae.*

16 It is CONFIRMED: As there is one Medicine against all sicknesses, so one Prudence against all practical errors.

> *CONFIRMATUR: Sicut una est Medicina contra omnes aegritudines, ita una Prudentia contra omnes errores practicos.*

17 Mastrius REPLIES *num. 150.* that if the argument were valid, it would also prove that there are not several speculative sciences, because there is one truth of all. Therefore neither Science nor Prudence takes its species from truth, but from things; for these are the object under such a reason. To the proof he denies the parity; for Medicine is toward one health, but Prudence toward several spiritual healths.

> *RESPONDET Mastrius* num. 150. *si argumentum validum esset; probare etiam, non esse plures scientias speculativas, quia est una omnium veritas. Igitur neque Scientia, neque Prudentia speciem sumunt a veritate, sed a rebus; hae enim sunt obiectum sub tali ratione. Ad probationem negat paritatem; nam Medicina est ad unam sanitatem, At Prudentia ad plures valetudines spirituales.*

18 BUT he does not advert to the force of the argument, nor does the arguer exercise himself well. The nerve of the argument therefore stands in this, that Prudence does not direct to practical truth as it is of temperance, or of justice, but as they ought to be fitted to the weight and measure of reason; as he who proves various balances by one weight, and thereby recognizes whether they are equal. So therefore Prudence weighs all moral acts of the virtues to its measure; even if it consider them materially; yet it weighs all the objects, even the formal ones of each virtue, to its rule.

> *SED non advertit vim argumenti, neque arguens bene exercit. Stat igitur nervus rationis in hoc, quod Prudentia non dirigit ad practicam veritatem, ut est temperantiae, vel iustitiae, sed ut debent aptari ponderi, et mensurae rationis; sicuti, qui probat stateras varias per unum pondus, et agnoscit inde, an sint aequae. Sic igitur Prudentia omnes ad suam mensuram actus moralium virtutum ponderat, esto eos consideret materialiter; tamen omnia obiecta, etiam formalia singularum virtutum pensitat ad suam regulam.*

19 It is ANSWERED therefore, that Prudence directs the singular acts of the virtues to the measure of reason, not precisely as to one common genus, but according to this or that special reason, seeking for each the individual means, clothed with so many circumstances, so that it does not stop at the being of reason, but equates the singular acts to the individual rules of that species of virtue; For it is

the Directrix of human acts, which are singular, and it directs these to the special norm of the mean of this individual. For often those things which are right in species can be vitiated by some circumstance, and consequently be evil in the individual; and hence it needs special, singular, practical rules, since so various are the species of virtues, of which one is neither the species nor the circumstance of another, v. g. this act of attending to a sick man on a feast day, and on that account omitting the Sacred [rite], is not directed by prudence nakedly under this common reason, as it is rational, inasmuch as the act of Charity, performed in grave necessity, is deservedly to be preferred to positive human law; but as formally it is such an act, fortified with all the good circumstances of the individual; and hence as it is such an act perfectly, for such good causes; and consequently it is necessary that Prudence have all the rules, each and every one; and in this the example of Medicine is similar, which, although one in genus, nevertheless many in species are necessary, for instance purgative, preservative, and indeed toward several ends; whence there is not one health in genus, but several; for medicine does not consider health in the genus, but this and this health in number, which are various, and often opposed, by reason of the subject, because often what reduces one to temper would distemper another; for thus purgatives, which would too much weaken and enfeeble one, heal the robust man, burdened with many humors and full of superfluities; and what benefits one with burning fever will harm one with a Catarrh.

> *RESPONDETUR igitur, Prudentiam dirigere actus singulatum virtutum ad rationis mensuram, non tanquam ad unum genus commune praecise, sed secundum hanc, vel illam rationem specialem, quaerens singulis mediocritates individuas, tot circumstantiis vestitas, ita ut non sistat in esse rationis, sed adaequet actus singulos regulis individuis illius speciei virtutis; Est enim Directrix humanorum actuum, qui sunt singulares, et hos dirigit ad specialem normam mediocritatis huius individui. Saepe enim, quae sunt recta in specie, possunt aliqua circumstantia vitiari, atque adeo in individuo esse mala; adeoque eget regulis specialibus singularibus practicis, cum tam variae sint virtutum species, quarum una, neque est species, neque est circumstantia alterius, v. g. hic actus attendendi infirmo in die festo, et ob id omittendi Sacrum, non dirigitur a prudentia nude sub hac ratione communi, ut est rationalis, quatenus actus Charitatis, praestitus in gravi necessitate, est merito praeferendus iuri positivo humano; sed ut formaliter est talis actus, omnibus bonis circumstantiis munitus individui; atque adeo ut est talis actus talibus de causis bonis perfecte; ac proinde oportet, ut Prudentia regulas omnes, et singulas habeat, et in hoc simile est exemplum Medicinae, quae, licet una genere sit, tamen plurimae sunt specie necessariae, puta purgativa, praeservativa, et sane ad plures fines; unde non est una sanitas genere, sed plures; neque enim medicina considerat sanitatem in genere, sed hanc, et hanc numero sanitatem, quae sunt variae, et saepe oppositae, ratione subiecti, quia saepe id, quod reducit unum ad temperiem, distemperaret aliam; sic enim purgantia, quae unum nimis debilitarent, atque infirmarent, sanant robustum, pluribus onustum humoribus, et superfluitatibus plenum; et quibus febri ardenti prodest; nocebit Catharro.*

20 *You will say.* As Science stands in speculative matter: so Prudence in practical; but in speculative there is one science, considering principles and conclusions, although they are more distant among themselves than diverse practical principles: Therefore the diversity of doable things does not multiply prudences. Add that all are ordered to one end.

> Dices. *Sicuti se habet Scientia in materia speculativa: ita Prudentia in practica; sed in speculativa una est scientia, principia considerans, et conclusiones, cum tamen magis distent inter se, quam diversa principia practica: Ergo diversitas agibilium non multiplicat prudentias. Adde, omnes esse ad unum finem ordinatas.*

21 *It is answered*, that the habit of principles and of conclusions is not the same; for the habit of principles is called Intellect; the habit of conclusions is called Science, from the first *Poster.* and 6. *Eth.* To what he intimates about the end, I say, that the ends of Prudence are diverse, as the Saintly Doctor

adverts *in the cited place*, and with him Scotus *dist.* 36. *upon the letter I.* for the end of Oeconomic Prudence is one, of Political another, etc. Another of Ethics; and as I said in the argument for the assertion, the ends are wholly diverse, and consequently there are several prudential habits, because it is not enough for prudence to direct to the end in the genus, but it must fit the thing in the individual, so that as it were the arrow may reach the Mark; and therefore several prudential habits are necessary, as Rada adverts *controvers. 15. de Virtutibus, articulo 3.*

> Respondetur, *non esse eundem habitum principiorum, et conclusionum; nam habitus principiorum dicitur Intellectus; habitus conclusionum dicitur Scientia ex primo* Poster. *et 6.* Eth. *Ad illud quod innuit de fine, dico, Prudentiae diversos esse fines, ut advertit S. Doctor* loco citato, *et cum eo Scotus* dist. *36.* circa litteram I. *nam alius est finis Prudentiae Oeconomicae, alius Politicae, etc. Alius Ethicae; et ut dixi in argumento pro assertione, diversi penitus sunt fines, atque adeo plures habitus prudentiales, quia non satis est prudentiae dirigere ad finem in genere, sed debet in individuo rem aptare, ut veluti sagitta Scopum attingat; et propterea plures habitus prudentiales sunt necessarii, ut advertit Rada* controvers. 15. de Virtutibus, articulo 3.

22 *You will object* lastly. Prudence, to govern one virtue, must govern according to the norm of general rectitude, embracing all the rules of rectitude, otherwise from one defect that action will be perverse: Therefore there is one prudence, extended to all things.

> Obiicies *ultimo. Prudentia, ut unam virtutem regat, debet regere ad normam rectitudinis generalis, complectentis omnes regulas rectitudinis, alioqui ex uno defectu illa actio erit prava: Ergo est una prudentia, extensa ad omnia.*

23 *It is answered*, that intensive perfection in its own moral species is enough for each virtue, nor ought it to be extended to all the rules of rectitude of others, which indeed would be applied impertinently. For what does the rule of fasting subserve to the rule of buying? But although Prudence be a rule counseling, directing, and imperating (yet prescribing as it sounds forth by dictating; for the intellect does not command,) and to these many rules of rectitude are necessary; nevertheless not all and each are to be applied for the singular acts of the virtues.

> Respondetur, *satis esse singulis virtutibus perfectionem intensivam in sua specie morali, neque extendendam ad omnes regulas rectitudinis aliarum, quae sane impertinenter adhiberentur. Quid enim infervit regula ieiunii ad regulam emptionis? Quamvis autem Prudentia sit regula consiliativa, directiva, et imperativa, (prout tamen praesinit dictans; non enim intellectus imperat,) et ad haec plurimae regulae rectitudinis sint necessariae; non tamen omnes, et singulae pro singulis virtutum actibus sunt applicandae.*

24 From what has been said other objections of Tannerus and others collapse, which I shall indicate here.

> *Ex dictis corruunt aliae obiectiones Tanneri, et aliorum, quas hic indicabo.*

25 *The first*, because there is one mode of judging about all particular doable things, namely by consultation finding the mean in any matter of the virtues, and the conveniency of the means to the end of the same virtue.

> Prima, *quia unus est iudicandi modus de omnibus agibilibus particulatibus, videlicet per consultationem inveniendo mediocritatem in qualibet virtutum materia, et convenientiam mediorum ad finem eiusdem virtutis.*

26 *The second*, because the mean and honesty of one virtue cannot be prescribed except with respect to the others.

> Secunda, *quia medium, et honestas unius virtutis praesciribi non potest, nisi cum respectu ad alias.*

27 *The third*, because the diversity of doable things, in order to the habit of the intellect, is only material.

> Tertia*, quia diversitas agibilium, in ordine ad habitum intellectus, est solum materialis.*

28 *It is answered* indeed by denying the assumptions, and indeed that of the first proposition; for the mode which subserves one particular doable thing does nothing for the direction of another doable thing; but this one mode of judging about all is generic, and consequently insufficient, since the special is required. Similarly, although in each virtue there is a conveniency of the mean to its end; nevertheless this conveniency is one in the virtue of temperance, another in the military virtue, nor does the Plowman hold the goad with the same conformity of the mean by which the Sailor holds the rudder; say the same of the rest.

> Respondetur *enim, negando assumpta et quidem primae propositionis; nam modus, qui infervit uni particulari agibili, nihil facit ad directionem alterius agibilis; iste autem modus unus iudicandi de omnibus est genericus, ac proinde insufficiens; cum specialis requiratur, Similiter licet in unaquaque virtute sit convenientia medii ad suum finem; tamen haec convenientia alia est in virtute temperantiae, alia in virtute militari, nec eadem medii conformitate tenet Arator stivam, qua Nauta temonem; Idem dic de caeteris.*

29 To the second objection I say similarly, that one virtue has its whole honesty intensive, without the honesty of another; as proved above; even if extensively it cannot be occupied in the matter of other virtues unless aided by their auxiliary supplies; yet this, since it is per accidens, and sometimes superfluous, since it is not always necessary for some virtue to go forth beyond its limits, is beside the point.

> *Ad secundam obiectionem Dico similiter, unam virtutem habere totam suam honestatem intensivam, absque honestate alterius; ut supra probatum est; esto extensive in materia aliarum virtutum non possit occupari; nisi illarum copiis auxiliaribus adiuta; id tamen, cum sit per accidens, et aliquando superfluum, cum non semper necesse sit, virtutem aliquam ultra suos limites exire, non est ad rem.*

30 To the third it is plain, because although several or few doable things put on the reason of material object; yet since each doable thing falls under the direction of one particular virtue; in order to this, it is necessary that it obtain the reason of formal object; and since moreover such a virtue undertakes the burden of discerning, directing, and impelling in its matter, it needs a particular prudence, which can fulfill that office; which, since it is the object of this Prudence, and indeed distinct from the object of the Prudence of another, as clearly appears from what has been said; it follows that this and that Prudence are of diverse reason, and consequently differ among themselves.

> *Ad tertiam patet, quia licet agibilia plura, vel pauca induant rationem obiecti materialis; cum tamen unumquodque agibile cadat sub directione unius virtutis particularis; per ordinem ad hanc, necesse est, obtineat rationem obiecti formalis; et cum insuper talis virtus subeat onus discernendi, dirigendi, et impetandi in sua materia, opus habet particulari prudentia, quae illud muneris valeat obire, quod cum sit obiectum huius Prudentiae, et quidem distinctum ab obiecto Prudentiae alterius, ut luculenter ex dictis patet; sequitur hanc, et illam Prudentiam diversae esse rationis, ac proinde inter se differre.*

Disputation XXI: On the Gift of Counsel

Question I: What the gift of counsel is, and what its office is

1 THE Gift of Counsel is a supernatural Habit, by which the mind is rendered easily movable to the inquiry necessary for deliberation. Now this mode of moving the mind is connatural to it, because it proceeds by inquiry to its decrees. But God moves the minds of men in ways connatural, as D. Thom. *art. 1.* and D. Bonaventure note.

> ***Quid sit donum CONSILII; Et quod ipsius Munus.***
>
> *DONUM Consilii est Habitus supernus, quo mens redditur facile mobilis ad inquisitionem, deliberationi necessariam. Est autem hic modus movendi mentem ei connaturalis, quia procedit per inquisitionem ad sua decreta. Congrue autem modis connaturalibus Deus mentem hominum movet, ut notat D. Thom.* art. 1. *et D. Bonaventura.*

2 *You will object.* The Gifts are given in aid of the virtues; but man is sufficiently perfected for counsel by prudence and Eubulia: Therefore.

> Obiicies. *Dona dantur in adiutorium virtutum; at satis ad consilium homo perficitur per prudentiam, et Eubuliam: Ergo.*

3 D. Thom. *answers* that Prudence and Eubulia direct to Counsel according to those things which reason can comprehend; but because human reason cannot comprehend the singular contingents that can occur, hence *the thoughts of mortals are timid, and our providence uncertain*, as is said *Sap. 9.*, where the Saintly Doctor speaks out most excellently; Therefore man needs, in the inquiry of Counsel, to be directed by God, who comprehends all things, which is done through the gift of Counsel, by which man is directed as it were by Counsel taken from God; just as also in human affairs those who are not sufficient of themselves in the inquiry of Counsel seek counsel from the wiser.

> Respondet *D. Thom. Prudentiam, et Eubuliam dirigere ad Consilium secundum ea, quae ratio comprehendere potest; sed quia humana ratio nequit comprehendere contingentia singularia, quae possunt occurrere; hinc* cogitationes mortalium timidae sunt, et incerta providentiae nostrae, *ut dicitur* Sap. 9. *ubi praeclare S. Doctor eloquitur; Ideo indiget homo in inquisitione Consilii dirigi a Deo, qui omnia comprehendit, quod fit per donum Consilii, per quod homo dirigitur, quasi Consilio a Deo accepto; sicut etiam in rebus humanis, qui sibi ipsis in inquisitione Consilii non sufficiunt, a sapientioribus consilium requirunt.*

4 Hence the Saintly Doctor labors to explain for what the gift of Counsel is necessary; namely, for the inquiry of those things which reason does not attain of itself.

> *Hinc S. Doctor explicare satagit, ad quid necessarium sit donum Consilii; scilicet ad inquisitionem eorum, quae ratio per se non assequitur.*

5 *Wherefore* the Gift of Counsel stands as a superior Mover, because indeed Prudence moves as a mover in reason toward rectitude according to the rules of created reason. But Counsel moves according to eternal reasons, which are the first rules directing to the right; hence another difference shines forth, that Counsel makes known whether something is to be done, and warns against precipices, lest one repent after the fact; but prudence teaches at what time, by what means and circumstances, here and now, one ought to act; wherefore as prudence presides specially over the virtue of fortitude, lest it rush headlong into the work; so Counsel presides over the Gift of fortitude,

by which the will imbued divinely with the Holy Spirit more quickly acquiesces to the one counseling whether, and what, is to be done; Hence D. Gregory *in moral.* says, cited by the Seraphic Doctor *de 7. Donis, de Dono Consilii, cap. 1.: greatly is fortitude destroyed, unless it be supported by Counsel.*

> Qvare *Donum Consilii se habet ut Movens superius, quia nempe Prudentia movet, ut movens ratione ad rectitudinem secundum regulas rationis creatae. Consilium autem movet secundum rationes aeternas, quae sunt regulae primae dirigentes ad rectum; hinc elucet alia differentia, quod Consilium scire faciat; an aliquid sit faciendum, praecaveatque praecipitia, ne post factum poeniteat; prudentia vero docet quo tempore, quibus mediis, et circumstantiis, hic et nunc, agendum sit; quare sicut prudentia praeest specialiter virtuti fortitudinis, ne praeceps in opus ruat; sic Consilium praeest Dono fortitudinis, qua divinitus imbuta voluntas Spiritui sancto, an, et quid agendum consulenti, ocius acquiescit; Hinc D. Gregor.* in moral. *ait apud Seraphicum* de 7. Donis, de Dono Consilii, cap. 1. valde fortitudo destruitur, nisi Consilio fulciatur.

6 Whence Prudence and Counsel seem as it were the lesser Light and the greater Light; for prudence is of lesser light, which it borrows from Counsel, that it may direct the more securely; but this [Counsel] presides over the shining and fervid rays of the spiritual day, which arises in the mind; whose Morning then begins, when the ray of eternal Counsel kindles the will toward the holy purpose, and scatters further the darkness in which the mind previously had so long lodged in the Dwelling of its own prudence; But now, upon the reception of divine inspiration, it rises up, to conform itself perfectly to that supreme Counselor, whose voice it perceives with the innermost ears whispering: *Son, hear, take my counsel, and cast it not away.* Hear (the Seraphic Doctor postillates,) as to the Intellect, *take*, as to the affection, *cast not away* as to the effect. He who walks in this day does not stumble; for he more easily regards the past, more safely beholds the present, and more securely looks out toward things to come; wherefore Counsel is called the Eye, and the Caution of things to come; of the Morning of this Day the Psalmist says: *In the morning I will stand before you, and will see*, as the Seraphic Doctor notes, *de 7. Donis, ubi supra, cap. 4.*

> *Unde Prudentia, et Consilium videntur quasi Luminare minus, et Luminare maius; prudentia enim est minoris lucis, quam etiam, quo secutius dirigat, a Consilio mutuatur; hoc autem fulgidis, fervidisque radiis praeest spirituali diei, quae in mente exoritur; cuius Mane tunc incipit, quando aeterni Consilii radius voluntatem ad sanctum propositum accendit, tenebrasque longius dissipat, quibus diu prius mens in propriae prudentiae Domicilio pernoctabat; At modo susceptione divinae inspirationis exurgit, ad perfecte se conformandum supremo illi Consiliario, cuius vocem intimis auribus percipit insusurrantem:* Fili audi, accipe consilium meum, et ne abiicias. *Audi (postillat Seraphicus,) quo ad Intellectum,* accipe, *quo ad affectum,* ne abiicias *quoad effectum. In hac die qui ambulat, non offendit, praeterita enim facilius respicit, praesentia tutius intuetur, et futuris securius prospicit; quamobrem Consilium dicitur Oculus, et Cautio futurorum; de Mane huius Diei ait Psalmista:* Mane astabo tibi, et videbo, *ut notat Seraphicus Doctor,* de 7. Donis, ubi supra, cap. 4.

7 The Saintly Doctor proceeds to pour out upon pious minds the meridian Illumination of this Gift; which stands in this, that with concordant flame and light it kindle and hasten upward, in a straight path of perpendicular rays, the afffection together with the Intellect; which is accomplished while the mind is wholly intent upon observing the Divine precepts and Counsels; for then the Sun of the Deity, shining forth more brightly from the supreme orb of heaven, visits the soul with a threefold splendor; for the Father comes and visits the Memory, exciting it to operate perfectly; the Son comes and visits the Intellect, illuminating it to contemplate clearly; the Holy Spirit also visits the Will, inflaming it to love sweetly, according to the Saying of the Lord, John 14.: *We will come to him, and will*

make our abode with him; then the divine Sun (the Seraphic Doctor says) *burns the earth at meridian, burning the mountains threefold, breathing forth fiery rays, etc. as is had in Ecclesiasticus, cap. 43.*

> *Procedit S. Doctor meridianam huius Doni Illuminationem piorum mentibus offundere; quae in eo stat, ut concordi flamma, et luce, affectum simul, et Intellectum perpendicularibus radiis sursum recto tramite accendat, et acceleret; quod praestatur, dum mens Diuinis praeceptis, ac Consiliis observandis tota intenditur; tunc enim Deitatis Sol, e supremo coeli orbe clarius refulgens, triplici splendore animam visitat; venit quippe Pater, et visitat Memoriam, excitando ad perfecte operandum, venit et visitat Filius, illuminando Intellectum ad clare contemplandum; visitat etiam Spiritus sanctus Voluntatem inflammando ad dulciter amandum, iuxta Dictum Domini Ioannis 14.* Ad eum veniemus, et mansionem faciemus; *tunc Sol diuinus (ait Seraphicus)* In meridiano exurit terram, tripliciter exurens montes, radios igneos exufflans, etc. ut habetur ecclesiastici, cap. 43.

8 But the Vesper, Consummative of this spiritual Day, then declines, when what is commanded by the Lord is attended to not with wavering care, but with exuberant desire the mind devotes itself wholly to the study of perfection, and with certain counsel embraces whatever is counseled: To this Vesper S. Theresa came, when she vowed that whatever she judged more perfect, and more pleasing to God, she would straightway perform; as is read in her life; for Counsels, the more perfect they are, the more luminous also they are, leading to the perfect Day, and consummating it; as the Saintly Doctor notes *cap. 4. near the end, ubi supra.*

> *Vervm Vespera, huius Diei spiritualis Consummativa, tunc declinat, quando, quod a Domino praecipitur, ancipiti cura non attenditur, sed exuberanti desiderio tota se mens perfectionis studio impendit, et certo consilio, quicquid consulitur, amplectitur: In hanc vesperam pervenit S. Theresia, dum voverit, quicquid perfectius, Deoque gratius, iudicaret, se extemplo actituram; ut legitur in ipsius vita; Consilia enim, quo sunt perfectiora, eo etiam luminosiora ad perfectum Diem conducunt, et consummant; ut notat S. Doctor* cap. 4. prope finem, ubi supra.

Question II: How the gift of counsel orders the mind

1 WHEN the Gift of Counsel is set forth, as it were an economus, for the powers of the soul to be directed toward supernatural things, the Saintly Doctor here proceeds to show how he orders his family.

> *Cvm Donum Consilii proponatur, tanquam oeconomus, potentiis animae quoad superna dirigendis, prosequitur hic S. Doct. ostendere quomodo familiam suam ordinet.*

2 He observes therefore, that the Soul is a certain noble creature, *from the book de spiritu, et anima, cap. 17. under D. August. tomo 3.*; for it is that City of God of which glorious things are said, *Psalm. 86.* But in the city there are many peoples; namely, the Wise for counseling, Soldiers for fighting, and Artisans for working; So in the Soul there are the vigor of genius and of nature, as it were Natives, as the Saintly Doctor says, distinguished into three grades; the first grade the Intellectual faculties obtain, the middle the Rational possess, the lowest the Sensible, or Animal, retain.

> *Observat itaque, Animam esse nobilem quamdam creaturam,* ex libro de spiritu, et anima, cap. 17. apud D. August. tomo 3. *est quippe Civitas illa Dei, de qua gloriosa dicta sunt,* Psalm. 86. *In civitate autem sunt populi multi; Sapientes scilicet ad consulendum, Milites ad pugnandum, et Artifices ad operandum; Itidem in Anima sunt ingenii et naturales vigores, quasi Indigenae, ut ait S. Doctor, in tres gradus distincti; primum gradum obtinent facultates Intellectuales, medium possident Rationales, infimum retinent Sensibiles, seu Animales.*

3 Therefore the Gift of Counsel presides over the whole soul, assigning the Intellectual powers to penetrating and persuading supernatural goods; whence these senses are the best Counselors of the soul; For they counsel: *Fear God, and keep his commandments; for this is all man*, that is, the whole man: To these, as Advocates, are joined Faith, Hope, and Charity, as called from on high to plead the cause of human salvation.

> *Donvm igitur Consilii praeficit toti animae vires Intellectuales ad superna bona penetranda, et suadenda; unde hi sensus sunt optimi Consiliarii animae, Consulunt enim:* Deum time, et mandata eius serua; hoc enim est omnis homo*, idest, totus: His pro Advocatis adiunguntur Fides, Spes, et Charitas, utpote e superis ad humanae salutis causam agendam vocatae.*

4 Likewise this Gift subordinates the rational powers to the Intellectual, for despising evil with the eye of discretion, and choosing the good manfully; whence they are as it were the Soldiers of the Soul, fighting the insolence of concupiscence according to their powers; to which, as Auxiliary troops, are added the acquired habits, namely Prudence, Temperance, Fortitude and Justice; for these virtues strongly repel the vices, and bravely defend their right.

> *Item hoc Donum potentias rationales Intellectualibus subordinat, ad malum, discretionis oculo, aspernandum, et bonum viriliter eligendum; unde sunt quasi Milites Animae, Insolentiam concupiscentiae pro viribus impugnantes; quibus in Auxiliares copias adiiciuntur habitus acquisiti, Prudentia nimirum, Temperantia, Fortitudo et Iustitia; hae etenim virtutes vitia fortiter repellunt, suumque Ius animose tuentur.*

5 Finally, in the lowest place, Counsel orders the animal senses, to supply the visible things needed by the body; whence they are as it were Rustics and Artisans, persisting in works of the hands, and working with a coarser wit, serving the other faculties of the soul. These, as it were instruments of the arts, take to themselves the exterior senses, which are also as it were Recruits pursuing coarser rudiments; Likewise to the animal senses are associated certain passions, as Love, Hatred, Sorrow, and Joy, with which, being furnished, they obey the higher faculties the more expeditiously; but all these the Gift of Counsel provides, mediately or immediately, ordering each sense in its order and to its function, as the Seraphic Doctor here concludes most excellently; but of these he speaks wondrously *cap. 6. and 7. seqq.*

> *Infimo denique loco Consilium ordinat sensus animales, ad visibilia corporis necessitati subministranda; unde sunt veluti Rustici, et Artifices, manuum operibus insistentes, et crassiori minerva operantes, caeteris animae facultatibus subserviunt. Hi, ut in artium Instrumenta, assumunt sibi exteriores sensus, qui sunt etiam veluti Tyrones crassiora rudimenta sectantes; Item sensibus animalibus associantur quaedam passiones, ut Amor, Odium, Dolor, et Gaudium, quibus instructi expeditius superioribus facultatibus obsequuntur; haec autem omnia praestat mediate, vel imediate, Donum Consilii, suo ordine, et ad suum munus unumquemque sensum disponendo, ut concludit egregie hic Seraphicus; de his autem mira eloquitur* cap. 6. et 7. seqq.

Question III: Whether the gift of counsel remains in heaven

1 IT MUST BE ASSERTED that the Gift of Counsel remains in the fatherland.

> An Donum CONCILII maneat in patria.
>
> *ASSERENDUM, manere in patria Donum Consilii.*

2 *It is proved* first from *D. Thom.* When the mover is the cause only of motion, the end having been had, it ceases to move; as when a house is being built, it is promoted; but when it has already been

built, it is no longer built; but when the mover is the cause not only of the motion, but also of the form to which the motion is, then the action of the mover does not cease even after the attainment of the form, as the Sun illuminates the air even after it has been illuminated; and in this way God causes in us both the virtue and the cognition, not only when we first acquire them, but also as long as we persevere in them: but thus God causes cognition in the blessed, not as in the ignorant, but by continuing in them the whole cognition of the things to be done. About those things which they do not know, they consult God, not with anxious inquiry, as we do, but with simple conversion.

> Probatur *primo a* D. Thom. *Quando movens est causa tantum motus, habito fine, cessat movere; ut quando domus aedificatur, promovetur; at quando iam aedificata est, non amplius aedificatur; at vero quando movens est causa, non solum motus, sed etiam formae, ad quam est motus; tunc non cessat actio moventis etiam post adeptionem formae, sicut Sol illuminat aërem, etiam postquam est illuminatus, et hoc modo Deus causat in nobis, et virtutem, et cognitionem, non solum quando primo acquirimus, sed etiam quamdiu in eis perseveramus: sic autem Deus in beatis causat cognitionem, non quasi in ignorantibus, sed continuando in eis cognitionem totam, quae agenda sunt. Circa ea vero, quae nesciunt, Deum consulunt, non inquisitione anxia, ut nos, sed simplici conversione.*

3 *It is proved* secondly from *D. Bonaventure here in the body.* The state of glory is much more abundant and perfect than the state of Grace; but the state of grace admits all the gifts by which the soul is conducted to Deiform perfection; and among these is Counsel; Therefore. The consequence is plain, because where the Deiformity of the soul is greater, there the Gifts which effect it should rather be given; but in the fatherland the Deiformity is greater: Therefore. Nevertheless the *Saintly Doctor* adverts that the Gifts and habits are admitted there as to the nobler acts and uses; but not as to those things which hardly regard imperfection.

> Probatur *secundo a* D. Bonaventura hic in corpore. *Multo abundatior, et perfectior est status gloriae, quam status Gratiae; sed status gratiae admittit omnia dona, quibus anima ad Deiformem perfectionem conducatur; inter haec autem est Consilium; Ergo. Consequentia patet, quia ubi maior est animae Deiformitas, ibi potius danda sunt Dona, quae id praestent; sed in patria maior est Deiformitas: Ergo. Advertit tamen* S. Doctor, *Dona, et habitus ibi admitti quo ad nobiliores actus, et usus; non vero quo ad ea, quae viz imperfectionem respiciunt.*

4 *It is proved* secondly from *the Seraphic Doctor, fundam. 2.* We shall not be more blessed in the fatherland than Christ was on the way; but Christ had the Gift of Counsel, as *Isaias* has it; therefore from the perfection of the fatherland there does not follow the evacuation of Counsel.

> Probatur *secundo a* Seraphico fundam. 2. *Non erimus nos beatiores in patria, quam fuerit Christus in via; sed Christus habuit Donum Consilii, ut habet* Isaias*; ergo ex perfectione patriae non sequitur Consilii evacuatio.*

5 *It is confirmed fundam. 4.* The lowest of the Gifts, namely fear, will not be evacuated in the fatherland; for it is said in the *Psalm: The fear of the Lord is holy, remaining unto age of age: Therefore* much less Counsel.

> Confirmatur fundam. 4. *Infimum Donorum, scilicet timor, in patria non evacuabitur; dicitur enim in* Psalmo. Timor Domini sanctus, permanens in saeculum saeculi: Ergo *multo minus Consilium.*

6 *You will object.* Where there will be no defect of doubt, or of Composition and discussion, there will be no Counsel, which carries these two with it; but those will not be in the fatherland: Therefore.

> Obiicies. *Ubi non erit defectus dubitationis, aut Compositio discussus, ibi non erit Consilium, quod haec duo secum portat; sed ista non erunt in patria: Ergo.*

7 The *Saintly Doctor answers ad 4.* Counsel implies a weighed discussion of the parts, and a stable, firm, and certain election of the worthier part: the first is accidental, and of imperfection; wherefore it will be taken away: but the second is essential to Counsel, and of perfection, whence it will remain.

> Respondet S. Doctor ad 4. *Consilium Importare ponderatam partium discussionem, et stabilem, firmam, certamque dignioris partis electionem: primum est accidentale, et imperfectionis; quare tolletur: secundum vero Consilio est essentiale, et perfectionis, unde remanebit.*

8 But what the function of Counsel is in the fatherland is gathered from *D. Bonaventure*, discoursing at length on the seven Gifts, *de Dono Consilii, cap. 5. 6. and 7.*, where he describes most excellently the whole family of the Soul banqueting on spiritual dishes and seasoned drinks, and prescribes the manner in which, even on the way, this Gift may be foretasted; see it yourself, whose words, something divine and savoring, read through in their proper place, suggest what for that reason it was not my wish to transfer here.

> *Quodnam autem sit Consilii munus in patria, colligitur e* D. Bonaventura*, late differente de septem Donis,* de Dono Consilii, cap. 5. 6. et 7. *ubi totam Animae familiam spiritualibus ferculis, et conditis poculis convivantem eximie describit, modumque praescribit, quo, etiam in via, hoc Donum praegustetur; ipsum vide, cuius verba, divinum quid, et sapidum, proprio loco perlecta, suggerunt, quae ideo huc transferre non libuit.*

Question IV: Whether the fifth beatitude corresponds to the gift of counsel

1 *D. Augustine Lib. 1. de sermone Domini in monte, cap. 9. says: Counsel befits the merciful, because the unique remedy is to be rescued from such great evils, to forgive others, and to give.*

> An quinta Beatitudo respondeat Dono Consilii.
>
> D. Augustinus Lib. 1. de sermone Domini in monte, cap. 9. ait: Consilium convenit misericordibus, quia unicum remedium est de tantis malis erui, dimittere aliis, et dare.

2 *It is proved* therefore from *D. Thom.*, because Counsel is of those things which are useful to the end; as among all means *piety is useful to all things, as* is said: *first Timot. 4.* Therefore to the gift of counsel, as directing, Mercy corresponds, since the best Counsel is that you do to another what you would wish done to yourself.

> Probatur *ergo a* D. Thom. *quia Consilium est de his, quae sunt utilia ad finem; ut inter omnia media,* utilis ad omnia est pietas, ut *dicitur:* prima Timot. 4. *Ideo dono consilii, tanquam dirigenti, respondet Misericordia, cum optimum Consilium sit, ut alteri facias, quod tibi fieri velles.*

3 *It is proved* also from *D. Bonaventure in Diaeta, tit. 7. cap. 4.* that to that Gift this Beatitude corresponds, at whose Precept it operates; but at the precept of Counsel mercy operates; therefore. For Counsel shows how we can be made better by the evils of others, by compassionating them; just as to be enriched by poverty, to be healed by infirmity, and to be relieved by a burden, according to that Counsel of the Apostle: *bear one another's burdens*, which Mercy, obedient, strives to bear the burdens of all, and the more it is burdened, the more it gains, and the more quickly it runs to the prize of the supernatural fatherland.

> Probatur *etiam e* D. Bonaventura in Diaeta, tit. 7. cap. 4. *illi Dono Beatitudo haec respondet, ad cuius Praescriptum operatur; sed ad praescriptum Consilii operatur misericordia; ergo. Consilium enim ostendit, quomodo de aliorum malis possimus meliorari, ipsis compatiendo; sicut et de paupertate ditari, de infirmitate sanari, et de onere*

alleviari, Iuxta illud Apostoli Consilium: alter alterius onera portate*, cui misericordia obsequens omnium onera portare satagit, et quanto plus oneratur, tanto plus lucratur, et velocius ad bravium supernae patriae currit.*

4 *Moreover*, as Human Counsel persuades to lend more willingly to the King, for the reason that he can the more securely repay the Capital, repair the losses, pay the profits and the usuries; So the merciful are counseled by this gift, that they take care to bestow their goods more abundantly on the poor; through whose hands the liberal King, God, receives them, who is accustomed to keep the Capital for his Merchants (says *the Seraphic Doctor here*), by preserving grace, repair the losses, by remitting sin; pay the usuries, namely by bestowing glory and eternal life.

Praeterea*, sicut Humanum Consilium suadet, Regi libentius mutuare, eo quod securius Capitale possit reddere, damna resarcire, lucra, usurasque solvere; Ita misericordibus hoc dono Consulitur, ut bona sua pauperibus uberius curent elargiri; per quorum manus Rex liberalis, Deus, ea recipit, qui Mercatoribus (inquit* hic Seraphicus*) suis solet Capitale custodire, conservando gratiam, damna resarcire, remittendo culpam; usuras solvere, largiendo scilicet gloriam, et vitam aeternam.*

5 To this counsel the virgins prudently obeyed, carrying oil, namely of Mercy and compassion, in their vessels, as *the Saintly Doctor* explains; wherefore, that they may traffic according to this counsel, Christ exhorts *Matthew 25.: Go, and sell all, and give to the poor.*

Huic consilio prudenter obtemperarunt virgines, portantes oleum, Misericordiae nimirum et compassionis, in vasis suis, ut explicat S. Doctor *quare, ut iuxta hoc consilium negotientur, hortatur Christus* Matthaei 25. Vade, et vende omnia, et da pauperibus.

Disputation XXII: On the Vices Contrary to Prudence

1 The higher seat in which a virtue is placed, and the more virtues it presides over, the more frequently is it assailed by the more common vices; wherefore Prudence, which is set over the other virtues for directing them to the mark in the citadel of the mind, is assailed by a very great troop of vices.

> ***De vitiis Contrariis Prudentiae.***
>
> *Quo altiori sede virtus locatur, pluribusque praesidet, eo etiam vulgatioribus vitiis frequentius impetitur; quare Prudentia, quae caeteris virtutibus ad scopum dirigendis in mentis Arce praeficitur, plurima vitiorum turma impugnatur.*

2 But the vices opposed to the virtues standing in the mean are of two kinds: some from defect; others from excess. The vices from defect of prudence, opposed to it, are four: Precipitation, Inconsideration, Inconstancy, Negligence.

> *Vitia vero opposita, virtutibus stantibus in medio, alia sunt ex defectu; alia ex excessu. Vitia ex defectu prudentiae, ei opposita, sunt quatuor, Praecipitatio, Inconsideratio, Inconstantia, Negligentia.*

3 The sins by excess opposed to prudence, which indeed bear before themselves a false species of prudence, are six: the Prudence of the flesh, Astuteness, Guile, Fraud, Solicitude for temporal things, Solicitude for things to come: All these are under the genus Imprudence, contrary to right discretion, which belongs to Prudence; of all these we shall inquire briefly.

> *Peccata per excessum opposita prudentiae, quae falsam quidem speciem prudentiae prae se ferunt, sunt sex, Prudentia carnis, Astutia, Dolus, Fraus, Sollicitudo temporalium, Sollicitudo futurorum: Haec omnia sunt sub genere Imprudentiae, contraria rectae discretioni, quae ad Prudentiam spectat; de his omnibus cursim inquiremus.*

Question I: On precipitation

1 PRECIPITATION is taken metaphorically from the precipitation of bodies from the highest to the lowest with a certain impetus, either innate or impressed; not by order gradually, but ruinously. Thus therefore someone precipitates, when reason and will rush down, not descending to operations by the due means and memorable degrees of considering the past, understanding the present, providing for the future, etc. But it rushes with the impetus of passion without counsel. This, if it is done from mere impulse of the will, is called precipitation; but if contempt is added of those things which ought to have been counseled, it is called Temerity, as D. Thom. *ad 2.* and D. Bonav. infra, Tannerus *disp. 3. quaest. 5. dub. 4.* and Caietanus *quaest. 53. art. 3.* teach. Therefore the Saintly Doctor *in speculo animae, cap. 3.,* saying *negligence, which from contempt leads man precipitantly to works contrary to salvation, without due consideration,* says it *is mortiferous.* That this is to be noted Caietanus *art. cit.* and Valentia *disp. 4. quest. 5. punct. 1.* admonish, that we may know when the penalty of some Law, or Canon, enacted against those doing something rashly, is incurred, namely when it is done from contempt. Gather this from D. Bonav. *loc. cit.* and *cap. 1. of the same speculum;* and in the Confessional.

> *PRAECIPITATIO est metaphorice sumpta a praecipitatione corporum a summo ad imum impetu quodam, vel innato, vel impresso; non per ordinem gradatim, sed ruinose. Sic igitur praecipitatur aliquis, quando ratio, et voluntas corruunt non descendendo ad operationes per media debita, et gradus memorandi praeterita, intelligendi praesentia, providendi*

futura, etc. Sed ruit per impetum passionis absque consilio. Haec, si ex mero impetu voluntatis fiat, dicitur praecipitatio; at si adhibetur contemtus eorum, quae consiliari oportuit, dicitur Temeritas, ut docent D. Thom. ad 2. *et D. Bonav. infra Tannerus* disp. 3. quaest. 5. dub. 4. *et Caietanus* quaest. 53. art. 3. *Ideo S. Doct.* in speculo animae, cap. 3. negligentiam, quae ex contemptu ducit hominem praecipitanter ad opera, saluti contraria, absque debita consideratione, ait *esse mortiferam. Id notandum monent Caietanus* art. cit. *et Valentia* disp. 4. quest. 5. punct. 1. *ut sciamus, quando incurratur poena alicuius Legis, sive Canonis, statuta in facientes aliquid temere, scilicet quando fit ex contemptu. Id colligere e D. Bonav.* loc. cit. *et* cap. 1. eiusdem speculi; *et in Confessionali.*

2 Sylvester ADDS *under the word Temeritas*, that those also are held to act rashly, and to undergo the penalties enjoined for that rash transgression, who knowingly under some fraudulent pretext exercise an act prohibited by law, as is clear from *C. Venerabilem extra, qui filii sint legitimi.* So also Tannerus.

ADDIT Sylvester verbo Temeritas*, eos etiam censeri temere agere, et poenas illas temerariae iniunctas transgressioni, subire, qui scienter sub praetextu aliquo fraudulento exercent actum a iure prohibitum, ut patet ex* C. Venerabilem extra, qui filii sint legitimi. *Ita etiam Tannerus.*

3 ANY audacity about evil is also wont to be called Temerity, as is clear from *l. Iubemus C. de Sacrosanctis Ecclesiis*, as Sylvester notes above, and Tutte-rem. *in Clem. 1. de Sacrosanct. Eccles.* But this temerity is not opposed to Prudence, but to Fortitude. Now we are treating of precipitation, and temerity, opposed to Prudence, by reason of the Eubulia annexed to it, whose act is to counsel well, as D. Thom. *quaest. 53. art. 2. and 3.* teaches. Therefore it is also opposed to the gift of Counsel, as I said. From which you also have that such temerity is a sin.

SOLET etiam Temeritas appellari quaevis audacia circa malum, ut patet l. Iubemus C. de Sacrosanctis Ecclesiis*, ut notat Sylvest. supra, et Tutte-rem.* in Clem. 1. de Sacrosanct. Eccles. *Sed haec temeritas non prudentiae opponitur, sed Fortitudini. Nunc autem agimus de praecipitatione, et temeritate, opposita Prudentiae, ratione Eubuliae illi annexae, cuius actus est bene consultare, ut docet D. Thom.* quaest. 53. art. 2. et 3. *Ideo etiam opponitur dono Consilii, ut dixi. Ex quo etiam habes, talem temeritatem esse peccatum.*

Question II: On inconsideration

1 INCONSIDERATION is thoughtlessness, or a not sufficiently attentive cognition of those truths from which one would judge rightly, as D. Thomas says. And so this sin is opposed to Prudence by reason of *Synesis*, and *Gnome*, annexed to it, which are judge of right judgment. On that account Cautelam and Incircumspectio are enclosed under this sin, against Cautela and Circumspection, which are integral parts of Prudence: For those ordinations are made toward right judgment, from which those two opposites fall short, which for that reason constitute one vice, and at the same time, together with Inconsideration, as Valentia and Tannerus say *numero 52.*

INCONSIDERATIO est incogitantia, vel non satis attenta cognitio earum veritatum, ex quibus esset recte iudicandum, ut ait D. Thom. Itaque peccatum hoc opponitur Prudentiae ratione Synesis*, et* Gnomae*, ipsi adiunctarum, quae sunt recte iudicativae. Ob id sub hoc peccato clauditur Incautela, et Incircumspectio, contra Cautelam, et Circumspectionem, quae sunt partes integrales Prudentiae: Ordinationes enim istae fiunt ad rectum iudicium, a quo deficiunt illae duae oppositae, quae propterea unum vitium constituunt, et simul, et cum Inconsideratione, ut ait Valentia, et Tannerus* numero 52.

2 But it happens for the most part, when someone, otherwise having knowledge of the Law or of fact, sins inconsiderately against either; whence he is recalled to that ignorance which the prudent man ought to have avoided; hence he has culpability when it arises from that inconsideration which is

called affectata, by which someone, letting himself be carried away by the impetus of his passion, ceases to consider what and how he ought to act; But often he does not have culpability, if from the sudden presence of some unexpected thing the mind is suddenly snatched into oblivion, and is otherwise prepared to act rightly; for often, from the surreption of some affair, the mind is dispersed into various things, and however attentively you had considered, they are scattered into alien thoughts; wherefore inconsideration taken in this sense is not adverse to prudence; since it passes into the inculpable nature of Ignorance.

> *ACCIDIT autem plerumque, cum quis alioqui Iuris, aut facti habens scientiam, inconsiderate contra utrumvis delinquit; unde ad illam ignorantiam revocatur, quam prudens debuit vitare; hinc habet culpam, quando oritur ex illa inconsideratione, quae dicitur affectata, qua quis sinens se suae passionis impetu abduci, considerare desinit, quid et qualiter agere debeat; Culpam vero multoties non habet, si ex repentina insperatae alicuius rei praesentia mentem subito in oblivionem rapiat, et alioquin recte operari sit paratus; saepe enim ex alicuius negotii subreptione animus in varia dispergitur, et quamprius quantumvis attente consideraveris, in alienas cogitationes disperguntur; quare hoc sensu sumpta inconsiderantia, prudentiae non adversatur; cum in naturam Ignorantiae invincibilis transeat.*

3 Nor does culpable Inconsideration intervene only in choosing evil simply; but also in rejecting the greater, or better good; which happens when a sensible good allure more vehemently, and reason does not weigh all with mature deliberation; whence it follows that this vice always precedes sin; although sometimes it is the effect of that sin of which it is not the cause; for the more the will succumbs to the appetite of sensible things, the less the Intellect can attend to the due pondering of things.

> *NEC solum in malo simpliciter eligendo intervenit Inconsiderantia culpabilis; sed et etiam in maiori, aut meliori bono respuendo; quod accidit, quando bonum sensibile vehementius allicit, nec ratio omnia matura deliberatione ponderat; unde sequitur, hoc vitium semper antecedere peccatum; licet aliquando illius peccati, cuius non est causa, sit effectus; cum quo magis voluntas rerum sensibilium appetitui succumbat, eo minus Intellectus debitae rerum ponderationi vacare possit.*

Question III: On inconstancy

1 INCONSTANCY is a cessation from that decree of Prudence which ought to have been continued; or the reprobation of it, as D. Thomas says. Therefore it is opposed to the essential act of Prudence, which is right practical judgment about persevering in the purpose.

> *INCONSTANTIA est cessatio ab eo Prudentiae decreto, quod continuari oportebat; aut illius reprobatio, ut ait D. Thomas. Igitur opponitur actui essentiali Prudentiae, qui est rectum iudicium practicum de permanendo in proposito.*

2 HENCE Inconstancy is defined: *A light passage from one purpose to another*, as is drawn from D. Bonavent. *3. p. Centiloquii, cap. 43.*; wherefore aptly by similitude of the Leopard's defects, the inconstant man, with D. Bernard in *serm. Gilleberti, serm. 29.: Man is like the Leopard, unlike himself, a man various and inconstant, straightway changing his counsels. For by the variety of colors, As it were the Leopard wills; and wills not*, as is said in the same place.

> *HINC definitur Inconstantia:* Lenis transitus a proposito in propositum*, ut eruitur e D. Bonavent.* 3. p. Centiloquii, cap. 43. *quare apta similitudine Pardi defectibus vir inconstans, apud D. Bernardum in* serm. Gilleberti, serm. 29. Pardo similis est homo, dissimilis sibi, homo varius, et inconstans, subinde mutans Consilia. Colorum enim varietate, Quasi vult; et non vult Pardus*, ut ibidem dicitur.*

[3] INCONSTANCY differs from Impseverance in this; that this is a discontinuation from the due end, proposing another to itself; that from the purpose undertaken, choosing another thing; but both are adverse to prudence, dictating that one must persevere in the good and remain in the purpose, according to more and less.

> *INCONSTANTIA ab Imperseverantia in eo differt; quod haec fit discontinuatio a debito fine, alium sibi proponendo; illa a suscepto proposito, aliud eligendo; verum haec et illa prudentiae, dictanti in bono perseverandum, et in proposito permanendum, secundum magis et minus adversantur.*

[4] THIS, by opposition to Constancy, has three degrees, as is gathered from the Seraphic Doctor *de Gradibus virtutum, cap. 14.* The first is, when someone is stricken from what he has begun by the praise, or indeed the blame of good men: The second, when someone is easily seduced by the praise or adulation of Players, or of evil men: The third is when someone is moved from a good purpose by mockery, or by any other light cause; These inconstancies are noticed especially in heretics, who, lacking the Anchor of Hope, and consequently the helm of infused prudence, are easily carried about by every wind; far from these went Job *cap. 27.*, who, as much caressed by the adulation of prosperity as buffeted by the storms of adversity, prudently answered his friends: *The justification which I began to hold, I will not abandon*, as the Seraphic Doctor notes, ubi supra: Of Inconstancy D. Greg. speaks most excellently, cited by D. Bonau. in Pharetra lib. 3. cap. 5.: *While the heart in adversities hopes for prosperity; in prosperities it fears adversity, hither and thither it is rolled by certain waves, and is turned about by the mutability of the various modes of alternating things.*

> *HAEC, ex opposito Constantiae, habet tres gradus, ut colligitur e Seraphico* de Gradibus virtutum, cap. 14. *Primus est, cum quis a coepto percellitur laude, vel etiam vituperio bonorum hominum: Secundus, quando facile quis seducitur laude, vel adulatione Histrionum, aut malorum hominum: Tertius est quando a proposito bono quis movetur irrisione, aut quavis alia levi causa; Hae inconstantiae in haereticis praecipue animadvertuntur, qui Carentes Anchora Spei, ac proinde infusae prudentiae gubernaculo, omni vento facile circumferuntur; ab his longe abiit Iob* cap. 27. *qui tam prosperitatis adulatione blanditus, quam adversitatis procellis impetitus, prudenter amicis respondit:* Iustificationem, quam tenere coepi, non deseram, *ut notat Seraphicus Doctor, ubi supra: De Inconstantia praeclare ait D. Greg. apud D. Bonau. in Pharetra lib. 3. cap. 5.* Dum cor in adversis sperat prospera; in prosperis formidat adversa, huc illucque quibusdam fluctibus volvitur, ac per modos varios rerum alternantium mutabilitate versatur.

Question IV: On negligence

[1] NEGLIGENCE in the purpose is a delay, or slowness, of reason and appetite in promoting what has already been well counseled and judged. And so it is opposed to Prudence by reason of due solicitude. Hence D. Bonau. p. 1. Centil. sect. 8. describes it: *It is the dereliction of a due circumstance in a good work.*

> *NEGLIGENTIA in proposito, est rationis, et appetitus cunctatio, seu tarditas in promovendo id, quod est iam bene consultatum, et iudicatum. Itaque opponitur Prudentiae ratione sollicitudinis debitae. Hinc D. Bonau. p. 1. Centil. sect. 8. eam describit:* Est debita circumstantiae derelictio in opere bono.

[2] But Gregory of Valentia OBSERVES that these sins are specifically distinct, and are to be specified in confession, when they have been directly willed, as they are against Prudence, but not when indirectly, in order to the work; for then it is enough to say the work of sin, for instance theft, etc. But if, from negligence of grave examination, you omit a mortal thing, it will have to be said, as D.

Bonau. says *in spec. animae, cap. 3.* at the end: So also if you neglect to learn by heart the things necessary for salvation.

> *OBSERVAT autem Gregorius de Valentia, haec peccata esse specie distincta, et esse specificanda in confessione, quando directe sunt volita, ut sunt contra Prudentiam, non autem quando indirecte, in ordine ad opus; tunc enim satis est dicere opus peccati, puta furtum, etc. Si autem, e negligentia gravi examinis omittas mortale, erit dicendum, ut ait D. Bonau.* in spec. animae, cap. 3. *ad finem: Sicut et si negligas ediscere necessaria ad salutem.*

3 He OBSERVES secondly that these sins, since they are of reason, arise especially from Lust, as D. Gregor. 31. *Moral. cap. 31.* teaches, although they arise also from other sins, especially Sloth, as the Saintly Doctor says.

> *OBSERVAT secundo peccata haec, cum sint rationis, maxime a Luxuria oriri, ut docet D. Gregor. 31.* Moral. cap. 31. *quamvis ex aliis etiam peccatis oriantur, maxime Acedia, ut ait S. Doctor.*

4 But they are MORTAL, either on the part of the object and matter, if they are about something necessary for salvation under a mortal [aspect]: or on the part of the cause, if they are committed from such carelessness, or neglect of salvation, that one makes nothing of the friendship of God; otherwise, if from negligence some things not necessary for salvation are omitted, it will be venial, as D. Thom. *quaest. 54. art. 3.* teaches, and universally concerning all the vices opposed to Prudence teach Sylvester *under the word negligentia*, Valentia *quaest. 5. p. 1.*, Tannerus *num. 54.*, with D. Bonau. *in spec. animae, cap. 3.*

> *SUNT autem mortalia, vel ex parte obiecti, et materiae, si sint circa aliquid ad salutem necessarium sub mortali: vel ex parte causae, si committantur ex tali incuria, seu neglectu salutis, ut quis nihili faciat Dei amicitiam; alioqui, si ex negligentia omittantur aliqua non necessaria ad salutem, erit veniale, ut docet D. Thom.* quaest. 54. art. 3. *et universim de omnibus vitiis Prudentiae oppositis docent Sylvester* verbo negligentia*, Valentia* quaest. 5. p. 1. *Tannerus* num. 54. *cum D. Bonau.* in spec. animae, cap. 3.

5 Nor indeed are they necessarily to be explained distinctly in confession, unless when they have been directly willed, otherwise they are only the conditions of sins. So D. Thom. Valentia, Caiet. Tannerus with D. Bonau. *loc. cit. Centil. and more clearly in speculo animae, cap. 3.*; and Prov. 19. brings it forward: *He who neglects his own life shall be killed:* He adds that negligence properly is the omission of a circumstance; but that sloth is a desistence from the work.

> *NEQUE vero sunt necessario distincte explicanda in confessione, nisi quando directe sunt volita, alioqui sunt tantum conditiones peccatorum. Ita D. Thom. Valentia, Caiet. Tannerus cum D. Bonau.* loc. cit. Centil. et clarius in speculo, animae, cap. 3. *et affert id Proverb. 19.* Qui negligit vitam suam, mortificabitur: *Addit, negligentiam proprie esse omissionem circumstantiae; desidiam vero esse desitentiam ab opere.*

Question V: On the prudence of the flesh

1 NOW we must treat of the vices opposed to Prudence by excess, which bear a false likeness of Prudence.

> *IAM agendum de vitiis oppositis Prudentiae per excessum, quae speciem falsam Prudentiae habent.*

2 PRUDENCE OF THE FLESH is the scheming of reason, clever, and adapted to attaining some perverse end, conformed to the depraved carnal appetite; and it is a mortal sin, if it sets itself up as the ultimate end.

PRUDENTIA carnis est machinatio rationis, solers, et accommodata ad consequendum pravum aliquem finem, conformem depravato appetitui carnali; estque peccatum mortale, si eum ultimum finem sibi praestituat.

3 Of this the Apostle speaks, Rom. 8. *The prudence of the flesh is an enemy to God: for it is not subject to the law of God.* See St. Thomas *quaest. 55. art. 1.* Valencia *quaest. 5. punct. 2.* Tanner *num. 55.* with St. Bonaventure cited at the beginning.

De hac intelligitur Apostolus Rom. 8. Prudentia Carnis inimica est Deo: Legi enim Dei non est subiecta. *Vide D. Thom.* quaest. 55. art. 1. *Valentia* quaest. 5. punct. 2. *Tanner.* num. 55. *cum D. Bonavent. allegato initio.*

4 This sin, however, is not distinct from that which is committed by a perverse work, unless this prudence is directly willed, as I said in quaestione 4.

Hoc vero peccatum non est distinctum ab eo, quod patratur pravo opere, nisi directe sit volita haec prudentia, ut dixi quaestione 4.

Question VI: On cunning

1 CRAFTINESS is the devising of means which, toward some end, whether good or evil, are such that they indeed appear good, but are in reality false and feigned. Thus it is gathered from the Philosopher lib. 1. *Magn. Moral. cap. 33.* and lib. 6. *Eth. cap. 12.* and St. Thomas *art. 3.* See Tanner *disp. 3. quaest. 1. dub. 4.* It is often called Prudence *Proverb. 1.* yet it is a vice[1], as is said 2. Corinth. 4. *Not walking in craftiness.* For the crafty and the dissemblers provoke the anger of God, whether for hidden iniquity or for open simulation; as St. Bernard says, *de ordine vitae, finem versus.* It usually attacks the weaker and the less discerning; thus the Devil, before the Master of Craftiness, in the serpent, the most cunning of Animals, deceived not the man but the woman, endowed indeed with less discretion, by feigned speech.

1 N. Editor's note: the print reads 'Proptie tamen est vitium' (OCR 'ptie'), likely a misprint for 'Proprie'; rendered as 'nevertheless it is a vice'. The print also has the clause 'sicuti Prudentia in malo sensu saepe accipitur', omitted in the first transcription and restored in the Latin.

ASTUTIA est excogitatio mediorum, quae ad finem aliquem, sive bonum, sive malum, ita sunt idonea, ut quidem videantur bona, sed revera sint falsa, et simulata. Ita colligitur ex Philosopho lib. 1. Magn. Moral. cap. 33. *et lib. 6.* Eth. cap. 12. *et D. Thom.* art. 3. *Vide Tanner.* disp. 3. quaest. 1. dub. 4. *Ipsa saepe prudentia vocatur Astutia* Proverb. 1. *sicuti Prudentia in malo sensu saepe accipitur. Proptie tamen est vitium, ut dicitur 2. Corinth. 4.* Non ambulantes in astutia. *Astuti enim, et simulatores provocant iram Dei, sive pro occulta iniquitate, sive pro aperta simulatione; ut ait D. Bernard.* de ordine vitae, finem versus. *Haec imbecilliores et minus discretos solet aggredi; sic Diabolus, prius Astutiae Magister, in serpente, callidissimo Animale, non virum, sed mulierem, minori quippe discretione dotatam, simulata loquela decepit.*

2 WHEREFORE St. Gregory says, lib. 9. moral. cap. 17. *Two things are to be feared in good works, sloth, and deceit. Sloth is caused by lesser love of God; Craftiness is caused by greater love of self,* the latter, proceeding from private love of self, issues outwardly in the circumvention of one's neighbor, simulating one thing in deeds while putting forward another in words, or the contrary.

QUARE ait D. Gregor. lib. 9. moral. cap. 17. Duo sunt in bonis operibus timenda, desidia, et fraus, Desidiam facit minor amor Dei; Astutiam facit maior amor sui*, haec ex privata sui dilectione prodit exterius in circumventione proximi, aliud simulans factis, aliud praeferens verbis, vel e contra.*

[3] MANY examples of Craftiness from the Sacred Letters the Saintly Doctor records *in Bibliis pauperum, cap. 54.* as when Laban was searching the household goods of Jacob, and came to the tent of Rachel, she, by feigning the custom of women, craftily deluded him *Genes. 31.*

> *PLURIMA Astutiae exempla e Sacris litteris commemorat S. Doctor* in Bibliis pauperum, cap. 54. *ut cum scrutaretur Laban suppellectilem Iacob, et veniret ad Tentorium Rachel, illa, simulata foeminarum consuetudine, eum astute delusit* Genes. 31.

[4] SO the Gabaonites, knowing what Joshua had done to Jericho and Hai, cunningly plotted how they might so act as not to be utterly destroyed *Ios. 9.*

> *ITA Gabaonitae, scientes quid fecerit Iosuë Iericho, et Hai, callide cogitaverunt, quomodo ita facere possent, ut non penitus delerentur* Ios. 9.

[5] SO Absalom, coveting the kingdom of his Father, maliciously began to flatter the people, cunningly boasting that he would judge with all equity *2. Reg. 15.*

> *SIC Absalon, Ambiens regnum sui Patris, malitiose coepit populo adulari, astute iactans se cum omni aequitate iudicaturum* 2. Reg. 15.

[6] TO these add in the New Testament the Craftiness of Herod, wishing to learn the time of the star *Matth. 2.* so that coming he might rather kill than adore, though he cunningly simulated the latter; thus also the Pharisees, often seeking to catch the Lord in his speech, now sent disciples to him, simulators of Justice, now brought a woman taken in adultery; and many other things, which see in the place cited above.

> *HIS adiice in novo testamento Astutiam Herodis, volentis addiscere tempus stellae* Matth. 2. *ut veniens potius occideret, quam adoraret, licet posterius callide simularet; Ita saepenumero Pharisaei cupientes capere Dominum in sermone, nunc miserunt ad eum discipulos, Iustitiae simulatores, modo foeminam in adulterio deprehensam adduxere; et alia plura, quae vide loco supra citato.*

Question VII: On guile

[1] Deceit is, when one thing is done and another feigned, as St. Bonaventure says on that passage of John 1. *In which there is no deceit*. To be deceitful is said to be to have two hearts, as the Psalmist says: *They spoke in heart, and heart*.

> ***De DOLO.***
>
> *Dolus est, cum aliud agitur, aliud fingitur, ut ait S. Bonav. ad id Ioan. 1.* In quo dolus non est. *Dolosus dicitur, duo corda habere, ut ait Psalmista:* In corde, et corde locuti sunt.

[2] Deceit is also a kind of execution of Craftiness, now by words, according to Psal. 5. *With their tongues they dealt deceitfully;* now by deeds, according to Psal. 105. *That they might work deceit against his servants.* For Craftiness meditates deceits, as is said Psal. 37. and Eccles. 19.

> *Dolus est etiam executio quaedam Astutiae, tum per verba, iuxta id Psal. 5.* Linguis suis dolose agebant; *tum per facta, iuxta id Psal. 105.* Ut dolum facerent in servis eius. *Astutia enim dolos meditatur, ut dicitur Psal. 37. et Eccles. 19.*

[3] It can be, either expressed outwardly in speech, as when one contracting betrothal calls himself Peter, though he is called John; or it can be hidden, as when one speaks in such a way as one who

simply consents. Thus St. Bonaventure in 4. dist. 17. dub. 2. literal reading.

> *Hic potest esse, vel expressus foris sermone, sicuti qui sponsalia contrahens, vocaret se Petrum, cum vocaretur Ioannes; vel potest esse occultus, ut cum quis ita loquitur, sicut qui simpliciter consentit. Ita D. Bonav. in 4. dist. 17. dub. 2. litterali.*

Question VIII: On fraud

1 It is defined by St. Bonaventure in Comp. term. Theol. *It is a will deceiving the expectation of one's neighbor for earthly gain.*

> ***De FRAUDE.***
>
> *Definitur a D. Bonavent. in Comp. term. Theol.* Est voluntas praestitum proximi decipiens ob terrenum emolumentum.

2 It is divided, 1. p. Coenil. sect. 8. according to the variety of objects; whence habits are known through acts.

> *Dividitur, 1. p. Coenil. sect. 8. pro varietate obiectorum; unde per actus dignoscuntur habitus.*

3 Fraud is the execution of Craftiness, but precisely through deeds, and also through words (says St. Bonaventure ad 1. Ioan. in the place cited). It is a mortal or venial sin according to the subject matter, as Cajetan notes under the word *Fraus*, Valencia quaest. 5. puncto 2.

> *Fraus est executio Astutiae, sed praecise per facta patet, tum etiam verbis, (ait S. Bonav. ad 1. Ioan. loco adducto.) Est autem peccatum mortale, vel veniale pro subiecta materia, ut notat Caietanus verbo* Fraus*, Valentia quaest. 5. puncto 2.*

4 It therefore differs from deceit in this, that deceit is either through words or through deeds; while this executes craftiness more through deeds, as Tanner notes with St. Bonaventure there.

> *In hoc igitur differt a dolo, quod dolus sive per verba, sive per facta; haec vero per facta magis astutiam exequitur, ut notat Tannetus cum D. Bonav. ibi.*

Question IX: On solicitude for temporal things

1 This is immoderate study about temporal goods, either because in them the ultimate end is placed, or because it has joined to it a superfluous fear of lacking them. This solicitude Christ forbids, Matth. 6. *Be not solicitous.* So St. Bonaventure, Opusc. Explicatio terminorum Theologiae, and in the first part of the Centiloquium, sectione 8. It is defined by Cicero here, sectione 22. *It is immoderate Love of possessing.*

> ***De sollicitudine temporalium.***
>
> *Haec est studium immoderatum circa bona temporalia, vel quia in eis constituatur ultimus finis, vel quia habet adiunctum timorem superfluum eis carendi. Hanc sollicitudinem prohibet Christus Matth. 6.* Nolite solliciti esse. *Ita S. Bonau. Opusc. Explicatio terminorum Theologiae, et parte prima Centiloquii, sectione 8. Ea definitur a Tullio, hic, sectione* 22. Est Amor immoderatus habendi.

2 It has especially three species: The first is great anxiety for acquiring temporal things, whether the effect follows or not; and this is found both in those who possess much and those who possess little: The second is great tenacity in retaining, which allows nothing to be spent on pious causes or the relief of the poor: The third, finally, is a burning thirst for amassing worldly riches from every quarter,

whether by fair means or foul. So St. Bonaventure, de profectu Relig. lib. 1. cap. 34. and most excellently in the Diaeta, tit. 1. cap. 6. he compares the man solicitous of temporal things to the Mole; for the wickedness of this solicitude is dark and its imprudence blind; as many possessions as it has, so many tombs it has, which it digs for itself, burying itself in continual solicitude. Then the Saintly Doctor reproves this care for riches with various other similitudes set forth there, which see.

> *Tres habet praecipue species: Prima est magna acquirendi temporalia anxietas, sive effectus sequatur, sive non; et haec habetur tam in his qui multum, quam qui modicum possident: Secunda est, magna retinendi tenacitas, quae in pias causas, aut pauperum subsidium nihil sinit erogari: Tertia denique est ardens sitis undecunque mundanas divitias, sive per fas, sive per nefas, accumulandi. Ita D. Bonau. de profectu Relig. lib. 1. cap. 34. eximie vero in Diaeta, tit. 1. cap. 6. rerum temporalium sollicitum Talpae comparat; huius enim sollicitudinis atra est nequitia, et caeca imprudentia; quot habet possiones, tot habet tumulos, quos continua sollicitudine sibi sepeliendo effodit. Deinde variis aliis appositis similitudinibus reprobat S. Doctor hanc Divitiarum curam, quas ibi vide.*

3 Toward the end of the Chapter he records several effects of this solicitude, the chief of which is servitude of Idols *Ephes. 5.* For to this Avatus refers all his works.

> *Ad finem vero Capitis, plures effectus huius sollicitudinis recenset, quorum praecipuus est Idolorum servitus* Ephes. 5. *Ad hanc enim Avatus omnia sua opera refert.*

4 The second is folly opposed to prudence; for as the fool does not guard against danger, however near,[1] so the man solicitous about the world, though near to death, does not guard against his peril, as is said, Lucae 12. *Fool, this night thy soul shall be required of thee,* other effects see in the same place.

1 Editor's note: the print reads 'sicut stultas non praecavet periculum'; 'stultas' is not grammatical here and is rendered 'stultus' (the fool), the sense required by the parallel clause.

> *Secundus, est stultitia prudentiae opposita; nam sicut stultas non praecavet periculum, quamvis propinquum sit; ita de mundo sollicitus, etiam morti propinquus, suum periculum non praecavet, ut dicitur, Lucae 12.* Stulte, hac nocte animam tuam repetent, *alios effectus ibidem vide.*

Question X: On solicitude for the future

1 Immoderate solicitude for the future is reproved, Matth. 6. *Be not solicitous for the morrow.* Of this the Saintly Doctor treats in the exposition of cap. 2. of the rule, at those words: *And let them not be solicitous.*

> ***De sollicitudine Futurorum.***
>
> *Immoderata sollicitudo de futuris reprehenditur, Matth. 6.* Nolite solliciti esse in Crastino. *De ea agit S. Doct. in expositione cap. 2. regulae, ad ea verba:* Et non sint solliciti.

2 In Religious, though small, this withdraws from perfection; in a Father of a family, when moderate, it is laudable; in anyone, however, when immoderate, it is culpable; and it destroys that prudence and confidence by which we ought to cast all our solicitude upon God; who feeds the fowls of the air, to die on the morrow; and clothes the lilies of the field, though soon to be cast into the oven.

> *Haec in Religiosis, quamvis parva, a perfectione retrahit; in Patrefamilias moderata laudabilis; in quocumque vero immoderata, culpabilis est; et prudentiam, ac confidentiam illam destruit, qua omnem nostram sollicitudinem in Deum coniicere debemus; qui nutrit volatilia caeli, crastino die moritura; et vestit lilia agri, mox licet in clibano proiicienda.*

3 Of this solicitude St. Bernard says excellently, de verb. Psalm. 23. *There are other thoughts, more violent, which pertain to the necessities of nature; For often the Carnal thought about drink, about food, or about clothing so affects us, that it can scarcely be eradicated from our hearts.* He gives the reason, because solicitude of this kind, viscous and muddy, will find muddy ground too, to which it may adhere; for man, formed not of other earth than muddy earth, conscious of his need, distrusts the providence of things to come, and directs every thought toward it, that he may follow upon it. But since our providence is uncertain, according to true prudence all our solicitude must be cast upon God; for to trust to oneself in those things whose outcome is uncertain is to distrust, as St. Bernard has it, serm. 5. de vigil. Nativit. Domini.

> *De hac sollicitudine eximie D Bernard. de verb. Psalm. 23.* Sunt et aliae cogitationes violentae magis, quae ad necessitates naturae pertinent; Saepe enim sic nos afficit cogitatio Carnalis de potu, de cibo, sive vestimento, ut vix eradicari queat de cordibus nostris. *Rationem affert, eo quod sollicitudo huiusmodi viscosa, et limosa, limosam quoque terram, cui adhaerescat, invenerit, homo etenim non de alia terra, quam limosa plasmatus, suae indigentiae conscius; futurorum providentiae diffidit, omnemque cogitatum eo confert, ut de ea secutus sit. Verum cum incertae sint providentiae nostrae, iuxta veram prudentiam, in Deum omnis sollicitudo nostra coniicienda est; sibi enim de se confidere in his, quorum eventus incertus est, diffidere est, ut habet D. Bern. serm. 5. de vigil. Nativit. Domini.*

Question XI: On the precepts of prudence

1 It is not doubtful that the Virtue of Prudence, which is the rule of all the virtues, is a matter of precept; for all the other affirmative precepts about the acts of the virtues presuppose the affirmative precepts of prudence, both in general and in species, by this very fact, that they must be done prudently from right election through prudence. Similarly all the negative precepts, forbidding the contrary acts of the vices, presuppose the negative precepts of prudence, inhibiting the acts of imprudence by which vicious acts would be badly directed.

> ***De praeceptis PRUDENTIAE.***
>
> *Non est dubium, Virtutem Prudentiae, quae est regula omnium virtutum, esse praeceptum; etenim omnia alia praecepta affirmativa de actibus virtutum supponunt praecepta affirmativa prudentiae; tum in genere, tum in specie, hoc ipso, quod ipsi prudenter fieri debent ex recta electione per prudentiam. Similiter omnia praecepta negativa, vetantia contrarios actus vitiorum, supponunt praecepta negativa prudentiae, inhibentia imprudentiae actus, a quibus actus vitiosi prave dirigerentur.*

2 AND hence is had the reason why precepts of prudence had not to be given in the Decalogue: for these stand antecedently to all the precepts of the Decalogue.

> *ATQUE hinc habetur ratio, cur non oportuerit in Decalogo dari praecepta prudentiae: habent enim haec se antecedenter ad omnia praecepta Decalogi.*

3 BUT these precepts of Prudence are set forth in many places, Leuit. 19. *Thou shalt not do Calumny to thy neighbor*, namely through craftiness, deceit, or fraud. Deuter. 25. *Thou shalt not have in thy sack divers weights, a greater and a less.* Prouerb. 3. *Lean not upon thy own prudence;* that is, be not, assuredly, tenacious of thine own judgment.

> *PONUNTUR autem in multis locis haec praecepta Prudentiae, Leuit. 19.* Non facies Calumniam proximo tuo, *per astutiam scilicet, dolum, vel fraudem. Deuter. 25.* Non habebis in sacculo tuo diversa pondera, maius, et minus. *Prouerb. 3.* Ne innitaris prudentia tua; *idest, ne nimirum sis tenax tui proprii iudicii.*

4 Prouerb. 4. *Acquire prudence, and seize it,* and cap. 9. *Walk by the ways of prudence. And Matth. 10. Be ye therefore prudent as serpents, and simple as doves,* where St. Jerome says: *That by prudence they may avoid snares; by simplicity not do evil. And the craftiness of the serpent is put as an example, because with its whole body it hides its head, that it may protect that in which life is. So let us guard with the peril of our whole body our head, who is CHRIST, that is, the faith whole and incorrupt.* This is the interpretation also of Hilary, can. 10. *in Matth.* Epiph. *haeresi 37.* and St. Bonaventure everywhere, as I said *disp. hac quaest.* 2. where I also brought forward other properties of the serpent, of which some also bring forward Rabanus, Remigius, and many others.

> *Prouerb. 4.* Acquire prudentiam, et arripe illam, et cap. 9. Ambulate per vias prudentiae. Et Matth. 10. Estote ergo prudentes sicut serpentes, et simplices sicut columbae, *ubi D. Hieronymus ait:* Ut per prudentiam deuitent insidias; per simplicitatem non faciant malum. Et serpentis astutia ponitur in exemplum, quia toto corpore occultat caput, ut illud, in quo vita est, protegat. Ita nos toto periculo corporis caput nostrum, qui CHRISTUS est, custodiamus, idest, fidem integram, et incorruptam. *Haec est interpretatio etiam Hilarii can. 10.* in Matth. *Epiph.* haeresi 37. *ac D. Bonau. passim, ut dixi* disp. hac quaest. 2. *ubi alias etiam serpentis proprietates attuli, e quibus aliquas afferunt etiam Rabbanus, Remigius, et alii multi.*

5 TO the precept of prudence also pertain those words Rom. 12. *Be not prudent in your own selves* according to Prouerb. 3. *Lean not upon thy own prudence. Be not wise in thine own conceit. And cap. 4. Possess prudence. And below: Let thine eyes see things that are right, and let thy eyelids go before thy steps. Direct the path for thy feet, and thy actions shall be established.* Tit. 2. *Let them be sober, chaste, prudent, etc.* first Peter 4. *Be prudent therefore, and watch in prayers.* Matth. 10. *Be ye therefore prudent as serpents.*

> *PERTINENT etiam ad praeceptum prudentiae ea verba Rom. 12.* Nolite esse prudentes apud vos metipsos *iuxta id Prouerb. 3.* Ne innitaris prudentia tua. Ne sis sapiens apud temetipsum. Et cap. 4. Posside prudentiam. Et infra: Oculi tui recta videant, et palpebrae tuae praecedant gressus tuos. Dirige semitam pedibus tuis, et actiones tuae tuae stabilientur. *Tit. 2.* Sobrii sint, pudici, prudentes, etc. *prima Petri 4.* Estote itaque prudentes, et vigilate in orationibus. *Matth. 10.* Estote ergo prudentes, sicut serpentes.

6 There are also negative precepts of abstaining from the things opposed to Prudence, related above.

> *Sunt etiam praecepta negativaque abstinendi ab his, quae Prudentiae opponuntur, supra relatis.*

Disputation XXIII: On Justice

1 JUSTICE is one thing, directing man in good, and this embraces the other virtues; wherefore it is called *General:* Another is that correcting and Coercing from evil, which is called *Iudicial;* Finally another is that which renders to each one his own proper and due good, of which we treat here, and which is called *Cardinal:* This is Illustrated with various similitudes by St. Bonaventure, which I shall indicate below *quaest. 3.*

> ***De Iustitia.***
>
> *IUSTITIA alia est dirigens hominem in bono, et haec caeteras virtutes complectitur; quare dicitur* Generalis: *Alia est corrigens, et Coërcens a malo, quae vocatur* Iudicialis; *Alia denique quae reddit unicuique proprium, et debitum bonum, de qua hic, vocaturque* Cardinalis: *Haec variis similitudinibus Illustratur a D. Bonauentura, quas infra* quaest. 3. *indicabo.*

2 THIS also is at times confounded with the prior acceptation of Justice among the Fathers, by oratorical application; thus it is defined from St. Bernard by the Seraphic Doctor, lib. 2. Pharetrae, cap. 42. *Justice is a virtue, rendering to each one what is his own; render therefore to the three, what is theirs; render to the superior, render to the inferior, render to the equal, to each what is his own,* the same pursues there: *We have before us, superiors; after us, juniors; at the right, friends; at the left, enemies; let us render therefore to each what is his own, to superiors obedience; to juniors Doctrine; to friends joy; to enemies patience.* But how far this stands from legal Justice, of which we dispute here, I shall show in quaestione 3.

> *HAEC etiam aliquando cum priori acceptione Iustitiae apud Patres, oratoria applicatione confunditur; ita e D. Bernard. definitur apud Seraphicum, lib. 2. Pharetrae, cap. 42.* Iustitia virtus est, quod suum est, unicuique tribuens; tribue ergo tribus, quae sua sunt; redde superiori, redde inferiori, redde aequali, cuique quod suum est, *idem ibi prosequitur:* Habemus ante nos, priores; post nos, Iuniores; a Dextris amicos; a sinistris inimicos; reddamus ergo singulis quod suum est, prioribus obedientiam; Iunioribus Doctrinam; amicis laetitiam; inimicis patientiam. *Verum quantum haec distet a Iustitia legali; de qua hic disputatur, dicta quaestione 3. aperiam.*

Question I: Whether right is the object of justice

1 ALL Theologians, Jurists, and Philosophers hold that Ius is the object of the Virtue of Justice: but one must diligently see which Ius is established as the object of this virtue; and which Virtue Justice is understood to be by us; for each can be taken in many ways.

> ***An Ivs sit obiectum IUSTITIAE.***
>
> *OMNES Theologi, Iurisconsulti, atque Philosophi Ius statuunt obiectum Virtutis Iustitiae: sed oportet sedulo videre, quodnam Ius constituatur obiectum huius virtutis; et quae Virtus Iustitiae a nobis intelligatur; multis enim modis utrumque accipi potest.*

2 FOR JUSTICE is taken chiefly in three ways. First, for the habit by which we are made suited to all things equitable, both in order to ourselves, and in order to God and others: thus it is taken by all Philosophers, but more by Theologians, who understand in this sense what is delivered universally in the Scriptures, when someone is named just, namely endowed with all the virtues, which is everywhere met with, where they name Just men heroes, as Genes. 6. *Noë a just man* Genes. 6. Iob. 1. Eccles. 40. et seq. as the Saintly Doctor observes everywhere. The Doctor interprets it at ad 3. Luca:[1]

Make straight your paths, according to 16. Isa. *The path of the just is right.* Prouerb. 4. *I led thee by the paths of equity.* So Prouerb. 8. *I walk in the ways of justice.* So Gregory of Nyssa, lib. de beat. oratione 4. understands it Matth. 5. *Blessed who hunger and thirst after justice,* in which sense it is taken also by St. Augustine at that place, cited by St. Bonaventure 3. p. Centiloquii, sect. 44. and lib. 2. Pharet. cap. 42.

[1] Editor's note: the print reads 'Ided ad 3. Luca interpretatur id'; 'Ided' is unintelligible and is rendered 'Ideo' (therefore), as a new clause begins.

> *IUSTITIA enim tribus modis praecipue accipitur. Primo pro habitu, quo reddimur idonei ad omnia aequa, cum in ordine ad se, quam in ordine ad Deum, aliosque: sic accipitur ab omnibus Philosophis, magis vero a Theologis, qui hoc sensu intelligunt id, quod universaliter in Scripturis traditur, cum aliquem iustum nominant, nempe omnibus praeditum virtutibus, quod passim obvium est, quae Iustos heroes nominant, ut Genes. 6.* Noë vir iustus *Genes. 6. Iob. 1. Eccles. 40. et seq. ut observat S. Doct. passim. Ided ad 3. Luca interpretatur id:* Rectas facite semitas, *iuxta 16. Isa.* Semita iusti recta est. *Prouerb. 4.* Duxi te per semitas aequitatis. *Sic Prouerb. 8.* In viis iustitiae ambulo. *Sic Gregorius Nyssenus lib. de beat. oratione 4. intelligit id Matth. 5.* Beati qui esuriunt, et sitiunt iustitiam, *quo sensu accipitur etiam a D. August. ad eum locum apud D. Bonau. 3. p. Centiloquii, sect. 44. et lib. 2. Pharet. cap. 42.*

[3] IN like manner Justice is taken for the habit infused with sanctifying grace, by which one is constituted just, and holy, endowed with all the virtues. So Rom. 3. *But the justice of God, by the faith of Jesus Christ, unto all who believe in him.* Which is called the justice of God, not formally, but efficiently from God, or the gift of God, as St. Augustine teaches *lib. de Spiritu, et litt. cap. 9.* and the Holy Council of Trent often inculcates, and gravely defines, as I showed *Tract. de Gratia, disp. 2.*

> *SIMILI modo accipitur Iustitia pro habitu infuso gratiae sanctificantis, quo quis constituitur iustus, et sanctus, omnibus virtutibus dotatus. Sic Rom. 3.* Iustitia autem Dei per fidem Iesu Christi in omnes, qui credunt in eum. *Quae dicitur iustitia Dei, non formaliter, sed efficienter a Deo, seu donum Dei, ut docet D. August.* lib. de Spiritu, et litt. cap. 9. *et saepe iniungit, atque graviter definit Sanctum Concilium Tridentinum, ut ostendi* Tract. de Gratia, disp. 2.

[4] THEREFORE we do not take justice in so general a sense, but as it is a particular virtue among the four Cardinal ones, whose proper praise and office is to constitute the due equality between men, as the Saintly Doctor notes *in 3. dist. 33. dub. 1. et in quaestionibus passim, et in 4. dist. 15. passim et 3. p. Cencil. sect. 44. et 5. p. Breuil. cap. 4. et lib. 2. Phar. cap. 42. et in Diata, tit. 5. cap. 8.*

> *NON igitur tam generali ratione iustitiam accipimus, sed ut est quaedam peculiaris virtus e quatuor Cardinalibus, cuius propria laus, et munus sit constituere aequalitatem debitam inter homines, ut advertit S. Doct.* in 3. dist. 33. dub. 1. et in quaestionibus passim, et in 4. dist. 15. passim et 3. p. Cencil. sect. 44. et 5. p. Breuil. cap. 4. et lib. 2. Phar. cap. 42. et in Diata, tit. 5. cap. 8.

[5] WISDOM takes it thus, c. 8. where it is said, *to teach Soberness, and Wisdom, Justice and Virtue;* where it calls Soberness Temperance; for Wisdom it understands Prudence; for Virtue, Fortitude; but it takes Justice for the Virtue of Justice, which is the second Cardinal virtue among those, as Gregory of Valencia notes *disp. 5. quaest. 1. puncto 1.* after St. Bonaventure *in the Commentary on that place.*

> *EAM sic accipit Sapientia c. 8. ubi dicitur,* docere Sobrietatem, et Sapientiam, Iustitiam et Virtutem; *ubi sobrietatem vocat Temperantiam; pro Sapientia intelligit Prudentiam; pro Virtute Fortitudinem; Iustitiam vero pro Iustitiae Virtute accipit, quae inter illas est secunda virtus Cardinalis, ut advertit Gregorius de Valentia* disp. 5. quaest. 1. puncto 1. *post D. Bonau.* in Commentario eius loci.

6 THIRDLY, in another mode the Saintly Doctor takes it *in 3. § dist. 33. dub. 1. litt. et in Diaeta, tit. 5. cap. 31.* for the judicial, coercing with punishments; But this is a species of the Cardinal, as I shall say; nevertheless all commonly call it this, when it is said: Justice inquired into Peter, punishes; or: Peter is afflicted in Justice.

> *TERTIO alio modo eam accipit S. Doct.* in 3. § dist. 33. dub. 1. litt. et in Diaeta, tit. 5. cap. 31. *pro iudiciali coërcente poenis; Sed haec est species Cardinalis, ut dicam; eam tamen communiter vocant omnes, cum dicitur: Iustitia inquisivit Petrum, punit; vel: Petrus in Iustitia vexatur.*

7 ¶ Further, Ius also can be taken in many ways.

> ¶ *Porro Ius etiam multis modis accipi potest.*

8 ¶ First, whatever in any mode is equitable, or good, as the Jurist Paulus says *l. Ius, ff. de Iustitia, et Iure.*

> ¶ *Primo, quidquid quovis modo aequum est, seu bonum, ut ait Paulus Iurisconsult.* l. Ius, ff. de Iustitia, et Iure.

9 ¶ Second, it signifies whatever is conformable to law, as the Philosopher says *5. Eth. cap. 1.* In which way St. Isidore said *lib. 5. Ethymol. cap. 3.* that Law is a kind of species (that is, norm, or idea) of Ius, according to the doctrine of St. Thom. *art. 1. ad 2.*

> ¶ *Secundo significat quidquid est legi conforme, ut ait Philosophus* 5. Eth. cap. 1. *Quo pacto S. Isidorus dixit* lib. 5. Ethymol. cap. 3. *Legem esse quandam speciem (idest normam, seu ideam) Iuris, iuxta doctrinam D. Thom.* art. 1. ad 2.

10 ¶ Third, it signifies the lawful faculty, or power of doing, or acquiring, or possessing, or alienating something, as the Jurists distinguish between Ius *ad rem*, which is owed to someone; and Ius *in re*, which someone also possesses.

> ¶ *Tertio significat legitimam facultatem, seu potestatem faciendi, aut acquirendi, aut possidendi, aut alienandi quippiam, quomodo Iurisperiti distinguunt inter Ius* ad rem, *quae alicui debetur; et Ius* in re, *quam etiam quis possidet.*

11 ¶ Fourth, it is taken for the Sentence of a judge, as the Jurist Paulus has it *loco citato*.

> ¶ *Quarto sumitur pro Sententia iudicis, ut habet Paulus Iurisconsult.* loco citato.

12 ¶ Fifth, it signifies the same as Lex, that is, the dictamen of prudence, whether natural, or in habit, or the authority for making laws, in which way Ius is divided into the Natural of nations, and Civil, by Ulpian in *l. Iuri, et* often by St. Bonaventure in *4. dist. 36. quaest. 1. et 3. p. Centil. cap. 44. et* other places, cited in the tract. *de Legibus*.

> ¶ *Quinto significat idem, quod Lex, idest, dictamen prudentiae, aut naturale, aut in habitu authoritatem ad condendas leges, quo pacto Ius dividitur in Naturale gentium, et Civile, ab Ulpiano in* l. Iuri, et *saepe a D. Bonav. in* 4. dist. 36. quaest. 1. et 3. p. Centil. cap. 44. et *aliis locis, adductis tract.* de Legibus.

13 ¶ In none of the said modes, or the others enumerated by Valencia, is Ius taken here, but it is taken for the same as Iustum, through equality with another. Hence Scotus *lib. 3. de Iustitia, et Iure, quaest. 1. art. 1.* says that Ius, by APOCOPE, is said as it were iustum: Whence also in Greek Ius and Iustum are expressed by the same word *δίκαιον*. The ethymology of which word Ius properly sounds, to be just through the equality of thing with thing. For, as the Philosopher says *5. Eth. cap. 4.* on that account it is called ius *δίκαιον*, because it is *δίχα*, that is, divided in two, as if to say bipartite; and

what is divided in two is divided into equal parts according to the ratio of discrete quantity, inasmuch as it is divided into one and one. Whence, and Iudex, as Aristotle says in the same place, because he determines the just through the equality of thing with thing, is called Bipartitor. And by this reason Justice is called Equity. Thus *Proverb. 8. Mine is Equity, mine is Prudence, mine is Fortitude*, as the Saintly Doctor observes *ad cap. 8. Sapientiae*.

¶ *Nullo ex dictis modis, vel aliis enumeratis a Valentia, accipitur hic Ius, sed sumitur pro eodem, ac Iustum, per aequalitatem cum altero. Hinc Scotus* lib. 3. de Iustitia, et Iure, quaest. 1. art. 1. *Ius per APOCopen, quasi iustum, dici ait: Unde etiam in Graeco Ius, et Iustum eodem vocabulo* δίκαιον *exprimitur. Cuius vocabuli ethymologia Ius proprie sonat, esse iustum per aequalitatem rei cum re. Nam, ut ait Philosophus* 5. Eth. cap. 4. *propterea appellatur ius* δίκαιον, *quia* δίχα, *idest bifariam divisum est, quasi dixeris bipartitum, quod autem bifariam dividitur, in partes dividitur aequales secundum rationem discretae quantitatis, quandoquidem dividitur in unum, et unum. Unde, et Iudex, ut ibidem ait Aristoteles, quia iustum per aequalitatem rei cum re determinat, dicitur Bipartitor. Et hac ratione Iustitia dicitur AEquitas. Sic* Proverb. 8. Mea est AEquitas, mea est Prudentia, mea est Fortitudo, *ut observat S. Doct.* ad cap. 8. Sapientiae.

14 ¶ Aristotle also used Ius in this sense *cap. 4.* when he said: *Ius, which is in exchanges, is a certain constant equality according to Arithmetic proportion; but that ius, which is in distributions*, he had said *cap. 3. according to Geometric proportion*.

¶ *Hoc etiam sensu Ius usurpavit Aristoteles* cap. 4. *cum dixit:* Ius, quod in commerciis est, esse aequum quoddam constans proportione Arithmetica; id autem ius est, quod est in distributionibus constare, *dixerat* cap. 3. proportione Geometrica.

15 ¶ Moderns labor in this ius, which is the object of Justice, in making it clear; and as I see, Mastrius observes the matter *Tom. 2. disp. 7. num. 163.* saying, that it is That which constitutes dominion, which is twofold, of Jurisdiction, and of Property. This dominion however is defined by the Jurists: *The faculty of using a thing at pleasure, without injury to another.* In which definition, says Hurtado *disp. 12. de Incarn. sect. 3.* a circle is committed; for also in defining injury, they say it is *the use of a thing against the right and will of the Lord*. Thus Ius is defined through Injury, and this through Ius, which is to run in a circle against Aristotle *5. Metaph. cap. 15.* Hence Cardinal Lugo *disp. 1. de Iustitia, et disp. 3. de Incarn. sect. 2. num. 42.* teaches, that this ius, which is the object of Justice, is nothing else than a certain moral prelation, by which this man is morally preferred to others in the use of this thing, by reason of a peculiar connexion, which the thing has with him. Which explanation Bellutus also embraces *disp. 7. de Incarn. quaest 6. art. 1.* and Mastrius *num. 164*. He adds, however, that this prelation must be explained, from what head it arises, namely from the disposition of laws, or the nature of the thing. Thus it is explained a priori.

¶ *Laborant moderni in hoc iure, quod est obiectum Iustitiae, enucleando; et ut video, rem observat Mastrius* Tom. 2. disp. 7. num. 163. *dicens, esse Illud, quod dominium constituit, quod duplex est, Iurisdictionis, et Proprietatis. Hoc autem dominium definitur a Iuristis:* Facultas utendi re pro libito, citra iniuriam alterius. *In qua definitione ait cum Hurtado* disp. 12. de Incarn. sect. 3. *committi circulum; nam etiam definiendo iniuriam, aiunt, esse* usum rei contra ius, et voluntatem Domini. *Sic autem Ius per Iniuriam, et haec per Ius definitur, quod est circulum obire contra Aristotelem* 5. Metaph. cap. 15. *Hinc Cardinalis Lugo* disp. 1. de Iustitia, et disp. 3. de Incarn. sect. 2. num. 42. *docet, hoc ius, quod est obiectum Iustitiae, nihil aliud esse, quam praelationem quandam moralem, qua hic homo moraliter praefertur aliis in usu huius rei, ratione peculiaris connexionis, quam res habet cum eo. Quam*

explicationem complectitur etiam Bellutus disp. 7. de Incarn. quaest 6. art. 1. *et Mastrius* num. 164. *Addit tamen, hanc praelationem explicandam, ex quo capite oriatur, puta ex dispositione legum, vel natura rei. Sic a priori explicatur.*

16 ¶ I indeed, weighing this new invention, find that all of these relapse into the same circle; for the Praelation in the use of a thing is an effect of ius. For each one is preferred in the use of a thing, namely a house, a garment, etc. because he has right to it before others, and so Ius is the fountain and cause of that prelation, and therefore ius is not expressed a priori. Again therefore if you seek the origin of that prelation, it must be taken a priori from ius; and so they walk in a circle.

¶ *Ego vero, novum hoc inventum ponderans, invenio, omnes hos in eundem circulum relabi; nam Praelatio in usu rei, est effectus iuris. Ideo enim praefertur quisque in usu rei, puta domus, vestis, etc. quia habet ad eam prae caeteris ius, atque adeo Ius est fons, et causa illius praelationis, et propterea non exprimitur ius a priori. Rursus ergo si quaeras originem illius praelationis, sumenda est a priori ex iure; et ideo in circuitu ambulant.*

17 ¶ Tanner therefore *disp. 4. quaest. 1. dub. 2. n. 8.* says, that Ius in re, in the mode of dominion, can scarcely be explicated by any common concept, since it is an analogon of proportionality to its inferiors, such as the dominion of Jurisdiction, and of Property, of which I shall treat in the *Disputationes de Furto, et Rapina.*

¶ *Tannerys itaque* disp. 4. quaest. 1. dub. 2. n. 8. *ait, Ius in re per modum dominii vix posse aliquo communi conceptu explicari, cum sit analogum proportionalitatis ad sua inferiora, qualia sunt dominium Iurisdictionis, et Proprietatis, de quibus agam* Disputationibus de Furto, et Rapina.

18 ¶ These things pre-stated, it is now established that the object of the Justice of which we treat is Ius, that is, as he says, the Iustum through a certain equality.

¶ *His praelibatis iam constat, Iustitiae, de qua agimus, obiectum esse Ius, idest, pro ut dicit Iustum per aequalem aequalitatem.*

19 ¶ It is proved first from the definition of Justice; which is defined through such Ius, as through its proper object. So Aristotle *5. Eth. cap. 1. We see, that this kind of habit is wont to be called Justice; from which men are made suited to doing just things. And cap 5. Justice is that by which the just man is called the doer of the just from election.* Where he takes iustum for the equal.

¶ *Probatur primo ex Iustitiae definitione; quae per huiusmodi Ius definitur, tanquam per proprium obiectum. Sic Aristoteles* 5. Eth. cap. 1. Videmus, omnes huiusmodi habitum appellari Iustitiam solere; ex quo ad agendas res iustas homines idonei efficiuntur. Et cap 5. Iustitia est, qua iustus dicitur iusti operator ex electione. *Ubi iustum accipit pro aequali.*

20 ¶ The Jurists also with the words of Ulpian *l. Iustitia, ff. de Iustitia, et Iure*, define Justice thus: *Justice is a constant, and perpetual will of rendering to each his ius.* Which definition St. Thom. also sets forth *quaest. 58. art 1.* and St. Bonaventure *3. p. Centil. sect. 44.* where he asserts it to be of the Masters.

¶ *Iurisperiti etiam verbis Ulpiani* l. Iustitia, ff. de Iustitia, et Iure*, Sic definiunt Iustitiam:* Iustitia est constans, et perpetua voluntas ius suum cuique tribuendi. *Quam definitionem ponit etiam D. Thom.* quaest. 58. art 1. *et D Bonav.* 3. p. Centil. sect. 44. *ubi eam Magistrorum esse asserit.*

21 ¶ So also St. Ambrose *lib. 1. de offic. cap. 24. says: Justice renders to each his own ius, does not claim another's, neglects his own utility, and keeps the common equity.* And St. Augustine *lib. 19. de civit. cap. 21.*

There is not (he says) ius, where there is no justice: Justice moreover is that virtue which distributes to each his own,[2] So also St. Bonaventure reports *loco citato.*

[2] Editor's note: the print reads 'quae sua nique distribuit'; 'nique' is corrupt (apparently for 'unicuique'); rendered 'sua unicuique distribuit' (distributes to each his own).

¶ *Sic etiam D. Ambrosius* lib. 1. de offic. cap. 24. ait: Iustitia suum cuique ius tribuit, alienum non vendicat, utilitatem propriam negligit, et communem aequitatem custodiat. *Et D. August.* lib. 19. de civit. cap. 21. Non est (ait) ius, ubi nulla iustitia est: Iustitia porro ea virtus est, quae sua nique distribuit. *Sic refert etiam D. Bonav.* loco citato.

22 ¶ It is proved secondly by St. Bonaventure in *Diaeta, tit. 5. cap. 8.* That is the object of Justice, which constitutes the virtue, standing in the mean, not declining to the vicious extremes through excess, and defect: Such is ius, or iustum: Therefore. The Major is Aristotle's *2. Eth. cap. 6.* The Minor is proved; For then is one sinning against justice, when more or less is given than is owed. But the mean is the equitable, as Aristotle shows *5. Eth. cap. 3. et 4.* cited by St. Bonaventure *loc. cit.* He says. *Thus cap. 4. he says: Whence when men contend, they flee to the judge, etc. and they seek a judge in the mean, and some call him mediator, as if, should they have attained the mean, they should also attain the ius itself. Ius therefore is a certain mean, if indeed the judge also is in the mean; But the judge reduces to equality; and as, if a line be divided into two unequal parts, that by which the greater part exceeds the half, he takes from it, and joins to the lesser.*

¶ *Probatur secundo a D. Bonav. in* Diaeta, tit. 5. cap. 8. *Illud est obiectum Iustitiae, quod constituit virtutem, in medio constantem, non declinantem ad extrema vitiosa per excessum, et defectum: Tale est ius, seu iustum: Ergo. Maior est Aristotelis* 2. Eth. cap. 6. *Minor probatur; Nam tunc peccatur contra iustitiam, quando plus, minusve datur, quam debetur. Medium autem est aequum, ut ostendit Aristoteles* 5. Eth. cap. 3. et 4. *apud D. Bonav.* loc. cit. *Dicit.* Sic cap. 4. ait: Unde cum altercantur homines, ad iudicem confugiunt, etc. et quaerunt iudicem medium, et vocant nonnulli mediatorem, quasi si medium fuerint consecuti, ius quoque ipsum sint consecuturi. Ius igitur medium quoddam est, si quidem et iudex medium est; Iudex autem ad aequalitatem redigit; et quemadmodum, si linea in duas inaequalis partes divisa sit, illud, quo maior pars dimidium excedit, ab ea aufert, et adiungit minori.

23 ¶ The Saintly Doctor expounds it with an elegant Astronomical example: For as he says the Polar star, near the pole, is borne with a small gyre in the diurnal motion around the Pole; yet so, that it does not recede from the middle, that is, from the pole of the world; so also created Justice gyrates closely around the immovable Justice of God: And as, not declining, it keeps the straightness of the diurnal motion; so that as the line of the Equator in the middle of its circulation describes the Highest circle, on that account it does not allow the gyrating stars to decline to the right, or to the left, that is, toward the South, nor toward the North; although it is borne through the immense space of 1017. Millions of miles; so also Justice, keeping the equatorial line of equity, does not allow the various things snatched by the first mobile to decline from East to West, either to the right of excess, or to the left of defect, giving more to one; and taking from the other.

¶ *Id explicat S. Doct. eleganti exemplo Astronomico: Sicut enim ait stella Polaris vicina polo, parvo gyro motu diurno circa Polum fertur; ita tamen, ut a medio non recedat seu a polo mundi; sic et Iustitia creata gyrat proxime circa immobilem Dei Iustitiam: Et sicut non declinans servat rectitudinem motus diurni; ita ut linea AEquatoris in medio sua circulatione describat Summum circulum, ideo non sinit stellas gyrantes declinare a dextris, vel sinistris, sive ad Austrum, sive ad Aquilonem; cum tamen immenso 1017. Millionum milliarium feratur; sic et Iustitia, servans lineam*

aequatoriam aequitatis, res varias a primo mobili raptas, ab Oriente in Occasum non sinit declinari, aut ad dexteram excessus, aut ad sinistram defectus, dando plus uni; et alteri auferendo.

24 From these the Saintly Doctor draws, in 3. dist. 33. dub. 1. and 5. p. Brevil. cap. 4. with St. Thomas as cited by Cajetan art. 1. and Valencia p. 1. at the end. And Soto lib. 3. de Iustitia, quaest. 1. art. 1. the difference between justice and the other moral virtues; for Justice according to its proper reason makes right in order to another; but the others only in order to oneself. On this account St. Ambrose lib. 1. offic. cap. 28. says, that Justice is born rather for others than for itself. So also Cicero lib. 2. de Republica, and Seneca epist. 77. as the Saintly Doctor teaches in Pharetra, lib. 1. cap. 42.

Ex his deducit S. Doct. in 3. dist. 33. dub. 1. et 5. p. Brevil. cap. 4. cum D. Thom. apud Caietanum art. 1. et Valentiam p. 1. in fine. Et Sotum lib. 3. de Iustitia, quaest. 1. art. 1. differentiam inter iustitiam, et alias virtutes morales; nam Iustitia secundum propriam sui rationem facit rectum in ordine ad alterum; aliae vero tantum in ordine ad se. Propterea D. Ambrosius lib. 1. offic. cap. 28. ait, Iustitiam aliis potius natam esse, quam sibi. Sic et Cicero lib. 2. de Republica, et Seneca epist. 77. ut docet S. Doct. in Pharetra, lib. 1. cap. 42.

25 It is GATHERED also, that the mean of Justice is the mean of the thing, even without comparison to the very agent; but of the other virtues, which turn about their own passions, and not about another, in no way does it consist in a mean without comparison to the very agent. But that equality is that very ius, which is called equitable between too much and too little, as Aristotle says 5. Eth. cap. 4.

COLLIGITUR etiam, medium Iustitiae esse medium rei, etiam sine comparatione vel ad ipsum operantem; aliarum vero virtutum, quae circa passiones proprias versantur, et non circa alterum, nullo modo consistit in medio sine comparatione ad ipsum operantem. Est autem illa aequalitas illud ipsum ius, quod dicitur aequum inter nimium, et paucum, ut ait Aristoteles 5. Eth. cap. 4.

26 This shines still more in that example of the Seraphic Doctor: For as without any thinking there is the pole, upon which the heaven moves, and the polar star; which, its small diurnal circle having been described around the pole, they keep the motion of both Hemispheres by the line of the Equator, the substance of the heaven being kept on both sides for each Hemisphere Mathematically; so also Justice, before every thought, and before all its operation, has that object alone, and only to be kept, which is not found in the other moral virtues.

Hoc adhuc exemplo illo Seraphici elucet: Sicut enim nullo cogitante polus est, super quem movetur coelum, et stella polaris; quae suo circulo parvulo diurno descripto circa polum rectum servant motum utriusque Hemisphaerii per lineam AEquatoris, servata utrinque Mathematice utrique Hemisphaerio substantia caeli; ita et Iustitia ante omnem cogitationem, et ante omnem suam operationem habet obiectum illud tantum, et tantum servandum, quod in aliis virtutibus moralibus non reperitur.

27 HENCE also it is, that in the *Disputation on Justice* there is first treated of its object; then of the Virtue, because the object is presupposed before the virtue; not so in the other moral virtues. See Valencia *at the end of the punctus*.

HINC etiam est, ut in Disputatione de Iustitia *prius agatur de obiecto eius; deinde de Virtute, quia obiectum supponitur ante virtutem; non sic in aliis virtutibus moralibus. Vide Valentiam* in fine puncti.

28 IT MUST however be observed, that Ius, which is the object of Justice, includes two things; First, that it be owed: Second, that it be equal.

OPORTET autem observare, Ius, quod est obiectum Iustitiae, duo includere; Primum, ut sit debitum: Secundum, quod sit aequale.

29 INASMUCH as it is owed, it can be either owed Legally by the force of some Law, or singular, arising from some pact, or convention of certain persons, such as is between buyer and seller.

QUATENUS est debitum, potest esse vel debitum Legale ex vi alicuius Legis, vel singulare, ortum ex aliquo pacto, vel conventione aliquorum, quale est inter ementem, et vendentem.

30 SECONDLY Ius, inasmuch as it is owed, is divided into natural Ius and human Ius. The owed thing of the first kind arises from the law of nature, namely, that if you give a measure of wheat as a loan; that he render that measure to you. This however is distinguished threefold by St. Bonaventure in 4. dist. 33. quaest. 1. The first is called that which is contained in the Law, and the Gospel, and this is called natural Ius commonly. The second is proper, and is defined at the beginning of the Decretals: *Natural ius is that which is common to all nations; and this ius is that which reason dictates.* The third, most proper, which nature taught all animals.

SECUNDO dividitur Ius, ut est debitum, in Ius naturale, et Ius humanum. Debitum primi generis est ortum ex lege naturae, puta, ut si mutuum das modium tritici; et modium ille tibi reddat. Hoc vero triplex distinguitur a D. Bonav. in 4. dist. 33. quaest. 1. Primum dicitur, quod in lege, et Evangelio continetur, et hoc dicitur Ius naturale communiter. Secundum est proprium, et definitur initio Decretorum: Ius naturale est, quod est commune omnium nationum; et hoc ius est, quod dictat ratio. *Tertium propriissimum, quod natura docuit omnia animalia.*

31 The owed thing from human law is, what has been established by some human law, as that between certain things vendible, and that price which is fixed by human law, it be the only price.

Debitum ex lege humana est, quod statutum est aliqua lege humana, ut inter res aliquas venales, et pretium illud, quod humana lege, taxatur, sit solum pretium.

32 From the other head, however, inasmuch as it is something just, and equal; It is divided first by Aristotle *lib. 5. Eth. cap. 3. et 4.* into Ius, or the equal Geometric; and Arithmetic. The Geometric equal, which is according to proportion, is observed in the distribution of common goods among those who are members of the community, so that by as much as one surpasses another in merits, by the same proportion he may receive more of the goods of the community. But Aristotle says that Ius is exercised through Arithmetic equality, both in exchanges, which are done voluntarily between men, as in buying, selling, exchange, etc. and in compensating, or making amends for the dealings of men involuntary, and those without clandestine acts, as theft, adultery, poisoning, pandering, the seduction of servants, deceitful homicide, false witness, etc. or manifestly violent, as flogging, captivity, slaughter, rapine, mutilation, reviling, contumely, etc. which examples the Philosopher brings *in that cap. 2.* and through this are distinguished two species of Justice properly so called, namely Distributive, and Commutative, which I exposed at length *p. 1. Tract. 1. disput. 19. quaest. 1. et 2.*

Ex altero vero capite, quatenus est aliquid iustum, et aequale; Dividitur primo ab Aristotele lib. 5. Eth. cap. 3. et 4. *in Ius, seu aequale Geometricum; et Arithmeticum. AEquale Geometricum, quod est secundum proportionem, servatur in distributione bonorum communium in eos, qui sint membra communitatis, ut ea proportione, qua unus alterum meritis superat, eadem plus de bonis communitatis recipiat. Ius autem per aequalitatem Arithmeticam exerceri ait Aristoteles, tum in commutationibus, quae voluntarie fiunt inter homines, ut in emptione, venditione, mutatione, etc. tum in compensandis, sive emendandis commerciis hominum involuntariis, iisque sine clandestinis, ut furto, adulterio, veneficio,*

lenocinio, servorum seductione, doloso homicidio, falso testimonio, etc. sive manifeste violentis, ut flagellatione, captivitate, caede, rapina, mutilatione, convitio, contumelia, etc. quae exempla affert Philosophus illo cap. 2. *ac per hanc distingvuntur duae species Iustitiae proprie dictae, scilicet Distributiva, et Commutativa, quas late exposui* p. 1. Tract. 1. disput. 19. quaest. 1. et 2.

33 SECONDLY Ius, inasmuch as it is equal, is divided into Ius, or the iustum simply, and Ius secundum quid. Ius simply is, what is altogether equal, or by which those are made equal between whom it is; and because equality is between distinct ones, therefore this equal is between those, of whom one is not a part of the other, as between two citizens, and it is called Political Ius. Ius secundum quid equal, is between those, of whom one is a part of the other, as between Father, and son, who is a part of the Father, since from his seed, as Aristotle teaches *8. Eth. cap. 12.* So between Lord, and servant, who is something of the Lord, namely his instrument, and a part in goods, as Aristotle teaches *1. Polit. cap. 3.* Such is also that between Husband, and Wife, as Aristotle says, because whichever spouse is of the other, as is gathered from the Philosopher *6. Eth. cap. 5.* and more from Matth. 19. *Ephes. 5. For they are one flesh*, and on that account that ius is called by St. Thomas *here, art. 4.* Oeconomicum, and some dominion intervenes in bodies, and some other things, as St. Bonaventure teaches *in 4. dist. 41. quaest. ult.* Such improper ius seems to be also between citizen, and community, of which he is a part.

SECUNDO dividitur Ius, quatenus aequale, in Ius, seu iustum simpliciter, et Ius secundum quid. Ius simpliciter est, quod omnino est aequale, seu per quod exaequantur illi, inter quos est; et quia aequalitas est inter distinctos, ideo hoc aequale est inter illos, quorum alter non est pars alterius, ut inter duos cives, et dicitur Ius Politicum. Ius secundum quid aequale, est inter eos, quorum unus est pars alterius, ut inter Patrem, et filium, qui est pars Patris, quippe ex eius semine, ut docet Aristoteles 8. Eth. cap. 12. *Sic inter Dominum, et servum, qui est aliquid Domini, puta instrumentum eius, et pars in bonis, ut docet Aristoteles* 1. Polit. cap. 3. *Tale est etiam inter Maritum, et Uxorem, ut ait Aristoteles, eo quod quicumque coniugum est alterius, ut colligitur ex Philosopho* 6. Eth. cap. 5. *et magis ex Matth. 19.* Ephes. 5. Sunt enim una caro*, et propterea id ius vocatur a D. Thoma* hic, art. 4. *Oeconomicum, et intercedit aliquod dominium in corpora, et aliqua alia, ut docet D. Bonav.* in 4. dist. 41. quaest. ult. *Tale ius improprium videtur etiam inter civem, et communitatem, cuius ille est pars.*

34 THEY DISPUTE: Whether this improper ius is also on the part of the father toward the son, since the father is not a part of the son. They respond affirmatively, Cajetan *art. 4.* Valencia *punct. 2.* for whatever pertains to the whole, pertains also to the part. Hence it comes about, that what the son renders to the father, he renders also to himself.

ALTERCANTUR: An hoc ius improprium, sit etiam ex parte patris ad filium, cum pater non sit pars filii. Respondent assertive Caietanus art. 4. *Valentia* punct. 2. *nam quidquid pertinet ad totum, pertinet etiam ad partem. Hinc fit, ut, quod filius tribuit patri, tribuat etiam sibi ipsi.*

35 THEY ALSO DOUBT: Whether the son, even when emancipated, ought to be included under this improper ius. It is answered, that he is included by the reason made above, because to be a part of the Father came to him from generation, which always keeps sons, that they may be as it were other Fathers, as Aristotle says *8. Eth. cap. 11.*

DUBITANT ETIAM: An filius, etiam emancipatus, debeat includi sub hoc iure improprio. Respondetur, includi ex ratione supra facta, quia esse partem Patris advenit ei ex generatione, quae semper conservat filios, ut sint quasi alteri Patres, ut loquitur Aristoteles 8. Eth. cap. 11.

Question II: What justice is

[1] D. Bonav. brings forward VARIOUS definitions of Justice in various places *in 3. dist. 33. dub. 1. litt. et 3. p. Centil. sect. 44. In Dieta tit. 5. cap. 8. et ad 3. et 20. Lucae et lib. 2. Pharetrae, cap. 42.*

> ***Quid sit IUSTITIA.***
>
> *VARIAS Iustitiae definitiones variis in locis affert D. Bonav.* in 3. dist. 33. dub. 1. litt. et 3. p. Centil. sect. 44. In Dieta tit. 5. cap. 8. et ad 3. et 20. Lucae et lib. 2. Pharetrae, cap. 42.

[2] The FIRST is taken from Tully in the first book of the Rhetoric: *Justice is a habit of mind, which, preserving the common utility, assigns to each his own dignity.*

> *PRIMA habetur ex Tullio in primo Rhet.* Iustitia est habitus animi, communi utilitati servata, suam unicuique tribuens dignitatem.

[3] The SECOND is in Macrobius: *Justice is to preserve for each what is his own.*

> *SECUNDA in Macrobio:* Iustitia est unicuique servare quod suum est.

[4] The THIRD is from D. August. de lib. arb. *What shall I say justice is, but the virtue by which each is given his own?* And lib. 19. de civitate, cap. 21. *Justice is the virtue which distributes to each his own.* D. Bernardus has the same *serm. 3. in adventu Domini*, and the Gloss *Matth. 5.* I referred to other definitions above.

> *TERTIA ex D. August. de lib. arb.* Iustitiam quid dicam esse, nisi virtutem, qua sua cuique tribuuntur. *Et lib. 19. de civitate, cap. 21.* Iustitia, est virtus, quae sua cuique distribuit. *Eandem habet D. Bernardus* serm. 3. in adventu Domini*, et Glossa* Matth. 5. *Alias definitiones retuli supra.*

[5] But the definition more commonly received, which D. Bonav. says belongs to the Masters, is that of Ulpianus, l. Iustitia, ff. de Iustitia, et iure: *Justice is the constant and perpetual will to render to each his right.* D. Thom. approves this *quaest. 58. art. 1.* and the Doctors commonly.

> *DEFINITIO autem magis recepta, quam esse Magistrorum, ait D. Bonav. est illa, quam habet Ulpianus, l. Iustitia, ff. de Iustitia, et iure:* Iustitia est constans, et perpetua voluntas ius suum cuique tribuendi. *Hanc approbat D. Thom.* quaest. 58. art. 1. *et communiter Doctores.*

[6] It is called *will*, not formally, but causally, as if it said: Justice is a habit which produces a voluntary act, one of election; for it belongs to the nature of virtue that it be a voluntary act, as Aristotle teaches *lib. 2. Eth. cap. 4.* and it is proper to Justice to rectify the will in order to the right of another, as D. Bonav. teaches *3. p. Brevil. cap. 4.*

> *Dicitur* Voluntas*, non formaliter, sed causaliter, quasi dicat: Iustitia est habitus, qui efficit actum voluntarium, et ex electione; est enim de ratione virtutis, ut sit actus voluntarius, ut docet Aristot.* lib. 2. Eth. cap. 4. *et proprium est Iustitiae rectificare voluntatem in ordine ad ius alterius, ut docet D. Bonav.* 3. p. Brevil. cap. 4.

[7] It is said to be *constant and perpetual*, because Justice has a firm and stable act, namely to operate constantly and immovably, as virtue operates, from Aristotle *2. Eth. cap. 4.* D. Thom. *ad 4.* and D. Bonav. *in Diaeta, tit. 5. cap. 31.* where on that account he compares Justice to the polar star. By *right* is understood the just, according to equality, as I explained *quaest. 1.* By the particle *his own* is signified that which is due to each according to the laws, as D. Bonav. explains in the *places cited*, D. Th. *art. 11.* By the last word *rendering* is understood not only the very act of rendering to each his right, according to the form of just distribution or commutation; but also the omission of injury; since it belongs to

the same virtue to do good in its proper matter and to omit the contrary evil, as Ulpianus says immediately after this definition. Wherefore Buridanus does not rightly find fault with this definition, as though it did not posit the adequate object of Justice, which includes also not injuring.

> *DICITUR* constans, et perpetua*, quia Iustitia habet actum firmum, et stabilem, quod est operari constanter, et immobiliter, ut operatur virtus, ex Aristotele* 2. Eth. cap. 4. *D. Thom.* ad 4. *et D. Bonav.* in Diaeta, tit. 5. cap. 31. *ubi idco Iustitiam stellae polari comparat. Per* Ius *intelligitur iustum, secundum aequalitatem, ut explicui* quaest. 1. *Per particulam* suum *significatur id, quod cuique secundum leges est debitum, ut explicat D. Bonav.* locis adductis*, D. Th.* art. 11. *Per extremum verbum* tribuendi *intelligitur non solum actus ipse tribuendi ius suum cuique, secundum formam rectae distributionis, aut commutationis; sed etiam omissione iniuriae; siquidem eiusdem virtutis est facere bonum in materia propria, et omittere malum contrarium, ut ait Ulpianus statim post hanc definitionem. Quare non recte Buridanus hanc definitionem carpit, quasi non ponat adaequatum obiectum Iustitiae, quod includit etiam non laedere.*

Question III: Whether justice is a special virtue

1 JUSTICE, according to the abstract notion, inasmuch as it perfects in order to another, is twofold. So Aristotle *5. Eth. cap. 1. et 2.* One is particular, which perfects man in order to another particular person, for instance a seller in order to a buyer. The other perfects man in order to another, not per se first, as the particular does, but in order to that other as he is a part of the community, and it is called Legal; for the Laws prescribe those things which pertain to the common good.

> *IUSTITIA secundum rationem abstractam, ut in ordine ad alterum perficit, duplex est, Ita Aristot.* 5. Eth. cap. 1. et 2. *Altera particularis, quae perficit hominem in ordine ad alterum particularem, puta venditorem in ordine ad emptorem. Altera perficit hominem in ordine ad alterum, non per se primo, ut particularis est, sed in ordine ad illum, ut est pars communitatis, et dicitur Legalis; nam Leges praecipiunt, quae ad bonum commune spectant.*

2 JUSTICE indeed particular is, without controversy, a special virtue, as D. Thom. says *art. 7.* D. Bonav. *in 3. dist. 33. quaest. 2.*

> *IUSTITIA quidem particularis, absque controversia, specialis est virtus, ut ait D. Thom.* art. 7. *D. Bonav.* in 3. dist. 33. quaest. 2.

3 It is PROVED by D. Bonau. *ad caput citatum Sapientiae,* and *in Diaeta salutis, tit. 5. cap. 8.* from those words: *For he teaches Sobriety, and Prudence, and Virtue, and Justice,* as I explained *quaest. 1.* Then in that Commentary he brings forward *Prov. 8. Mine is Equity, mine is Prudence, mine is Fortitude.*

> *PROBATUR a D. Bonau.* ad caput citatum Sapientiae*, et* in Diaeta salutis, tit. 5. cap. 8. *ex illis verbis:* Sobrietatem enim, et prudentiam, docet et Virtutem, et Iustitiam*, ut explicui* quaest. 1. *Deinde affert in illo Commentario id* Prov. 8. Mea est AEquitas, mea est Prudentia, mea est Fortitudo.

4 THEN it is proved by S. Doct. *in Pharetra, lib. 2. cap. 42.* from the Fathers related above.

> *DEINDE probatur a S. Doct.* in Pharetra, lib. 2. cap. 42. *ex Patribus supra relatis.*

5 It is PROVED thirdly by the arguments of D. Bonav. *in 3. distinct. 33. quaest. 2. et dub. 1.* and other places cited above.

> *PROBATUR tertio rationibus a D. Bonav.* in 3. distinct. 33. quaest. 2. et dub. 1. *et aliis locis supra adductis.*

6 The FIRST argument is taken from the potency which it perfects; for Prudence directs the rational, Temperance the concupiscible, Fortitude the irascible; but Justice all of them, to render what is equal. And *in Diaeta, tit. 5. cap. 31.* he brings forward on this point an elegant similitude. For just as God, in the Megacosm of the world, *ordered all things in number, weight, and measure*, as is said *Sap. 11.*, so Justice in this Microcosm orders all things in number, weight, and measure, in commutations and distributions. Whence with a graceful figure he adorns it with the name of a GODDESS, to whom David said *Psalm. 4. Sacrifice the sacrifice of justice*, that is, perform just acts, as Valentia also expounds *punct. 1. et ad cap. 1. Sap.* on those words: *Love justice, you who judge the earth*, he says from D. Anselmo: *Love justice, that you may be conformed to God, because the Lord is just, and has loved justices.* Love (says S. Bonav.) justice uncreated, which is the rectitude of the divine will; and created, which is the rectitude of the human will. Thus he expounds that: *Blessed are they who hunger and thirst for justice*, with D. Ambrosio *lib. 5. in Lucam*, where he numbers Justice with the other Cardinals. So also D. August. *lib. de moribus Ecclesiae, cap. 15.* apud D. Bonau. in *Centiloq.* in the place cited.

> *PRIMA ratio sumitur ex potentia, quam perficit; nam Prudentia dirigit rationalem, Temperantia concupiscibilem, Fortitudo irascibilem; Iustitia vero omnes ad aequale tribuendum. Elegantem vero hac de re similitudinem affert* in Diaeta, tit. 5. cap. 31. *Sicuti enim Deus, in mundo Megacosmo:* Omnia disposuit in numero, pondere, et mensura*, ut dicitur* Sap. 11. *ita Iustitia in hoc Microcosmo omnia disponit in numero, pondere, et mensura, commutationibus, et distributionibus. Unde lepido schemate eam nomine DEAE decorat, cui dixit David* Psalm. 4. Sacrificate Sacrificium iustitiae*, idest agite actus iustos, ut exponit etiam Valentia* punct. 1. et ad cap. 1. Sap. *in ea verba:* Diligite iustitiam, qui iudicatis terram*, ait ex D. Anselmo:* Diligite iustitiam, ut Deo conformemini, quia iustus Dominus, et iustitias dilexit. *Diligite (ait S. Bonav.) iustitiam increatam, quae est rectitudo divinae voluntatis; et creatam, quae est rectitudo humanae. Sic exponit illud:* Beati, qui esuriunt, et sitiunt iustitiam*, cum D. Ambrosio* lib. 5. in Lucam*, ubi Iustitiam cum aliis Cardinalibus adnumerat. Sic et D. August.* lib. de moribus Ecclesiae, cap. 15. *apud D. Bonau. in* Centiloq. *loco citato.*

7 The SECOND argument of S. Doct. is taken from the acts, by which different habits are recognized as different; for the act of Justice is, as I said *quaest. 1.*, to render to each his right, or the equal and the due, in the ways expressed *quaest. 2.* But this does not belong to the other virtues.

> *SECUNDA ratio S. Doct. sumitur ex actibus, a quibus diversi agnoscuntur esse habitus; nam actus Iustitiae est, ut dixi* quaest. 1. *reddere cuique suum ius, seu aequum, et debitum, modis expressis* quaest. 2. *Hoc autem non convenit aliis virtutibus.*

8 The THIRD argument of S. Doct. is taken from the object; for acts are distinguished by it, as habits by acts. That is a special virtue which is concerned with an object peculiarly laudable and difficult, as is confessed among all: Such is particular Justice, since it is concerned with the equal due to another, about which the other virtues are not concerned: Therefore. Valentia also uses this argument *puncto 2.*

> *TERTIA ratio S. Doct. sumitur ex obiecto; nam ab eo actus discernuntur, sicut habitus ex actibus. Ea est specialis virtus, quae versatur circa obiectum peculiariter laudabile, et difficile, ut est in confesso apud omnes: Talis est Iustitia particularis, cum versetur circa aequale debitum, ad alterum, circa quod non versantur aliae virtutes: Ergo. Hac ratione utitur etiam Valentia* puncto 2.

9 The FOURTH argument of S. Doct. is taken from the contrary. For, if anyone behaves unjustly toward another particular person, e. g. by snatching something from him, etc., he commits a special vice, for which he deserves special blame, even if he commits it from no other vice: Therefore to

behave rightly and equally toward another is a special virtue. This is the argument of Aristotle *5. Eth. cap. 2.* which Valentia *loc. cit.* follows.

> *QUARTA ratio S. Doct. sumitur a contrario. Nam, si quis inique se gerat erga particularem alterum, v. g. eripiendo ei aliquid, etc. committit speciale vitium, ob quod est dignus speciali vituperio, etiamsi ex nullo alio vitio id committat: Ergo recte, et aeque se gerere erga alterum, est virtus specialis. Haec est ratio Aristot.* 5. Eth. cap. 2. *quam Valentia* loc. cit. *sequitur.*

10 The FIFTH argument of D. Bonav. is taken from the means of the virtues; for since these virtues consist in a mean, that virtue will be special which has a special mean: Such is Justice, which stands between too much, exceeding; and too little, detracting from the equal and the due. But the other moral virtues do not keep this mean, as all acknowledge.

> *QUINTA ratio D. Bonav. sumitur ex medietatibus virtutum; nam cum hae virtutes in medio consistant, illa virtus erit specialis, quae habet medietatem specialem: Talis est Iustitia, quae stat inter nimium, excedens; et parum, detrahens de aequo, et debito. Hanc autem medietatem caeterae virtutes morales non servant, ut omnes agnoscunt.*

11 As FOR legal Justice, it is certain that it is a general virtue, inasmuch as it is exercised in every matter of the moral virtues. For just as the Laws prescribe in every matter those things which conduce to the common good, as Aristotle teaches *5. Eth. cap. 1.*, so legal Justice perfects man, that he may behave rightly and justly toward the community in every matter of the moral virtues.

> *QUOAD Iustitiam legalem certum est, eam esse virtutem generalem, quatenus versatur in omni materia virtutum moralium. Sicuti enim Leges in omni materia praescribunt ea, quae ad bonum commune conducunt, ut docet Aristot.* 5. Eth. cap. 1. *ita Iustitia legalis perficit hominem, ut recte, et iuste se gerat erga communitatem in omni materia moralium virtutum.*

12 It is, however, CONTROVERTED: Whether Legal Justice is general not only in matter, but also in its formal notion.

> *CONTROVERSUM est autem: An Iustitia Legalis non modo ex materia sit generalis, sed etiam ex sua ratione formali.*

13 BURIDANUS *5. Eth. quaest. 4.* thinks that Legal Justice is any virtue whatever, as it operates for the common good; and thus Temperance, as it directs toward health on account of one's own advantage, is called temperance, but as it directs toward the common good of the Republic it is called Potency; inasmuch as it can serve the Republic by fighting, etc., it is Justice.

> *BURIDANUS* 5. Eth. quaest. 4. *existimat, Iustitiam Legalem esse quamcumque virtutem, ut operatur propter bonum commune, et ita Temperantia, ut dirigit ad valetudinem ob proprium commodum, dicitur temperantia, ut autem dirigit in bonum commune Reipub. vocatur Potentia; Quatenus vero possit servire Reipub. militando, etc. est Iustitia.*

14 Yet the contrary opinion is that of S. Bonau. above, D. Thom. *art. 6.* whom Valentia follows *punct. 2.* Soto *lib. 3. de Iustitia, quaest. 2. art. 5.* and others commonly, apud Mastrium *in 3. disp. 7. num. 189.*

> *Contraria tamen sententia est S. Bonau. supra, D. Thom.* art. 6. *quem sequuntur Valentia* punct. 2. *Soto* lib. 3. de Iustitia, quaest. 2. art. 5. *et alii communiter apud Mastrium* in 3. disp. 7. num. 189.

15 I ASSERT, with this opinion, that legal Justice is not a general virtue.

> *ASSERO cum hac sententia, Iustitiam legalem non esse virtutem generalem.*

16 It is *PROVED* first from Aristotle 5. *Eth. cap.* 1. where he gives it special Encomia, by which a special virtue is confirmed; S. Doct. collected those elogia in *Diaeta, titulo 5. cap. ultimo.* Thus he proclaims it a perfect and most excellent virtue, and compares it to a star.

> PROBATUR *primo ex Aristot. 5.* Eth. cap. *1. ubi specialia illi dat Encomia, quibus specialis virtus comprobatur, quae elogia collegit S. Doct. in* Diaeta, titulo 5. cap. ultimo. *Sic eam virtutem perfectam, atque praestantissimam acclamat, eamque stellae comparat.*

17 So also S. Doct. compares it to a straight way, which inclines neither to the right nor to the left, and applies to it that *Psalm.* 106. *He led them forth into the right way*, namely, that they might attain to the eternal prize.

> *Sic etiam S. Doct. comparat eam viae rectae, quae neque ad dextram declinet, neque ad sinistram, et huic applicat illud* Psalm. *106.* Deduxit eos in viam rectam*, nempe, ut ad bravium aeternum pervenirent.*

18 *THEN* he compares it to the straight Rule, which is the measure of things: For as we measure all things by a rule, and divide all things equally, so also Justice. And as the Astronomical rule measures by the line of *Fiduciae* the altitude of the pole above the place of habitation, the Climate, etc., so also Justice measures the entire state of the land, of the city, that the due may be rendered to all.

> DEINDE *comparat eam rectae Regulae, quae est mensura rerum: Sicut enim Regula omnia mensuramus, et omnia aeque partimur, ita etiam Iustitia. Et sicut regula Astronomica per lineam* Fiduciae *mensurat altitudinem poli super locum habitationis, Clima, etc. ita etiam Iustitia terrae, civitatis integrum statum metitur, ut omnibus debitum tribuatur.*

19 *THIRDLY* he compares it to a straight Line. For as the straight line is the most beautiful of lines, as the Philosopher says, cited *quaest.* 1.: so also the rectitude of Justice makes man most beautiful in intention and conversation. As also the stature of the human body is most beautiful, because erect toward heaven. So the stature of the heart is most lovely, when through Justice it is raised up to God. Whence *Cant.* 7. *Thy stature is like to a palm tree.*

> TERTIO *comparat eam rectae Lineae. Sicut enim linea recta est pulcherrima linearum, ut ait Philosophus, adductus* quaest. *1.: sic etiam Iustitiae rectitudo facit hominem pulcherrimum in intentione, et conversatione. Sicut etiam statura humani corporis est pulcherrima, quia recta ad caelum. Sic statura cordis est speciosissima, cum per Iustitiam est erecta ad Deum. Unde* Cant. *7.* Statura tua assimilata est Palmae.

20 *THEN* he compares it to a Gem, set in gold. The four Cardinal virtues, he says, are gems in the golden Diadem. In the anterior part, or on the forehead, is Prudence, whose it is to see not only present things but also future ones. On the right is Temperance, because this makes man just in the right hand of prosperity; Fortitude on the left of adversity. But Justice in the posterior part, as the Bishop in procession, as the King at the end of the battle line, as the Pilot at the stern of the ship, as the just Sentence is pronounced at the end of the cause, and as at the end of the contest the triumphal Crown is given to the victor. Whence the Crown is named from it as from its principal part. So the Apostle *prima Timot.* 4. *There is laid up for me a crown of justice.* The Goldsmith, in whose Forge this precious crown is wrought, is Wisdom, of which *Sap.* 8. Then he compares it to the polar Star, and to God, as I showed above. Behold S. Doctor speaking most excellently.

> DEINDE *eam comparat Gemmae, insitae auro. Virtutes enim Cardinales quatuor gemmas ait in aureo Diademate. In anteriori parte, seu in fronte est Prudentia, cuius est videre non modo praesentia, sed etiam futura. In dextera est*

Temperantia, quia haec facit hominem iustum in dextra prosperitatis; Fortitudo in sinistra adversitatis. Iustitia vero in posteriori parte, sicut Episcopus in processione, sicut Rex in fine aciei, sicut Gubernator in cauda navis, sicut Sententia iusta profertur in fine causae, et sicut in fine certaminis datur victori Corona triumphalis. Unde ab ista tanquam a principali denominatur Corona. Sic Apostolus prima Timot. *4.* Reposita est mihi corona iustitiae. *Aurifex, in cuius Fucina fabricatur haec pretiosa corona, est Sapientia, de qua* Sap. *8. Comparat deinde eam Stellae polari, et Deo, ut supra ostendi. Vide S. Doctorem eximie eloquentem.*

21 It is *PROVED* secondly by the argument of D. Bonau. *in almost all the places cited*, because in the act of Legal Justice there is special praise and difficulty. Therefore. The consequence is proved from Aristotle 2. *Eth. cap.* 6. and 7. The antecedent is Aristotle 5. *Eth. cap.* 1. and 3. *Politic. cap.* 3.

PROBATUR *secundo ratione D. Bonau.* locis fere omnibus adductis, *quia in actu Iustitiae Legalis est specialis laus, et difficultas. Ergo. Probatur consequentia ex Aristotele 2.* Eth. cap. *6. et 7. Antecedens est Aristotelis 5.* Eth. cap. *1. et 3.* Politic. cap. *3.*

22 Here the arguments first laid down can also be applied.

Hic possunt applicari etiam argumenta, primo posita.

23 *YOU OBJECT* with Buridanus. All the Virtues operate according to rectitude, and in order to the public good; otherwise the virtues could be not right.

OBIICIES *cum Buridano. Omnes Virtutes operantur secundum rectitudinem, et in ordine ad bonum publicum; alioqui possent virtutes esse non rectae.*

24 Valentia *answers* from D. Bonavent. in 3. *dist.* 33. *quaest.* 2. *ad* 2. *et* 4. that all the virtues indeed have their own proper rectitude and mediocrity, declining from the extremes; nevertheless each has its own singular rectitude, from which Justice makes the right according to all circumstances, inasmuch as it is ordered to another, and this belongs to Justice, not to the other virtues.

RESPONDet *Valentia ex D. Bonavent. in 3.* dist. *33.* quaest. *2.* ad *2.* et *4. omnes quidem virtutes habere suam propriam rectitudinem, et mediocritatem, declinantem ab extremis; attamen singulae habent suas singulares rectitudines, e quibus Iustitia facit rectum secundum omnes circumstantias, prout ordinatur ad alterum, et hoc competit Iustitiae, non aliis virtutibus.*

Question IV: In what subject justice consists

1 It is *CERTAIN* first, that Justice is not in the intellect; for no one is considered just because he knows what is just, but because he chooses what is just, as D. Thom. and D. Bonau. warn *here*.

CERTUM *est primo, Iustitiam non esse in intellectu; non enim quisquam iustus censetur, quia cognoscat, quod iustum est; sed quia iustum eligat, ut monent D. Thom. et D. Bonau.* hic.

2 It is *CERTAIN* secondly, that Justice is in some appetite of man; for since a virtue is in that potency from which the act of virtue is elicited proximately, and Justice is not in the intellect, it remains that it be in another potency, which is the proximate principle of a good and just act, as distinguished from the act of the intellect, and it includes the election of the just object, or is itself the election of such an object. Now such a principle is some appetite, as the SS. Doctors affirm, and with them Caietanus *art.* 4. and Valentia *disp.* 5. *quaest.* 2. *punct.* 4.

CERTUM *est secundo, Iustitiam esse in aliquo appetitu hominis; nam cum virtus sit in ea potentia, a qua proxime elicitur virtutis actus; et Iustitia non sit in intellectu; reliquum est, ut sit in alia potentia, quae sit principium proximum actus boni, et iusti, ut distinguitur ab actu intellectus, et includit electionem obiecti iusti, aut est ipsa electio talis obiecti. Tale autem principium est appetitus aliquis, ut afferunt SS. Doctores, et cum eis Caietanus* art. *4. et Valentia* disp. *5.* quaest. 2. punct. *4.*

3 It is *CERTAIN* thirdly, that Justice is in the rational appetite, that is, the will, as Aristotle teaches with common consent 5. *Eth. cap.* 1. et 5. and from Ulpian *l. Iustitia*, ff. *de Iustitia, et iure*, defining Justice: *It is the constant will to render to each his right*, as D. Bonau. teaches in the *places alleged, quaest.* 2.

CERTUM *est tertio, Iustitiam esse in appetitu rationali, idest voluntate, ut docet e communi consensu Aristot. 5.* Eth. cap. *1. et 5. et ex Ulpiano* l. Iustitia*, ff.* de Iustitia, et iure*, definiente Iustitiam:* Est voluntas constans ius suum cuique tribuendi*, ut docet D. Bonau.* locis allegatis, quaest. *2.*

4 It is, however, *CONTROVERTED*: Whether a certain Justice concerning another's good is to be established in the sensitive appetite, which, although in reality distinct from the Justice which is in the will, yet agrees with it in name and in matter.

CONTROVERSUM *est autem: An sit constituenda in appetitu sensitivo quaedam Iustitia circa bonum alienum, quae, licet re ipsa a Iustitia, quae est in voluntate, sit distincta; tamen in nomine, et in materia cum ea conveniat.*

5 But the controversy about this is *VERY SMALL*; for commonly all place it in the rational appetite, namely in the Will, as D. Bonau. warns, while Buridanus alone places not only Fortitude and Temperance, but also Justice, in the sensitive appetite.

PARUULA *autem est de hoc controversia; nam communiter omnes eam ponunt in appetitu rationali, nempe in Voluntate, ut monet D. Bonau. solus vero Buridanus non modo Fortitudinem, et Temperantiam, sed etiam Iustitiam in appetitu sensitivo ponit.*

6 *THEREFORE* the common opinion is that of D: Bonau. *here*, D. Thom. *art.* 4. whom all the others follow, as Sotus says *lib.* 3. *de Iustitia, quaest.* 2. *art.* 4. Valentia *disp.* 5. *quaest.* 2. *punct.* 4. Tannerus *disp.* 4. *quaest.* 2. *dub.* 1. *numero* 7. who, however, protests entirely.

IGITUR *communis sententia est D: Bonau.* hic*, D. Thom.* art. *4. quos alii omnes sequuntur, ut ait Sotus* lib. *3.* de Iustitia, quaest. 2. art. *4. Valentia* disp. *5.* quaest. *2.* punct. *4. Tannerus* disp. *4.* quaest. 2. dub. *1.* numero *7. qui tamen omnino reclamat.*

7 It is *PROVED* by D. Bonau. first from D. August. *lib.* 1. *Solil. cap.* 6. where he says: *Virtue is right reason, leading to the end.* Which predication is causal, or material.

PROBATUR *a D. Bonau. primo ex D. August.* lib. *1.* Solil. cap. *6. ubi ait:* Virtus est ratio recta, perducens in finem. *Quae praedicatio est causalis, sive materialis.*

8 *SECONDLY*: Virtue is the principle of meriting, and of a meritorious and laudable work: Therefore it has being in that potency about whose act praise and merit consist: But such is the rational appetite: Therefore.

SECUNDO*: Virtus est principium merendi, et operis meritorii, ac laudabilis: Ergo circa illam potentiam habet esse, circa cuius actum consistit laus, et meritum: Sed talis est appetitus rationalis: Ergo.*

9 *THIRDLY.* Virtue is in that subject in which the soul has the image of God, since the other virtues have their origin from grace, of which man is capable inasmuch as he is the image: But it is not the

Image except through the rational potency: Therefore. The major is D. August. 14. *de Trinitate, cap.* 8. *et* 15.

> TERTIO. *In eo subiecto est virtus, in quo anima habet imaginem Dei, cum virtutes caeterae habeant ortum a gratia, cuius homo est capax, quatenus est imago: Sed non est Imago, nisi per potentiam rationalem: Ergo. Maior est D. August. 14.* de Trinitate, cap. *8.* et *15.*

10 *The FOURTH* argument proves it singularly of Justice: That habit which consists in the proper election of good and flight from evil is in the rational appetite. Such is Justice: Therefore. The major is proved, because election signifies the selection of something, or of some things, after a comparison made with others. Therefore it is said in *Cant.*: *My beloved is white, etc. chosen out of thousands*; but the comparison of many, and the election of one from among them, includes at least virtually a discourse. The minor is proved; for the object of Justice is equality with another, inasmuch as it shuns the extremes, that is, *Too much*, or exceeding; and *Too little*, deficient from the equal, which is to be kept in proportion with another, as another's gift is.

> QUARTA *ratio singulariter probat de Iustitia: Ille habitus, qui consistit in propria electione boni, et fuga mali, est in appetitu rationali. Talis est Iustitia: Ergo. Maior probatur, quia electio dicit selectionem alicuius, vel aliquorum, post comparationem cum aliis factam. Ideo* Cant. *dicitur:* Dilectus meus candidus, etc. electus ex millibus*, comparatio autem plurium, et electio alicuius ex illis, includit saltem virtute discursum. Minor probatur; nam Iustitiae obiectum est aequalitas cum altero, quatenus refugit extrema, idest,* Nimium*, seu excedens; et* Parum*, deficiens ab aequo, quod servanda est proportione cum altero, ut alienum donum est.*

11 But sense does not perceive this formal notion. For this reason D. Thom. and the Thomists also use it, as well as Valentia in the place cited.

> *Hanc autem rationem formalem non percipit sensus. Hac ratione utuntur etiam D. Thom. et Thomistae, atque Valentia loco citato.*

12 FIFTH argument. Virtue is in the genus of the honest good, as Tully says lib. 2. de Invent. and de off. not rarely. But the honest good is the object of the rational appetite alone; for sense regards only the useful good: Therefore.

> *QUINTA ratio. Virtus est in genere boni honesti, ut ait Tullius lib. 2. de Invent. et de off. non raro. Bonum autem honestum est obiectum solius appetitus rationalis; nam sensus solum bonum commodum aspicit: Ergo.*

13 The RESPONSES of those who oppose these arguments, inasmuch as they prove it of every virtue, I referred to, and rejected, in prima secundae Tract. 2. disput. 2. quaest. 9. ¶

> *RESPONSIONES adversantium his argumentis, quatenus de omni virtute probant, retuli, et repuli prima secundae Tract. 2. disput. 2. quaest. 9.* ¶

Question V: Whether justice is the most excellent of the moral virtues

1 S. Doct. seems in Diaeta, tit. 5. cap. 8. to hold it the most noble of all the others. Therefore he compares it to a rule, a line, a straight path; he likens it to the polar star; he proclaims it the most precious gem among the others. It is the view of Aristotle 5. Eth. cap. 3. and of Scotus in 4. dist. 49. quaest. 4. post litt. L. Mastrii. disp. 7. quaest. 8.

> ***An IUSTITIA sit Virtutum moralium praestantissima.***

VIDETUR S. Doct. in Diaeta, tit. 5. cap. 8. hanc prae caeteris nobilissimam ponere. Ideo eam regulae, lineae, semitae rectae comparat; Stellae polari assimilat; gemmam pretiosissimam inter caeteras acclamat. Est Aristotelis 5. Eth. cap. 3. et Scoti in 4. dist. 49. quaest. 4. post litt. L. Mastrii. disp. 7. quaest. 8.

2 First indeed legal Justice seems more perfect than all the moral virtues, because it has for its object the common good, and, as superior and more universal, it commands all the moral virtues, referring all their objects to the common good. Therefore Aristotle 5. Eth. cap. 1. compares it to a most resplendent Star, and D. Bonav. in Diaeta, tit. 5. cap. ultimo to the straight Rule, Measure, Line, polar star, etc. as I said quaest. 3.

Primo quidem Iustitia legalis perfectior videtur omnibus moralibus, quia habet pro obiecto bonum commune, et tanquam superior, et universalior imperat omnibus moralibus virtutibus, referendo ad bonum commune omnia eorum obiecta. Ideo eam Aristot. 5. Eth. cap. 1. Stellae praefulgidae comparat, et D. Bonav. in Diaeta, tit. 5. cap. ultimo rectae Regulae, Mensurae, Lineae, Polari stellae, etc. ut dixi quaest. 3.

3 SECONDLY particular Justice is not simply more perfect than all the other virtues which are toward another; for Mercy seems more perfect. Likewise Piety, and much more Religion, which regards God infinite proximately, as the object to which worship is due and rendered, not as the object Quod of the Theological virtues. And indeed it is most noble among the virtues which are concerned with one's own good.

SECUNDO Iustitia particularis non est simpliciter perfectior caeteris omnibus virtutibus, quae sunt ad alterum; nam Misericordia videtur perfectior. Similiter Pietas, et multo magis Religio, quae respicit proxime Deum infinitum, tanquam obiectum, cui debitus est cultus exhibitus, non ut obiectum Quod virtutum Theologicarum. Et sane nobilissima est inter virtutes, quae circa bonum proprium versantur.

4 The REASON is, because, as D. Thom. teaches in the cited article, the good of another is contained in a certain diffusion, in which the notion of goodness resplends most, as Aristotle teaches in the first book of the Rhetoric, cap. 9.

RATIO est, quia, ut docet D. Thom. art. cit. bonum alterius continetur in quadam diffusione, in qua maxime resplendet ratio bonitatis, ut docet Aristoteles primo Rhet. cap. 9.

5 Then the object of Justice conduces most to the common good of human Society, as Cicero says lib. 1. offic. and Aristotle 5. Eth. cap. 5.

Deinde obiectum Iustitiae ad bonum commune maxime conducit Societatis humanae, ut ait Cicero lib. 1. offic. et Aristot. 5. Eth. cap. 5.

6 *YOU OBJECT* with Buridanus after Scotus in 3. dist. 27. quaest. 1. that the virtues which are concerned with one's own good are more according to the inclination of Nature and of Charity.

OBIICIES cum Buridano post Scotum in 3. dist. 27. quaest. 1. virtutes, quae versantur circa bonum proprium, sunt magis secundum inclinationem Naturae, et Charitatis.

7 It is ANSWERED that legal Justice is more according to the inclination, because it is toward the common good; but particular Justice has other excellences, which on that account preponderate, as I said in prima secundae, Tract. 2. disp. 2. quaest. 12. Then the Virtues which are concerned with one's own good for the moderating of the passions, such as Fortitude, Temperance, and others annexed to

these, do not have so rational an object, but more a sensible one, as D. Thom. says and Valentia puncto 5.

> *RESPONDETUR, Iustitiam legalem esse magis secundum inclinationem, quia est ad bonum commune; particularem vero alias praecellentias habere, quae hinc praepondent, ut dixi prima secundae, Tract. 2. disp. 2. quaest. 12. Deinde Virtutes, quae circa bonum proprium ad moderandas passiones versantur, sicuti Fortitudo, Temperantia, et aliae his adnexae, non habent obiectum adeo rationale, sed magis sensibile, ut ait D. Thom. et Valentia puncto 5.*

8 I shall not repeat the excellences of Justice indicated quaest. 3. from D. Bonau. in Diaeta, which S. Doct. pursues again ad Psal. 18. on those words: *Who shall direct my ways*, etc.

> *Non repetam Iustitiae praecellentias, indicatas quaest. 3. ex D. Bonau. in Diaeta, quas iterum prosequitur S. Doct. ad Psal. 18. in ea verba:* Utinam dirigantur viae meae*, etc.*

Question VI: What kind of sin injustice is, and how it is committed

1 In as many ways as Justice is called so, as related quaest. 1., in so many ways is the opposite Injustice called, according to the rule of opposites, in Aristotle 5. Ethic. cap. 1.

> ***Quale peccatum sit INIUSTITIA, et quomodo committatur.***
>
> *QUOT modis dicitur Iustitia, relatis quaest. 1. tot modis dicitur Iniustitia opposita, iuxta regulam oppositorum, apud Aristotelem 5. Ethic. cap. 1.*

2 Therefore injustice first signifies all iniquity, as it is taken in prima Ioan. 3. and Valentia notes quaest. 3. punct. 1. This therefore is opposed to general justice, which makes holy. Of this in Psalm. 91. *All the sons of iniquity shall be scattered:* Immediately he sets the antithesis *The just shall flourish like the palm tree.* This injustice embraces all sins, whether from suggestion, or from one's own will, or from habit, whatever they may be of heart, of mouth, and of deed; as S. Doct. observes ad eum Psal. and just as every declination from evil, and pursuit of good, is justice, as is said Psalm. 33. *Decline from evil, and do good*, etc. *The eyes of the Lord are upon the Just*, so every pursuit of evil, and flight from the good due, is injustice, as S. Doct. warns serm. 18. Hexaëmeronis.

> *Ideo iniustitia primo significat omnem iniquitatem, ut accipitur prima Ioan. 3. et notat Valentia quaest. 3. punct. 1. Haec igitur opponitur iustitiae generali, quae facit sanctum. De hac in Psalm. 91.* Dispergentur omnes filii iniquitatis: *Mox ponit antithesim* Iustus ut palma florebit. *Haec iniustitia omnia peccata complectitur, siue ex suggestione, siue ex propria voluntate, siue ex consuetudine, quaecumque sint cordis, oris, et operis; ut observat S. Doct. ad eum Psal. et sicut omnis declinatio a malo, et prosecutio boni est iustitia, ut dicitur Psalm. 33.* Declina a malo, et fac bonum*, etc.* Oculi Domini super Iustos*, ita omnis prosecutio mali, et fuga a bono debito, est iniustitia, ut monet S. Doct. serm. 18. Hexaëmeronis.*

3 S. Doct. brings forward there another injustice, which is an imperfection in the virtues. Such is that of those who often fall: *A just man falls seven times a day.* Proverb. 24. On the contrary, some just men are perfect, who fall more rarely, of whom Proverb. 12. *Whatever befall the just man, it shall not grieve him.* And cap. 28. *The just man, bold as a lion, shall be without fear.* The Church teaches this perfection of justice Eccles. 4. *Fight for justice even unto death*, and Matth. 5. *Blessed are they who hunger and thirst for justice.* Behold S. Doctor.

> *Aliam iniustitiam ibi adducit S. Doct. quae est imperfectio in virtutibus. Talis est eorum, qui saepe cadunt:* Septies in die cadit iustus. *Proverb. 24. e contra, aliqui iusti perfecti sunt, qui rarius cadunt, de quibus Proverb. 12.* Non

contristabit iustum, quidquid ei acciderit. *Et cap. 28.* Iustus quasi Leo confidens, absque terrore erit. *Hanc perfectionem iustitiae docet Eccles. 4.* Pro iustitia agonizare usque ad mortem, *et Matth. 5.* Beati, qui esuriunt, et sitiunt iustitiam. *Vide S. Doctorem.*

4 Therefore he places justice in three things Psalm. 33. In the declination from evil; the election of good; and the progress in good, as S. Doct. notes in the place cited above, and ad Psal. 110.

Ideo iustitiam in tribus ponit Psalm. 33. In declinatione a malo; electione boni; et profectu in bono, ut notat S. Doct. loco supra citato, et ad Psal. 110.

5 But PRE-EMINENTLY general Injustice is any transgression of the Laws, just as he is just who observes the law: Such is said to be Simeon, Lucae 2. *A just man.* And Zacharias with Elisabeth: *They were both just, walking in all the commandments and justifications of the Lord without blame.* And Noë Genes. 6. *Just in his generations;* namely, in all the commandments of God, as is said Psal. 118. *I was directed to all thy commandments; I have hated every unjust way. For whoever shall keep the whole Law, but offend in one, is become guilty of all*, as is said Iacobi 2. and S. Doct. pursues it in cap. 1. Lucae.

PRAECIPUE vero Iniustitia generalis est quaelibet Legum transgressio, sicuti iustus est, qui legem observat: Talis dicitur Simeon, Lucae 2. Homo iustus. *Et Zacharias cum Elisabeth:* Erant iusti ambo, incedentes in omnibus mandatis, et iustificationibus Domini sine querela. *Et Noë Genes. 6.* Iustus in generationibus suis; *ad omnia mandata Dei scilicet, ut dicitur Psal. 118.* Ad omnia mandata tua dirigebar; omnem viam iniquam odio habui. Quicumque enim totam Legem servaverit; offendat autem in uno, factus est omnium reus, *ut dicitur Iacobi 2. et prosequitur S. Doct. in cap. 1. Lucae.*

6 But more PROPERLY Injustice is the vice and sin opposed to legal justice, which is the virtue directing to the common good: D. Thom. calls this art. 1. illegal, which is a special sin, if it is committed out of contempt for the common good, and out of a settled intention of acting against it, as D. Thom. teaches loc. cit. Sotus lib. 3. de Iustitia, quaest. 3. art. 1. ad 1. Valentia quaest. 3. punct. 1. Otherwise it will not be a sin distinct from those which are committed against those virtues whose acts are to be exercised under the command of legal justice; but it will be the common condition of sins of this kind, and as it were a common sin, as Sotus and Valentia call it, and as I said in disputat. 22. quaest. 1.

PROPRIE vero magis Iniustitia est vitium, et peccatum, oppositum iustitiae legali, quae est virtus dirigens ad bonum commune: Hanc D. Thom. vocat art. 1. illegalem, quae est speciale peccatum, si ex contemptu boni communis, et ex certa intentione faciendi contra illud committatur, ut docet D. Thom. loc. cit. Sotus lib. 3. de Iustitia, quaest. 3. art. 1. ad 1. Valentia quaest. 3. punct. 1. Alioqui non erit distinctum peccatum ab iis, quae committantur contra virtutes eas, quarum actus sunt exercendi ex imperio iustitiae legalis; sed erit communis conditio huiusmodi peccatorum, et quasi commune peccatum, ut appellant Sotus, et Valentia, et dixi disputat. 22. quaest. 1.

7 But MOST PROPERLY it signifies the particular vice and sin opposed to the equality due of one to another, which particular Justice safeguards. Now this injustice is mortal in its genus, as D. Thom. teaches *art. 4.* although it can be venial on account of the smallness of the matter, or on account of the imperfection of an act not sufficiently deliberate, or not sufficiently voluntary, as on account of lightly culpable ignorance, as D. Thom. teaches in the *cited article* and more fully D. Bonavent. *in speculo animae, cap. 2.*

PROPRIISSIME vero significat vitium, et peccatum peculiare, oppositum aequalitati debitae unius ad alterum, quam Iustitia tuetur particularis. Haec autem iniustitia est mortalis ex genere, ut docet D. Thom. art. 4. *etsi possit esse*

> *veniale ob materiae parvitatem, vel ob imperfectionem actus non satis deliberati, vel non satis voluntarii, ut ob ignorantiam leviter culpabilem, ut docet D. Thom.* arti. citat. *et latius D. Bonavent.* in speculo animae, cap. 2.

8 But Injustice of this kind is DIVIDED into various subordinate species, namely first into Injustice against distributive Justice, and Injustice against Commutative. Then into various species of injustice against Commutative according to the very diverse ways in which one can offend against it, which S. Doct. enumerates and explains *in the place cited*, and which I enumerated with Aristotle *quaest. 1.* and shall explain in their proper places.

> *DIVIDITUR autem Iniustitia huiusmodi in varias species subalternas, nempe primo in Iniustitiam, contra Iustitiam distributivam, et Iniustitiam, contra Commutativam. Deinde in varias species iniustitiae contra Commutativam pro diversis valde modis, quibus contra eam delinqui potest, quos recenset, atque explicat S. Doct.* loco adducto, *et cum Aristotele recensui* quaest. 1. *et propriis locis explicabo.*

Question VII: Whether judgment is an act of justice

1 You have the various significations of IUDICII in Navarro *supra Rubricam de Iudiciis*, and in Valentiam *disp. 5. quaest. 4. puncto primo.*

> An Iudicium sit IUSTITIAE actus.
>
> *IUDICII significatus varios habes in Navarro* supra Rubricam de Iudiciis, *et Valentiam* disp. 5. quaest. 4. puncto primo.

2 The name of Judgment signifies MANY things. First it signifies the definition of that which is Just and equal among some, connoting at the same time a certain power of compelling the parties to the execution of the right defined. Such judgment is the sentence of a judge. Whence he is called Iudex whose it is to judge according to the laws, which in Greek is δίκαιος from δικάζω, as Valentia notes with D. Bonav. *in 1. dist. 45. parte 1. dub. 1. litt.* Therefore *indico* is *ius dico*.

> *MULTA significat nomen Iudicii. Primo significat definitionem eius, quod est Iustum, et aequum inter aliquos, connotans simul quandam potestatem compellendi partes ad executionem iuris definiti. Tale iudicium est sententia iudicis. Unde ille dicitur Iudex, cuius est secundum iura iudicare, quod in Graeco est δίκαιος a δικάζω, ut notat Valentia cum D. Bonav.* in 1. dist. 45. parte 1. dub. 1. litt. *Ideo* indico *est* ius dico.

3 SECONDLY by Metaphor it has been transferred to signify that which has been judged by a judge, as *Ioan. 5. They who have done evil shall come forth into the resurrection of judgment.* And prima *Cor. 11. He eats and drinks judgment to himself.* Therefore it chiefly expresses condemnation, as S. Doct. indicates *in 4. dist. 18. p. 1. dubio secundo.*

> *SECUNDO per Metaphoram translatum est ad significandum id, quod a iudice est iudicatum, ut* Ioan. 5. Procedent, qui fecerunt mala, in resurrectionem iudicii. *Et prima* Cor. 11. Iudicium sibi manducat, et bibit. *Ideo praecipue condemnationem exprimit, ut indicat S. Doct.* in 4. dist. 18. p. 1. dubio secundo.

4 THIRDLY in the same way it also signifies, in a certain way, things pertaining to judgment, as the tribunal. Thus Judgment is divided into Secular and Ecclesiastical *cap. Quanto, extra de Iudiciis.*

> *TERTIO eodem modo significat etiam q-d-m spectantia ad iudicium, ut tribunal. Sic dividitur Iudicium in Saeculare, et Ecclesiasticum* cap. Quanto, extra de Iudiciis.

5 FOURTHLY it signifies any definition of the intellect, in what manner it is said to pertain to Synesis, which is a part of potential Prudence, and it ought to be regulated to truth, as S. Doct. teaches *dist. 25. citata, secundo sent. dub. 1.* But this is twofold, Speculative and Practical, as D. Bonav. teaches *in 2. dist. 23. quaest. 2. ad 2. et dist. 7. p. 2. quaest. 1. in corpore.*

> *QUARTO significat quamcumque intellectus definitionem, quo pacto ad Synesim, quae est pars Prudentiae potentialis, dicitur spectare, et debet esse regulatum ad veritatem, ut docet S. Doct.* dist. 25. citata, secundo sent. dub. 1. *Hoc autem duplex est, Speculativum, et Practicum, ut docet D. Bonav.* in 2. dist. 23. quaest. 2. ad 2. et dist. 7. p. 2. quaest. 1. in corpore.

6 FIFTHLY it signifies that sentence of the intellect which is made concerning the probity of another, concerning which *Matth. 7. Judge not, and you shall not be judged.*

> *QUINTO significat eam intellectus sententiam, quae de alterius probitate fit, de quo* Matth. 7. Nolite iudicare, et non iudicabimini.

7 But this SENTENCE is from the will commanding, whose it is to judge. Therefore free choice also is defined as the judgment of reason, because in the free act, especially of judging concerning the probity of another, reason intervenes, and the judgment or decree of the will, as S. Doctor observes *loc. cit. Secundi sent.*

> *HAEC autem Sententia est a voluntate imperante, cuius est iudicare. Ideo et liberum arbitrium definitur iudicium rationis, quia in actu libero, maxime iudicandi de alterius probitate intervenit ratio, et iudicium, seu decretum voluntatis, ut observat* loc. cit. Secundi sent. *S. Doctor.*

8 But S. Doct. OBSERVES *in 1. dist. 3. p. 1. quaest. 1. ad 4.* that to judge concerning something is twofold. The first, by discerning whether it is, or is not; and in this way judgment belongs to every intellect knowing with respect to every object. The second, by approving or reproving; and thus it does not judge concerning truth, but according to it concerning other things, as D. August. says *de vera Religione, cap. 31.* that a judge does not judge concerning the law, but according to it judges concerning other things, and in this way one judging exercises the judging power, and the Right over the judged. Therefore this judgment is reserved to God, but not conceded to us, as *Matth. loc. cit.* says and Paulus *Galatas 6. Therefore do not judge before the time, until the Lord come.*

> *OBSERVAT autem S. Doct.* in 1. dist. 3. p. 1. quaest. 1. ad 4. *iudicare de aliquo esse duplex. Primum discernendo, utrum sit, vel non sit; et hoc modo convenit iudicium omni intellectui cognoscenti respectu omnis obiecti. Secundum approbando, vel reprobando; et sic non iudicat de veritate, sed secundum ipsam de aliis, sicut ait D. August.* de vera Religione, cap. 31. *quod iudex non iudicat de lege, sed secundum ipsam iudicat de aliis, et hoc modo iudicans potentiam exercet, et Ius super iudicatum. Ideo hoc iudicium est reservatum Deo, non autem nobis concessum, ut ait* Matth. loc. cit. *et Paulus* Galatas 6. Itaque nolite ante tempus iudicare, quoad usque veniat Dominus.

9 In almost this manner he says three things of JUDGMENT. First the collation of merit or demerit to reward or punishment properly. Secondly he adds the discussion of merits and the pronouncing of sentence. Thirdly it is called, appropriately, condemnation itself, as S. Doct. notes *in 4. dist. 47. art. 1. quaest. 3. in resol.* Therefore we are prohibited from judging, that is, from condemning anyone, even privately, after the merits and demerits have been discussed, because this pertains to the judgment of God, as S. Doct. teaches *ibi, et in Diaeta, tit. 9. in finem*, citing that *prima Corinth. 4.* Elucidating which passage S. Doct. *in Appendice Diaetae Dom. 4. Advent. says: The Law of the Emperor says, the lesser power ceases.* Therefore the Apostle, considering the advent of the eternal judge, restrains it, saying: *Judge*

not, etc. and in *speculo animae, cap. 1.* after he has said: suspicion is an evil opinion from slight causes, and this proceeds from the evil affection of envy; and then it has the notion of mortal, but otherwise it is not judged mortal; he adds: Judgment is perverse when one, ill affected toward another, not only suspects evil in him from slight causes, but also defines in heart or mouth, in the manner of a sentence, that mortal sin is committed by someone, and this of its genus is mortal, from whatever root it proceeds. Whence the Gloss on that, prima *Cor. 4. Do not judge before the time* says: *We cannot avoid suspicions, because we are men; but judgment, that is, definitive sentences, we ought to guard against.* But this judgment is always a sin too grave. This S. Bonav. says, and *p. 3. Stimuli, cap. 8.* he adds the reason why these judgments are forbidden to us, from the Apostle *Rom. 14. Who art thou, that judgest another man's servant*, and he repeats again: *Do not judge before the time, until the Lord come*, namely, because our neighbors are not subject to us in the forum of conscience, but to the Lord, and in the Sacrament, to His Ministers.

> *HOC fere pacto tria dicit Iudicium. Primo collationem meriti, vel demeriti ad praemium, aut poenam proprie. Secundo addit discussionem meritorum, et prolationem sententiae. Tertio appropriate dicitur ipsa condemnatio, ut advertit S. Doct.* in 4. dist. 47. art. 1. quaest. 3. in resol. *Ideo prohibemur iudicare, idest discussis meritis, et demeritis aliquem condemnare, etiam private, quia hoc ad iudicium Dei pertinet, ut docet S. Doct.* ibi, et in Diaeta, tit. 9. in finem, *adducens illud* prima Corinth. 4. *Quem locum elucidans S. Doct.* in Appendice Diaetae Dom. 4. Advent. ait: Dicit Lex Imperatoris, cessat iunior potestas. *Ideo Apostolus considerans adventum aeterni iudicis, reprimit dicens:* Nolite, etc. *et in* speculo animae, cap. 1. *postquam dixit: suspicio est mala opinio ex levibus causis, et hoc ex mala affectione invidiae procedit; et tunc habet rationem mortalis, alias autem non iudicatur mortalis; subdit: Iudicium perversum est, cum quis ad alium male affectus non solum malum suspicatur in ipso ex causis levibus, verum etiam definit in corde, vel ore sententialiter peccatum mortale committi ab aliquo, et hoc de suo genere est mortale, ex quacumque radice procedat. Unde Glossa super illud, prima* Cor. 4. Nolite ante tempus iudicare *ait:* Suspiciones vitare non possumus, quia homines sumus; iudicium autem idest, sententias diffinitivas, cavere debemus. *Hoc autem iudicium semper est nimis grave peccatum. Haec S. Bonav. et* p. 3. Stimuli, cap. 8. *apponit rationem, ob quam nobis vetita sint haec iudicia, ex Apostolo* Rom. 14. Tu quis es, qui alienum servum iudicas, *et iterum repetit:* Nolite ante tempus iudicare, quoad usque veniat Dominus, *nempe quia proximi non sunt nobis subiecti in foro conscientiae, sed Domino, et in Sacramento, Ipsius Ministris.*

10 MOREOVER, if Judgment be right, it will be an act of Justice: But it will be right, if the due equality is established, both by a public Judge in the Tribunal of the Forum, and unto condemnation; and by anyone in the private judgment of conscience, namely, when in practice one judges according to that which is established to us, yet not unto condemnation, as S. Doct. warns *opusc. de profectu Relig. cap. 1.* Therefore what pertains to establishing the true pertains to prudence; but what pertains to establishing equality in order to the reputation of our neighbor, to which each one has the right of defending, will be an act of Justice, as Valentia declares *loc. cit.* But the Judgment which can be made privately by us concerning the inexcusable probity of our neighbor pertains to Prudence, not to Justice, because it does not pertain to us to speak the right concerning the crimes of all others. See also Tannerum *disp. 4. quaest. 3. dub. 1.*

> *CAETERUM si Iudicium sit rectum, erit actus Iustitiae: Erit autem rectum, si statuatur aequalitas debita, tum a Iudice publico in Tribunali Fori, et ad damnationem; tum a quocumque in iudicio privato conscientiae, nempe cum practice iudicatur secundum id, quod nobis constat, non tamen ad condemnationem, ut monet S. Doct.* opusc. de profectu Relig. cap. 1. *Itaque, quod spectat ad statuendum verum, spectat ad prudentiam; quod vero ad stabiliendam aequalitatem in ordine ad famam proximi, ad quam unusquisque habet ius tuendi, erit actus Iustitiae, ut declarat*

Valentia loc. cit. *Iudicium vero, quod a nobis potest privatim fieri de inexcusabili improbitate proximi, ad Prudentiam spectat, non ad Iustitiam, quia ad nos non pertinet ius dicere de aliorum omnium criminibus. Vide etiam Tannerum* disp. 4. quaest. 3. dub. 1.

Question VIII: In what respect the public judgment of a judge is just

1 IN this matter it is certain, first, that among Christians there can be just Judgments, against the error of the Waldensians and the Anabaptists, as Tannerus warns, *disp. 4. quaest. 4. dub. 1.*

Qua ratione iustum sit Iudicis publicum Iudicium.

IN hac re primo certum est, inter Christianos posse esse Iudicia iusta, contra errorem Vualdensium, et Anabaptistarum, ut monet Tannerus disp. 4. quaest. 4. dub. 1.

2 *IT IS PROVED*

PROBATUR

3 *IT IS PROVED* at length by the Saintly Doctor, *p. 2. de Eccles. Hier. cap. 2.*, where the Saintly Doctor shows that Judges and Princes ought to be like the supernal Virtues, so that they may judge rightly. He brings forward several Scriptures on this point, 1. *Reg. 14.*, where of King David it is said: *But you, my lord the King, are as an Angel of God, who is moved neither by blessing nor by cursing.* From this he deduces that the Judge must be strong, in order to judge rightly. Therefore *Eccles. 7. Do not seek to be made a Judge, unless you have the strength to break through iniquities, lest perhaps you fear the face of the mighty. Sap. 6. Hear, O Kings and Judges, who judge the earth: to you is Power given by the Most High.* The same is found in *Psalm. 2.* in the New Testament: *Be instructed, you who judge the earth.* Therefore in Exodus 32. rules for judging are given to the faithful: *You shall not accept gifts, etc.*, and *Deuter. 16. You shall not respect persons nor accept gifts, for they blind, etc.* Second *Paral. 19. See what you do: for you do not exercise the judgment of men, but of God. Isa. 1. Judge for the orphan, help the oppressed.*

PROBATUR *late a S. Doct.* p. 2. de Eccles. Hier. cap. 2. *ubi ostendit S. Doct. Iudices, et Principes esse debere similes Virtutibus supernis, ut recte possint iudicare. Plures affert hac de re Scripturas 1.* Reg. 14. *ubi de Rege Davide dicitur:* Tu autem Domine mi Rex, es sicut Angelus Dei, qui nec benedictione, nec maledictione movetur. *Ex quo deducit, Fortem esse debere Iudicem, ut recte iudicet. Ideo* Eccles. 7. Noli quaerere fieri Iudex, nisi virtute valeas irrumpere iniquitates, ne forte expavescas faciem potentis. Sap. 6. Audite Reges, et Iudices, qui iudicatis terram, vobis data est Virtus ab Altissimo. *Idem habetur* Psalm. 2. *in novo Testamento:* Erudimini, qui iudicatis terram. *Ideo Exodi 32. dantur regulae iudicandi fidelibus:* Non accipies munera, etc. *et* Deuter. 16. Non accipies personam, neque munera, quia excaecant, etc. *Secundo* Paral. 19. Videte quid faciatis; non enim hominum exercetis iudicium, sed Dei. Isa. 1. Iudicate pupillo, subvenite oppresso.

4 *THUS* David judged, 1. *Reg. 30.*: *David rescued all that the Amalekites had taken, nor was anything missing from the spoils: but all things whatsoever they had seized, he brought back and restored. And 2. Reg. 22. Whom he shall repay fourfold,* where he is called by the holy prophet to judge. And Solomon, 3. *Reg. 3.*, judged — while he was holy — over those two little harlots concerning the stolen child. Many other passages from the Scriptures the Saintly Doctor brings forward in the Biblia pauperum, *cap. 50. also for the law of grace.*

SIC *David 1.* Reg. 30. *iudicavit:* Eruit David omnia, quae tulerant Amalecitae, nec defuit quidquam de spoliis: Sed omnia quaecumque rapuerant, retulit, et reduxit: Et 2. Reg. 22. Quem reddet in quadruplum, *ubi a propheta sancto vocatur ad iudicandum. Et Salomon 3.* Reg. 3. *iudicavit, cum esset Sanctus, de illis duabus*

meretriculis super raptum pueri. Plurima alia e Scripturis affert S. Doct. in Bibliis pauperum cap. 50. etiam pro lege gratiae.

5 *THESE* he also pursues at length *ad cap. 6. Sap.*, in these words: *Power has been given to you by the Lord, and strength by the Most High, who will question your works; for, though you were ministers of his kingdom, you did not judge rightly, nor keep the law of justice.* Where he adduces that *Rom. 13. There is no power but from God; Ioan. 19. You would have no power against me unless it had been given you from above.* That *Isa. 1. They do not judge for the orphan, and the cause of the widow does not come to them.* The same he laments, *Hierem. 5.*

HAEC *late prosequitur etiam* ad cap. 6. Sap. *in ea verba:* Data est a Domino potestas vobis, et virtus ab Altissimo, qui interrogabit opera vestra, quoniam cum essetis ministri regni illius non recte iudicastis, nec custodistis legem iustitiae. *Ubi affert illud* Rom. 13. Non est potestas nisi a Deo, Ioan. 19. Non haberes potestatem adversum me ullam, nisi tibi datum esset desuper. *Illud* Isa. 1. Pupillo non iudicant, et causa viduae non ingreditur ad eos. *Idem lamentatur* Hierem. 5.

6 *THE SAME* authorities the Saintly Doctor pursues at length on that Ioan. 19. *You would have no power, etc.*, where in the New Testament the power of judging is asserted by Christ, and by the Apostle, *Rom. 13.*, and by St. Peter.

EASDEM *authoritates late prosequitur S. Doct. ad id Ioan. 19.* Non haberes potestatem etc. *ubi in novo Testamento a Christo, et Apostolo* Rom. 13. *et a D. Petro, asseritur Iudiciaria potestas.*

7 *THE SAME* he pursues in *serm. 22. Hexaëmer.*, where he observes that it was promised in Isaiah, chapter 1: *I will restore your judges as they were at the first: after this you shall be called the city of the just, the faithful city of Sion; she shall be redeemed in judgment, etc.* Whence it follows that judgments erected in the Old Testament were not destroyed in the New, as regards power.

EADEM *prosequitur* serm. 22. Hexaëmer. *ubi observat, promissum esse Isaiae primo:* Restituam iudices tuos, ut fuerunt prius: Post haec vocaberis Civitas iusti, urbs fidelis Sion in iudicio redimetur, etc. *Quo fit, ut iudicia erecta in testamento Veteri, non sint destructa in Novo, quoad potestatem.*

8 *THEREFORE* Paul also appealed to Caesar, *Act. 25. and 26.*, and therefore, together with Peter, he exhorted the faithful to submit to the judgment of Princes, *Rom. 13. Let every soul be subject to the higher powers, etc. For he does not carry the sword without cause: for he is God's minister: an avenger into wrath upon him who does evil,* as the Saintly Doctor shows *in 2. dist. 44. art. 3. quaest. 1.*, and in the first Epistle of Peter, 2. *Servants, be subject to your masters, not only to the good, but also to the froward, etc.* Therefore in the first Epistle to the Corinthians, 6., Paul praises judgments.

IDEO *et Paulus Caesarem appellavit,* Act. 25. et 26. *et ideo simul cum Petro hortabatur fideles, ut iudicio Principum starent,* Rom. 13. Omnis anima potestatibus subdita sit sublimioribus, etc. Non enim sine causa gladium portat; Dei enim minister est: vindex in iram ei, qui male agit, *ut ostendit S. Doctor* in 2. dist. 44. art. 3. quaest. 1. *et prima Petri,* 2. Servi subditi estote dominis, non tantum bonis, sed etiam dyscolis, etc. *Ideo prima Corinth. 6. Paulus iudicia laudat.*

9 *IT IS PROVED* more fully by the Saintly Doctor in *Hexaëmer. serm. 16.* from the constant usage of the Church from the times of the Apostles onward; for St. Peter condemned Ananias and Sapphira, *Act. 5.*, and in the following centuries there were always ecclesiastical and secular judgments in the Church, as is shown in the *Tract. de Legibus, and p. 1. Tract. 1. Disputationibus Prooemialibus.* These are confirmed by the ancient monuments of Councils, histories, and Decretals. Only this was most

constantly provided: that ecclesiastical judgments should be held among ecclesiastics, as appears in the *Decretis;* and secular judgments among the faithful, if they could be held, as the Apostle teaches, *prima Corinth. 6.*

> PROBATUR *latius a S. Doct. in* Hexaëmer. serm. 16. *ex perpetuo usu Ecclesiae iam inde a temporibus Apostolorum; Nam D. Petrus condemnavit Ananiam, et Sapphiram* Act. 5. *et deinceps sequentibus saeculis fuere semper Ecclesiastica, et saecularia iudicia in Ecclesia, ut ostendit* Tract. de Legibus, et p. 1. Tract. 1. Disputationibus Prooemialibus. *Haec constant ex veteribus monumentis Conciliorum, historiarum, et Decretorum. Solum fuit constantissime cautum, ut Ecclesiastica iudicia apud Ecclesiasticos fierent, ut constat in* Decretis; *et saecularia iudicia apud fideles, si possent fieri, ut tradit Apostolus* prima Corinth. 6.

10 *IT IS PROVED* thirdly by the Saintly Doctor, *in 2. dist. 44. art. 2. quaest. 1. ad 1.*, by the most solid argument of St. Peter, *prima cap. 2.*, where, having described the state of the holy liberty of the New Testament, he concludes: *Be subject, therefore, to every human creature for God's sake: whether to the King, as excelling: or to governors, as sent by him to punish malefactors, but for the praise of the good: for so is the will of God.* From this the reason is drawn out, which he magnifies against the fourth argument of the *following quaestio,* and which Valencia uses, *disp. 5. quaest 4 punct 2.*: What is useful and necessary by natural law for the good of the commonwealth is not abolished, but established by the decrees of the Christian Religion; for Religion does not destroy, but perfects, the law of nature. But judges and judgments are necessary for the Christian commonwealth: Therefore. The minor is proved by the example of all nations, and from God's ordinance, Deuter. 16. *Judges and Magistrates you shall constitute, that they may judge the people.* Then the minor is evident: for if there were no judges and judgments by which the disputes of men would be terminated, and punishments assigned to crimes, and rewards to rightly performed political works, the greatest disturbance and overthrow would appear. With this reasoning he argues at greater length in *p. 2. de Ecclesiastica Hier. cap. 2.*, as I shall say below.

> PROBATUR *tertio a S. Doct.* in 2. dist. 44. art. 2. quaest. 1. ad 1. *argumento solidissimo D. Petri* prima cap. 2. *ubi descripto statu sanctae libertatis novi testamenti, concludit:* Subiecti igitur estote omni humanae creaturae propter Deum: sive Regi, quasi praecellenti: sive Ducibus, tanquam ab eo missis ad vindictam malefactorum, laudem vero bonorum: quia sic est voluntas Dei. *Hinc eruitur ratio, quam magnificat ad quartum argumentum* quaest. sequentis, *eaque utitur Valentia* disp. 5. quaest 4 punct 2. *Quod iure naturali est utile, et necessarium ad bonum Reip. non tollitur, sed stabilitur decretis Christianae Religionis; non enim Religio destruit, sed perficit ius naturae. At iudices, et iudicia sunt Christianae Reip. necessaria: Ergo. Minor probatur exemplo omnium nationum, et ex Dei ordinatione Deuter. 16.* Iudices, et Magistratus constitues, ut iudicent populum. *Deinde patet Minor: Nam si iudices, et iudicia non essent, quibus hominum lites terminarentur, et poenas delictis, et praemia recte exantlatis operibus politicis imponerent, maxima perturbatio, atque subversio videretur. Hac ratione latius utitur* p. 2. de Ecclesiastica Hier. cap. 2. *ut dicam infra.*

11 *NOR* do the heretical adversaries lean on a firm foundation.

> NEC *adversarii haeretici firmo nituntur fundamento.*

12 *THEY OPPOSE,* indeed, Matth. 5.: *If any one will contend with you in judgment and take away your tunic, give him also your cloak.*

> OPPONENT *enim id Matth. 5.* Si quis voluerit tecum in iudicio contendere, et tunicam tollere, da ei et pallium.

13 *THE SAINTLY DOCTOR ANSWERS* on this passage, *Lucae 6.*, that judgments are not forbidden; but contentions and quarrels, and the lust of vengeance, as St. Augustine says, *epist. 5.* Therefore, in sum, it must be held (says the Saintly Doctor) that the correction of a neighbor, or the hindering of evil, or the punishment of a crime committed by one who can and ought to hinder it — such as the Minister of the law — is not forbidden; but here the lust of revenge is forbidden and restrained, both as to the hand, and as to the sign, and as to the mind. In the same way St. Augustine says it is to be understood of what he said there also: *And whoever shall strike you on one cheek, offer him the other also,* and yet he himself, *Ioan. 19.*, corrected the striker and did not offer the other cheek: similarly Paul, *Actorum 23.*, struck on the cheek, answered: *God shall strike you, you whited wall,* and yet both were most patient in spirit, as the Saintly Doctor observes, *loc. cit. ad locum Ioan.*, from St. Augustine, *tract. 113. and epist. 5.* — see him. Thus answers Valencia, *disp. 3. quaest. 16. punct. 1. col. 742. and disp. 5. quaest. 4. p. 2.*, and Tannerus in the *cited place.*

> RESPONDET *S. Doct. ad hunc locum* Lucae 6. *non prohiberi iudicia; sed contentiones, et rixas, ac libidinem vindictae, ut ait S. August.* epist. 5. *Igitur in summa tenendum est (ait S. Doct.) quod non prohibetur correptio proximi, seu impeditio mali, vel punitio sceleris, perpetrati ab eo, qui potest, et debet praepedire, cuiusmodi est legis Minister; sed prohibetur, et cohibetur hic ulciscendi libido, et quantum ad manum, et quantum ad signum, et quantum ad animum. Eodem modo ait S. August. intelligendum id, quod ibidem dixit:* Et qui te percusserit in una maxilla, praebe illi et alteram, *et tamen ipse* Ioan. 19. *percutientem correxit, nec alteram praebuit maxillam: Similiter et Paulus* Actorum 23. *in maxilla ictus, respondit:* Percutiet te Deus paries dealbate, *et tamen animo patientissimus uterque fuit, ut observat S. Doct.* loc. cit. ad locum Ioan. *ex D. August.* tract. 113. et epist. 5. *quem vide. Sic respondet Valentia* disp. 3. quaest. 16. punct. 1. col. 742. et disp. 5. quaest. 4. p. 2. *et Tannerus* loco citato.

14 *THEY OPPOSE,* secondly, Matth. 7.: *Judge not, that you be not judged.*

> OPPONUNT *secundo id Matth. 7.* Nolite iudicare, ut non iudicemini.

15 *THE SAINTLY DOCTOR ANSWERS, p. 1. Concil. sect. 10.*, from St. Augustine, *lib. 2. de serm. Domini in monte, cap. 28.*, that not every judgment is forbidden; but one rashly passed without firm reason. The same is the judgment of St. Hilar., *Can. 5. in Matth.*

> RESPONDET *S. Doct.* p. 1. Concil. sect. 10. *ex D. August.* lib. 2. de serm. Domini in monte, cap. 28. *non prohiberi omne iudicium; sed temere assertum sine firma ratione. Idem censet D. Hilar.* Can. 5. in Matth.

16 *THE SAINTLY DOCTOR ANSWERS, de septem Itineribus aeternitatis, Itinere primo, dist. 4.*, from St. Jerome, that the order of correction is taught, so that first, judging ourselves, we amend ourselves, casting the beam out of our own eye, before we contemplate the mote in another's eye.

> RESPONDET *S. Doct.* de septem Itineribus aeternitatis, Itinere primo, dist. 4. *ex D. Hieronymo, doceri ordinem correctionis, ut primo nos ipsos iudicantes emendemus, eiicientes trabem de oculo nostro, antequam festucam in alterius aranea meditemur.*

17 *THAT* indeed he does not condemn every judgment is found in Ioan. 12.: *Judge not according to the face, but judge just judgment,* as St. Bonaventure there observes.

> QUOD *vero non damnet omne iudicium, habetur Ioan. 12.* Nolite iudicare secundum faciem, sed iustum iudicium iudicate, *ut observat ibi D. Bonavent.*

18 *THEY OBJECT* also from the first Epistle to the Corinthians, 6.: *Brother contends with brother in judgment: and that before unbelievers? Indeed already altogether it is a fault in you, that you have judgments among*

yourselves.

> OBIICIUNT *etiam id prima Cor. 6.* Frater cum fratre iudicio contendit: et hoc apud infideles? Iam quidem omnino delictum est in vobis, quod iudicia habetis inter vos.

19 *IT IS ANSWERED*, not that judgment is condemned, as I said above — indeed it is instituted; but that an undue one is reproved. Four conditions, however, are laid down by the Doctors that a judgment be just: thus St. Thomas, 2.2. quaest. 60. art. 1. and 6.; St. Bonaventure, in 2. dist. 44., in the cited places, and lib. 1. Pharetra, cap. 45.

> RESPONDETUR, *non damnari iudicium, ut dixi supra, imo institui; sed reprehendi indebitum. Quatuor autem conditiones ponunt Doctores, ut iudicium sit iustum, sic D. Thomas 2.2. quaest. 60. art. 1. et 6. D. Bonav. in 2. dist. 44. locis citatis, et lib. 1. Pharetra, cap. 45.*

20 T H E F I R S T is legitimate authority, such as ordinary Judges have, or Delegates, or even Arbitrators, who have that power by the law of nations over those who freely commit themselves to them. And such also would be one who, by a special judgment of God, fulfilled that office, as Phinees, Numer. 25., slew the Madianite and the Hebrew man, as the Saintly Doctor notes in the Biblia pauperum, cap. 51.

> *P R I M A est legitima authoritas, qualem habent Iudices ordinarii, aut Delegati, aut etiam Arbitri, qui iure gentium eam habent potestatem in eos, qui se illis ultro remittunt. Et talis esset etiam ille, qui speciali Dei iudicio, fungeretur eo munere, sicuti Phinees Numer. 25. occidit Madianitam, virumque Hebraeum, ut advertit S. Doct. in Bibliis pauperum, cap. 51.*

21 Because of the lack of this condition a Judgment is said to be unjust by usurpation, as St. Thomas says, art. 6.; St. Bonaventure, 2. dist. 44. art. 2. quaest. 1.

> *Ex defectu huius conditionis dicitur Iudicium iniquum per usurpationem, ut ait D. Thom. art. 6. D. Bonau. 2. dist. 44. art. 2. quaest. 1.*

22 Y E T it can happen that the judgment of some Tyrant, who truly lacks legitimate power, be otherwise just and bind, namely if he be in peaceful possession. For otherwise the peaceful state of the commonwealth could not stand, unless what the ruler justly decreed is obeyed: Thus Valencia, punct. 2., who says that Victoria is held to have thought so, and it is the opinion of St. Bonaventure in the cited place, in the body and ad 2., where he teaches that the Tyrant, although he rules without legitimate power, and accordingly decides unjustly by reason of usurpation, must nevertheless be heard, if he decide justly, for the punishment of malefactors and the praise of the good, as is said in the first Epistle of Peter, 2.; and accordingly his decrees are just, and it is just to subject oneself to them.

> *F I E R I tamen potest, ut iudicium, alioqui iustum alicuius Tyranni, qui revera careat legitima potestate, obliget, si nimirum in pacifica possessione sit. Nam alias consistere pacificus Reipublicae status non posset, nisi dominanti in iis, quae iuste statuit, pareatur: Ita Valentia punct. 2. qui ait, ita sensisse ferri Victoriam, eaque est sententia D. Bonau. loc. cit. in corpore, et ad 2. ubi docet, Tyrannum, tametsi absque legitima potestate dominetur; atque adeo inique decernat ratione usurpationis, tamen esse audiendum, si iuste decernat, in vindictam malefactorum; laudem vero bonorum, ut dicitur prima Petri 2. atque adeo eius decreta esse iusta, eisque se subiicere esse iustum.*

23 T H E S E C O N D condition is, that the Judgment be conformed to the rule of Justice, namely, that what is decreed be just, even if the judge does not act from the virtue of Justice; but from the

political rule, lest he be deprived — such was that Judge, Luc. 16., who finally sanctioned what was just for the Widow out of fear of punishment; as Valencia observes after St. Bonaventure on that passage. By the lack of this condition, the Judgment is said to be unjust, and it does not bind in conscience, as Innocent and Panormitanus teach, in cap. Plerique, extra de immunitate Ecclesiae; Sylvest., under the word Sententia, quaest. 11.; Sotus, lib. 3. de Iustitia, quaest. 4. art. 2.

> *S E C V N D A conditio est, ut Iudicium sit conforme regulae Iustitiae, nempe, ut id, quod decernitur, iustum sit, etiamsi iudex non operetur ex virtute Iustitiae; sed vel politicae regulae, ne privetur, qualis erat Iudex ille Luc. 16. qui iustum sancivit tandem pro Vidua ex timore supplicii; ut observat Valentia post D. Bonau. ad eum locum. Ex defectu huius conditionis, dicitur Iudicium iniquum, neque in conscientia cogit, ut tradunt Innocentius, et Panormitanus in cap. Plerique, extra de immunitate Ecclesiae, Sylvest. verbo Sententia, quaest. 11. Sotus lib. 3. de Iustitia, quaest. 4. art. 2.*

24 ¶ T H E T H I R D condition is the due judicial order: citation, hearing of the Accused, defenses, etc.

> *¶ T E R T I A conditio est debitus ordo iudicialis, citatio, audientia Rei, defensiones, etc.*

25 T H E F O U R T H condition, that he judge from the affection of Justice. So all the Interpreters of St. Thomas, quaest. 60. art. 2.; Suarez, 3. p. Tom. 5. disp. 4. sect. 7.; Tannerus, in the cited place.

> *Q V A R T A conditio, ut iudicet ex affectu Iustitiae. Ita omnes Interpretes D. Thomae quaest. 60. art. 2. Suarez 3. p. Tom. 5. disp. 4. sect. 7. Tannerus loco citato.*

26 Note, however, that this condition does not render the judgment invalid, as the cited authors warn. But an order failing in essentials renders it null. But of this there will be a sub-disputation.

> *Adverte tamen, hanc conditionem non reddere iudicium invalidum, ut monent allegati. Ordo vero deficiens in essentialibus ipsum reddet nullum. Sed de hoc erit subdisputatio.*

27 A F I F T H condition is added: its conformity with the rules of Prudence. Now for this it ought to have two conditions: one, that it decide with due consideration; the other, that it not be from a depraved affection of hatred, or some other affection, or of gifts, etc.

> *Q V I N T A conditio additur conformitas eius cum regulis Prudentiae. Ad hoc autem duas habere debet conditiones: altera, ut debita consideratione decernat; altera, ut non sit ex affectu pravo odii, vel alio affectu, seu munerum, etc.*

28 ¶ I T O U G H T also to be asserted that a Judge does not straightway lose his power because he lies in mortal sin, against Wicleph, whose error is condemned in the Council of Constant., sess. 8.

> *¶ O P O R T E T etiam asserere, Iudicem non illico amittere potestatem, quia in mortali peccato iacet, contra Vuiclephum, cuius error damnatur in Concilio Constant. sess. 8.*

29 I T I S P R O V E D at length by the Saintly Doctor, in 2. dist. 44., where Peter, prima cap. 2., commands obedience to Masters, even to the froward. Iob 34. *He makes the Hypocrite to reign.* Osee 13. *I will give them a King in my wrath.* Ioan. 19. *You would have no power unless it had been given you from above.* The Saintly Doctor adduces examples of these in the Biblia, cap. 102. For thus of Nabuchodonosor it is said, Danielis 4.: *Your power reaches to the ends of the whole earth.* The same is asserted in cap. 5.; and to Ieroboam, 3. Reg., the Lord gave the kingdom of Israel, and to other wicked men, as the Saintly Doctor observes in the cited place. And Matth. 22.: *Render to Caesar the things that are Caesar's.* Now Tiberius was impious, which the Saintly Doctor elegantly discourses upon in serm. 5. Dom. 22. post Pentecosten.

P R O B A T V R late a S. Doct. in 2. dist. 44. ubi Petrus prima cap. 2. praecipit, obedire Dominis, etiam discolis. Iob 34. Regnare facit Hypocritam. *Osee 13.* Dabo eis Regem in furore meo. *Ioan. 19.* Non haberes potestatem, nisi tibi datum esset desuper. *Horum exempla refert S. Doct. in Bibliis, cap. 102. Sic enim de Nabuchodonosore dicitur Danielis 4.* Potestas tua in terminos universae terrae. *Idem asseritur cap. 5. et Ieroboam 3. Reg. dedit Dominus regnum Israël, aliisque pravis, ut observat S. Doct. loco citato. Et Matth. 22.* Reddite, quae sunt Caesaris, Caesari. *Erat autem Tiberius impius, quod eleganter discurrit S. Doct. in serm. 5. Dom. 22. post Pentecosten.*

30 T H E R E A S O N also is that of St. Bonaventure which Valencia uses: because the foundation of jurisdiction is not the grace of God, but his will in the order of political governance, and often also for the punishment of peoples, as he discourses in 2. dist. 44. art. 2.

R A T I O etiam est D. Bonavent. qua utitur Valentia, quia fundamentum iurisdictionis non est gratia Dei, sed voluntas eius in ordine ad gubernationem politicam, et saepe etiam ad poenam populorum, ut disserit in 2. dist. 44. art. 2.

31 N O W it is controverted: whether the judgment of a judge is rendered mortally evil because it is passed by a judge constituted in mortal sin — and indeed in the times of St. Bonaventure most Theologians held this, at least concerning Ecclesiastical Judges: Alens., 3. p. quaest. 40. membr. 3.; St. Thomas, 4. dist. 19. quaest. 2. art. 2. St. Bonaventure seems to suspect it in those words, Ioan. 8.: *He who is without sin among you, let him cast the first stone*, where he speaks of the danger for such judges, and more especially for those living in public sin, because they scandalize the peoples whom they ought to admonish and call away from evil.

E S T autem controversum: An iudicium iudicis reddatur mortaliter malum, eo quod feratur a iudice in peccato mortali constituto, et quidem temporibus S. Bonavent. plerique Theologi id tenebant, saltem de Iudicibus Ecclesiasticis, Alens. 3. p. quaest. 40. membr. 3. D. Thom. 4. dist. 19. quaest. 2. art. 2. Videtur suspicari D. Bonavent. in ea verba, Ioan. 8. Qui sine peccato est, mittat in eam lapidem*, ubi periculum ait talibus iudicibus, magis vero in peccato publico degentibus, quia scandalizant populos, quos arguere debent, et a malo avocare.*

32 F O L L O W I N G this were Paludanus, 4. dist. 19. quaestione 3. artic. 3.; Sylvester, under the word correctio fraterna, quaestione 16.

E A M secuti sunt Paludanus 4. dist. 19. quaestione 3. artic. 3. Sylvester verbo, correctio fraterna*, quaestione 16.*

33 T H E O P P O S I N G opinion, however, is the common one: Thus St. Thomas, *hic, art. 2. ad 3.*, where he abandoned the former opinion. Thus Caietanus; Sotus, lib. 3. de Iustitia, quaest. 4. art. 2.; Navar., in Comment. super Rubricam, de Iud. num. 42.; Valencia, disp. 5. quaest. 4. punct. 2.; and it is St. Bonaventure's, in the cited place.

O P P O S I T A tamen sententia est communis: Ita D. Thom. hic, art. 2. ad 3. *ubi priorem sententiam deseruit. Ita Caietanus, Sotus lib. 3. de Iustitia, quaest. 4. art. 2. Navar. in Comment. super Rubricam, de Iud. num. 42. Valentia disp. 5. quaest. 4. punct. 2. et est D. Bonau. loco citato.*

34 I A S S E R T with St. Bonaventure that there is some sin in that case, but I do not lay down that it is always mortal, but dangerous, lest it lead to mortal sin.

A S S E R O cum D. Bonavent. esse aliquod in eo casu peccatum, non tamen statuo illud semper esse mortale, sed periculosum, ne in mortale ducat.

35 I T I S P R O V E D first by St. Bonaventure, loc. cit., from that saying of Christ, *He who is without sin among you, let him cast the first stone*, which passage Anselm there expounds thus, and St. Augustine, tract. 33., who say that those unworthy to judge the woman were brought forward by Christ. Since,

therefore, such judges are unworthy, it follows in some way that they sin, as Valencia confesses, freely responding.

> *P R O B A T V R primo a S. Bonavent. loc. cit. ex illo Christi effato,* Qui sine peccato est vestrum, mittat in eam lapidem*, quem locum sic explicat Anselmus ibi, S. August. tract. 33. qui aiunt, eos indignos iudicandi mulierem afferi a Christo. Cum igitur tales iudices indigni sint, sequitur aliquo modo eos peccare, ut fatetur, ultro respondens, Valentia.*

36 I T I S P R O V E D secondly by St. Bonaventure, lib. 1. Pharetrae, cap. 45., from many Fathers.

> *P R O B A T V R secundo a D. Bonau. lib. 1. Pharetrae, cap. 45. ex multis Patribus.*

37 St. G R E G O R Y, homil. 26. in Evang.: *It is hard, that one who knows not how to hold the measures of his own life should become judge of another's life. Lo, the peril to which a depraved man exposes himself, when he makes himself judge of another's life.*

> *D. G R E G O R I V S homil. 26. in Evang.* Durum est, ut qui nescit tenere moderamina vitae suae, iudex fiat vitae alienae, En periculum, cui se exponit homo depravatus, dum se iudicem vitae alienae ponit.

38 St. I S I D O R E, de summo bono, cap. 55. sent. 1.: *None of the foolish or the wicked ought to be a judge: for the fool by sloth, the wicked man by wickedness, corrupts the truth which he has learned.*

> *D. I S I D O R V S de summo bono, cap. 55. sent. 1.* Neminem stultorum, vel improborum oportet iudicem esse: Nam stultus per ignaviam, improbus per improbitatem corrumpit, quam didicit, veritatem.

39 St. A U G U S T I N E, epistol. 174.: *It is unjust that anyone should wish to judge another and be unwilling to be judged himself.*

> *D. A V G V S T. epistol. 174.* Iniquum est, ut quisque iudicare de alio velit, et iudicari de seipso nolit.

40 St. A M B R O S E, in 2. Apol. David, cap. 2.: *Let each one who is about to judge another first judge himself, and let him not condemn lesser errors in another, when he himself has committed graver ones.*

> *D. A M B R O S I V S in 2. Apol. David, cap. 2.* Unusquisque de alio iudicaturus, de seipso prius iudicet, nec minora in alio errata condemnet, cum ipse graviora commiserit.

41 N O R does Valencia satisfy, saying that the Fathers only signify that it is illicit if it be done without humility. For indeed with relaxed sinews it cries out that it is in itself unjust and dangerous. Whether it be always mortal, the Saintly Doctor does not assert.

> *N E Q V E satisfacit Valentia dicens, Patres solum significare, id esse illicitum, si fine humilitate fiat. Profecto enim laxis fibris id iniquum, et periculosum ex se clamant. An vero sit mortale semper, non asserit S. Doctor.*

42 A S T O the foundation Valencia opposes — that there is a great difference between the use of the power of order and of jurisdiction, so that this is not so grave as to confect the Sacraments unworthily — I grant it; but he will not deny that even that is evil.

> *Q V O D vero opponit fundamentum Valentia, magnum esse discrimen inter usum potestatis, ordinis, et iurisdictionis, ut hic non sit adeo gravis, sicut conficere Sacramenta indigne; fateor; sed non negabit, etiam illud esse malum.*

43 N O W the Saintly Doctor elegantly discourses on the requirements of Judges in the second part, de Eccl. Hier. cap. 2., where, likening them to the Angelic Virtues, he teaches: For the Virtues are Angels of the second order, of the middle Hierarchy, who are so called *because of the strong and* unchangeable virility for the reception of divine illuminations, not in any way weak, but virilely

reduced to the imitation of God (as St. Dionysius teaches, cap. 8. de coelesti Hier.), not abandoning the deiform movement, but bearing it firmly into the superessential and potentific virtue deiformly proceeding. All these things he teaches are to be referred to those who have obtained the power of judging.

> *D I S C V R R I T autem S. Doct. eleganter de Iudicum requisitis parte secunda de Eccl. Hier. cap. 2. ubi eos Virtutibus Angelicis assimilando docet: Sunt enim Virtutes, Angeli, secundi ordinis. Mediae Hierarchiae, qui sic vocantur* propter fortem, et *immutabilem virilitatem ad susceptionem divinarum illuminationum, nullatenus infirmam, sed viriliter in Dei imitationem reductam (ut docet S. Dionysius cap. 8. de coelesti Hier.) Deiformem motum non derelinquentem, sed firmiter ferentem in superessentialem, et potentificam virtutem deiformiter provenientem. Haec omnia ad eos, qui potestatem iudicandi obtinuerunt, referenda docet.*

44 F O R, that peace and concord may be had in the Church of Christ, justice has been ordained by the Lord. But Justice and Peace accompany one another; for the Psalmist says: *The mountains shall receive peace for the people, and the hills justice;* because there would not be peace in the mountains, that is, in proud men, unless there were justice in the hills, that is, in the good and humble Prelates and Judges, in whom virility, or angelic virtuousness, is required, so that neither by blessing nor by cursing they be turned aside from the rectitude of justice, as is said of David, 2. Reg. 14.: *But you, my lord the King, are as an Angel of God, who is moved neither by cursing nor by blessing.* The judge, therefore, ought to be strong and virile, lest by fear, hatred, or love he be turned from the vigor of justice. Therefore the counsel is given, Ecclesiastici 7.: *Do not seek to be made a judge, unless you have the strength to break through iniquities, lest perhaps you fear the face of the mighty.* And Sap. 6.: *Hear, O Kings and Judges, who judge the earth: to you is strength given by the Most High, etc.*

> *NAM, ut pax, et concordia in Christi Ecclesia habeatur, iustitia a Domino est ordinata. Iustitia vero, et Pax se invicem concomitantur; nam dicit Psalmista:* Suscipiant montes pacem populo, et colles iustitiam; *quia non esset pax in montibus, idest, superbis hominibus, nisi esset iustitia in collibus, idest, in bonis, et humilibus Praelatis, et Iudicibus, in quibus virilitas, seu virtuositas angelica requiritur, ut nec benedictione, nec maledictione a rectitudine iustitiae dimoveantur, sicut de David 2. Reg. 14.* Tu autem Domine mi Rex, es sicut Angelus Dei, qui nec maledictione, nec benedictione movetur. *Fortis igitur, et virilis esse debet iudex, ne timore, odio, vel amore, a vigore iustitiae deflectatur. Ided datur consilium Ecclesiastici 7.* Noli quaerere fieri iudex, nisi virtute valeas irrumpere iniquitates, ne forte expavescas faciem potentis. *Et Sap. 6.* Audite Reges, et Iudices, qui iudicatis terram, vobis data est virtus ab Altissimo, etc.

45 N E X T, the Judges ought to be like the Virtues in the virtuous defense of justice, as is said, Ecclesiastici 4.: *Fight for Justice, and be certain even unto death for justice.* For when subjects see Prelates pusillanimous and tepid, they are easily terrified, as is said, Zach. 13.: *I will strike the shepherd, and the sheep shall be scattered.* Therefore it is said, Ezech. 3.: *I have made you like an adamant and like flint; fear them not;* where Marinus Brixiensis [reads] magnesem, because the Judge ought to be strong as the adamant, and at the same time benign, attracting, as the Saintly Doctor says. Therefore let them act virilely, lest there be said to them that of Ezech. 13.: *You have not gone up against [them].*

> *DEINDE Virtutibus similes esse debent Iudices in virtuosa iustitiae defensione, ut dicitur Ecclesiastici 4.* Pro Iustitia agonizare, et usque ad mortem certa pro iustitia. *Nam quando subditi vident Praelatos pusillanimes, et tepidos, facile perterrentur, ut dicitur Zach. 13.* Percutiam pastorem, et dispergentur oves. *Ideo dicitur Ezech. 3.* Ut adamantem, et silicem posui te, ne timeas eos; *ubi Marinus Brixiensis, ut magnesem, quia Iudex debet esse fortis,*

ut adamas, et simul benignus attrahens, ut ait S. Doctor. Igitur viriliter agant, ne eis dicatur id Ezech. 13. Non ascendistis ex adverso.

46 T H I R D L Y they are compared to the Virtues on account of the imitation of Divine wisdom, which the Judges ought to hold before their eyes in their sentences. For human wisdom is bound to imitate the virtue of divine justice. Therefore Sap. 6.: *Love the light of wisdom, you who preside over the peoples,* lest that of Hierem. 5. be said of them: *Perhaps the poor and the foolish know not the way of the Lord, and the judgment of their God. I will go forth, therefore, etc.* Isa. 56.: *They have not known satiety; the pastors themselves have not understood understanding.* Therefore it is said of the Virtues that virilely, through the reception of illuminations, they are reduced to the imitation of God. For those who are illuminated by God execute justice without offense, and this is said, Psalm. 88.: *Lord, they shall walk in the light of your countenance, and in your justice shall they be exalted.*

TERTIO Virtutibus comparantur, ob Divinae sapientiae imitationem, quam debent Iudices in suis sententiis prae oculis tenere. Humana enim sapientia divinae iustitiae tenetur imitari virtutem. Ideo Sap. 6. Diligite lumen sapientiae, qui praeestis populis, *ne dicant illud Hierem. 5.* Forsan pauperes, et stulti ignorant viam Domini, et iudicium Dei sui. Ibo ergo, etc. *Isa. 56.* Nescierunt saturitatem, ipsi Pastores ignoraverunt intelligentiam. *Ideo dicitur de Virtutibus, quod viriliter per susceptionem illuminationum reducuntur ad Dei imitationem. Nam, qui illuminantur a Deo, absque offendiculo iustitiam exequuntur, et hoc dicitur Psalm. 88.* Domine in lumine vultus tui ambulabunt, et in iustitia exaltabuntur.

47 F O U R T H L Y they are like the Virtues in the swiftness of dispatching the causes of the poor; for true Justice, when it has become known to the judge, is not to be delayed in execution, but is to be decided and promulgated at once, and this especially in the causes of the poor, whose delay is harmful to them in many ways; and therefore the Virtues are said not to abandon the deiform movement, because virtuous Judges, the cause of the poor being known, do not defer judgment; as neither does God, of whom it is said, Ecclesiastici 35.: *The Lord will not delay, but will judge the just, and will do judgment; and the Most Strong will not have patience with them.*

QUARTO Virtutibus sunt similes in celeritate expediendi causas pauperum; Nam vera Iustitia, cum fuerit nota iudici, non est ab executione retardanda, imo statim definienda, et promulganda, et hoc praecipue in causis pauperum, quarum dilatio eis nociva multipliciter est; et ideo dicuntur Virtutes Deiformem motum non derelinquere, quia virtuosi Iudices, cognita causa pauperis, iudicare non differunt; sicut nec Deus, de quo dicitur Ecclesiastici 35. Dominus non elongabit, sed iudicabit iustos, et faciet iudicium, et fortissimus non habebit in illis patientiam.

48 F I F T H L Y they ought to be like the Virtues, not burdened with gifts, which are therefore forbidden, Exodi 23., Deuter. 16., because *they blind and enervate the strength of Justice.* Therefore they are likened to the Virtues, which arrive at the Potentific and superessential virtue, that is, in their movements and acts they regard only God, not their own advantage. For they are admonished, 2. Paralip. 19.: *See what you do: for you do not exercise the judgment of men, but of God,* as I also admonished above.

QUINTO debent esse Virtutibus similes, non onerati muneribus, quae ideo vetantur Exodi 23. Deuter. 16. quia excaecant, et enervant virtutem Iustitiae. *Ideo Virtutibus similantur, quae ad Potentificam, et superessentialem virtutem perveniunt, idest, in suis motibus, et actibus, solum Deum, non proprium commodum intuentur. Admonentur enim 2. Paralip. 19.* Videte quid faciatis. non enim hominum exercetis iudicium, sed Dei, *ut etiam supra monui.*

49 S I X T H L Y let them be likened to the heavenly Virtues, on account of the swift and virile liberation of the oppressed. For those Angels are held to restrain the demons, as Tob. 8.: *Raphael seized the demon,* and Dan. 6.: *God sent his Angel and shut the mouths of the lions.* For there are some powerful men, cruel as demons, oppressors of the innocent. Therefore it is said, Proverb. 24.: *Snatch them who are led to death:* and Iob 29.: *Because I had delivered the poor man crying out, and the orphan who had no helper, I broke the jaws of the wicked, and from his teeth I snatched [the prey].* As in the first book of Reg. 17. David is said to have snatched the sheep and lambs from the jaws of the lion and the bear. So God commands, Isa. 1.: *Judge for the orphan, help the oppressed, etc.*

> *SEXTO Virtutibus coelicis similentur, ob celerem, et virilem oppressorum liberationem. Hi enim Angeli sunt, qui tenentur daemones coercere, ut Tob. 8.* Apprehendit Raphael daemonium, *et Dan. 6.* Misit Deus Angelum suum, et conclusit ora Leonum. *Sunt enim aliqui potentes, crudeles, ut daemones, innocentium oppressores. Ideo dicitur Proverb. 24.* Erue eos, qui ducuntur ad mortem: et Iob 29. Eo quod liberassem pauperem vociferantem, et pupillum, cui non erat adiutor, conterebam molas iniqui, et de faucibus eius eruebam. *Veluti primo, Reg. 17. dicitur David eruisse oves, et agnos e faucibus Leonis, et Ursi. Sic praecipit Deus, Isa. 1.* Iudicate pupillo, subvenite oppresso, etc.

50 F I N A L L Y they ought to be like the Angelic Virtues, which are destined for working miracles, restoring eyes torn out, feet cut off, etc. For so also the Judges ought manfully to take care to restore goods unjustly taken away, of fame, body, fortune, and to compel unjust robbers to satisfaction; and this is figured in the deed of David: *All things which the Amalekites had taken, nor was anything missing from the spoils, but all things whatsoever they had seized he brought back and restored.* And 2. Reg. 12. Whom (he decreed) *he shall repay fourfold*, and 3. Reg. 3. Solomon restored the stolen infant to his mother.

> *TANDEM Virtutibus similes esse debent Angelicis, quae miraculis patrandis destinantur, restituendo oculos erutos, pedes detruncatos, etc. Sic enim et Iudices bona inique ablata, famae, corporis, fortunae, debent restituenda curare viriliter, et latrones iniquos ad satisfactionem compellere, et hoc figuratur facto David:* Omnia quae tulerant Amalecitae, nec defuit quidquam de spoliis, sed omnia quaecumque rapuerant retulit, et reduxit. *Et 2. Reg. 12. Quem (decrevit)* reddet in quadruplum*, et 3. Reg. 3. Salomon raptum infantem matri reddidit.*

51 H E P R O C E E D S elegantly to liken Princes and Kings to the Powers. Now the Powers are Angels, by whose special power the adverse powers are restrained, lest they harm as much as they would wish. Now St. Dionysius says *of the heavenly Powers*, cap. 8. de coelesti Hier.: *The appellation of the holy Powers teaches a power both well adorned and undivided in its order around divine receptions, not tyrannically precipitating the inferior powers into things potestative, but potently reducing them into divine things, and assimilating them, as far as is lawful, to the potentific causal power, and converting the inferior things toward God, who is the prince of all power, according to the hierarchical disposition, making the divine and shining power resplendent in inferior things, etc.*

> *PERGIT eleganter Potestatibus Principes, et Reges assimilare. Sunt autem Potestates Angeli, quorum speciali potentia adversae potestates coercentur, ne tantum laedant, quantum vellent. Ait autem S. Dionysius* de caelestibus Potestatibus*, cap. 8. de coelesti Hier.* Sanctarum Potestatum cognominatio docet potestatem, et bene ornatam, et inconfusam circa divinas susceptiones ordinationem, non tyrannice inferiora virtutes potestativa praecipitantem, sed potenter in divina reducentem, et ad potentificam causalem potentiam, quantum fas est, assimilantem, et ad Deum, qui princeps est, omnis potestatis secundum hierarchicam dispositionem inferiora convertentem, divinam, et lucentem potentiam in inferioribus resplendere facientem, etc.

52 Whence the Angels of that order restrain and curb all who impede the hierarchical order of prelation and subjection. Hence they do not allow the power of prelation to be contemned by subjects, nor do they permit subjects to be violently oppressed. In all these things Princes ought to imitate the heavenly Powers, so that they rule wisely, live orderly, potently repress and avenge evil, spare the innocent, and not allow injury to be done to wretched persons.

> *Unde Angeli illius ordinis refrenant, et coercent omnes, hierarchicam praelationis, et subiectionis ordinationem impedientes. Unde praelationis potestatem a subditis contemni non permittunt, et subditos violentet opprimi non sinunt. In his omnibus Principes debent caelestes Potestates imitari, ut sapienter regant, ordinate vivant, et potenter malum reprimant, et vindicent, innocentibus parcant, et iniuriam fieri personis miseris non permittant.*

53 T H E R E F O R E they will be like the Powers, because animated by the love of Justice they avenge all wickedness upon the guilty and pursue the disturbers of peace, as is said, Machab. 3., of Judas. See the Seraphic Doctor discoursing throughout in the Angelic tongue.

> *ITAQUE similes erunt Potestatibus, quia amore Iustitiae animati, omnem malitiam in reptobis ulciscuntur, et perturbatores pacis persequuntur, sicut dicitur Machab. 3. de Iuda. Vide Seraphicum lingua Angelica percurrentem caetera.*

54 A G A I N, and again resuming this discourse, *part. 4. de Ecclesiastica Hier. cap. 3.*, he likens the judges of the earth to the heavens. To the heavens therefore also the first judges of the Church, the Apostles, were likened, *Psal. 18.*, and thus *Psal. 21.: The heavens shall declare his justice.* Certainly the impious cannot represent the justices of the Lord; for it is said, Psalm. 49.: *But to the sinner God said: why do you declare my justices?* But the heavens, that is, heavenly men, whose conversation is in the heavens. I shall set down, therefore, parallels between Judges and the heavens.

> *ITERUM, atque iterum hunc discursum resumens* part. 4. de Ecclesiastica Hier. cap. 3. *Iudices terrae coelis assimilat. Coelis ideo etiam primi Ecclesiae iudices Apostoli assimilati fuere* Psal. 18. *et sic* Psal. 21. Annuntiabunt caeli iustitiam eius. *Sane nequeunt impii iustitias Domini repraesentare; dicitur enim Psalm. 49.* Peccatori autem dixit Deus; quare tu enarras iustitias meas? *Sed coeli, idest, viri caelestes, quorum conversatio in caelis est. Ponam igitur parallelos inter Iudices, et caelos.*

55 A N D first indeed, the heavens are bodies so sincere that among the wise it is disputed whether they are composed of matter and form; incorruptible, inasmuch as where there is matter, there is potency for new forms, and accordingly for corruption. So the Judges ought to be so separated from every earthly admixture that it may be doubted whether they are concreted of flesh and blood, so that they do not feel the affections of parents or friends, and can be said, as it were: *Melchisedech, King of Salem, without father, without mother, without genealogy* — so incorruptible ought they to be with respect to gifts, to prayers, and to terrors.

> *Et primo quidem, caeli sunt corpora adeo sincera, ut inter sapientes disputetur: an ex materia, et forma componantur; quippe incorruptibiles; ubi enim materia, ibi potentia ad novas formas, atque adeo ad corruptionem. Sic Iudices esse debent adeo ab omni terrena concretione segregati, ut de iis dubitetur; an carne, et sanguine concreti sint, ut affectiones parentum, vel amicorum non sentiant, ac dici queant, veluti:* Rex Salem Melchisedech sine patre, sine matre, sine genealogia, sic enim incorruptibiles a muneribus, a precibus, et a terroribus esse debent.

56 N E X T, the Heavens are most subtle substances, diaphanous, transmitting the light with which they are suffused. So also the Judges ought to shine with integrity, purity, and innocence so preeminent, that they transfuse the heavenly light into the world by preeminent examples of life.

DEINDE, Coeli sunt substantiae subtilissimae, diaphanae, transmittentes lumen, quo perfunduntur. Ita et Iudices esse debent integritate, puritate, ac innocentia, adeo praecellenti, effulgentes, ut lumen coeleste transfundant mundo praeclatis vitae exemplis.

57 O F T E N U O U S substance, and fluid, are the heavens, according to the opinion of the Seraphic Doctor and of the more recent Astronomers, yet in their place standing in their orb Mathematically, as if riveted most firm in structure, or as Eugubinus read: *and the species*; so also the Judges, of a frail nature indeed, yet most firm, standing in the most perfect spherical figure, so that they halt about the mean of equity without deviation, and are, as it were, the mirror of Justice and of the other virtues.

TENVIS substantiae, ac fluidae,sunt coeli, iuxta Seraphici, ac Recentiorum Astronomorum sententiam, ita tamen in suo loco in orbem Mathematice consistentes, ac si are firmissimi solidati, vel ut legit Eugubinus: et speciem*, sic et Iudices fragilis quidem naturae, attamen firmissimi in Sphaerica perfectissima figura consistentes, ita ut circa medium aequitatis absque deviatione sistant, ac veluti speculum sint Iustitiae, aliarumque virtutum.*

58 T H E H E A V E N S are moved above the center of the world, along the line of the Equator, from east to west with a regular motion, in the space of 24 hours, and render day and night; and they carry with them all the stars, and indeed, the wandering and deviating ones, they vindicate by force from their errors toward the west, which meanwhile, repressed, shriek, as it were, mourning their sins. So also the Judges, above the Equator of commutative Justice, rendering rewards to the good and punishments to the impious, should most swiftly carry them along, correcting the wandering ones even unto the west.

MOVENTUR Coeli super centrum mundi per lineam AEquatoris ab oriente in occasum motu regulari, spatio 24. horarum, diemque, ac noctem reddunt; ac secum stellas omnes rapiunt, et sane errantes, ac devias, vi ab erroribus vindicant ad occidentem, quae interim repressae strident, quasi sua peccata gementes. Sic et Iudices super AEquatorem Iustitiae commutativae praemia bonis, et poenas impiis reddendo velocissime eos rapiant, corrigendo errantes, etiam usque ad occidentem.

59 W I T H an unequal eccentric motion above the points of Aries and Libra the heavens are seen to move from the West according to the succession of the signs, so that they distribute, as it were in Geometric proportion, lights and influxes to the various regions, and portion out the good with proportional distribution: but especially the Sun, for the preservation of all regions, bending between the Tropics, at due times toward the North through the boreal signs, and toward the South through the Antarctida, so that no region can complain that a portion of light and influx has been denied to it — which would happen if it were moved only above the Equator.

MOTU Eccentro inaequali super Arietis, et Librae puncta cernitur coeli ab Occidente secundum successionem signorum, ut distribuant, veluti Geometrica proportione, lumina, influxus variis regionibus, atque virtutem, bonaque distributione proportionali dispertiantur: Praecipue vero Sol ad omnium regionum conservationem inter Tropicos flectendo temporibus debitis ad Aquilonem per signa Borealia, et ad Austrum per Antarctida, ut nulla regio conqueri possit,portionem luminis, et influxuum sibi esse denegatam, quod fieret, si super AEquatorem tantum moveretur.

60 S O also the Judges ought not only to repay rewards and punishments by commutative Justice, but also by Distributive [Justice] above the Balance of Justice, where again an Equinox is made, the commutative nevertheless being also kept; and they are held, strong ones above Aries of gentle clemency, to apportion the goods of the commonwealth in Geometric proportion, the needs and merits of each member of the commonwealth having been computed; so that no one can justly

complain that he is left naked in rigid winter, or scorched with want in torrid summer, but all are clothed with the flowers and fruits of the commonwealth, imitating the Sun of Justice, CHRIST.

> *SIC et Iudices non modo commutativa Iustitia debent praemia, poenasque rependere, sed etiam Distributiva super Libram Iustitiae, ubi iterum fit AEquinoctium, servata tamen eiam commutativa, fortesque super Arietem mansuetae clementiae tenentur bona Reipublicae proportione Geometrica computatis singulorum Reipublicae membrorum necessitatibus, ac meritis partiri; ut nullus merito conqueri queat, se rigida in hyeme nudum desertum, vel torrida aestate, egestate adustum, sed omnes floribus, et fructibus Reipublicae viantur, Imitantes Solem Iustitiae CHRISTUM.*

61 T H E F I R M A M E N T is moved trembling above the pivots of Aries and Libra. So the Judges ought to fear lest they incline too much; and therefore, immovable, let them stand above the poles of Justice and mercy. For thus it is enjoined upon them: *and now, O Kings, understand; be instructed, you who judge the earth. Serve the Lord in fear, and exult unto him with trembling; lay hold on discipline, lest you perish from the just way.* Psalm. 2.

> *MOVETUR Firmamentum trepidando super Cardines Arietis, et Librae,Ita Iudices debent timere, ne nimium declinent; et ideo immobiles super polos Iustitiae, et misericordiae consistant. Sic enim eis indicitur:* et nunc Reges intelligite, erudimini qui iudicatis terram. Servite Domino in timore, et exultate ei cum tremore; apprehendite disciplinam ne pereatis a via iusta. *Psalm. 2.*

62 V E R Y S L O W L Y the eccentric of the Sun is moved, traversing one degree in each century of years, completing the year according to the measure of the Crystalline [heaven], the great year. So the Judges ought to be most deliberate in irregular movements, nor take a step unless the truth by which we are burned has been clearly recognized.

> *TARDISSIME movetur eccentrum Solis, unum singulis annorum centuriis gradum percurrens, ad normam Christallini, annum magnum peragens. Sic ad motus irregulares debent esse ponderatissimi Iudices, nec passum gradi, nisi agnita perspicue,a qua creamur,veritate.*

63 T H E M O O N, nearer to the earth, appearing great undeservedly, deviates with its moonlike motions among the other Wanderers. So those nearer to earthly things, in governing, deviate more in judgments and governances, and accordingly are sprinkled with earthly dregs. Such appears to our eyes the Ottoman Empire, a huge chaos of barbarians, where they hold cruelty for severity, and dissolution in place of mercy; therefore also, spotted, subject to earthly eclipses, often walking in the shadows of the earth, it is darkened by abomination, luxury, robberies, oppressions. Harsh appears the Moon, and wrinkled, full of hollow mountains and valleys; so that sordid empire, deformed with spots and wrinkles, strewn with earthly dregs, appears to wise eyes great, but to the most expert intellects most worthy of being cast away.

> *LUNA, terrae vicinior, magna immerito apparens, ucto motibus inter caeteros Errantes deviat. Sic rebus terrenis magis propinqui in regendo, magis in iudiciis, et gubernationibus aberrant, atque adeo terrenis faecibus consperguntur. Tale apparet oculis nostris Ottomanum Imperium,ingens barbarorum Chaos, ubi crudelitatem pro severitate, dissolutionem, loco misericordiae, obtinent; ideo etiam maculosum Eclipsibus terrenis obnoxium,saepe terrae umbrim ingrediens, obscuratur abominatione, luxuria, rapinis, oppressionibus. Aspera apparet Luna, atque rugosa, montibus, et vallibus plena cavernosis; sic imperium illud sordidum, maculis, et rugis deforme, terrenis faecibus consperlatum, sapientibus apparet oculis grande, sed intellectibus peritissimis abic. istissimum.*

64 N O T far away is Mercury, Aser, intent upon treacherous trades and piratical navigations; who yet can say to the Ottoman predominant what that Pirate said to Alexander, or, according to some, to

Pompey: *You accuse me of robbing a single skiff, and do you not see yourself the despoiler of the world?*

> *NON longe abest Mercurius Aser, dolosis Mercaturis, et navigationibus pyraticis intentus; Qui tamen potest Ottomano praedominanti id dicere, quod Pyrata ille Alexandro, vel, secundum aliquos, Pompeio:* Tu me indicas unius cymbae raptorem, nec te vides mundi ereptorem.

65 N E A R at hand is the effeminate kingdom of Venus in Assyria

> *Prope adest effoeminatum Veneris regnum in Assyria*

66 Soon the body of the Sun, adored among the Persians.

> *Mox adoratum apud Persas Solis corpus.*

67 H E R E the warlike Mars of the Thracians and the Greeks; the Jupiter of the Cretans; the Saturn of the Easterns, of the golden, as they fable, age. All these, wandering, are at last corrected by the Justice of God. These emblems are drawn from Bucellius at the end, and from Cassanaeus, *p. p. Catalogi gloriae mundi.*

> *HIC bellicosus Thracium, et Graecorum Mars, Cretensium Iupiter; Saturnus Orientalium,aurei, ut fabulantur, saeculi. Hi omnes errantes, tandem Iustitia Dei corriguntur. Haec insignia deducta sunt ex Bucellio in fine, et ex Cassanaeo* p. p. Catalogi gloriae mundi.

68 L E T U S R A I S E our eyes to the solid Firmament, and set forth the images and stemmata also of Kings and Princes, even of Christians, that from them they may learn Justice.

> *ERIGAMUS ad solidum Firmamentum oculos, et Regum, ac Principum etiam Christianorum Icones, ac stemmata exponamus, ut inde Iustitiam ediscant.*

69 T H E R E A R E in the circle of life, the Zodiac: the Aquarius of Lorraine; the Fishes, the Kings of Sicily. The Aries of the Argonauts. The Taurus of the Egyptians, and most noble of Certhes; the Taurus of Mechebel, and the Bulls of Savoy the Gemini; the Cancer of the Gambari; the Venetian Leo; the shining Virgo of the most powerful golden King of the Gauls, and the Libra adorned with lilies. The Scorpius of the Indians; the Sagittarius of the Scythians and Persians. The Leo of England, the Lyra of Ireland.

> *SUNT in Circulo vitae Zodiaco, Lotaringiae Aquarius; Pisces, Reges Siciliae. Aries Argonautarum. Taurus AEgyptiorum, et Certhi generosissimum; Taurus Mechebel, atque Taurini Sabandiae Gemini; Cancer Gambarorum; Venetus Leo; Virgo fulgida aurei potissimi Galliarum Regis, ornataque liliis Libra. Scorpius Indorum; Sagittarius Schytarum, atque Persatum. Leo Angliae, Hiberniae Lyra.*

70 P R E S E N T are the Eagles of Austria, in the maternal boreal clime of the Crown; the Dragons of the Romans of Norway, the Bears of the Suevi; the Wolves and Horses of the Romulids. The Crosses of the Burgundians and of the Ethiopians. See also many other emblems of Justice in Bucellius and Cassanaeus, *parte prima de gloria mundi.*

> *Adfunt Aquilae Austriae, in climate materno Boreali Coronae, Norvegiae Dracones Romani, Sueuorum Ursae; Lupi, Equique Romulidum. Cruces Burgundiorum, et AEthiopum. Vide et alia plura Iustitiae insignia apud Bucellium, et Cassanaeum* parte prima de gloria mundi.

Question IX: In what respect private judgment of the neighbor is unlawful

1 THE PRINCIPAL difficulty concerns Judgment, by which one judges evil of another; for to judge good of someone is rarely, and only per accidens, a fault.

> Quo pacto illicitum sit iudicium privatum de proximo.
>
> *POTISSIMA difficultas est de Iudicio, quo quis iudicat de alio malum; nam iudicare bonum, raro, et non nisi per accidens, est culpa.*

2 THEREFORE I suppose that to judge something for a just cause is not a sin. This is commonly supposed by S. Bonaventure and S. Thomas and others, and it is proved by the Holy Doctor on John 12 with that text: *Judge not according to the appearance, but judge just judgment.*

> *IGITUR suppono, iudicare aliquid iusta de causa, non esse peccatum. Id supponunt S. Bonavent. et S. Thom. et alii communiter, et probatur a S. Doctore ad 12. Ioan. illo:* Nolite iudicare secundum faciem, sed iustum iudicium iudicate.

3 BUT WHAT cause is required for judging rightly is left to the prudent judge, as *Soto noted, Book 3 de Iustitia, quaest. 4. art. 3; Valencia disp. 5. quaest. 4. puncto 3.*

> *QUAENAM autem causa ad recte iudicandum requiratur, iudicio prudenti remittitur, ut adnotavit* Soto Lib. 3. de Iustitia, quaest. 4. art. 3. Valentia disp. 5. quaest. 4. puncto 3.

4 THEREFORE I ASSERT: to judge deliberately that someone is evil, gravely harming his reputation, without a just cause, is mortal sin.

> *ASSERO igitur. Iudicare deliberate malum, graviter laedens famam alterius, absque iusta causa, est mortale.*

5 IT IS PROVED from the Holy Doctors, first from Matthew 7: *Judge not, that you may not be judged.* They confirm it from Bede on that passage, and from St. Augustine *tract. 90. in Ioannem.*

> *PROBATUR a SS. DD. primo ex illo Matth. 7.* Nolite iudicare, ut non iudicemini. *Quod confirmant ex Beda ad eum locum, et D. Augustino* tract. 90. in Ioannem.

6 NEXT it is proved by 1 Corinthians 4: *Do not judge before the time.* So D. Thomas *art. 3,* and P. Bonaventure *p. p. Centil. sect. 10,* where he observes that rash judgment is measured according to the Savior's saying, Matthew 7: *With what judgment you judge, you shall be judged.* Where the Gloss says: *If you judge anyone rashly with venial condemnation, you shall be condemned venially. If with mortal condemnation, you shall be condemned mortally.* This, he says, is to be understood without prejudice to the opinion of others; for some say it is not mortal unless reputation is gravely harmed. Whence Valencia *in the place cited,* and Tanner *disp. 4. quaest. 3. dub. 2. num. 18,* with Aragon, just as they think it mortal to judge some light things of a Religious man, as that he is a liar; so they would not think it mortal to judge of a worldly young man that he has committed fornication, or of a soldier that he has killed someone unjustly, because the judgment is a grave evil insofar as reputation is gravely taken away or harmed. From similar things (they say) such men are not harmed. Valencia adds that it is also an undue and unjust judgment to judge rashly of the future, e.g. *that man will perish,* for that belongs to God, who perhaps will change that sinner's heart.

> *DEINDE id probat illo 4. primae ad Corinth.* Nolite ante tempus iudicare. *Sic D. Thom.* art. 3. et *P. Bonavent.* p. p. Centil. sect. 10. *ubi observat, iudicium temerarium mensurari iuxta sententiam Salvatoris,* Matth. 7. In quo Iudicio iudicaveritis, iudicabimini. *Ubi Glossa:* Si quem iudicaveris temerarie damnatione veniali,

venialiter condemnaberis. Si damnatione mortali, mortaliter condemnaberis. *Hoc intelligendum, ait, sine praeiudicio sententiae aliorum; nam aliqui dicunt, non esse mortale, nisi graviter laedat famam. Quare Valentia* loco adducto, et *Tanner.* disp. 4. quaest. 3. dub. 2. num. 18. *cum Aragonio, sicuti mortale putant de viro Religioso aliqua levia iudicare, ut esse mendacem; Ita non putaret mortale de Iuvene mundano, quod moechatus sit; de Milite, quod iniuste occiderit, quia iudicium est malum grave, quatenus tollitur graviter, seu laeditur fama. E similibus (aiunt) isti non laeduntur. Addit Valentia, etiam esse iudicium indebitum, et iniquum, temerarium iudicare de futuro, v. g.* iste periturus est*, quia ad Deum pertinet, qui forsan illum reum mutabit.*

7 IT IS PROVED secondly by the Holy Doctor *opusc. de profectu religiosi, Lib. 1. cap. 1,* from Romans 14: *But thou, why judgest thou thy brother's servant?* and Luke 6: *Judge not, and you shall not be judged.* He defines rash judgment as when I believe something was done with an evil intention, when it could have been done with another intention; or when someone is judged gravely fallen on light indications. For this is to usurp the scrutiny of hearts, which is proper to God, as is said in *Jeremias 17.*

PROBATUR secundo a S. Doctore opusc. de profectu religiosi, Lib. 1. cap. 1. *illo Rom. 14.* Tu quis es, qui alienum servum iudicas*, et Lucae 6.* Nolite iudicare, et non iudicabimini. *Iudicium autem temerarium definit, quando credo aliquid factum mala intentione, quod potuit et alia fieri intentione; vel cum iudicatur aliquis graviter lapsus ex levibus indiciis. Hoc enim est usurpare scrutationem cordium, quae Dei est propria, ut dicitur* Hierem. 17.

8 THE SAME Holy Doctor cites *on Luke 6* the words alleged, where he adds Proverbs 17: *He that justifieth the wicked, and he that condemneth the just, both are abominable before God.*

EADEM affert S. Doctor ad 6. Lucae *in ea verba allegata, ubi addit id Proverb. 17.* Et qui iustificat impium, et condemnat iustum, abominabilis est uterque apud Deum.

9 HE OBSERVES that to justify the wicked is abominable, not per se, but per accidens, when he is to be compared with another in order to something of justice, e.g. the distribution of honors, etc., and by that judgment an equality with another in good reputation is established or promoted, and the wicked man is preferred or made equal to the just, as the Holy Doctor noted *in the places alleged,* and Valencia *puncto 1,* and Navarre *commentar. in Rubric. de Iudic. n. 47.*

OBSERVAT, iustificare impium, esse abominabile, non per se, sed per aliud, quando conferendus est cum alio in ordine ad aliquid Iustitiae, puta distributionis honorum, etc. et stabilitur, aut promovetur per illud iudicium aequalitas cum alio in bono famae, et iusto impius praefertur, vel aequatur, ut adnotavit S. Doctor allegatis locis*, et Valentia* puncto 1. et *Navar.* commentar. in Rubric. de Iudic. n. 47.

10 I ASSERT secondly: to judge of someone, even gravely, from light indications, but with fear/doubt, is not mortal sin. So S. Bonaventure *in the places cited,* and D. Thomas *art. 3;* Sylvester *under the word Iudicium, quaest. 4;* Cajetan *on the said art. 3;* Navarre *loc. cit. num. 49 and following.* So also Tanner *loc. cit. num. 20,* who says light indications are those by which a prudent man would not be moved to that judgment. So also Soto, Valencia, Aragon, and others.

ASSERO secundo: Iudicare de aliquo, etiam grave, ex levibus indiciis, sed cum formidine, non est peccatum mortale. Ita S. Bonavent. locis adductis*, et D. Thomas* art. 3. *Sylvest.* verbo Iudicium, quaest. 4. *Caietanus* dicto Art. 3. *Navar.* loco cit. num. 49. et sequentibus. *Ita etiam Tanner.* loco cit. num. 20. *qui levia indicia ea esse dicit, quibus vir prudens non moveatur ad id iudicium. Ita etiam Soto, Valentia, Aragonius, et alii.*

11 IT IS PROVED by the Holy Doctor, because the neighbor is not gravely harmed.

PROBATUR a S. Doctore, quia non laeditur graviter proximus.

12 HE OBSERVES, however, *in the place cited* on the Judgment of suspicion that it is threefold. The first is of violent suspicion, when no or few signs of good appear, but all of evil; and this is not a sin. The second of temerity; when many signs of good, few of evil; and it is a grave venial sin. The third, when many of evil, but few are signs of good; and this is a lighter venial sin.

> *OBSERVAT autem* loco cit. *Centil. Iudicium suspicionis esse triplex. Primum suspicionis violentae, quando nulla, vel pauca apparent signa boni, sed omnia mali, et hoc non est peccatum. Secundum temeritatis; quando multa boni; pauca mali; et est veniale grave. Tertium, quando multa mali, pauca vero sunt signa boni; et hoc est veniale levius.*

13 HE NOTES also *in the place cited, de profectu religiosi,* that fear is sometimes confused with suspicion, although they differ: for fear is directed to caution, as when, without suspecting evil of anyone, I close the Monastery as a precaution.

> *ADVERTIT etiam* loco cit. de profectu religiosi*, aliquando confundi timorem cum suspicione, cum tamen differant: Timor enim est ad cautionem, ut cum non suspicans malum de aliquo, ad cautionem claudo Monasterium.*

14 VALENCIA ADDS that such a judgment with doubt can be mortal by reason of the person; as if you judge some gravest evil of a most honest man, even with doubt, as incest with his mother or sister.

> *ADDIT Valentia, tale iudicium cum formidine posse esse, ratione personae, mortale; ut si gravissimum malum de honestissimo viro, etiam cum formidine, iudices, ut incestum cum matre, vel sorore.*

15 HE NOTES also *punct. 4.* that one can doubt by standing in suspense; but such doubt can be a sin, even if only venial, when one is lightly grounded and hangs between the two, so as not to incline toward judging the good. He adds, however, with Soto *loc. cit.* that it can be mortal by reason of a most illustrious person, as if someone is in doubt about Blessed John the Baptist, whether he was a saint or sinned mortally, etc.

> *ADVERTIT etiam* punct. 4. *posse aliquem dubitare, in ancipiti stando; tale autem dubium potest esse peccatum, etiamsi tantum veniale, quando leviter fundatus inter utrumque pendeo, ita, ut non inclinem ad bonum iudicandum. Addit vero cum Soto* loco cit. *posse esse mortale ratione personae praeclarissimae, ut si quis anceps sit de B. Ioanne Baptista, an esset sanctus, an peccaret mortaliter, etc.*

16 THE HOLY DOCTOR ADDS, moreover, that thoughts of this kind belong more to a Prelate, who by reason of his governance can prudently be in suspense or doubt, and likewise to one who is enlightened from above, of whom the Apostle says: *The spiritual man judgeth all things;* but it is not true of those "spiritual" men who, like Catos, everywhere stick in their nose and judge with a quince-like zeal — say rather with a dog-in-the-manger zeal.

> *ADDIT vero S. Doctor, huiusmodi cogitationes magis convenire Praelato, qui potest ratione gubernationis anceps esse, vel dubitare prudenter, similiter et eum, qui desuper illuminatur, de quo ait Apostolus:* Spiritualis homo omnia iudicat; *non autem esse verum de Spiritualionibus istis, qui quasi Catones ubique nasum figunt, et zelo cydonio iudicant, dic potius cotonico.*

Question X: Whether distributive justice differs in species from commutative

1 THE DIFFERENCE between Distributive and Commutative Justice is taken from the object. I distinguished and explained both *p. p. Tract. 1. disp. 19. quaest. 1.* Distributive justice, therefore, establishes equality among private persons, by dividing the goods of the Community among them

equally, according to Geometric proportion, the dignity of persons being considered, in such a way, namely, that with the same Geometric proportion (as double, e.g., or sesquialter, etc.) by which the dignity of one is greater than the dignity of the other, he also obtains more of the common goods. But Commutative justice establishes equality among private persons, by giving or receiving an equal according to Arithmetic proportion, such as, e.g., between five and five.

> *DIFFERENTIA Iustitiae distributivae, et Commutativae ab obiecto accipitur. Utranque vero distinxi, et explicui* p. p. Tract. 1. disp. 19. quaest. 1. *Distributiva igitur constituit aequalitatem inter particulares, dividendo inter eos bona Communitatis aequaliter, secundum proportionem Geometricam, considerata personarum dignitate, ita nimirum, ut eadem proportione Geometrica (ut dupla, v. g. vel sesquialtera, etc.) qua dignitas unius est maior dignitate alterius; plus etiam obtineat de bonis communibus. Iustitia vero Commutativa constituit aequalitatem inter particulares, dando, vel accipiendo aequale secundum proportionem Arithmeticam, qualis est, v. g. inter quinque, et quinque.*

2 THUS, then, Distributive justice has as its formal object the mean between excess and defect, according to Geometric proportion, just as, e.g., the quintuple is the mean between the sextuple and the quadruple; and therefore to him who exceeds another in dignity, e.g. by the quintuple, there ought to be distributed from the common goods quintuple more than to that other. But Commutative justice has as its formal object the mean between excess and defect, according to Arithmetic proportion; just as five is the mean between six and four; and therefore, of two men having five each, he who has taken one from the other must restore one to him, lest he himself have six and the other four, but each have five, which is the mean. Aristotle hands down this definition *5. Eth. cap. 3. et 4,* received by all. Nor is it necessary to dispute this doctrine with Geometric and Arithmetic speculations, for they would obscure the moral matter more, as Gregory of Valencia warns *disp. 5. quaest. 5. puncto primo.*

> *Sic igitur Iustitia distributiva habet pro obiecto formali medium inter excessum, et defectum, secundum proportionem Geometricam, sicut quintuplum, v. g. est medium inter sextuplum, et quadruplum; et ideo ei, qui dignitate alterum excedit, v. g. quintuplo, distribui debet de bonis communibus quintuplo plus, quam illi alteri. Iustitia vero Commutativa habet pro obiecto formali medium inter excessum, et defectum, secundum proportionem Arithmeticam; sicut quinque sunt medium inter sex et quatuor; et ideo, qui ex duobus, habentibus quinque, accepit unum ab altero, debet illi restituere unum, ne ipse habeat sex, et alter quatuor, sed uterque quinque, quae sunt medium. Tradit hanc definitionem Aristoteles* 5. Eth. cap. 3. et 4. *ab omnibus receptus. Neque necesse est, hanc doctrinam speculationibus Geometricis et Arithmeticis disceptare, quia rem moralem magis obscurarent, ut monet Gregorius de Valentia* disp. 5. quaest. 5. puncto primo.

3 HE NOTES, however, that by Distributive justice an equality is established according to the relation of the Community to its parts, and by that very fact an equality is established also among the parts of the Community themselves; and in this last respect, he says, the formal reason of Distributive justice consists; for among these there is a quintuple equality, e.g., to the quintuple, a quadruple to the quadruple, which is an equality simply and properly, such as ought to be in proper justice, and this Aristotle teaches 5. Eth. chapter 2. Whence it happens that this Justice is not only in the Dispenser of the community, but also in the members of the community, in those capable of receiving this equality; for they can will it.

> *ADVERTIT autem, quod per Distributivam constituitur aequalitas, secundum habitudinem Communitatis ad suas partes, et eo ipso constituitur aequalitas etiam inter ipsas Communitatis partes, atque in hoc ultimo ait consistere rationem formalem Distributivae; nam inter has est aequalitas quintupla, v.g. ad quintuplum, quadrupla ad*

quadruplum, quae est aequalitas simpliciter, et proprie, qualis esse debet in Iustitia propria, et hoc docet Aristoteles 5. Eth. capite 2. Ex quo fit, ut haec Iustitia, non solum sit in Dispensatore communitatis, sed etiam in membris communitatis, recipere valentibus hanc aequalitatem; possunt enim eam velle.

4 I ASSERT that these two Justices are specifically distinct. So Aristotle in the place cited, and the common view.

ASSERO, has duas Iustitias esse specie distinctas. Ita Aristoteles loco cit. et communiter.

5 IT IS PROVED. Those virtues differ in species whose acts, from the formal reason of their object, have both a different praise and a different difficulty: such are the acts of Commutative and Distributive Justice: Therefore. The minor, as to praise, is evident; as to difficulty, however, it is proved, because by Commutative justice there is given to another what is truly his; but by Distributive justice there is given what is as it were his, inasmuch as what belongs to the whole community belongs also to the parts; but it is easier to give to another what is his absolutely, than what in another way is in some manner his.

PROBATUR. Illae virtutes differunt specie, quarum actus ex ratione formali sui obiecti habent diversam, tum laudem, tum difficultatem: Tales sunt actus Commutativae, et Distributivae Iustitiae: Ergo. Minor, quod ad laudem, patet; Quod ad difficultatem vero probatur, quia per Commutativam datur alteri id, quod est vere eius; per Distributivam vero datur id, quod est tanquam suum, quatenus id, quod est totius communitatis, est etiam partium; facilius est autem dare alteri id, quod suum est absolute, quam id, quod altero modo est quodammodo suum.

6 From these things the answer to Buridan's argument 5. Eth. quaest. 7 is clear, where he contends he can prove that they are not specifically distinct, because both preserve equality. For we have already seen that the equality of each is different. See the rest in Valencia loc. cit., and Mastrius disp. 7. num. 179.

Ex quibus patet ad argumentum Buridani 5. Eth. quaest. 7. ubi contendit probare, non esse distinctas specie, quia ambae servant aequalitatem. Iam enim vidimus, diversam esse utriusque aequalitatem. Reliqua vide in Valentia loco cit. et Mastrio disp. 7. num. 179.

7 FURTHERMORE, the matter of Distributive and Commutative justice are the very things that are commuted or distributed; but the proximate matter of Commutative justice are commutations, either voluntary, as Buying, Selling, Exchange, Betrothal, Usury, Deposit, Hiring, as Aristotle says 5. Eth. cap. 2; or according to D. Thom. art. 3: Buying or Selling, which is the permutation of a thing for money; Usufruct, when someone grants gratis the use of a fruit-bearing thing, with the obligation of returning the same thing; Loan for use (Accomodatum), when the use of a non-fruit-bearing thing is granted gratis, with the obligation of returning the same thing in number; Mutuum (consumable loan), when likewise the use of a non-fruit-bearing thing is granted gratis, with the obligation of returning the same in species, not in number; Leasing and Hiring, when the use of a thing is granted for a price, with the obligation of returning the same: Deposit, when a thing is granted that it be kept and afterwards returned; Pawning, when a thing is granted to secure the obligation of satisfaction, namely that if he does not satisfy, it can be retained: Suretyship (Fideiussio), when someone simply obliges himself to satisfy for another. Add Bills of Exchange, Partnership, and other things to be discussed below.

PORRO materia Distributivae, et Commutativae sunt res ipsae, quae commutantur, vel distribuuntur; materia vero proxima Commutativae sunt commutationes, sive voluntariae, ut Emptio, Venditio, Mutatio, Sponsio, Usura,

Depositio, Conductio, ut ait Aristoteles 5. Eth. cap. 2. Vel secundum D. Thom. art. 3. Emptio, aut Venditio, quae est permutatio rei cum pecunia; Ususfructus, cum quis concedit gratis fructificantis rei usum, cum debito reddendi eandem rem: Accomodatum, cum gratis conceditur usus rei non fructificantis, cum debito reddendi eandem rem numero: Mutuum, cum conceditur item gratis usus rei non fructificantis, cum debito reddendi eandem specie, non numero: Locatio, et Conductio, cum conceditur pro pretio usus rei, cum debito eandem reddendi: Depositum, cum conceditur res, ut conservetur, et postea reddatur, Impignoratio, cum conceditur res ad firmandam obligationem satisfaciendi, ut scilicet, si non satisfaciat, retineri possit: Fideiussio, cum quis simpliciter se obligat ad satisfaciendum pro altero. Adde Cambium, Societatem, et alia infra edisserenda.

8 THERE ARE ALSO Involuntary Commutations, from which some are clandestine, as Theft, Adultery, Poisoning, Pimping, the seduction of servants, Homicide treacherously committed, and false testimony. Others are violent, as scourging, Chains, Death, Robbery, Mutilation, Reviling, the infliction of Contumely. See St. Thomas.

ALIAE sunt Commutationes Involuntariae, e quibus aliae sunt clandestinae, ut Furtum, Adulterium, Veneficium, Lenocinium, Servorum seductio, dolose perpetratum Homicidium, et falsa testificatio. Aliae violentae, ut flagellatio, Vincula, Mors, Rapina, Mutilatio, Convitiatio, Contumeliae illatio. Vide S. Thomam.

9 BUT THE proximate matter of Distributive justice are the distributions of all the goods of the Republic, revenues, honors, etc. Indeed also of burdens, which ought to be distributed according to the distribution of goods and honors as well. See the same D. Thomas.

MATERIA autem proxima Distributivae sunt distributiones bonorum omnium Reipublicae, proventuum, honorum, etc. Imo et onerum, quae debent distribui, iuxta distributionem, etiam bonorum, honorumque. Vide eundem D. Thomam.

10 FROM WHAT has been said it seems to follow that Commutative justice does not observe Geometric equity, otherwise the species would be confused, as Valquez and Turrianus say: Yet Suarez, Card. Lugo, Poncius (in Mastrius n. 181) assert this for the case when someone, because of contracts, owes many and has gone bankrupt; and therefore cannot satisfy all equally; then he must satisfy all according to proportion; as if one creditor is owed a hundred gold pieces, another two hundred, let 150 be given to the latter, but only fifty to the former. Thus he will pay by Commutative justice, and Geometric proportion will be preserved.

VIDETUR ex dictis sequi, Commutativam non observare aequitatem Geometricam, alioqui species confunderentur, ut aiunt Valquez, et Turrianus: Attamen Suarez, Card. Lugo, Poncius apud Mastrium n. 181. id asserunt tunc, quando aliquis, ob contractus, debet multis, et decoxit; ideoque nequit omnibus aeque satisfacere; tunc debet omnibus satisfacere, iuxta proportionem; ut si unus sit creditor centum aureorum; alter ducentum, huic dentur 150. illi vero tantum quinquaginta. Sic ex Commutativa solvet, et servabitur proportio Geometrica.

11 YET FOR all that those equities are not confused, says Mastrius, because in Commutative justice an equity of quantity, of equality, and moreover of proportion is required; in Distributive justice, however, of proportion alone.

NEQUE tamen ob id illas aequitates confundi, ait Mastrius, quia in Commutativa exigitur quantitatis, aequalitatis, et insuper proportionis aequitas; in Distributiva vero, sola proportionis.

12 AMICUS, however, disp. 11. sect. 14, for that reason denies that they are specifically distinguished.

AMICUS tamen disp. 11. sect. 14. ob id negat, eas specie distingui.

13 COLLECT MOREOVER that Commutative justice is a genus divided into subordinate species, as I related above; for in nearly each there is a different law, as Mastrius says num. 184; for the law concerning goods of reputation, life, fortune, etc. is different, as Amicus also says.

> *COLLIGE etiam, Commutativam esse genus subalternum in species divisum, ut supra retuli; est enim in singulis fere diversum ius, ut ait Mastrius num. 184. diversum est enim ius ad bona famae, vitae, fortunae, etCC. ut ait etiam Amicus.*

14 CARDINAL LUGO ALSO COLLECTS disput. 1. num. 43, on Distributive justice, that in every act it regards several persons compared, so that proportion may be preserved.

> *COLLIGIT etiam Cardinalis Lugo disput. 1. num. 43. de Iustitia distributiva, quod in quolibet actu plures respiciat comparatos, ut proportio servetur.*

15 THIS, HOWEVER, Suarez denies, disp. de Iustitia sect. 3, as do Poncius and Mastrius, because a Bishop can confer a benefice on someone without comparison with others.

> *ID tamen negant Suarez disp. de Iustitia sect. 3. Poncius, et Mastrius, quia potest Episcopus conferre beneficium alicui absque collatione cum aliis.*

16 BUT THIS reason is frivolous; for Distributive justice to be preserved, the more worthy must be chosen, according to the decree of the holy Council of Trent; and this supposes a comparison, at least confused, or some distinct one with several; otherwise, if he confers it thinking nothing of it, he will not act according to the norm of Distributive Justice.

> *SED haec ratio frivola est; nam ut servetur Distributiva, oportet ut dignior eligatur, iuxta decretum Sancti Concilii Tridentini; haec autem supponit comparationem, saltem confusam, aut aliquam distinctam cum nonnullis; alioqui, si id praestat nil cogitando: non aget ad normam Distributivae Iustitiae.*

Disputation XXIV: On Restitution

1 AMONG the species of Justice enumerated above, none is graver, or more pressing, than Restitution; which therefore suffers grave difficulties: for to steal another's goods, a greed conscious of its own need does not disdain; but to restore, for the most part, recoils rather from disdain than from want; since it is not so much the return of what was taken away, as a kind of public confession of the crime committed. Yet nevertheless there is an obligation of compensating the injury inflicted, or the thing taken away; so that D. Augustine could say with the greatest confidence, *epist.* 54 *ad Macedonium,* that even one who persuades a man not to restore, or even does not compel him (provided the task of compelling is in his own hands), is a partner in the crime and the fraud, and will be bound by an equal bond both of punishment and of fault; and however much he be absolved from the fault by touching penitence, nothing will ever exempt him from the penalty of paying, except an impossibility of paying. For as St. Augustine says a little further on in the same place: *No one is to be interceded for, that what he took away by crime he may possess with impunity for the crime; but, the injury being forgiven, let him render what he took away unjustly, provided he has what he took away, or something else from which he may restore it.* Concerning this restitution, therefore, we must here treat with the usual brevity.

> *INTER species Iustitiae, supra enumeratas, nulla gravior est, aut urgentior, quam Restitutio; quae graves idcirco patitur difficultates: Aliena enim surripere, suae indigentiae conscia aviditas non fastidit; restituere vero potius ex fastu, quam ex inopia plerumque refugit; cum non tam sit ablati redditio, quam patrati criminis publica velut confessio: Verum tamen illatam iniuriam, sive ablatam rem ea est recompensandi obligatio; ut fidentissime dixerit D. Augustinus* epist. *54.* ad Macedonium*, etiam suadentem non restituere, sive etiam non compellentem (modo penes ipsum sit compellendi munus) socium esse criminis, et fraudis, ac pari et poenae, et culpae vinculo obstrictum iri; et quantumvis a culpa absolutum tacta poenitentia; nunquam tamen a poena solvendi, aliud, praeter solvendi impossibilitatem, eximet. Nam ut ait ibidem paulo infra S. Augustinus:* pro nullo interveniendum est, ut quod scelere abstulit, sceleris impunitate possideat; sed, ut remissa iniuria, quod iniuriose abstulit, reddat, si tamen habet quod abstulit, vel aliud unde illud restituat*; de hac igitur restitutione pro solita brevitate hic agendum est.*

Question I: What restitution is

1 RESTITUTION, as is gathered from D. Bonaventure in 4. dist. 15. quaest. ultima, is an act of Commutative Justice, by which, according to the equality of thing to thing, what has been taken from another, whether willingly or unwillingly, is given back to him. So also D. Thomas here, and others in Valencia disp. 5. quaest. 6. puncto 1; Caspensis disp. 1. sectione 1. de Restit. More properly, however, it is when what has been unjustly taken away is given back, as Tanner notes disp. 4. quaest. 6. dub. 1, with Bannes quaest. 62. art. 1 and others.

> ***Quid sit RESTITUTIO.***
>
> *RESTITUTIO, ut colligitur ex D. Bonav. in 4. dist. 15. quaest. ultima. est actus Iustitiae Commutativae, quo secundum aequalitatem rei ad rem redditur alteri, quod ab eo, vel volente, vel invito, est acceptum. Ita etiam D. Thom. hic, et alii apud Valentiam disp. 5. quaest. 6. puncto 1. Caspensem disp. 1. sectione 1. de Restit. Magis tamen proprie est quando redditur id, quod inique est ablatum, ut notat Tanner. disp. 4. quaest. 6. dub. 1. cum Bannes quaest. 62. art. 1. et aliis.*

2 CASPENSIS, however, OBSERVES, from D. Bonaventure loc. cit. and Lib. 6. Compend. Theol. cap. 29, that Restitution differs from Satisfaction, as the inferior from the superior, because every restitution is a satisfaction, yet not every satisfaction is a restitution; for he who satisfies for himself is not said to restore. And so Restitution is the giving back of what was received, and pertains to Commutative justice: but Satisfaction is the taking on of some burden because of an offense inflicted on another, and pertains to Vindictive justice.

> *OBSERVAT vero Caspensis ex D. Bonavent. loco cit. et Lib. 6. Compend. Theol. cap. 29. Restitutionem differre a Satisfactione, tanquam inferius a superiori, quia omnis restitutio est satisfactio, non tamen omnis satisfactio est restitutio, qui enim satisfacit pro se, non dicitur restituere. Itaque Restitutio est redditio accepti, et spectat ad Commutativam: Satisfactio vero est assumptio alicuius molestiae ob illatam alteri offensam, et spectat ad Vindicativam.*

3 MOREOVER, Satisfaction for sins, if it is made ex opere operantis, must be by a man existing in grace: but Restitution can be fulfilled by a man existing in mortal sin. Satisfaction, too, can be a part of the Sacrament of Penance: but Restitution by no means. Finally, Satisfaction is at the discretion of a good man: but Restitution of itself must be made according to equality. Moreover, all say that Restitution is an act of Commutative Justice.

> *PRAETEREA Satisfactio pro peccatis, si fit ex opere operantis, debet esse ab homine, existente in gratia: Restitutio autem potest impleri ab homine, existente in peccato mortali. Satisfactio etiam potest esse pars Sacramenti Poenitentiae: Restitutio vero nequaquam. Tandem Satisfactio est ad arbitrium boni viri: Restitutio vero per se debet fieri ad aequalitatem. Porro Restitutionem esse actum Iustitiae Commutativae omnes aiunt.*

Question II: Whether restitution is necessary for salvation

1 IT IS A COMMONPLACE, that saying of D. Augustine epist. 44: *The sin is not forgiven unless what was taken away is restored.* And cap. ult. de Iniustitiis: *If damage has been given by your fault, you are bound in justice to make satisfaction.* From which you have that to restore is a precept, as the Holy Doctor teaches in 4. dist. 15. quaest. ultima. But it is not necessary as a means, for we are often excused from restitution on account of incapacity, and yet we can still be saved, as I shall show from D. Augustine; but means, even when omitted without fault, impede salvation.

> ***An sit necessaria RESTITUTIO ad salutem.***
>
> *VULGATUM est illud D. Augustini epist. 44.* Non remittitur peccatum, nisi restituatur ablatum. *Et cap. ult. de Iniustitiis:* Si tua culpa damnum datum est, iure satisfacere teneris. *Ex quo habes, esse praeceptum restituere, ut docet S. Doctor in 4. dist. 15. quaest. ultima. Non est autem necessaria ut medium, nam saepe excusamur a restitutione ob impotentiam, et tamen adhuc possumus salvari, ut ostendam ex D. Augustino; media autem, etiam sine culpa omissa, impediunt salutem.*

2 THERE IS, however, a difficulty: Whether this precept is negative.

> *Est autem difficultas: An hoc praeceptum sit negativum.*

3 OBSERVE, for distinguishing, that to recognize whether a Precept is affirmative or negative, one must attend to the matter which is commanded, not to the manner in which it is enunciated; for if the matter, or object, is something forbidden, it will be negative; but if something commanded, it will be positive.

OBSERVA, ad dignoscendum; An Praeceptum sit affirmativum, vel negativum, oportere attendere materiam, quae praecipitur, non modum quo enunciatur; nam si materia, seu obiectum sit aliquid vetitum, erit negativum; si vero aliquid iussum, erit positivum.

4 I ASSERT it is negative in substance, although in the form of words it is affirmative: *Restore what is not thine, that is, do not retain what is another's:* So the Doctors who seem contrary are reconciled, in Tanner disp. 4. quaest. 6. num. 8; Bassaeus num. 4.

ASSERO, esse negativum in substantia, licet in forma verborum sit affirmativum: Restitue non tuum, idest, non retineas alienum: *Ita conciliantur Doctores, qui videntur contrarii apud Tanner. disp. 4. quaest. 6. num. 8. Bassaeus num. 4.*

5 FOR IT IS PROVED that this grave precept is expressed positively by Matthew 22: *Render therefore to Caesar the things that are Caesar's.* And Romans 13: *Render to all men their dues: tribute, to whom tribute; custom, to whom custom.* Which the Holy Doctor pursues in Confessionali, cap. 4. partic. 2.

PROBATUR enim exprimi positive praeceptum hoc grave, illo Matth. 22. Reddite, quae sunt Caesaris, Caesari. *Et Rom. 13.* Reddite omnibus debita: cui tributum, tributum, cui vectigal, vectigal. *Quae prosequitur S. Doctor in Confessionali, cap. 4. partic. 2.*

6 IT IS PROVED, secondly, by the Holy Doctor loc. cit. and in Speculo, cap. 2, toward the end, with a splendid testimony of St. Augustine, epist. 54. ad Macedonium, which is cited *in Regula Peccatum, de regulis Iuris, in 6, and in cap. cum tua, extra de usuris, and in Decretis 14. quaest. 6. can. 1.* For when Macedonius had written in the letter, the preceding 53rd, which is to Augustine, that some even desired the penalty of their crime to be relaxed for them, while they possessed that for which the crime had been committed. St. Augustine answering says: *You mention that worst kind of men, upon whom every medicine of penance is of no profit. For if the thing of another, on account of which the sin was committed, is not restored when it can be restored, penance is not done, but feigned: but if it is done truthfully, the sin will not be forgiven unless what was taken away is restored — but, as I said, when it can be restored. For often he who takes away loses, either by suffering evil men, or by living badly himself; and he has nothing else from which he may restore. To such a one, certainly, we cannot say: Restore what you took away, except when we believe him to have it, and he denies it.* From this testimony of St. Augustine, D. Thom. loc. cit. and the Disciple collect, especially Tanner disp. 4. quaest. 6. num. 7, that restitution is not necessary by a necessity of means, because the condition is added: *if he can.*

PROBATUR deinde a S. Doctore loco cit. et in Speculo, cap. 2. ad finem, luculento S. Augustini testimonio epist. 54. ad macedonium, quod refertur in Regula Peccatum, de regulis Iuris, in 6. et in cap. cum tua, extra de usuris, et in Decretis 14. quaest. 6. can. 1. *Cum enim Macedonius epistola, praecedenti 53. quae est ad Augustinum scripsisset, quosdam etiam sceleris poenam cupere sibi relaxari, et id, propter quod admissum est scelus, possidere. Respondens S. Augustinus, ait:* Pessimum hominum genus commemoras, cui poenitendi medicina omnis non prodest. Si enim res aliena, propter quam peccatum est, cum reddi possit, non redditur, non agitur poenitentia, sed fingitur: Si autem veraciter agitur, non remittetur peccatum, nisi restituatur ablatum, sed ut dixi, cum restitui potest. Plerumque enim, qui aufert, amittit, siue alios patiendo malos, siue ipsi male viuendo; neque aliud habet, unde restituat. Huic certe non possumus dicere: Redde quod abstulisti, nisi cum habere credimus, et negare. *Ex hoc testimonio S. Augustini colligunt D. Thom. loco cit. et Discipuli, praecipue Tanner. disp. 4. quaest. 6. num. 7. restitutionem non esse necessariam necessitate medii, quia apponitur conditio;* si potest.

7 BUT THAT the Precept is negative is proved by Valencia with the argument of St. Bonaventure in the place cited, because it obliges forever not to retain the thing of another to the injury of its Owner, and the unjust detainer is always in unjust delay, sinning actually, as the Holy Doctor says in the place cited, and as I showed in the first part of the Summa.

> *QUOD vero dicat Praeceptum negativum, probatur a Valentia argumento S. Bonavent. loco citato, quia obligat pro semper ad non retinendum rem alienam in iniuriam Domini, et iniustus detentor semper est in mora iniqua, peccans actu, ut ait S. Doctor loco cit. et ostendi prima secundae.*

8 BASSAEUS ANSWERS that it does not oblige forever, e.g. in necessity. But then things are common; therefore he is not an unjust detainer, and so is not subject to restitution.

> *RESPONDET Bassaeus, non obligare ad semper, v. g. in necessitate. At tunc res sunt communes; ideo non est iniquus detentor, atque adeo non est subiectum restitutionis.*

9 YOU WILL OBJECT. If the debtor sins by not restoring, the creditor ought to give way, lest the debtor be damned; for the salvation of the soul is to be preferred to riches.

> *OBIICIES. Si debitor peccat non restituendo, debet creditor cedere, ne debitor damnetur; est enim praeferenda salus animae divitiis.*

10 ADRIANUS de restit., Sotus Lib. 4. de Iustitia, quaest. 6. art. 2, and Valencia disp. 5. quaest. 6. puncto 2, struggle with this. But I answer easily from D. Bonaventure in 3. dist. 29. quaest. ultima, that the Order of Charity between my goods and my neighbor's requires necessity in the neighbor — a necessity, surely, which is not found in him who can, and wills not, to restore. But I am not bound to give support to his evil will; for Charity does not act perversely.

> *LABORANT Adrianus de restit. Sotus Lib. 4. de Iustitia, quaest. 6. art. 2 et Valentia disp. 5. quaest. 6. puncto 2. Sed facile respondeo ex D. Bonavent. in 3. dist. 29. quaest. ultima, Ordinem charitatis inter mea bona, et proximi, exigere in proximo necessitatem, quae sane non repetitur in eo, qui potest, et non vult restituere. Non teneor autem eius malae voluntati suffragari; non enim Charitas agit perperam.*

Question III: Who is bound to restore

1 CERTAIN rules are handed down by the Doctors, that what is sought may be recognized. The obligation of restoring arises from a threefold source. First, by reason of the mere acceptance of another's thing, even if perhaps you no longer have that thing. Secondly, by reason of another's thing alone, which you have in your keeping, even if perhaps you have not received it from its Owner. Thirdly, by reason of both, namely the acceptance and the thing. By the name of thing is understood the thing, either in itself, or as it remains in some fruit, or in the price, or in effect, e.g. the gain by which you have been made richer.

> ***Quis RESTITUERE teneatur.***
>
> *QUAEDAM regulae traduntur a Doctoribus, ut agnoscatur id, quod quaeritur. Triplici ex capite oritur obligatio restituendi. Primo ratione solius acceptionis rei alienae, etiamsi eam rem forte amplius non habeas. Secundo ratione solius rei alienae, quam apud te habeas, licet eam forte ab eius Domino non acceperis. Tertio ratione utriusque, scilicet acceptionis, et rei. Nomine rei intelligitur res, vel in se ipsa, vel ut manet in aliquo fructu, vel in pretio, vel in effectu, puta emolumento, ex quo ditior factus sis.*

[2] BY acceptance I understand, not that which is gratuitous, but that which has been made in commercial dealings, e.g. of sale, purchase, etc. related above in *disp. priori quaest. 10.*

> *PER acceptionem intelligo, non illam quae est gratuita, sed quae facta est in commerciis, puta venditionis, emptionis, etc. supra relatis in* disp. priori quaest. 10.

[3] *IT IS PROVED.* He is bound to restore who is the true cause that someone have less than he ought of his goods: Such a one is he: Therefore. So *Caietanus under the word Restitutio, Valencia disp. 5. quaest. 6. puncto 3.* Tannerus *in the quaest. cited,* Caspensis *disp. 1. sect. 4,* who distinguishes these roots of Restitution as arising from the thing, from the delict, and from the contract, and adds two others, which are reduced to these. The first is from a statute of law. The second from the will, e.g. from a testament. For if someone has bequeathed to me a thousand gold pieces, the heir is bound to render them to me. So also *D. Bonavent. in confessionali, cap. 2. particula 6. et 15, and cap. 3. part. 44, and cap. 4. particula 2,* where with other Doctors he includes under the title of unjust acceptance injuries, as burnings, devastations, etc.; so also *in speculo animae, cap. 2, and de decem praeceptis, 7, and in Diaeta, tit. 3. cap. 6.*

> PROBATUR. *Is tenetur restituere, qui est vera causa, ut aliquis minus habeat, quam debet, de rebus suis: Talis est is: Ergo. Ita* Caietanus verbo Restitutio, Valentia disp. 5. quaest. 6. puncto 3. *Tannerus* quaest. citata, *Caspensis* disp. 1. sect. 4. *qui eas radices Restitutionis distinguit ex re, ex delicto, et ex contractu, et duas alias, quae ad has reducuntur, addit. Prima est ex legis statuto. Secunda ex voluntate, puta ex testamento. Si enim quis mihi legavit mille aureos, tenetur haeres eos mihi reddere. Ita etiam* D. Bonavent. in confessionali, cap. 2. particula 6. et 15. et cap. 3. part. 44. et cap. 4. particula 2. *ubi cum aliis Doctoribus sub iniustae acceptionis titulo claudit laesiones, ut incendia, dirutiones, etc. sic et* in speculo animae, cap. 2. et de decem praeceptis, 7. et in Diaeta, tit. 3. cap. 6.

[4] BEYOND the executor, the causes of acceptance of another's thing are commonly reckoned as nine with *D. Thom. here, and D. Bonav. in confessionali, cap. 2. particula 19,* in these verses.

> *CAUSAS acceptionis rei alienae ultra executorem recensent novem communiter cum* D. Thom. hic, et D. Bonav. in confessionali, cap. 2. particula 19. *his versibus.*

[5] *Command, Counsel, Consent, Flattery, Recourse, The Mute, The Participant, The Not-hindering, The Not-revealing.*

> Iussio, Consilium, Consensus, Palpo, Recursus, Mutus, Participans, Non obstans, Non manifestans.

[6] Of these the first six are positive, direct causes; the last three indirect, as *Tannerus disput. 6. quaest. 4. dub. 14. num. 392* says, with the Holy Doctors.

> *Ex his primae sex sunt causae positivae directae; tres postremae indirectae, ut ait* Tannerus disput. 6. quaest. 4. dub. 14. num. 392. *cum SS. Doctoribus.*

[7] THE ONE COMMANDING, or ordering, tacitly or expressly, is a true cause of the damage; if, however, he revoked the command before the damage, with the knowledge of the Mandatary, the latter is not bound to restore. So commonly in *Bassaeus, V. Restitutio, 5. §. 1.*

> *IUBENS, seu mandans tacite vel expresse, est vera causa damni; si tamen mandatum revocavit ante damnum, sciente Mandatario, ille non tenetur restituere. Ita communiter apud* Bassaeum, V. Restitutio, 5. §. 1.

[8] THE ONE GIVING counsel, or urging, asking, instructing. If he revoke his Counsel, etc., he does not seem to be bound to restitution any longer; although others say it is not enough merely to urge,

but he must efficaciously withdraw it, as *Bassaeus §. 2* relates.

> *CONSILIUM dans, vel hortans, rogans, instruens. Is si revocet Consilium, etc. non videtur amplius restitutioni ligatus; etsi alii dicant, non satis esse suadere, sed exigi efficaciter amovere, ut refert* Bassaeus §. 2.

9 HERE is reduced the one giving consent, if he is a cause of the damage, e.g. by giving a vote for an unjust war and other iniquities.

> *Huc reducitur consensum dans, si est causa damni, puta suffragium praestando ad bellum iniustum, et alia iniqua.*

10 THE PALPO is one praising the crime and moving to it, or mocking, as if the one to be judged were sluggish, whence he is moved to vengeance like a buffalo. See *Lessius lib. II. c. 13. num. 15; Regin. lib. X. num. 85; Petr. Nau. lib. III. cap. 4. num. 37; Azor 3. part. lib. IV. cap. 13; Filliucius tract. 32. num. 64; Sylvius cap. de Palpone; Bassaeus §. 4.*

> *PALPO est laudans crimen, movensque, vel irridens, quasi inertem aestimandum, unde ad vindictam velut Bubalus movetur. Vide* Lessium lib. II. c. 13. num. 15. Regin. lib. X. num. 85. Petr. Nau. lib. III. cap. 4. num. 37. Azor 3. part. lib. IV. cap. 13. Filliucium tract. 32. num. 64. Sylvium cap. de Palpone, Bassaeum §. 4.

11 RECURSUS signifies the Receiver of stolen goods, etc., by fostering, protecting unto the damage, or retention, of another's thing. Thus Innkeepers receiving money stolen by sons of families, or servants; yet if they do not receive it as from a thief, but as from a friend, etc., then the Innkeeper is not bound to restore. See *Bonacinus de restit. disput. 1. quaest. 2. punct. 2; Filliucius cit. num. 66. et 67; Bassaeus §. 5.* Here the Holy Doctor includes those who foster brothels in their places of business, harlots and gamers in houses to which unwary youths fly as to snares, robbing those whom they have made steal, and bringing thence moneys and many precious things. These bloodsuckers will drink up the better portion of the blood of the innocent.

> *RECURSUS signat Receptorem furis, etc. fovendo, tuendo ad damnum, vel retentionem rei alienae. Sic Cauponarii recipientes pecunias, a filiis familias, vel servis surreptas; Si tamen non recipiant ut furem, sed ut amicum, etc. tunc Caupo non tenetur restituere. Vide* Bonacin. de restit. disput. 1. quaest. 2. punct. 2. Filliucium cit. num. 66. et 67. Bassaeum §. 5. *Includit hic S. Doctor eos, qui fovent ludos in negotiationibus, meretrices, et lusores, in domibus, ad quas muscipulas evolant adolescentes incauti, expilantes illos, quos furari fecerint, et eo pecunias, resque multas pretiosas afferentes. Hi sanguisugae ebibunt potiorem insontium sanguinis portionem.*

12 THE PARTICIPANT forthwith judges those plundered, and all cooperating in inflicting the damage; if, however, he is constrained by fear of the rope, by giving keys, holding the ladder, he seems immune from the debt of restitution; so also the Ergastula slaves of the Turks seem immune, forced to inflict damages upon us; but I do not agree that they are excused as to killings. See *Suarez tract. 5. disp. 21. sect. 2.*

> *PARTICIPANS mox vellicatos iudicat, et quoscunque cooperantes damno inferendo; Si tamen grani metu coageret, dando claves, tenendo scalam, videtur a restitutionis debito immunis, sic videntur et immunes Ergasti Turcarum, ad damna nobis inferenda coacti, sed ad caedes non assentior, eos excusare. Vide* Suarez tract. 5. disp. 21. sect. 2.

13 THOSE who are co-causes of the same damage, e.g. a fire, are bound in solidum, *l. Ita vulneratus, ff. ad Legem Aquiliam.*

> *Hi, qui sunt concause ad idem damnum, puta incendium, tenentur in solidum,* l. Ita vulneratus, ff. ad Legem Aquiliam.

Doubt I: Whether one is a true cause of loss without whom the loss would still have followed

1 MANY assert that only he who is the true Cause of the Damage is subject to restitution, without whom the damage would not have been. *Innoc. cap. sicut dignum, extra de homic.; Hostiensis there; Altissiodorensis lib. IV. tract. de Poenit. cap. de Restit. quaest. 3; Rich. 4. dist. 15. art. 5. quaest. 4; Sylvest. V. Restit. 3. quaest. 6; Adrian. 4. quaest. 4. de Restit. §. De concurrentibus cum fure; Nau. man. cap. 7. num. 20; Caspensis disp. 1. sect. 9. §. 2; Bassaeus V. Restit. 3. num. 3. §. 2.* Because otherwise the causes would be inefficacious.

> *MULTI eum solum, ut veram Damni causam, restitutioni esse obnoxium asserunt, sine quo damnum non fuisset.* Innoc. cap. sicut dignum, extra de homic. Hostiens. ibi, Altissiodor. lib. IV. tract. de Poenit. cap. de Restit. quaest. 3. Rich. 4. dist. 15. art. 5. quaest. 4. Sylvest. V. Restit. 3. quaest. 6. Adrian. 4. quaest. 4. de Restit. §. De concurrentibus cum fure, Nau. man. cap. 7. num. 20. Caspensis disp. 1. sect. 9. §. 2. Bassaeus V. Restit. 3. num. 3. §. 2. *Quia aliter sunt causae inefficaces.*

2 THE OPPOSITE is held by *Caietanus here, art. 7; Ioan. Medin. quaest. 7. de Restit.; Sotus lib. IV. de iustit. quaest. 7. art. 3; Valencia disp. 5. quaest. 6. puncto 3.* The reason is, because they operate efficaciously. This was the view of *D. Bonavent. in spec. animae, cap. 2, and Clatius cap. 1. §. Damnificatio.* Therefore the Advocate who unjustly defends a Client is bound to Restitution — otherwise, one who would still unjustly covet the inheritance, which he would invade by others if he did not otherwise obtain it.

> *OPPOSITUM censent* Caietanus hic, art. 7. Ioan. Medin. quaest. 7. de Restit. Sotus lib. IV. de iustit. quaest. 7. art. 3. Valentia disp. 5. quaest. 6. puncto 3. *Ratio est, quia efficaciter operantur. Hoc sensit* D. Bonavent. in spec. animae, cap. 2. et Clatius cap. 1. §. Damnificatio. *Ideo Restitutioni obligat Advocatum, qui tuetur iniuste Clientem, alioqui adhuc volentem iniuste haereditatem, quam per alios invaderet, si eam aliter non obtineret.*

3 IT IS PROVED from the *Holy Doctor.* That is a true cause, posited, the effect is posited, as the Holy Doctor and others say. For if many wished to kill Peter, would not one who alone killed him be guilty of injustice, even if he would have to be killed by the others? See *Valencia, and Caietan.*

> *PROBATUR e* S. Doctore. *Ea est vera causa, qua posita, ponitur effectus, ut ait S. Doctor, et alii. Si enim multi vellent occidere Petrum, nonne si unus solus ipsum occideret, esset reus iniustitiae, etiam si ab aliis foret necandus? Vide* Valentiam, et Caietanum.

Doubt II: On the indirect causes of loss

1 THERE FOLLOW three others, namely the *Silent one*. He is called silent who ought to have spoken in order to prevent the damage. He can be bound either by office, as a Prelate, or by contract. I shall treat of these in the doubts below.

> *SEQUUNTUR alii tres, nempe* Mutus. *Dicitur autem is, qui debuit loqui ad impediendum damnum. Potest autem, ut teneatur vel ex officio, ut Praelatus, vel ex contractu. De quibus infra dubitationes ponam.*

2 The SECOND is the *Non-obstructor*, when he ought to have obstructed, as Prince, Magistrate, and the like.

> *SECUNDUS est,* Non obstans, *cum deberet, ut Princeps, Magistratus, et similes.*

3 The THIRD is the *Non-discloser* of the one causing damage, when he was bound, as a witness in court, keepers of vineyards, woods, etc. Many doubts are raised about these.

TERTIUS Non manifestans *damnificantem, cum teneretur, ut testis in iudicio, custodes vinearum, nemorum, etc. De his multa dubia aguntur.*

4 TANNERUS *disp. 4. quaest. 6. dub. 2. num. 72.* requires three conditions for these persons to be bound to restitution. The first is that he was bound to procure such a good, or ward off such an evil, by a debt of Commutative or Distributive Justice. The second is that he was bound to procure it for that very person who has been damaged, whose cause he ought to have pleaded. The third is that the procuring of such a good was deliberately omitted, or omitted with proportionate fault. From this doctrine innumerable cases are resolved. See also *Vasquez prim. 2. disp. 175. Lessius Lib. II. cap. 12. disput. 10. et 18.*

TANNERUS disp. 4. quaest. 6. dub. 2. num. 72. *tres exigit conditiones, ut hi teneantur restitutioni. Prima est, ut is teneretur procurare tale bonum, vel malum arcere ex debito Iustitiae Commutativae, aut Distributivae. Secunda est, ut teneretur procurare illi numero, qui damnificatus est, cuius causam agere debuerat. Tertia est, ut deliberate omissa sit talis boni procuratio, vel cum culpa proportionata. Ex hac doctrina innumeri casus resolvuntur. Vide etiam* Vasquez prim. 2. disp. 175. Lessium Lib. II. cap. 12. disput. 10. et 18.

5 WHETHER, THEREFORE, he who is the indirect cause of damage by not obstructing it, when he can and ought, is bound to restitution; many assert universally. So *Angelus, and Cajetan in the summa, under the word Restitutio, Richard in 4. dist. 15. art. 5. quaest. 4. Valencia also, at the place cited,* judges it probable.

AN ERGO is, qui est causa indirecta damni non impediendo, cum possit, et debeat, teneatur ad restitutionem; multi asserunt universaliter. Ita Angelus, et Caietanus summa, verbo Restitutio, Richardus in 4. dist. 15. art. 5. quaest. 4. Valentia quoque loco cit. *id probabile censet.*

6 OTHERS, however, as reported by Valencia, say he is bound only when he could and ought to have obstructed it out of justice; for instance, because he was Praetor, etc. So it seems D. Bonaventure holds in the Speculum, cap. 1. under the word Damnificatio, Sylvester V. Restitutio 3. Adrian IV, quaest. de Restitut. Soto Lib. 4. de Iustitia, quaest. 7. art. 3. Medina quaest. 9. de rebus restitutis. Alensis 4. part. quaest. 86. num 3. art. 4 §. 7. Altissiodor lib. 4. summae, tract. de poenitent. cap. de Restit. and almost Valencia; Bassaeus num. 15. citing Peter of Navarre lib. 3. cap. 4. numero 130. Lessius lib. 2. cap. 13. dub. 10. Bonacina disput. 1. quaest. 2. punct. 11. Azor 3. part. lib. 4. cap. 17. Fillucius tract. 32. num. 75. Sylvius 2. 2. quaest. 62. art. 4. quaestio 4. and art. 7.

ALII tamen apud Valentiam dicunt, teneri solum, solum, quando potuit, et debuit impedire ex iustitia; puta, quia erat Praetor, etc. Ita videtur D. Bonaventura in speculo, cap. 1. verbo Damnificatio, Sylvester V. Restitutio 3. Adtianus quarto, quaest. de Restitut. Sotus Lib. 4. de Iustitia, quaest. 7. art. 3. Medina quaest. 9. de rebus restitutis. Alensis 4. part. quaest. 86. num 3. art. 4 §. 7. Altissiodor lib. 4. summae, tract. de poenitent. cap. de Restit. et fere Valentia; Bassaeus num. 15. citans Petrum Nauar. lib. 3. cap. 4. numero 130. Lessius lib. 2. cap. 13. dub. 10. Bonacina disput. 1. quaest. 2. punct. 11. Azor 3. part. lib. 4. cap. 17. Fillucius tract. 32. num. 75. Sylvius 2. 2. quaest. 62. art. 4. quaestio 4. et art. 7.

7 As to the keeper of the gates of woods who connives at the carrying-off of timber, many, as reported by Diana part. 2. tract. 5. resol. 54, deny that they are bound to make good the losses inflicted.

Quid ad custodem portarum nemorum, qui dissimulant asportationes, multi negant apud Dianam part. 2. tract. 5. resol. 54. eos teneri ad damna illata resarcienda.

[8] THERE ARISES another question: Whether a Confessor, and others on whom the office of prohibiting unjust detentions rests, are bound to Restitution if they omit to admonish, etc. As to the Confessor, they affirm it: Summa Rosella, V. Restitutio 2. §. 5. Summa Angel. V. Restitutio, ultim. §. 5. Navarre in the Manuale, cap. 17. num. 22. and others as reported by Valencia disput. 5. quaest. 6. puncto 3. and Bonacina de restitut. disput. 1. quaest. 2. punct. 11. The same view is followed by Nunges in addit. ad 3. part. Tom. 2. quaest. 8. art. 4. dub. 5. Zanchus in the directorium confess. part. 2. praecepto 7. cap. 26. dub. 3. Gabriel in 4. dist. 15. quaest. 2. art. 3. Sylvester V. usura, 7. quaestio 2. and other Neoterics as reported by Diana Tom. 1. Tract. 16. resol. 1. Bassaeus num. 8.

> *OCCURRIT alia quaestio: An Confessarius, et alii, quibus ex officio incumbit prohibere iniquas detentiones, teneantur Restitutioni, si omittant admonere, etc. Quo ad Confessarium affirmant Summa Rosella, V. Restitutio 2. §. 5. Summa Angel. V. Restitutio, ultim. §. 5. Nauar. in manuali, cap. 17. num. 22. et alii apud Valentiam disput. 5. quaest. 6. puncto 3. et Bonacinam de restitut. disput. 1. quaest. 2. punct. 11. Eandem sequitur Nungus in addit. ad 3. part. Tom. 2. quaest. 8. art. 4. dub. 5. Zanardus in directoriov confess. part. 2. praecepto 7. cap. 26. dub. 3. Gabriel in 4. dist. 15. quaest. 2. art. 3. Sylvester V. usura, 7. quaestio 2. aliique Neoterici apud Dianam Tom. 1. Tract. 16. resol. 1. Bassaeus num. 8.*

[9] The CONTRARY opinion is that of Bonacina and others as reported by him, Filliucius tom. 1. tract. 7. cap. 12. quaest. 7. num; 37. Lessius Lib. 2. cap. 10. dub. 6. Malderus 2. 2. tract. 5. cap. 3. dub. 24. Bartholomew of Saint Faustus in spec. confess. disp. 4. quaest. 121. num. 7. Aegid. Coninch. de Sacram. disp. 8. dub. 17. num. 144. Rebellius de oblig. iust. part. 2. lib. 17. quaest. ult. num. 12. and part. 1. Lib. 2. quaest. 14. sect. 8. num. 63. Diana limits this, provided the Confessor does not persuade the penitent not to make restitution. But the obligation to join restitution with not dissuading is one and the same. This indeed is taught also by Suarez tom. 4. in 3. part. disput. 32. sect. 6. and Rebellius at the place cited, Caspensis disp. 5. sect. 9. §. 1. num. 86. Sanchez Lib. 7. Decalogi, cap. 6. Tanner. disp. 4. quaest. 6. num. 75. referring to others, Bassaeus, V. Restit. 3. §. 7. num. 16. Crousers ad cap. 7. Reg. Min. lib. 31.

> *CONTRARIA sententia est Bonacinae, et aliorum apud eum, Filliucii tom. 1. tract. 7. cap. 12. quaest. 7. num. 37. Lessii Lib. 2. cap. 10. dub. 6. Malderi 2. 2. tract. 5. cap. 3. dub. 24. Bartholomaei a S. Fausto in spec. confess. disp. 4. quaest. 121. num. 7. AEgid. Coninch. de Sacram. disp. 8. dub. 17. num. 144. Rebellii de oblig. iust. part. 2. lib. 17. quaest. ult. num. 12. et part. 1. Lib. 2. quaest. 14. sect. 8. num. 63. Haec limitat Diana, dummodo Confessarius non suadeat poenitenti, ut non restituat. At una est obligatio iungendi restitutionem, et non dissuadendi. Id vero ita docent etiam Suarez tom. 4. in 3. part. disput. 32. sect. 6. et Rebellius loco citato, Caspensis disp. 5. sect. 9. §. 1. num. 86. Sanchez Lib. 7. Decalogi, cap. 6. Tanner. disp. 4. quaest. 6. num. 75. alios referens, Bassaeus, V. Restit. 3. §. 7. num. 16. Crousers ad cap. 7. Reg. Min. lib. 31.*

[10] The opinion of D. Bonaventure, as I see, is this second one; for in the Confessionale, cap. 4, where he professes to teach confessors what they are bound to do, and what penalties they incur by omitting it, he says: *Attendendum igitur, quod cum sint tria genera poenitentium, primis nulla potest iniungi poenitentia utilis ad salutem. Horum autem sunt sex genera. Primi raptores, Secundi usurarii, Tertii incendiarii, Quarti fures, Quinti Simoniaci, Sexti dolosi circumventores, ut sunt perversi Iudices, advocati iniqui, testes falsi, negotiatores fraudulenti, et alii huiusmodi, quibus omnibus non potest alia iniungi poenitentia, nisi illa Evangelica, Matth. 18. Redde quod debes, et illa Apostolica, Rom. 13. Reddite omnibus debita. Et illud Ecclesiastici 4. Redde debitum tuum. Quod si hanc acceptare noluerit confitens, nulla alia iniungi potest, quae valeat ad salutem; quia, ut dicit Augustinus epist. 54. ad Macedonium 14. quaest. 6. Si res aliena, propter quam peccatum est, possit reddi, et*

non redditur, poenitentia non agitur; non remittitur peccatum, nisi restituatur ablatum. He then enumerates the rest shortly after in part. 7. He indeed condemns confessors who omit the debt; but he imposes nothing about Restitution upon them.

> *SENTENTIA D. Bonavent. est, ut video, haec secunda; nam in Confessionali, cap. 4. ubi profitetur docere Confessarios ea, quae tenentur facere, et quas poenas incurrant omittendo, ait:* Attendendum igitur, quod cum sint tria genera poenitentium, primis nulla potest iniungi poenitentia utilis ad salutem. Horum autem sunt sex genera. Primi raptores, Secundi usurarii, Tertii incendiarii, Quarti fures, Quinti Simoniaci, Sexti dolosi circumventores, ut sunt perversi Iudices, advocati iniqui, testes falsi, negotiatores fraudulenti, et alii huiusmodi, quibus omnibus non potest alia iniungi poenitentia, nisi illa Evangelica, Matth. 18. Redde quod debes, et illa Apostolica, Rom. 13. Reddite omnibus debita. Et illud Ecclesiastici 4. Redde debitum tuum. Quod si hanc acceptare noluerit confitens, nulla alia iniungi potest, quae valeat ad salutem; quia, ut dicit Augustinus epist. 54. ad Macedonium 14. quaest. 6. Si res aliena, propter quam peccatum est, possit reddi, et non redditur, poenitentia non agitur; non remittitur peccatum, nisi restituatur ablatum. *Reliquos vero postea recenset mox part. 7. Damnat quidem confessarios, debitum omittentes; Nil autem de Restitutione illis imponit.*

11 *IT IS PROVED*, because the obligation of restitution arises from the virtue of Justice alone; but the Confessor is bound to admonish not from his own justice, but from religion.

> PROBATUR, *quia Restitutionis obligatio oritur ex sola Iustitiae virtute; At Confessarius non ex iustitia propria, sed e religione, tenetur admonere.*

12 From the conditions adduced above other decisions are had. The first is that a Defendant who unjustly denies the crime in court is not bound to pay the monetary penalty due to the judge before the sentence. So Tanner. num. 76. with Adrian quodlib. 6. Navarre in the manuali, cap. 18. num. 49. Couarv. in Epitome 124. part. 2. cap. 6. §. 8. num. 10. Azor. Lib. 5. cap. 8. quaestio 5. Vasquez prim. 2. disput. 175. cap. 5. against Soto Lib. 4. quaest. 6. art. 6. Molina Tract. primo, tract. 2. disp. 95. The same seems to hold of witnesses, if they testify falsely. So Tanner. with Sà V. Restitutio, and Azor. at the place cited. The reason is that they are not bound out of justice to procure the good of the Judge or of the Treasury; nor has the Treasury acquired any right, under Commutative Justice, to the money before the sentence.

> *Ex allatis supra conditionibus habentur aliae decisiones. Prima est, non teneri pecuniariam mulctam, iudici debitam, solvere ante sententiam, Reum, iniuste crimen in iudicio negantem. Ita Tanner. num. 76. cum Adriano quodlib. 6. Nauar. manuali, cap. 18. num. 49. Couarv. in Epitome 124. part. 2. cap. 6. §. 8. num. 10. Azor. Lib. 5. cap. 8. quaestio 5. Vasquez prim. 2. disput. 175. cap. 5. contra Sotum Lib. 4. quaest. 6. art. 6. Molina Tract. primo, tract. 2. disp. 95. Idem videtur de testibus, si falsum testentur. Sic Tanner. cum Sà V. Restitutio, et Azor. loco citato. Ratio est, quia non tenentur ex iustitia procurare bonum Iudicis, seu Fisci; Neque Fiscus aliquod ius ex Iustitia commutativa acquisivit ad pecunias, ante sententiam.*

13 IT IS GATHERED secondly that both the Defendant and the witnesses, unjustly denying the truth, are bound to restore to the damaged party the expenses and other losses inflicted by the denial of the truth. So from the common teaching Carbo quaest. 31. Sà at the place cited, Soto Lib. 4. quaest. 7. art. 3. Medina Cod. de restit. quaest. 9. Tanner. num. 77. For they were bound out of justice not to damage the innocent party; yet they can be excused if grave losses to themselves threaten from the confession. So Tanner. with Lessius, and Sà. They judge it probable, indeed, that Molina holds they are never bound, disput. 83. Sylvester V. Testis, Lessius Lib. 2. cap. 30. dub. 8. Vasquez speaking of

the Defendant in the chapter above cap. 2. Tanner. num. 79. Because it does not so plainly appear that these are bound to it out of justice.

> *COLLIGITUR secundo, tam Reum, quam testes, iniuste veritatem negantes, teneri restituere parti damnificatae expensas, et alia damna, illata ob negatam veritatem. Sic ex communi docet Carbo quaest. 31. Sà loco citato, Sotus Lib. 4. quaest. 7. art. 3. Medina Cod. de restit. quaest. 9. Tanner. num. 77. Tenebantur enim ex iustitia, non damnificare partem innocentem: excusari tamen possunt, si gravia sibi e confessione damna immineant. Ita Tanner. cum Lessio, et Sà. Probabile imo censent, Molina nunquam teneri, disput. 83. Sylvester V. Testis, Lessius Lib. 2. cap. 30. dub. 8. Vasquez loquens de Reo supra cap. 2. Tanner. num. 79. Quia non ita liquido constat, hos ex iustitia ad id teneri.*

14 IT IS GATHERED thirdly that a Judge negligent in delivering sentence is bound to restore the losses to the Republic and to the parties, but also the penalty which he would have paid to the Treasury for the Defendant had he proceeded rightly. The same they assert likewise of the fiscal officer: Sylvester V. Poena, quaest. 28. Salon art. 7. controv. 5. Carbo quaest. 31. who says it is the common opinion, and Vasquez agrees as to the fiscal officer. The reason is that out of justice these are bound to it by their office.

> *COLLIGITUR tertio, Iudicem, in proferenda sententia negligentem, teneri restituere damna Reipublicae, et partibus, sed etiam mulctam, quam Fisco soluisset Rei, si rite processisset. Quod pariter de Fisco asserunt Sylvester V. Poena, quaest. 28. Salon art. 7. controv. 5. Carbo quaest. 31. qui dicit, esse communem sententiam, et quo ad Fiscalem consentit Vasquez. Ratio est, quia e iustitia ad id ex officio isti tenentur.*

15 The CONTRARY, however, as to the Judge, regarding the monetary penalty to be paid to the Treasury, is held by Azor. at the place cited, ad 4. Sà V. Restitutio; Vasquez at the place cited. Lessius Lib. 2. cap. 3. dub. 10. as to the fiscal officer, whom others reported by Salonius follow.

> *CONTRARIUM tamen, quod ad Iudicem de poena pecuniaria, Fisco soluenda, censent Azor. loco cit. ad 4. Sà V. Restitutio; Vasquez loco cit. Lessius Lib. 2. cap. 3. dub. 10. quod ad Fiscalem, quos sequuntur alii apud Salonium.*

16 IT IS GATHERED fourthly that toll-collectors are bound to restitution for the neglect of a just toll; but say otherwise of the monetary penalty which would come to the Treasury if they neglected to procure it. Say the same with Bassaeus of the keepers of things and fruits, from which something is given to the Prince.

> *COLLIGITUR quarto, Telonarios teneri ad restitutionem neglecti vectigalis iusti; secus dic de mulcta pecuniaria, ad Fiscum perventura, si eam procurare negligant. Idem Dic cum Bassaeo de Custodibus rerum, et fructuum, e quibus datur aliquid Principi.*

17 IT IS GATHERED fifthly that Keepers of forests, rivers, etc. are not bound to pay the penalty which would have come to the Treasury had they reported the transgressors to the Magistrate. So Sylvester V. Restit. 3. quaest. 5. §. 7. Bassaeus num. 17. Lessius lib. 2. cap. 13. dub. 10. Tanner. num. 83. against Cato and Salonius. The reason is that their office out of justice regards not the good of the Treasury, but the security and defense of the public good. Except the tributes, as I said, excerpted from these.

> *COLLIGITUR quinto, Custodes Sylvarum, Fluminum, etc. non teneri solvere mulctam, quae ad Fiscum pervenisset, si transgressores ad Magistratum detulissent. Ita Sylvester V. Restit. 3. quaest. 5. §. 7. Bassaeus num. 17. Lessius lib. 2. cap. 13. dub. 10. Tanner. num. 83. contra Cathonem, et Salonium. Ratio est, quia illorum officium ex iustitia non respicit bonum Fisci, sed securitatem, et defensionem boni publici. Excipe tributa, ut dixi, hinc excerpta.*

Doubt III: Whether one who has promised three or four times to restore, and has not restored, is to be absolved before restitution

1 The answer is with D. Bonaventure at the place cited, whom Fagundez follows on the seventh precept of the Decalogue, cap. 14. num 17. if the debt be public, such as is seen in usurers and the ravishers of churches, he is never to be absolved, nor even the first time, before he pays and gives security; and this on account of the scandal of the people.

> An ille, qui ter, vel quater promisit restituere, et non restituit, sit absolvendus ante restitutionem.
>
> *Respondetur cum D. Bonavent. loco cit. quem sequitur Fagundez in septimum praeceptum Decalogi, cap. 14. num 17. si debitum sit publicum, quale respicitur in usurariis, et raptoribus Ecclesiarum, nunquam esse absolvendum, neque prima vice, antequam solvant, et dent cautionem; idque propter scandalum populi.*

2 The Sainted Doctor adduces cap. 3. particula 54. the Decree of Eugenius III. against the ravishers of churches, which is found in extra de raptoribus, where he decrees this, saying:

> *Apponit vero S. Doctor cap. 3. particula 54. Decretum Eugenii III. contra raptores Ecclesiarum, et habetur extra de raptoribus, ubi id decernit, dicens:*

3 *Statuimus, ut quicumque ex his, qui violenter surrexerint in rapinam, sive in Ecclesiarum violatione manifeste deprehensus fuerit, nisi prius ablata restituit si poterit; vel emendandi firmam, et plenam fecerit securitatem, poenitentiae beneficium ei penitus denegetur. Si vero usque ad obitum in contumacia sua duraverit, et in extremis positus, remedium poenitentiae humiliter postulaverit, si emendationem, vel emendandi securitatem praestiterit, ei poenitentia, et Ecclesiastica sepultura concedatur. Qui autem in sanitate obstinata mente non poenituerit; vel emendaverit; et in morte securitatem praestare nequiverit, solemnitas poenitentiae parum prodesse videtur, sicut credimus, sed de peccato contrito viaticum non denegetur, ita tamen, ut nullus clericorum sepulturae illius intersit, nec eius eleemosynam recipere praesumat. Quod si quis presbyterorum, vel clericorum contra haec in vita, vel in morte poenitentias dare, aut sepulturae interesse, vel eorum eleemosynas accipere attentaverint, seu huiusmodi rapinae participes inventi fuerint; ordinis sui damnum irrecuperabiliter patiantur, et Ecclesiastico beneficio careant. Haec Canon.*

> Statuimus, ut quicumque ex his, qui violenter surrexerint in rapinam, sive in Ecclesiarum violatione manifeste deprehensus fuerit, nisi prius ablata restituit si poterit; vel emendandi firmam, et plenam fecerit securitatem, poenitentiae beneficium ei penitus denegetur. Si vero usque ad obitum in contumacia sua duraverit, et in extremis positus, remedium poenitentiae humiliter postulaverit, si emendationem, vel emendandi securitatem praestiterit, ei poenitentia, et Ecclesiastica sepultura concedatur. Qui autem in sanitate obstinata mente non poenituerit; vel emendaverit; et in morte securitatem praestare nequiverit, solemnitas poenitentiae parum prodesse videtur, sicut credimus, sed de peccato contrito viaticum non denegetur, ita tamen, ut nullus clericorum sepulturae illius intersit, nec eius eleemosynam recipere praesumat. Quod si quis presbyterorum, vel clericorum contra haec in vita, vel in morte poenitentias dare, aut sepulturae interesse, vel eorum eleemosynas accipere attentaverint, seu huiusmodi rapinae participes inventi fuerint; ordinis sui damnum irrecuperabiliter patiantur, et Ecclesiastico beneficio careant. Haec Canon.

4 But the Sainted Doctor notes, from Raymond, that this decretal is local in scope; nor are public suffrages to be denied to the penitent; yet his heirs, to whom his goods have passed, are to be compelled to satisfaction, extra de sepulturis, §. Parum prodesse, as far as the temporal punishment is concerned.

Advertit autem S. Doctor ex Raymundo, hanc decretalem esse localem; nec poenitenti suffragia publica sunt neganda; eius tamen haeredes, ad quos bona eius pervenerint, sunt ad satisfactionem compellendi, extra de sepulturis, §. Parum prodesse, appa quantum ad poenam temporalem.

5 Then, if Excommunication has been imposed upon the non-payer, as it is said to be imposed in the Tridentine, sess. 25. cap. 22. upon those who do not pay Tithes, he is not to be absolved even the first time, unless he pays, or, if he cannot, gives a pledge of security.

Deinde, si Excommunicatio imposita sit non solventi, ut dicitur imponendo in Tridentino, sess. 25. cap. 22. non solventi Decimas, nec primo absolvendus est, nisi solvat, et si non potest, cautionem praebeat securitatis.

6 He adds thirdly that in the ordinary cases he who has three times failed to carry out the promise is considered to be trifling; yet there may be some circumstance of person, place, etc. such that it can seem to the Confessor, who needs prudence, that he should be absolved. So also Sayrus in clav. reg. lib. 10. tract. 5. cap. 5. num. 26. and others as reported by him.

Addit tertio, quod in casibus ordinarii ille, qui ter non exequutus est promissum, censetur ludere; possit tamen esse aliqua circumstantia personae, loci, etc. ut Confessario, cui necessaria est prudentia, videri possit absolvendus. Ita etiam Sayrus in clav. reg. lib. 10. tract. 5. cap. 5. num. 26. et alii apud eum.

7 From what has been said you have, also, that he who in life is unwilling to restore, but reserves the committing of it to his heirs at death, is not to be absolved. So the Sainted Doctor at the place cited, and D. Thom. quaest. 62. art. ultim. Toletanus in summa, lib. 5. cap. 24. Navarre Lib. 4. de restitut. cap. 12. num. 72. Soto lib. 4. de Iustitia, quaest. 7. art. 4. Sylvester V. restitut. 5. num. 7. and others to whom Fagundez subscribes at the place cited, num. 19.

Ex dictis habes, etiam eum, qui in vita non vult restituere, sed reservat ad mortem id committere haeredibus, non esse absolvendum. Ita S. Doctor loco citato, et D. Thom. quaest. 62. art. ultim. Toletanus in summa, lib. 5. cap. 24. Navarrus Lib. 4. de restitut. cap. 12. num. 72. Sotus lib. 4. de Iustitia, quaest. 7. art. 4. Sylvester V. restitut. 5. num. 7. et alii, quibus subscribit Fagundez loco citato, num. 19.

8 The reason. Fagundez follows D. Bonaventure in the speculum animae, cap. 2. §. 4 and in the Confessionale, cited by name, because he who unjustly retains is always in act a debtor bound to pay, and unjust, if he does not pay.

Ratio. Fagundez est D. Bonavent. in speculo animae, cap. 2. §. 4 et in Confessionali, voce adductus, quia qui iniuste retinet, semper est in actu ad solvendum debitor, et iniquus, si non solvit.

9 But in no case is a Confessor who omits the admonition bound to restitution.

In nullo autem casu, si monere omittat Confessarius, tenetur ad restitutionem.

10 For you will say to Nunges: he is bound out of justice to admonish the penitent: Therefore, omitting it, he sins against justice.

Dices enim Nungo: tenetur ex iustitia admonere poenitentem: Ergo id omittens, peccat contra iustitiam.

11 Diana answers that he is bound out of Justice, a debt owed from religion by the Sacrament of penance, which regards the penitent in order to spiritual salvation; in this the confessarius who omits to admonish indeed falls short, but he does not fall short in any obligation of justice which regards the temporal good of the creditor; Valencia subscribes disput. 5. quaest. 6. puncto 3. Tannerus quaest.

cit. I confess that in other cases, where there is a proper obligation of justice, the debt of restitution is found, for instance in the Praetor, Governor, in the Keepers of the chains, etc.

> *Respondet Diana, teneri ex Iustitia, Sacramento poenitentiae debita a religione, quae respicit poenitentem in ordine ad spiritualem salutem, in qua deficit quidem omittens confessarius monere, sed non deest in aliqua obligatione iustitiae, quae respicit temporale bonum creditoris; Subscribit Valentia disput. 5. quaest. 6. puncto 3. Tannerus quaest. cit. Fateor in reliquis, ubi est obligatio propria iustitiae, inveniri debitum restitutionis, puta in Praetore, Gubernatore, in Custodibus vinculum, etc.*

12 From the second head, namely of another's property, arises the obligation of restitution.

> *Ex secundo capite, nempe rei alienae, oritur restitutionis obligatio.*

13 But Valencia at the place cited, and Cassensis disput. 1. sect. 4. note, that even goods possessed in good faith, when they are acknowledged to be another's, one is bound to restitution; for no one ought to be made richer by another's loss, according to rule 48 in 6. and the Law Nam hoc natura, ff. de conditione indeb.

> *Advertunt autem Valentia loco citato, et Cassensis disput. 1. sect. 4. tem, sive etiam bona fide possessam, cum agnoscitur aliena, ad restitutionem teneri; nemo enim alterius iactura ditior fieri debet ex regula 48 in 6. Lege Nam hoc natura, ff. de conditione indeb.*

14 But the Doctors establish this general rule: As long as the thing endures in its own species and substance, it ought to be restored as itself; but if it has been consumed, there ought to be restored that by which you have been made richer, or in which you have preserved your own property, for instance food, clothing, etc.

> *Statuitur autem haec regula generalis a Doctoribus: Quam diu durat res in propria specie, et substantia, debet ea restitui; si vero consumpta sit, restitui debet id in quo locupletior es factus, vel rem tuam servasti, puta cibos, vestes, etc.*

15 Yet they raise the doubt: Whether he who in good faith buys a stolen thing from a thief, and resells the same to another, is bound to give back the price to that buyer; and they answer in the negative: Lessius Lib. 2. cap. 14. dub. 5. Rebellius part. 1. lib. 2. quaest. 3. Cassensis at the place cited. num. 31. Cajetan V. Restitutio. Navarre in the manuali, cap. 17. num. 7.

> *Dubitant vero: An qui bona fide a fure emit rem furatam, et eandem alii revendidit; huic emptori teneatur reddere pretium; Et negative respondent Lessius Lib. 2. cap. 14. dub. 5. Rebellius part. 1. lib. 2. quaest. 3. Cassensis loco cit. num. 31. Caietanus V. Restitutio. Navar. in manuali, cap. 17. num. 7.*

16 The opposed opinion is that of Valencia puncto 3. Soto lib. 4. de Iustitia, quaest. 7. art. 2. that such a one is bound to restore the price to the third buyer, indeed in the case in which the buyer knows, or seems to have knowledge, that the thing is another's. For if he does not seem likely to know it, and no comparison is made, there is no need to restore anything to him, since otherwise no damage threatens him.

> *Opposita sententia est Valentiae puncto 3. Soti lib. 4. de Iustitia, quaest. 7. art. 2. talem teneri restituere tertio emptori pretium, in casu quidem, quo emptor sciat, aut cognitivus videatur, rem esse alienam. Nam si non videatur id sciturus, neque compareat, non est opus illi quidquam restituere, cum nullum ei immineat alioqui damnum.*

17 To my mind, following D. Bonaventure in the speculum animae, cap. 2. the former opinion seems more likely; for it seems to compel only purchases and sales of bad faith to restitution; but the

obligation remains with the thief.

> *Mihi ad mentem D. Bonaventurae in speculo animae, cap. 2. videtur magis prior opinio; nam solas emptiones, et venditiones malae fidei videtur cogere ad restitutionem; sed manet apud furem obligatio.*

18 The reason is that the price, which alone seems subject to Restitution, has not been exchanged formally with the thing, but with the price given by me to that first seller from whom I bought; and accordingly the obligation still remains with the first seller.

> *Ratio est, quia pretium, quod solum videtur Restitutioni obnoxium, non est commutatum cum re formaliter, sed cum pretio, a me dato illi primo, a quo emi, atque adeo obligatio adhuc remanet apud primum venditorem.*

19 I ADD indeed, with D. Bonaventure at the place cited, Caspensis, num. 61. and others, that the thing ought to be grave, for restitution to be owed. Sanchez lib. 2. cap. 23. num. 160. Azor 3. part. lib. 4. cap. 8. Filliucius tract. 32. num. 31. Lessius lib. 2. cap. 7. num. 24. Sylvius quaest. 62. art. 4.

> *ADDO vero cum D. Bonavent. loco citato, Caspensi, num. 61. et aliis, rem debere esse gravem, ut restitutionem exigat. Sanchez lib. 2. cap. 23. num. 160. Azor 3. part. lib. 4. cap. 8. Filliucius tract. 32. num. 31. Lessius lib. 2. cap. 7. num. 24. Sylvius quaest. 62. art. 4.*

20 BUT the debt of restitution can arise ex re, by the just acceptance, by contract or acceptance, of a thing owed to another, and therefore in these it seems to arise more from the thing itself; likewise ex re by an unjust acceptance, as when the thing is still in the hands of the thief, in whom the obligation is greater; for in these cases of unjust acceptance, by which ownership is not transferred, as in theft, rapine, etc. the detainer is always in mora, and sins mortally by detaining, even though he repents having accepted it; provided, however, the possibility and opportunity of restoring be present. Whence Saint Augustine, epistola 54. *Non dimittitur peccatum, nisi restituatur ablatum.* But in those cases in which ownership passes to the receiver, as in sale, loan, etc. no one is in mora except according to the conditions attached, as the Sainted Bonaventure disserus at the place cited of the speculum.

> *POTEST vero oriri debitum restitutionis ex re, accepta contractu, seu acceptione iusta rei, quae debetur alteri, et ideo in his magis videtur oriri ex re ipsa; similiter ex re, et iniusta acceptione, veluti cum res adhuc est apud furem, in quo est maior obligatio; nam in his casibus acceptionis iniquae, ex quibus non transfertur dominium, sicuti in furto, rapina, etc. semper est detentor in mora, et peccat mortaliter detinendo, licet poeniteat accepisse; si tamen adsit restituendi possibilitas, atque opportunitas. Unde S. Augustinus epistola 54.* Non dimittitur peccatum, nisi restituatur ablatum. *In his autem, in quibus dominium transit in accipientem, sicut in venditione, mutuo, etc. non est quis in mora, nisi secundum conditiones appositas, ut disserit S. Bonavent. loco cit. speculi.*

21 THERE are indeed also contracts in which ownership is not transferred, as Commodatum, Precarium, Locatum, Depositum, and Pledge, as I said in the preceding disputation, question 10.

> *SUNT quidem et contractus, in quibus non transfertur dominium, ut Commodatio, Precarium, Locatum, Depositum, et Pignus, ut dixi disputatione praeced. quaestione 10.*

22 One must know that some contracts are referred to the utility of the receiver alone, as mutuum, donation, commendatum, and precarium. Others regard the utility of the giver alone, as depositum and mandatum. Others regard the utility of both contracting parties, as sale, letting, and likewise pledge, and also depositum, when some wage is given on account of the keeping.

> *Oportet scire, e contractibus aliquos referri in utilitatem solius accipientis, ut mutuum, donatio, commendatum, et precarium. Alii respiciunt utilitatem solius dantis, ut depositum, et mandatum. Alii respiciunt utriusque contrahentis*

utilitatem, ut venditio, locatio, et pignus similiter, et depositum, quando aliqua merces datur ratione custodiae.

23 IT IS ASKED, then; when is anyone bound to restitution from a contract when the thing perishes; but the thing can perish by chance, by fraud, or by negligence.

QUAERITUR autem; quando tenetur aliquis ad restitutionem ex contractu pereunte re; potest autem perire res, vel casu, vel dolo, vel negligentia.

24 IT IS CERTAIN first that from no right does an obligation to restore arise from a contract when the thing perishes by mere chance (unless that is included in the contract:) for so in Canon Law cap. ultimo de commodato, and cap. 2. de deposito, and in Civil Law L. 27. ff. de reg. iuris; and Leg. 18. ff. commodati, and Leg. 22. Cod. de negotiis gestis. The reason is that, unless otherwise provided in the contract, the contracting parties are bound only to that which is in their power, which chance happenings are not. Yet these things can be included in contracts, as the Laws cited affirm. Likewise this obligation can arise from another head, when, for instance, someone was in mora of restitution, or made illicit use, for instance, if he carries the silver lent him onto a ship, to dine on the Lake, and for these causes it perishes.

CERTUM est primo, ex nullo iure oriri obligationem e contractu restituendi, quando res solo casu fortuito perit (nisi in contractu id includatur:) sic enim Iure Canonico cap. ultimo de commodato, et cap. 2. de deposito, et in Iure Ciuili L. 27. ff. de reg. iuris; et Leg. 18. ff. commodati, et Leg. 22. Cod. de negotiis gestis. Ratio est, quia, si aliter non explicetur in contractu, tenentur contrahentes solum ad id, quod est in eorum potestate, quales non sunt casus fortuiti. Posse tamen includi in contractibus afferunt Iura allegata. Similiter ex alio capite potest haec oriri obligatio, quando, v. g. aliquis fuit in mora restitutionis, vel usu illicito, puta, si argentum commodatum portet in navim, ad coenandum in Lacu, et ob eas causas pereat.

25 IT IS CERTAIN also that if the thing perishes through fraud, or through grave, or serious fault, he is bound to restitution: It is evident from the Canon and Civil Law cited.

CERTUM est etiam, si res pereat ex dolo, aut lata, seu gravi culpa, teneri ad restitutionem: Patet ex Iure Canonico, et Ciuili allatis.

26 SIMILARLY, when the contract can be freely revoked by him who freely hands over his own thing to another, then he who has another's thing is bound to restitution only in fraud and grave fault, which is serious. *It is proved from the Law 23. ff. de reg. Iuris*, where the Jurist says: *Contractus quidam dolum tantum recipiunt, scilicet Depositum, et Precarium.*

SIMILITER quando contractus libere revocari potest ab illo, qui libere suam rem alteri tradit, tunc qui rem alienam habet, tenetur ad restitutionem solum in dolo, et lata culpa, quae est gravis. Probatur ex Lege 23. ff. de reg. Iuris, *ubi Iurisconsultus ait:* Contractus quidam dolum tantum recipiunt, scilicet Depositum, et Precarium.

27 BUT when the contract cannot be revoked, if it regards the utility of both contracting parties, it obliges the receiver in respect of grave and light fault; but if it is for the utility of the receiver alone, it obliges him even in respect of the lightest fault. *It is proved from cap. 1. de commodo, and the Civil Law Leg. 5. et 18. ff. commodati, and Leg. 1. ff. de obligationibus.*

QUANDO vero contractus non potest revocari, si respicit utilitatem utriusque contrahentis, accipientem obligat de culpa gravi, et levi; si autem sit in utilitatem solius accipientis, obligat eum, etiam de culpa levissima. Probatur ex cap. 1. de commodo, et Iur. ciuil. Leg. 5. et 18. ff. commodati, et Leg. 1. ff. de obligationibus.

Question IV: To whom restitution is to be made

[1] ALL agree that restitution is owed by him from whom the thing was accepted: Four conditions, however, being laid down.

> *CONVENIUNT omnes, illi restituendum, a quo res accepta est: Positis tamen quatuor conditionibus.*

[2] The FIRST is that he from whom it was accepted have a right to the thing, either as Owner, or as steward, or keeper.

> *PRIMA est, ut is, a quo accepta sit, habeat ad rem ius, vel ut Dominus, vel ut dispensator, aut custos.*

[3] The SECOND, provided that no loss is going to accrue from it to him from whom it was accepted, nor to another, for instance, that he is going to squander the thing, or that others are going to use it for crime.

> *SECUNDA, dummodo inde damnum ei, a quo accepta est, neque alii sit obventurum, puta, ut dissipaturus rem illam, vel ea usuros ad crimen.*

[4] The THIRD, if the giving was not of itself unjust, as in the case of a simoniac; yet if it was joined from the origin with an external sin, for instance, because it is the price of fornication, it is no obstacle. Yet even to a simoniac restitution can be made, Caspensis says *sect. 1. before a sentence is delivered against him by the judge. So also Navarre Lib. 4. de restit. cap. 2.*

> *TERTIA, si datio non fuit per se iniusta, ut in Simoniaco; si tamen coniuncta fuerit ex origine cum peccato extero, puta, quia est pretium fornicationis, nil obest. Tamen etiam Simoniaco posse restitui ait Caspensis* sect. 1. antequam a iudice feratur sententia contra eum. Ita et Nauar. Lib. 4. de restit. cap. 2.

[5] The FOURTH, that the restitution be made to him from whom you received it, either by yourself, or through another. See Valencia *puncto 4.*

> *QUARTA, ut fiat restitutio ei, a quo accepisti, vel per se, vel per alium. Vide Valentia* puncto 4.

[6] HERE a question occurs: Whether another's thing, accepted from a thief, ought always to be restored to the true Owner: The reason of the doubt is that it may have been accepted from him in good faith: Therefore it is to be given back to him, and the price paid is to be recovered; and so think Alens. *4. part. quaest. 86. memb. 3. art. 5.* Summa angl. V. *Restitutio,* Gabriel *4. dist. 15. quaest. 3. dub. 5.* Navarre *Manuali, cap. 17. num. 9.* Valencia *at the place cited, provided it be given back to him to redeem his own price, not that the thief may retain it.* This seems to me true, against some as reported by Valencia *at the place cited* and Fagundez *in septimum praeceptum, Lib. 7. cap. 20.* My reason is that I am bound to look first to my own innocence, rather than to another's; and to my own family property, rather than to another's; why, therefore, should I lose my own price without profit, so that another's thing may be restored?

> *HIC occurrit quaestio: An res aliena, accepta a fure, debeat semper vero Domino restitui: Ratio dubii est, quia potest ab eo accepta fuisse bona fide: Ergo ei reddenda, et excutiendum pretium datum; et ita sentiunt Alens.* 4. part. quaest. 86. memb. 3. art. 5. *Summa angl. V.* Restitutio, *Gabriel* 4. dist. 15. quaest. 3. dub. 5. *Nauar.* Manuali, cap. 17. num. 9. *Valentia* loco cit. dummodo ei reddatur ad redimendum suum pretium, non ut fur eam retineat. *Haec mihi vera videtur contra aliquos apud Valentiam* loco cit. *et Fagundez* in septimum praeceptum, Lib. 7. cap. 20. *Ratio mea est, quia teneor prius innocentiae meae prospicere, quam alienae; et meae rei familiari, quam alienae, cur ergo pretium meum amittam insons, ut res aliena reddatur.*

7 Yet Peter Eligius Bassaeus says *V. Restit. 4. §. 2. num. 7.* if he does not find the thief, or the thief, when found, is unwilling to give back the price, the thing is to be restored to the Owner. So Peter of Navarre *lib. 3. cap. 4. num. 191.* Filliucius *tract. 32. num. 85.* Sayrus *lib. 10. tract. 2. num. 17.* Lessius *lib. 2. cap. 14. dub 3.*

> *AIT tamen Petrus Eligius Bassaeus* V. Restit. 4. §. 2. num. 7. *Si furem non inveniat, vel inventus nolit reddere pretium, restituendam rem Domino. Sic Petrus Nauar.* lib. 3. cap. 4. num. 191. *Filliucius* tract. 32. num. 85. *Sayrus* lib. 10. tract. 2. num. 17. *Lessius* lib. 2. cap. 14. dub 3.

8 But why should I without profit deprive myself of my own price, when the debt is in the thief? I know this can be done in the external forum. Let him act meanwhile; the thief can be found and compelled.

> *At cur ego infons meo me pretio privabo, cum debitum sit in fure? Scio id posse in foro externo. Agat interim, potest reperiri fur, et cogi.*

9 Meanwhile I am not bound to give it back in conscience, as Filliucius says *tract. 32. num. 84. and others*, although others disagree.

> *Interim non teneor reddere in conscientia, ut ait Filliucius* tract. 32. num. 84. et alii*, etsi alii repugnent.*

10 UNCERTAIN debts arising from a lawful contract, with the creditor unknown, or too remote, you may retain; for since by Canon Law alone uncertain debts, unjustly contracted and from a wicked acquisition, for instance from usury, devolve upon the poor, I do not see why these should be paid. See Peter of Navarre *lib. 4. cap. 1. num. 46.* Layman *lib. 3. sect. 3. tract. 2. cap. 9.* Lessius *lib. 2. cap. 14. num. 58.* Bassaeus *num. 4.*

> *DEBITA incerta ex licito contractu, ignorato creditore, vel nimis remoto, potes retinere; nam cum solo iure Canonico devolvantur ad pauperes debita incerta, iniuste contracta e prava acquisitione, puta ex usuris; non video cur haec sint solvenda. Vide Petrum Nauar.* lib. 4. cap. 1. num. 46. *Layman* lib. 3. sect. 3. tract. 2. cap. 9. *Lessium* lib. 2. cap. 14. num. 58. *Bassaeum* num. 4.

11 THE Sainted Doctor indicates these rules in the *Confessionale, cap. 4. part. 2.* concluding with that epiphonema of the Apostle *13. Reddite omnibus debita, etc.*

> *HAS regulas indicat S. Doctor in* Confessionali, cap. 4. part. 2. *concludens illo apostoli epiphonemate* 13. Reddite omnibus debita, etc.

Question V: What ought to be restored

1 This question contains many things, and those various, to be discussed; for since the things subject to restitution are goods, and those goods are of many kinds, namely goods of fortune, as riches; of the body, as the integrity of honor and of fame, and goods of the soul; and among these goods some are of difficult restitution, as the health of the body, one must treat of all of them: Whether they are included under the debt of justice; or whether they are to be compensated by other goods.

> Quidnam debeat restitui.
>
> *Multa, eaque varia haec quaestio continet discutienda; nam cum res, restitutioni obnoxiae, sint bona, eaque plurima sint, scilicet fortunae, ut opes; corporis, ut incolumitas honoris, et famae, atque bona animae; et inter haec bona sint*

aliqua difficilis restitutionis, ut sanitas corporis, oportet de omnibus differere: An includantur sub debito iustitiae; an vero aliis bonis sint compensanda.

2 Again, secondly, the debt of restitution can arise from the mode in which the things themselves are held, and thus the equality to be made can fall upon the mode by which the thing was acquired, as through various contracts, through donation, etc. Likewise through hunting, fowling, fishing, digging, and through some shameful action. Therefore these also must be treated of. Thirdly, from goods impeded to someone. These I shall discuss one by one.

Rursus potest secundo oriri debitum restitutionis ex modo, quo res ipsae habentur, et ita aequalitas facienda, cadere potest supra modum, quo res acquisita est, ut per varios contractus, per donationem, etc. Itidem per venationem, aucupium, piscationem, effossionem, et per actionem aliquam turpem. Ideo de his etiam differendum. Tertio ex impeditis alicui bonis. Haec singula disseram.

Subquestion I: What is to be restored, considering the things that are our goods

1 The more excellent the goods taken away, the stricter the obligation of restitution that weighs upon one; provided those goods be of such a nature as to be capable of being restored. Among these goods, moreover, some are dearer to the possessor than others; for goods of fame usually outweigh goods of fortune in everyone's estimation, and indeed those are in themselves to be preferred. Goods of the Soul, too, as much as the soul itself surpasses the body, are deservedly considered better; from these goods, therefore, unjustly taken away, arises a varied obligation of restitution; for some there are which, when taken away, perish; others, however, remain, so that the same things can be restored. These I shall weigh one by one through the doubts.

Quid sit restituendum, spectatis rebus, quae sunt bona nostra.

Quo excellentiora bona auferuntur, eo strictior restituendi incumbit obligatio; modo ea bona talis sint naturae, ut restitui queant, Inter haec autem bona, alia aliis sunt chariora possidenti; Bona etenim famae plerumque apud omnes solent praeponderare bonis fortunae, et quidem in se illa praeferenda sunt. Bona etiam Animae, quantum et ipsa anima corpus superat, meliora merito putantur; ex his itaque bonis, inique ablatis, nascitur varia restituendi obligatio; quaedam enim sunt, quae dum auferuntur, intereunt: quaedam vero remanent, ita ut eadem possint restitui. Haec singillatim per dubitationes expendam.

Doubt I: Whether the goods of fortune are to be restored in the same way

1 It is certain, and beyond controversy, that goods of fortune, the same ones, if they exist, even if consumable by use, are to be restored as the same in number, unless perhaps thereby a hidden sin of the sinner would be made manifest, or some great inconvenience would follow, as *Valentia quaest. 6. puncto 5. §. 1. Navarre in the Manuali, cap. 17. num. 24.* notes; or unless the creditor is content with another thing, as is found in *Leg. eum a quo, and Leg. manifesti, Cod. de solut.*

An bona fortunae sint eadem restituenda.

Certum est, et extra controversiam, bona fortunae eadem, si extent, esto usu consumptibilia, esse restituenda eadem numero, nisi forte inde peccator occultus manifestaretur, aut sequeretur magnum aliquod incommodum, ut notat Valentia quaest. 6. puncto 5. §. 1. Nauar. in Manuali, cap. 17. num. 24. *aut nisi creditor sit alia re contentus, ut habetur* Leg. eum a quo, et Leg. manifesti, Cod. de solut.

2 But if the thing no longer exists, satisfaction ought to be made in equivalent. And if the thing is consumable by use, it ought to be restored as the same, if it exists; or another of the same species,

and equally good; or in money. Nor is the thing only owed, but also the fruits of the thing, as the *Sainted Bonaventure 3. dist. 37. dub. 7.* says; and I have said enough about these also above.

> *Si autem res non extet, debet fieri solutio in aequivalenti. Et si res est usu consumptibilis, debet restitui eadem, si extet; vel alia eiusdem speciei, et aeque bona; vel pecunia. Nec res solum, sed et fructus rei, ut ait* S. Bonavent. 3. dist. 37. dub. 7. *sunt debiti, et de his satis etiam supra dixi.*

Doubt II: In what manner restitution is to be made for goods of the body

1 All agree that one who mutilates, kills, breaks limbs, or renders a man's body useless is held to make restitution of all the damages that follow from these deeds; and if the man cannot be restored by medical treatment, the wrongdoer is held to restore an equivalent in money. Thus *the Saintly Doctor in the place cited and in Spec. animae cap. 1; D. Thom. art. 2. ad 1; Richardus in 4. dist. 15. art. 5. quaest. 2; Sylvest. V. restit. 3; Soto Lib. 4. de Iustitia, quaest. 6. art. 3; Valentia quaest. 6. puncto 5. §. 1; Tanner. disp. 4. quaest. 6. dub. 4; Carbo quaest. 15,* and others commonly among these.

> Quo pacto RESTITUTIO facienda pro bonis corporis.
>
> *Conveniunt omnes, mutilantem, occidentem, membra frangentem, et reddentem hominis inutile corpus, teneri ad restituendum omnia damna, ex his secuta; et si non possit convalidari medicinis, teneri restituere aequivalens in pecuniis. Ita* S. Doctor loco cit. et in spec. animae cap. 1. D. Thom. art. 2. ad 1. Richardus in 4. dist. 15. art. 5. quaest. 2. Sylvest. V. restit. 3. Soto Lib. 4. de Iustitia, quaest. 6. art. 3. Valentia quaest. 6. puncto 5. §. 1. Tanner. disp. 4. quaest. 6. dub. 4. Carbo quaest. 15. *et alii communiter apud hos.*

2 Wherefore if the man mutilated or killed was earning by his own industry, reparation must be made out of the goods of the assailant, even if the assailant is dead; and if the slain man was bound in justice to support certain persons, the assailant will be bound to provide for them, as *Sotus loco cit.* and *Valentia loco cit.* say against *Scotus 4. dist. 15. quaest. 3* and *Adrianus de Restit.*

> *Quare si mutilatus, vel occisus erat in lucrando ex industria, resarciendum est in bonis percussoris, etiam defuncti: Et si occisus aliquos ex iustitia alere tenebatur, tenebitur eis percussor providere, ut ait* Sotus loco cit. Valentia loco cit. contra Scotum 4. dist. 15. quaest. 3. *et* Adrianum de Restit.

3 *Sotus* adds that somewhat less must be rendered, at the judgment of a good man, to the heirs of the mutilated or killed man than he himself would have earned, in view of the fact that it is less to have something in hope than in reality; for the man who was killed might have died for another cause, and the man mutilated might have been disabled in some other way. Wherefore *Valentia* admonishes that diligent consideration be given to age, health, etc., as *Caspensis disp. 3. sect. 6* and others also observe.

> *Addit* Sotus*, aliquanto minus reddendum, arbitrio boni viri, mutilati, vel occisi haeredibus, quam is esset lucraturus, attento, quod minus est habere quidpiam in spe, quam in re: siquidem poterat is, qui occisus est, aliam ob causam mori, et is, qui mutilatus est alio modo debilitari. Quare monet* Valentia*, ut diligens habeatur consideratio aetatis, valetudinis, etc. ut observant etiam* Caspensis disp. 3. sect. 6. *et alii.*

4 From all this it appears that what *Maior 4. dist. 15. quaest. 19. dub. ult.* and *Valentia loco cit.* say is true, namely that although one who kills a nobleman sins more than one who kills a hired laborer who would have earned nothing by his labor or industry, yet the killer of such a hired laborer is bound to more.

> *Ex his autem apparet, verum esse id, quod aiunt* Maior 4. dist. 15. quaest. 19. dub. ult. Valentia loco cit. *nempe, quamvis plus peccet occidens nobilem, nihil suo labore, vel industria lucraturum, quam occidens hominem mercenarium,*

tamen ad plus obligari occidentem mercenarium talem.

5 The *Saintly Doctor in Speculo animae, cap. 1. v. Damnificatio* observes that not only the slayer, but also one who commands, helps, or counsels is held to restitution; yet not one who fails to prevent when he ought out of Charity; indeed he does not even sin mortally if for some reason he desists from removing the slayer — for instance, if he fears the slayer may break in against himself. But if he permits a man to be killed out of hatred, he is not held to restitution unless he himself is bound in justice to prevent it.

Observat vero S. Doctor in speculo animae, cap. 1. v. Damnificatio*, teneri restitutioni non solum interfectorem, sed praecipientem, iuvantem, consulentem; non tamen eum, qui non impedit, cum debeat ex Charitate; imo neque peccare mortaliter, si aliqua ratione desistat a removendo occisorem; puta, si timeat, ne contra se irrumpat; quod si ex odio etiam sinat occidi hominem, non teneri ad restitutionem, nisi ipse ex iustitia teneatur impedire.*

6 Next observe that damages can be exacted in conscience immediately to the point of equality, but not yet that penalty of restitution which is prescribed by law; for by means of that law he must await the judge's sentence, as we have in *Leg. ex iudiciorum, ff. de accusationibus.*

Deinde observa, damna in conscientia posse illico exigi ad aequalitatem, non tamen eam poenam restitutionis, quae a lege praescribitur; per haec enim expectare debet iudicis sententiam, ut habetur Leg. ex iudiciorum, ff. de accusationibus.

7 They dispute, however: whether compensation must also be made in money, or the like, for the injuries of killing, mutilation, etc.

Disputant vero: An etiam iniuriae illatae occisionis, mutilationis, etc. debeat fieri compensatio in pecuniis, vel simili.

8 The first opinion is negative. *Nauarri in manuali, cap. 15. num. 21; Azorii, Ostiensis.* Thus *Caspensis loco cit. num. 51; Couar. lib. 2. var. cap. 10; Petrus Nauar. lib. 4. cap. 2. num. 80; Gomez lib. 3. variarum, cap. 6; Lessius Lib. 2. cap. 9. num. 141.*

Prima opinio est negativa Nauarri in manuali, cap. 15. num. 21. Azorii, Ostiensis. *Ita* Caspensis loco cit. num. 51. Couar. lib. 2. var. cap. 10. Petrus Nauar. lib. 4. cap. 2. num. 80. Gomez lib. 3. variarum, cap. 6. Lessius Lib. 2. cap. 9. num. 141.

9 The second opinion is affirmative. Thus *D. Thom. art. 2. ad 1; Scotus in 4. dist. 15. quaest. 3; Richardus ibi, art. 5. quaest. 2; Adrianus 4. de restit. quaest. ultim.; Maior in 4. eadem dist. quaest. 14; Sotus Lib. 4. de Iust. quaest. 6. art. 3; Valentia quaest. 6. puncto 5. §. 1; Carbo quaest. 12; Lopez p. p. quaest. 47; Angles 4. de restit.; Salon quaest. 62. art. 2.*

Secunda sententia est assertiva. Ita D. Thom. art. 2. ad 1. Scotus in 4. dist. 15. quaest. 3. Richardus ibi, art. 5. quaest. 2. Adrianus 4. de restit. quaest. ultim. Maior in 4. eadem dist. quaest. 14. Sotus Lib. 4. de Iust. quaest. 6. art. 3. Valentia quaest. 6. puncto 5. §. 1. Carbo quaest. 12. Lopez p. p. quaest. 47. Angles 4. de restit. Salon quaest. 62. art. 2.

10 To me the negative opinion appears truer. It is proved by the doctrine of D. Bonaventure. Restitution is a part of satisfaction, or a species of it, as *S. Bonavent. 4. dist. 15. quaest. ultim.* shows, *et in spec. animae.* But satisfaction must hold a proportion to the offense, and no one Satisfies unless he Restitutes as much as he took away. From this it follows that Satisfaction and Restitution must be

made from proportionate goods; but money cannot be made proportionate to the good of a life taken away: Therefore.

> *Mihi negativa verior apparet. Probatur doctrina D. Bonavent. Restitutio est pars satisfactionis, seu species eius, ut ostendit S. Bonavent. 4.* dist. 15. quaest. ultim. et in spec. animae. *Satisfactio autem debet proportionem offensae, et nullus Satisfacit, nisi Restituat tantum, quantum abstulit. Ex quo, sequitur, Satisfactionem, et Restitutionem esse debere ex bonis proportionatis; sed pecunia non potest proportionari bono vitae ablatae: Ergo.*

11 This is the doctrine of S. Bonaventure *in 3. dist. 20. quaest. 6 et in 4. dist. 15. part. 2. quaest. cit.* It rests, moreover, upon the Laws; for by the *Lege finali, ff. de iis, qui deiecit. vel effud.* and the *L. Liber homo, ff. ad Legem Aquiliam,* and the *L. ex hac, ff. si quadrupes pauperiem fecisse dicatur, afficitur*, it is laid down that a free man cannot be valued at any price; and that a free body receives no estimation, as is had in the *L. citata, L. homo, et L. ex hac*, where it is added that nothing can be demanded for a free man even if he is killed.

> *Haec est doctrina S. Bonavent. in* 3. dist. 20. quaest. 6. et in 4. dist. 15. part. 2. quaest. cit. *Innititur vero Legibus; nam* Lege finali, ff. de iis, qui deiecit. vel effud. et L. Liber homo, ff. ad Legem Aquiliam, et L. ex hac, ff. si quadrupes pauperiem fecisse dicatur, afficitur*, hominem liberum, nullo pretio aestimari posse; Et corpus liberum nullam recipere aestimationem, habetur* L. citata, L. homo, et L. ex hac*, ubi additur, nihil posse peti pro homine libero etiamsi occidatur.*

12 Valentia answers that the Laws conclude only that this is true from the nature of the thing; yet if the injured man for a reasonable cause is content, satisfaction can be made to his very life by money.

> *Respondet Valentia, Leges solum concludere, id verum esse ex natura rei; si tamen laesus ex rationabili causa contentus sit, posse satisfieri, pecunia ipsi vitae.*

13 But it is beside the point to call that a restitution which is made with things unfit for compensation — e.g. to restore reputation with money, as Sylvester noted *V. Detractio, quaest. 4.*

> *At extra rem est, vocare illam restitutionem, quae fit rebus ineptis ad compensationem, v. g. pecunia restituere famam, ut notavit Sylvester* V. Detractio, quaest. 4.

14 Valentia answers with D. Thomas *ad 2.* that when restitution cannot be made in the same genus, it can be made in another.

> *Respondet Valentia cum D. Thom.* ad 2. *quod quando non potest fieri restitutio in eodem genere, potest fieri in alio.*

15 But he does not answer the point, because although restitution could be made in diverse kinds — say, the restitution of a field through a price — still it cannot be made except according to a reasonable estimation of things, as Valentia himself says. But there are many things that cannot be estimated by other things: the soul by money, or reputation by gold; for it is of a higher order, incomparable, as it is said *Proverb. 22: Melius est bonum nomen, quam divitiae multae* — as I shall show in the *dub. sequenti.*

> *Sed non respondet ad rem, quia, licet posset fieri te diversa, puta Restitutio agri per pretium, tamen non potest fieri, nisi secundum rationabilem rerum aestimationem; ut ipse ait Valentia; At multa sunt, quae aliis rebus nequeunt aestimari, ut anima pecuniis, famaque auro; nam est Ordinis altioris incomparabilis, ut dicitur* Proverb. 22. Melius est bonum nomen, quam divitiae multae*, ut ostendam* dub. sequenti.

16 Valentia objects first, and Tannerus, from *Exodi 21: If he who is struck rises again and walks abroad, he who struck him shall be quit, yet so that he make restitution of his charges and the physicians' fees.* By this law it is enacted that if the man struck has not recovered, the assailant must make greater restitution — clearly even for death or deformity.

> *Obiicit primo Valentia, et Tannerus id* Exodi 21. Si percussus ab altero incolumis surrexerit, percutiens sit innocens, ita tamen, ut impensas eius, et operas in medicos restituat. *Hac lege sancitur, ut qui percussus non convaluerit, plus restituere debeat percussor, nimirum etiam pro morte, vel deformatione.*

17 It is answered that the same place sets forth what penalty is owed if the man struck dies: *he shall die the death.* This is confirmed, for further on, when it speaks of the death imposed on a goring ox, it declares: *But if a price be laid upon him, he shall give for his soul whatever is demanded.* But if the owner of the ox was aware beforehand of that vice, he himself shall be killed, since according to the precept he did not confine it.

> *Respondetur, ibidem poni quae poena debeatur, si moriatur percussus:* Morte moriatur. *Confirmatur, nam infra, cum de morte, imposita Bovi cornupetae, loquitur, declarat:* Quod si pretium fuerit ei impositum, dabit pro anima sua quidquid fuerit postulatum: *At si Dominus bovis homicidae fuerit praescius eius vitii, ipse occidetur, cum iuxta praeceptum, illum non incluserit.*

18 Scotus and Tannerus object second that one who kills another's Ox or Dog must make some restitution for that Ox or Dog killed. Therefore much more must one who deprives a Man of life or health make some restitution for this very thing. And not to notice this (say Scotus, Tannerus, and Adrianus) is foolish.

> *Obiicit secundo Scotus, et Tannerus, qui occidit Bovem, vel Canem alterius, debet aliquid restituere pro Bove illo, vel Cane occiso. Ergo multo magis, qui Hominem privat vita, vel incolumitate, debet pro hoc ipso aliquid restituere. Et hoc non animadvertere (aiunt Scotus, Tannerus, et Adrianus) esse fatuum.*

19 But the comparison is absurd to me; for an Ox and a Dog are purchasable at a price, nor will any owner of a Dog receive money for the injury of the Dog's death insofar as it was his owner's — but only for the estimation of the Dog and Ox for use. Moreover, satisfactions are exacted from the slayer because he did not fear the Lord of the animal, and the injuries of the world bring contempt upon that contemning slayer.

> *Sed insulsa mihi est comparatio; nam Bos, et Canis sunt emibiles pretio, neque erit aliquis Dominus Canis, qui pro illata iniuria mortis Canis, quatenus erat Domini, accipiat pecuniam, sed solum pro aestimatione Canis, et Bovis ad usum. De reliquo Satisfactiones exigunt in occidente, eo, quod is Dominum animalis non est reveritus, et mundani iniurias afferunt pro contemptu, ipsi contemnenti occisori.*

Doubt III: Whether, and how, restitution of fame, and honor, is to be made

1 That reputation is a good having marketable value, the taking away of which obliges in justice to restitution, is certain. For reputation is good estimation among others, of which *Proverb. 22: Melius est nomen bonum, quam divitiae multae.* From this S. Bonaventure *p. p. Centil. sect. 13* deduces that the detractor is held under greater obligation to Restitution than the thief, which Valentia thereupon noted *disp. 5. quaest. 6. puncto 5.*

> ***An, et quomodo RESTITUTIO Famae, et Honoris sit facienda.***

Famae esse bonum appretiabile, quod ablatum cogit ex iustitia ad restitutionem, certum est. Est enim fama, bona aestimatio apud alios, de qua Proverb. 22. Melius est nomen bonum, quam divitiae multae. *Ex quo deducit S. Bonavent.* p. p. Centil. sect. 13. *Maiori obligatione teneri detractorem Restitutioni, quam furem; quod adnotavit inde Valentia* disp. 5. quaest. 6. puncto 5.

2 Therefore the detractor is held to restore reputation, three conditions concurring. The first is that the reputation have been taken away — for sometimes reputation is not removed by a saying, either because it is not believed, or because that sin does not blacken a person of that rank, as if you say of a knight: He wounded another man. The second condition is that the reputation have been taken away unjustly. The third, that the defamed man have not redeemed his stolen reputation. Thus they report from the common teaching: Soto *Lib. 4. de Iustitia, quaest. 6. art. 3,* Valentia *disp. 5. quaest. 6. puncto 5,* Turrianus *disp. 53. dub. 3,* Caspensis *disp. 10. sect. 5.*

Igitur detractor tenetur famam restituere, concurrentibus tribus conditionibus. Prima est, ut fama fuerit ablata, aliquando enim dicterio non aufertur fama; sive quia non creditur, sive quia peccatum illud ratione personae non denigret, ut si de milite dicas: Alium vulneravit. Secunda conditio est, ut fama iniuste sit erepta. Tertia, ut diffamatus famam raptam non redemerit. Ita ex communi referunt Soto Lib. 4. de Iustitia, quaest. 6. art. 3. *Valentia* disp. 5. quaest. 6. puncto 5. *Turrianus* disp. 53. dub. 3. *Caspensis* disp. 10. sect. 5.

3 I assert, therefore, first, that the unjust detractor is held to restore reputation, even with the loss of his own reputation, though not of his life, even by saying (if need be) that he lied. Thus D. Thom. *2. 2. quaest. 62. art. 2. ad 2,* Caietanus *ibi,* Sotus *Lib. 4. de Iustitia, quaest. 6. art. 3,* Petrus Navar. *Lib. 2. de restit. cap. 4. disput. 5. num. 375,* Michael Salonius *2. 2. quaest. 62. art. 2. controu. 13,* Navar. in *manuali Latino, cap. 18. num. 45,* Rodriquez *2. part. summae, cap. 45,* Lopez *prima parte, instruct. cap. 16,* Sayrus *Lib. 11. cap. 3. num. 21,* Filliucius *Tom. 2. tract. 32. cap. 9. num. 145,* Malder. *de Iust. tract. 7. cap. 2. dub. 9. fol. 554, et* all the Doctors commonly, as in Valentia *loco cit.* Fagundez in *octavum praeceptum Decal. cap. 15,* Tannerum *disp. 4. quaest. 6. dub. 4,* Bassaeum *V. Detractio, 2. num. 4.*

Assero igitur primo, Detractorem iniquum teneri restituere famam, etiam cum iactura propriae famae, non tamen vitae, etiam dicendo (si oportuerit,) se esse mentitum. Ita D. Thom. 2. 2. quaest. 62. art. 2. ad 2. *Caietanus* ibi, *Sotus* Lib. 4. de Iustitia, quaest. 6. art. 3. *Petrus Navar.* Lib. 2. de restit. cap. 4. disput. 5. num. 375. *Michael Salonius* 2. 2. quaest. 62. art. 2. controu. 13. *Navar. in* manuali Latino, cap. 18. num. 45. *Rodriquez* 2. part. summae, cap. 45. *Lopez* prima parte, instruct. cap. 16. *Sayrus* Lib. 11. cap. 3. num. 21. *Filliucius* Tom. 2. tract. 32. cap. 9. num. 145. *Malder.* de Iust. tract. 7. cap. 2. dub. 9. fol. 554. et *communiter omnes DD. apud Valentiam* loco cit. *Fagundez in* octavum praeceptum Decal. cap. 15. *Tannerum* disp. 4. quaest. 6. dub. 4. *Bassaeum* V. Detractio, 2. num. 4.

4 Some add a little exception: unless there be great inequality — as if the defamed man be of low condition, but the defamer of great dignity, and he suffer greater detriment by saying he lied. Thus Sotus and Valentia, although Nauarrus doubts of this: for one is not held to make greater restitution than what he took away. Whence it comes about that he is not held to restore reputation with the loss of his own life; for although reputation is a kind of civil death, as Anselmo teaches *Lib. de simil. cap. 147* as cited by D. Bonaventure in *Pharetra Lib. 3. cap. 3. §. De Detractione,* still it is not the proper taking away of life, but of a good inferior to life itself, namely reputation, which outweighs riches, according to *Proverb. 22*; and accordingly it binds more to restitution than the taking away of an eye, as the Saintly Doctor again enjoins in *speculo animae, cap. 1.* Most follow this doctrine, as in Fagundez *cap. 15 et* Dianam *part. 2. Tract. 5. resol. 29 et 30.*

Apponunt aliqui exceptionculam, nisi sit grandis inaequalitas; ut infamatus sit vilis, infamans vero sit grandis dignitatis, et plus patiatur detrimentum dicendo, se esse mentitum. Ita Sotus, et Valentia, licet Nauarrus de hoc dubitet: non enim tenetur maius restituere, quam abstulit. Quo fit, ut neque teneatur cum suae vitae iactura famam restituere, quamvis enim fama sit civilis quaedam occisio, ut docet ex Anselmo Lib. de simil. cap. 147. *apud D. Bonavent. in* Pharetra Lib. 3. cap. 3. §. De Detractione; *non est tamen propria vitae ablatio, sed boni, inferioris vita ipsa, nempe famae, quae divitiis praevalet, iuxta id* Proverb. 22. *atque adeo magis ligat ad restitutionem, quam ablatio Cumenae, ut rursus iniungit S. Doctor in* speculo animae, cap. 1. *Hanc doctrinam sequuntur plurimi apud Fagundez* cap. 15. et *Dianam* part. 2. Tract. 5. resol. 29. et 30.

5 There is, moreover, a question there in Diana: whether one who falsely defamed someone is held, if need be, to swear that he spoke falsely. They answer affirmatively: Caietanus and Aragon *2. 2. quaest. 62. artic. 2,* where also Sylvius *quaestione 22. tractat. 32. cap. 20. num. 245,* Turrianus *disp. 52. dub. 1,* Salon de Iust. tom. 1. quaest. 62. art. 2. controv. 3, Carbo de restit. quaest. 18, Villalob. in summa, Tom. 2. tract. 11. diff. 37, Tanner. 2. 2. disp. 4. quaest. 6. dub. 6. num. 141, Diana ibi, Fagundez Lib. 8. cap. 15, Navar. cap. 18. num. 45, Pet. Navar. Lib. 2. cap. 4. num. 137, Sotos de Iust. Lib. 4. quaest. 6. art. 3, Faustus in speculo, disp. 21. quaest. 21, Bassaeus num. 9. Nay, they add — Molina tom. 5. disp. 41, Ioan. de la Cruz in Direct. pract. 1. punct. 7. art. 2. dub. 5, Soto, Aragon, and Salon — that he must, if need be, even bring witnesses.

Est autem quaestio ibi apud Dianam: Num, qui falso aliquem infamavit, teneatur, si oporteat iuramento confiteri, se falsum dixisse. Assertive respondent Caietanus, et Aragon 2. 2. quaest. 62. artic. 2. *ubi etiam Sylvius* quaestione 22. tractat. 32. cap. 20. num. 245. *Turrianus* disp. 52. dub. 1. *Salon de Iust. tom. 1. quaest. 62. art. 2. controv. 3. Carbo de restit. quaest. 18. Villalob. in summa, Tom. 2. tract. 11. diff. 37. Tanner. 2. 2. disp. 4. quaest. 6. dub. 6. num. 141. Diana ibi, Fagundez Lib. 8. cap. 15. Navar. cap. 18. num. 45. Pet. Navar. Lib. 2. cap. 4. num. 137. Sotos de Iust. Lib. 4. quaest. 6. art. 3. Faustus in speculo, disp. 21. quaest. 21. Bassaeus num. 9. Imo addunt Molina tom. 5. disp. 41. Ioan. de la Cruz in Direct. pract. 1. punct. 7. art. 2. dub. 5. Soto, Aragon, et Salon. debere, si oportuerit, etiam testes adhibere.*

6 I WONDER, however, that the Doctors so crowd headlong into binding consciences; for, as Faventinus observes in 4. dist. 15. quaest. 3. disp. 53. cap. 1. num. 32, the ancient Theologians — such as S. Bonaventure in the places adduced and elsewhere, Alensis part. 2. quaest. 129. memb. 6, D. Thom. quaest. 62. art. 2. ad 2, Scotus loco cit. — require only a simple retraction. But the modern Zealots superadd a most heavy burden, which perhaps they themselves do not touch with a finger.

MIROR autem, Doctores adeo acervatim ruere ad conscientias ligandas; nam, ut observat Faventinus in 4. dist. 15. quaest. 3. disp. 53. cap. 1. num. 32. Theologi antiqui, ut S. Bonavent. locis adductis, et aliis, Alensis part. 2. quaest. 129. memb. 6. D. Thom. quaest. 62. art. 2. ad 2. Scotus loco cit. non exigunt, nisi simplicem retractationem; At moderni Zelotes onus superaddunt gravissimum, quod nec ipsi forsan digito tangunt.

7 The Doctors bring forward a certain SMOOTH manner of restoring reputation. For since to say one lied is an arduous act, they teach that the reputation is to be restored by praising the defamed man before those who had heard the detraction. Thus Caietanus 2. 2. quaest. 62. art. 2, Soto de Iustitia, lib. 4. quaest. 9. art. 3. ad 4, Villalob. in summa, Tom. 2. tract. 11. diff. 37. num. 4, Tannerus 2. 2. disp. 4. quaest. 6. dub. 4. num. 143, Valentia quaest. 4. puncto 5 and quaest. 17. puncto 2, Fagundez in octavum praeceptum, Lib. 8. cap. 15. num. 3, Lessius Lib. 2. cap. 11. dub. 10, Aragon. 2. 2. quaest. 62. art. 2, Faustus in speculo confess. disp. 21. quaest. 74. num. 6, Diana loco cit. Whatever they may bring to the contrary: Layman Lib. 3. sect. 5. tract. 3. part. 2. cap. 7, Navar. lib. 2. cap. 4. num. 370,

Faber n. 46, Sylvius 2. 2. quaest. 62. art. 2. quaeritur 22, Fillucius Tom. 2. tract. 31. cap. 10. num. 246.

> *SUAVEM quemdam modum restituendae famae afferunt Doctores; Quia enim dicere se mentitum, arduus est actus, idco docent restituere famam laudando infamatum coram illis, qui detractionem audierant. Ita Caietanus 2. 2. quaest. 62. art. 2. Soto de Iustitia, lib. 4. quaest. 9. art. 3. ad 4. Villalob. in summa, Tom. 2. tract. 11. diff. 37. num. 4. Tannerus 2. 2. disp. 4. quaest. 6. dub. 4. num. 143. Valentia quaest. 4. puncto 5. et quaest. 17. puncto 2. Fagundez in octavum praeceptum, Lib. 8. cap. 15. num. 3. Lessius Lib. 2. cap. 11. dub. 10. Aragon. 2. 2. quaest. 62. art. 2. Faustus in speculo confess. disp. 21. quaest. 74. num. 6. Diana loco cit. Quidquid in contrarium afferant Layman Lib. 3. sect. 5. tract. 3. part. 2. cap. 7. Navar. lib. 2. cap. 4. num. 370. Faber n. 46. Sylvius 2. 2. quaest. 62. art. 2. quaeritur 22. Fillucius Tom. 2. tract. 31. cap. 10. num. 246.*

[8] IT IS ASKED second: whether the defamer, not being able to restore the reputation, can, and ought, to make satisfaction with money.

> *QUAERITUR secundo: An infamator, non potens famam restituere, possit, et debeat pecunia satisfacere.*

[9] They AFFIRM that he is held: Layman Lib. 3. sect. 5. tract. 3. part. 2. cap. 7, Filliuc. Tom. 2. tract. 32. cap. 10. n. 239, Turrianus 1. 2. tomo 2. disp. 53. dub. 7, Faber in 4. disp. 53. cap. 4. num. 122, Malderus 2. 2. tract. 7. cap. 7. dub. 8, Navarrus cap. 17. num. 19, Bannes 2. 2. quaest. 62. art. 2, Sylvest. verbo Detractio, quaest. 4, Navar. lib. 2. cap 4. num. 416, Lessius Lib. 2. cap. 11. disp. 11, and others as in Bassaeum num. 7.

> *TENERI astruunt Layman Lib. 3. sect. 5. tract. 3. part. 2. cap. 7. Filliuc. Tom. 2. tract. 32. cap. 10. n. 239. Turrianus 1. 2. tomo 2. disp. 53. dub. 7. Faber in 4. disp. 53. cap. 4. num. 122. Malderus 2. 2. tract. 7. cap. 7. dub. 8. Navarrus cap. 17. num. 19. Bannes 2. 2. quaest. 62. art. 2. Sylvest. verbo Detractio, quaest. 4. Navar. lib. 2. cap 4. num. 416. Lessius Lib. 2. cap. 11. disp. 11. et alii apud Bassaeum num. 7.*

[10] OTHERS, however, as in Diana resol. 50 citata, propose with probability that it can be done. Thus Villalob. Tom. 2. tract. 11. diffic. 39, Sotos de Iust. Lib. 4. quaest. 6. art. 2, Aragon 2. 2. quaest. 62. art. 2, Valentia disp. 5. quaest. 6. puncto 5, Couar. lib. 1. variar. cap. 2. num. 8, Molina tract. 4. disput. 25, Sà V. Infamia, num. 7, Sylvius 1. 2. quaestio 62. art. 2. Quaeritur 22, post Rebell. — Sotum, Richardum, Adrianum, Caietanum, and others as in Fagundez Lib 8. cap. 14. num. 11, asserting also Couar. reg. peccatum, p. p. num. 6 et Lib. 1. var. resol. cap. 2. num. 8, Cordubam quaest. 33. art. 2, Lopez p. p. Instruct. cap. 116, Salonium 2. 2. quaest. 62. art. 2. controv. 13, Rodriquez 2. part. summa, cap. 45, Rebell. Lib. 2. quaest. 10, the Gloss on cap. Ecclesia sanctae Mariae extra, ut lite pendente nihil innovetur, Malderum de Iust. tract. 7. cap. 2. de restit. famae, dub. 8, Tannerum disp. cit. num. 150, and others adduced above. Add Bassaeum num. 7, who says it can be done in equity if the defamer is poor.

> *ALII tamen apud Dianam resol. 50. citata, probabiliter id afferunt fieri posse. Ita Villalob. Tom. 2. tract. 11. diffic. 39. Sotos de Iust. Lib. 4. quaest. 6. art. 2. Aragon 2. 2. quaest. 62. art. 2. Valentia disp. 5. quaest. 6. puncto 5. Couar. lib. 1. variar. cap. 2. num. 8. Molina tract. 4. disput. 25. Sà V. Infamia, num. 7. Sylvius 1. 2. quaestio 62. art. 2. Quaeritur 22. post Rebell. Sotum, Richardum, Adrianum, Caietanum, et alios apud Fagundez Lib 8. cap. 14. num. 11. asserentem etiam Couar. reg. peccatum, p. p. num. 6. et Lib. 1. var. resol. cap. 2. num. 8. Cordubam quaest. 33. art. 2. Lopez p. p. Instruct. cap. 116. Salonium 2. 2. quaest. 62. art. 2. controv. 13. Rodriquez 2. part. summa, cap. 45. Rebell. Lib. 2. quaest. 10. Glossam in cap. Ecclesia sanctae Mariae extra, ut lite pendente nihil innovetur. Malderum de Iust. tract. 7. cap. 2. de restit. famae, dub. 8. Tannerum disp. cit. num. 150. et alios supra adductos. Adde Bassaeum num. 7. qui ait ex aequitate fieri posse, si infamator sit pauper.*

11 The OPINION of the Seraphic Doctor, in my judgment, is that this compensation cannot be made. Thus the authorities cited, to whom add Caspensem disp. 10. sect. 5. num. 37, and Tanner judges it probable.

> *SENTENTIA Seraphici meo iudicio est, non posse fieri hanc compensationem. Ita allegati, quibus adde Caspensem disp. 10. sect. 5. num. 37. eamque probabilem censet Tannerus.*

12 The rationale of D. Bonaventure, in nearly all the places cited and ad cap. 10. Ecclesiast., is this: Restitution is an act of Justice, reducing to equality according to commutation through compensation of what was taken away; but money, or other goods of fortune, are not proportionate to compensating reputation: Therefore. The minor is proved by Proverb. 22, *Melius est nomen bonum, quam divitiae multae,* and Ecclesiasticus 41, *Curam habe de bono nomine: hoc enim tibi magis permanebit, quam mille thesauri pretiosi.* The authors of our opinion use this rationale, from which it also follows that, conversely, one is not held to restore with goods of a higher order of life. Thus it is laid down in *cap. offi. II., de poenit. et remiss,* and the Doctors commonly cite it as in Fagundez in octavum Praeceptum Lib. 8. cap. 13 and Diana part. 2. Tract. 3. resol. 30 — even if the defamed man is a noble defamed by a VILE man. The reason has already been given. IT WILL BE ASKED third: whether one who, without just cause, makes known the hidden crime of someone to one or two prudent men whom he knows will not spread it about, sins mortally.

> *Ratio D. Bonavent. omnibus fere allegatis locis, et ad cap. 10. Ecclesiast. haec est: Restitutio est actus Iustitiae, redigens ad aequalitatem secundum commutationem per compensationem ablati; sed pecunia, vel alia bona fortunae non sunt proportionata ad compensandam famam: Ergo. Minor probatur, Proverb. 22.* Melius est nomen bonum, quam divitiae multae*, et Ecclesiastici 41.* Curam habe de bono nomine: hoc enim tibi magis permanebit, quam mille thesauri pretiosi. *Hac ratione utuntur nostrae sententiae authores, ex qua etiam sequitur, non teneri e contra ad restitutionem bonis ordinariis superioris vitae. Ita statuitur* cap. offi. II., de poenit. et remiss. *et communiter DD. afferunt apud Fagundez in octavum Praeceptum Lib. 8. cap. 13. et Dianam part. 2. Tract. 3. resol. 30. etiamsi infamatus sit nobilis a VILI. Ratio est iam dicta.*

13 YOU WILL ASK third: whether one who, without just cause, makes known the hidden crime of someone to one or two prudent men whom he knows will not spread it about, sins mortally.

> *QUAERES tertio; an qui occultum crimen alicuius sine iusta causa manifestat uni, vel duobus viris prudentibus, quos scit non vulgaturos, peccet mortaliter.*

14 They answer AFFIRMATIVELY: Turrianus 2. 2. Tom. 2. disp. 53. dub. 8, Sotus de Iust. Lib. 7. quaest. 10. art. 2, Molina de Iust. tract. 4. disp. 29, Lessius Lib. 2. cap. 11. dub. 11. num. 70, Bannes 2. 2. quaest. 62. art. 2, Azor. Tom. 1. Lib. 6. cap. 9, Fillincius Tom. 2. tract. 40. cap. 4. num. 91, Suarez tom. 4. disp. 34. sect. 1, Villalob. Tom. 2. tract. 11. diffic. 36, Valentia tomo 3. disp. 5. quaest. 17. puncto 2, Malderus 2. 2. tract. 7. cap. 1. dub. 4, Layman Lib. 3. sect. 5. tract. 3. part. 2. cap. 3, Ioan. de la Cruz part. 8. quaest. 2. art. 2. dub. 3, Salonius 2. 2. quaest. 62. art. 2, who state this opinion to be common among the more recent Thomists; Fagundez also defends it in octavum praeceptum, Lib. 8. cap. 2. num. 7, and Bassaeus V. Detractio 1. num. 11.

> *AFFIRMATIVE respondent Turrianus 2. 2. Tom. 2. disp. 53. dub. 8. Sotus de Iust. Lib. 7. quaest. 10. art. 2. Molina de Iust. tract. 4. disp. 29. Lessius Lib. 2. cap. 11. dub. 11. num. 70. Bannes 2. 2. quaest. 62. art. 2. Azor. Tom. 1. Lib. 6. cap. 9. Fillincius Tom. 2. tract. 40. cap. 4. num. 91. Suarez tom. 4. disp. 34. sect. 1. Villalob. Tom. 2. tract. 11. diffic. 36. Valentia tomo 3. disp. 5. quaest. 17. puncto 2. Malderus 2. 2. tract. 7. cap. 1. dub. 4. Layman Lib. 3. sect. 5. tract.*

3. part. 2. cap. 3. Ioan. de la Cruz part. 8. quaest. 2. art. 2. dub. 3. Salonius 2. 2. quaest. 62. art. 2. qui afferunt, hanc opinionem esse communem inter recentiores Thomistas; eam tuetur etiam Fagundez in octavum praeceptum, Lib. 8. cap. 2. num. 7. Bassaeus V. Detractio 1. num. 11.

15 Caietanus teaches the CONTRARY opinion, 1. 2. quaest. 62. art. 2, Navar. de restit. Lib. 2. cap. 4. num. 234, Graffius lib. 2. cap 137, and others; and many of the adversaries hold this opinion probable, as Tanner. 2. 2. disput. 4. quaest. 8 dub. 7. num. 138, Ioan. de la Cruz, and others, with whom Diana subscribes, part. 2. Tract. 5. resol. 23.

CONTRARIAM sententiam docet Caietanus 1. 2. quaest. 62. art. 2. Navar. de restit. Lib. 2. cap. 4. num. 234. Graffius lib. 2. cap 137. et alii, et hanc sententiam probabilem credunt multi ex adversariis, ut Tanner. 2. 2. disput. 4. quaest. 8 dub. 7. num. 138. Ioan. de la Cruz, et alii, quibus subscribit Diana part. 2. Tract. 5. resol. 23.

16 The OPINION of D. Bonaventure is that this man sins mortally. His rationale, which the Moderns use as in Diana and Fagundez, is that reputation is blackened even before one or two. Wherefore Jesus Christ in *Matth.* 18 grants that one or two be called to correct someone when the obstinate man refuses solitary correction; otherwise he commands it to be done *inter te, et ipsum solum.* For one man could be harming, even if prudent, and of the sort Christ desires to help in reproving the fallen. For he wills that suitable men be chosen to raise up the fallen; and indeed reputation is often more harmed if it is said to one weighty person than if to many of the common people; but especially if the defamed man depended upon him. Thus the Saintly Doctor defines this question at those words of Ecclesiasticus 10, *Si mordeat serpens in silentio, nihil eo minus habet, qui occulte detrahit,* from which he elicits a new argument; for the striking is deadly even when secret before one whom he defames, for he compares this to the striking of a venomous serpent.

SENTENTIA D. Bonavent. est, hunc peccare mortaliter. Ratio eius est, qua utuntur Moderni apud Dianam, et Fagundez; quia fama denigratur etiam apud unum, vel duos. Quare Iesus Christus Matth. *18. concedit vocare unum, vel duos ad corrigendum aliquem, quando pervicax recusat solitariam correctionem; aliter vero praecipit fieri* inter te, et ipsum solum. *Nam unus posset esse laedens, etiamsi prudens, et qualis desideratur a Christo, ut adiuvet ad correptionem lapsi. Ideo enim vult eligi aptos ad sublevandum lapsum; et quidem saepe magis laeditur fama, si uni gravi personae dicatur, quam si plurimis e plebe; maxime vero si ab ea pendeat infamatus. Ita definit S. Doctor hanc quaestionem ad ea verba Ecclesiastici 10.* Si mordeat serpens in silentio, nihil eo minus habet, qui occulte detrahit, *ex quo novum elicit argumentum; est enim percussio mortifera etiam secreta coram uno infamando, hanc enim percussioni venenati serpentis assimilat.*

17 They OBJECT that the prudent man would not reveal it. It is answered, as I said, that it makes no difference. Next, who made you the guarantor of this?

OBIICIUNT, prudentem non revelaturum. Respondetur, nil referre, ut dixi. Deinde quis te constituit de hoc fideiussorem?

18 ANOTHER doubt arises: whether the detractor is held to restitution of damages in the goods of the man's household, and in other things, lost on account of his ruined reputation.

ALIA dubitatio suboritur: an teneatur detractor ad restitutionem damnorum in bonis rei familiaris, et aliis, ob pravam famam deperditis.

19 A DISTINCTION must be made. For if he defamed him falsely, he is held to full restitution of all damages. Thus commonly with Lessio Tom. 1. Lib. 2. cap. 12. de detract. dub. 19. numero 101.

OPORTET distinguere. Si enim falso infamavit, tenetur in integrum ad restitutionem omnium damnorum. Ita communiter cum Lessio Tom. 1. Lib. 2. cap. 12. de detract. dub. 19. numero 101.

20 Sayro lib. 11. cap. 3. de restit. bon. exter. num. 17, Soto lib. 4. de Iust. quaest. 6. art. 3. ad 4, Pet. Navar. lib. 2. de restit. cap. 4. disp. 4. num. 375, Navar. summa Lat. cap. 18. num. 47, Salon 2. 2. quaest. 62. art. 2. controv. 20; and it is clear from cap. si culpa, de iniur. et damn. as Fagundez notes in octavum Praeceptum, lib. 8. cap. 24. num. 5, who observes that this opinion is to be understood of goods already existing in possession; but as regards goods in hope — say, if on account of the defamation he was impeded from some dignity — he says the matter must be judged by a prudent man.

Sayro lib. 11. cap. 3. de restit. bon. exter. num. 17. Soto lib. 4. de Iust. quaest. 6. art. 3. ad 4. Pet. Navar. lib. 2. de restit. cap. 4. disp. 4. num. 375. Navar. summa Lat. cap. 18. num. 47. Salon 2. 2. quaest. 62. art. 2. controv. 20. et patet cap. si culpa, de iniur. et damn. ut notat Fagundez in octavum Praeceptum, lib. 8. cap. 24. num. 5. qui advertit, sententiam hanc intelligi de bonis iam existentibus in possessione; at vero quoad bona in spe, puta si ex diffamatione impeditus est ab aliqua dignitate, ait, iudicandum a prudenti.

21 *HE ADDS*, moreover, that even one who defamed of a true crime is not held to restore goods in hope in full, but well those already acquired. Thus also Navar. *summa, cap. 18. num. 45,* Sayrus *lib. 11. cap. 3. de restit. bon. exter. num. 20,* Lessius *Tomo 1. lib. 2. cap. 12. de detract. et contum. n. 19 et num. 109,* Petrus Navar. *de restit. cap. 4. dub. 6. num. 384,* and Salon. *supra.*

ADDIT vero*, etiam illum, qui de vero crimine infamavit, non teneri in integrum ad restituenda bona in spe, sed bene iam acquisita. Ita etiam Navar.* summa, cap. 18. num. 45. *Sayrus* lib. 11. cap. 3. de restit. bon. exter. num. 20. *Lessius* Tomo 1. lib. 2. cap. 12. de detract. et contum. n. 19. et num. 109. *Petrus Navar.* de restit. cap. 4. dub. 6. num. 384. *et Salon.* supra.

22 The rationale of the latter is that the debt of restitution arises not from the quantity of the sin, but from the quantity of the damage inflicted; whence, although one who speaks the truth sins less, yet he inflicted the same damage unjustly. Nor say that he gave the occasion by his own sin. For it is answered that the crime would inflict no damage except through the mediation of knowledge, and the detractor has no right to set this cause in motion. But he who is the cause of an unjust damaging is immediately constituted guilty of restitution, as the Saintly Doctor argues *in Speculo animae, cap. 1,* and with him Bassaeus, *v. Detractio 2. num. 2.*

Ratio posterioris est, quia debitum restitutionis non oritur ex quantitate peccati, sed ex quantitate damni illati; unde, licet qui verum dicit, minus peccet, tamen idem damnum inique intulit. Neque dicas, eum suo peccato causam dedisse. Respondetur enim, crimen non illaturum damnum, nisi mediante cognitione, et detractorem non habere ius ad hanc causam apponendam. Is vero, qui est causa damnificationis iniquae, illico constituitur reus restitutionis, ut arguit S. Doct. in Speculo animae, cap. 1. *et cum illo Bassaeus,* v. Detractio 2. num. 2.

23 *A doubt, however, OCCURS* here at once: whether he is held to restore the reputation before all those to whose notice the sin came through those to whom he himself told it.

OCCURRIT autem *hic illico dubitatio: an teneatur restituere famam coram omnibus, ad quorum notitiam pervenit peccatum per eos, quibus ipse narravit.*

24 *Faber answers NEGATIVELY, disp. 35. allegata, cap. 1. num. 35,* adducing Alensem. See Dianam *loc. cit. resol. 34,* Tannerum *disput. 4. quaest. 6. dub. 6. num. 146,* and others as in him and in Villalob. *Tom. 2.*

tract. 11. diffic. 37. num. 11.

> NEGATIVE respondet *Faber* disp. 35. allegata, cap. 1. num. 35. *adducens Alensem. Vide Dianam* loc. cit. resol. 34. *Tannerum* disput. 4. quaest. 6. dub. 6. num. 146. *et alios apud istum, et apud Villalob.* Tom. 2. tract. 11. diffic. 37. num. 11.

25 *I JUDGE* with Villalobos *loc. cit.* and Caspensi *Tract. 18. de Restit. disp. 10. sect. 5. num. 33,* and Diana, that such a man is excused if he believed those to whom he told it would not defame him to others; but if he believed they would defame him, he is held; for what is the cause of a cause is also the cause of what is caused. But the cause of the damaging is guilty of restitution, as the Saintly Doctor says *loco citato.*

> EXISTIMO *cum Villalobos* loc. cit. *et Caspensi* Tract. 18. de Restit. disp. 10. sect. 5. num. 33. *atque Diana, talem excusari, si credebat, eos, quibus narravit, non esse aliis diffamaturos; at si credebat, eos diffamaturos, tenetur; quia quod est causa causae, est etiam causa causati. Causa autem damnificationis est rea restitutionis, ut ait S. Doct.* loco citato.

26 *I SUBMIT ANOTHER* doubt: whether, if someone tells another of an injury secretly inflicted upon himself by someone, in order to lessen his grief, he sins mortally. Diana answers negatively *loc. cit. resol. 32,* with Sylvio *2. 2. quaestion. 62. art. 2. quaerit. 15,* Lessio *lib. 2. cap. 11. dub. 12. num. 31,* Navar. *lib. 1. cap. 4. num. 345,* Molina *tract. 4. disp. 29. num. 5,* Layman *lib. 3. sect. 5. tract. 3. p. 2. cap. 3. num. 6,* Tannero *2. 2. disp. 4. quaest. 8. dub. 7. num. 145,* and others commonly. But Ioan. de la Cruz *in Direct. p. 8. quaest. 2. art. 2. dub. 3* adds more. If a person gravely injured in secret, unable to restrain himself from grief, breaks out into public complaints, he is not immediately condemned of mortal guilt if the injurer is defamed; for it seems hard to restrain so afflicted a mind from breaking into complaints, since this is most natural. He adduces for this opinion also Ludovicum Lopes.

> ALIUD *dubium subdam: an, si aliquis narret alicui iniuriam, sibi ab aliquo secreto illatam, ad leniendum dolorem, peccet mortaliter. Negative respondet Diana* loc. cit. resol. 32. *cum Sylvio* 2. 2. quaestion. 62. art. 2. quaerit. 15. *Lessio* lib. 2. cap. 11. dub. 12. num. 31. *Navar.* lib. 1. cap. 4. num. 345. *Molina* tract. 4. disp. 29. num. 5. *Layman* lib. 3. sect. 5. tract. 3. p. 2. cap. 3. num. 6. *Tannero* 2. 2. disp. 4. quaest. 8. dub. 7. num. 145. *et aliis communiter. Sed plus addit Ioan. de la Cruz* in Direct. p. 8. quaest. 2. art. 2. dub. 3. *Si persona secreto graviter iniuriata, non valens se a dolore cohibere, in querimonias prorumpit publicas, non illico de culpa mortali damnatur, si iniurians infametur; durum enim videtur, sic afflictum animum cohibere, ne in querimonias prorumpat, cum hoc naturalissimum sit. Adducit pro hac sententia etiam Ludovicum Lopes.*

27 *I judge* S. Bonaventure assents to these, who at those words *Eccles. 10. Si mordeat serpens in silentio* reduces the causes of detracting someone's reputation to three heads.

> HIS arbitror *assentiri S. Bonaventuram, qui ad ea verba* Eccles. 10. Si mordeat serpens in silentio*, ad tria capita reducit causas detrahendi famae alicuius.*

28 *The FIRST* is from necessity, when he is compelled by some legitimate precept, human or divine. Human, when he who can commands him to speak; Divine, when conscience dictates to a man that he is bound to look after his neighbor, that he may be corrected, according to that precept of the Lord concerning fraternal correction.

> PRIMUM *est ex necessitate, cum ex aliquo legitimo praecepto cogitur, vel humano, vel divino: Humano cum praecipit, qui potest, ut dicat: Divino, quando conscientia dictat homini, quod ipse tenetur accurare proximum, ut corrigatur secundum illud praeceptum Domini de correctione fraterna.*

29 *The SECOND* head is from usefulness, when he tells the evil of someone to one who can help and not harm, as when he tells it to a man who loves and sympathizes and has the will to correct him.

> SECUNDUM *caput ex utilitate, quando narrat malum alicui, qui potest prodesse, et non obesse, sicut cum narrat homini, qui diligit, et qui compatitur, et habet voluntatem corrigendi ipsum.*

30 *The THIRD* is from the lust of detracting. When, therefore, neither necessity is considered nor usefulness, even if it be the truth, he is not excused from the lust of detracting; indeed he sins the sin of detraction. Thus the Saintly Doctor.

> TERTIUM *ex detrahendi libidine: Quando igitur non consideratur necessitas, nec consideratur utilitas, etiamsi sit veritas, non excusatur a detrahendi libidine, imo peccato detractionis peccat. Haec S. Doctor.*

31 *THEREFORE* he replies further, that if some usefulness intervenes, it is not a sin.

> IGITUR *replicat adhuc, quod si utilitas aliqua interveniat, non est peccatum.*

32 He adds *in speculo animae, cap. 1.* what Cruz says. Yet it matters greatly whether this vice proceeds from envy, or from an indiscreet Zeal of justice; for it sometimes happens that the evils of others, done out of a certain indignation or lightness of speech, are recited, or even aggravated, without the intention of defaming anyone as evil — which it would be hard to judge mortal. Thus the Saintly Doctor.

> *Addit* in speculo animae, cap. 1. *id quod ait Cruz. Multum tamen interest, vitium hoc procedat ex invidia, vel indiscreto Zelo iustitiae; quandoque enim contingit, mala aliorum facta ex quadam indignatione, vel levitate loquendi, nec intentione diffamandi contra aliquem malum recitari, vel etiam aggravari, quod esset durum iudicare mortale. Haec S. Doctor.*

33 *FINALLY* many admit compensation, if the other also took away the other's reputation and is unwilling to restore it. Thus Toletus *lib. 5. cap. 7,* Lessius *disput. 25,* Molina *disp. 49,* Sylvius *2. 2. quaest. 62. art. 2. quaeritur 10,* Malder. *2. 2. tract. 7. cap. 2. n. 14,* Diana *p. 2. Tract. 5. resol. 30. ante controv. 13 et 24,* Aragon. *2. 2. quaest. 62. art. 2. ad 2,* Petro de Navar. *lib. 2. de restit. cap. 4. num. 6,* Sayro *lib. 11. cap. 8,* and others, after D. Bonau. *in 3. dist. 9. quaest. 4 et 5.* Moreover honor is harmed by words, as by insults which impose faults to one's face; by insults which also oppose penal charges, such as being a bastard, etc.; by reproaches, casting up the miseries from which he has been relieved. So also by deeds one is harmed, by blows, scourges, etc., as the Doctors commonly teach with D. Bonau. *in speculo animae, cap. 1;* and accordingly they are held, as inflictors of damage, to restitution, as all concede. And indeed that it is a mortal sin, if they are grave.

> TANDEM *compensationem multi admittunt; si alter etiam abstulit alteri famam, nec vult restituere. Ita Toletus* lib. 5. cap. 7. *Lessius* disput. 25. *Molina* disp. 49. *Sylvius* 2. 2. quaest. 62. art. 2. quaeritur 10. *Malder.* 2. 2. tract. 7. cap. 2. n. 14. *Diana* p. 2. Tract. 5. resol. 30. ante controv. 13. et 24. *Aragon.* 2. 2. quaest. 62. art. 2. ad 2. *Petro de Navar.* lib. 2. de restit. cap. 4. num. 6. *Sayro* lib. 11. cap. 8. *et aliis, post D. Bonau.* in 3. dist. 9. quaest. 4. et 5. *Laeditur autem honor verbis, ut convitiis, quae culpas imponunt in faciem; convitiis, quae etiam poenalia opponunt, ut esse spurium, etc. exprobrationibus opponendo miserias, e quibus sublevatus est. Sic et factis laeditur, pugnis, flagris, etc. ut docent communiter Doctores cum D. Bonau.* in speculo animae, cap. 1. *atque adeo tenentur, ut damnificatores, ad restitutionem, ut omnes concedunt. Et quidem, esse peccatum mortale, si graves sint.*

34 *IT IS PROVED* by the Saintly Doctor *loc. cit.* from that of *Matth. 5: Qui dixerit fratri suo, Racha: reus erit iudicio. Qui dixerit fratri suo, fatue: reus erit gehennae ignis.* The Saintly Doctor expounds what Racha is in

serm. 1. in Dominica 5. post Pentec.; and Racha is an interjection of one indignant, expressing a Hebrew word which signifies empty or vain; but it is worse to call one a fool, and he calls these the insulting and the revilers, and there calls strikers those who damage and are condemned. Hence the Saintly Doctor proves, in *serm. 4. in Dominica 5. post Pentec.*, that these insulting revilers are held to satisfaction. For the Lord adds: *Si ergo offers munus tuum ad altare, et ibi recordatus fueris, quia frater tuus habet aliquid adversum te, etc. vade prius reconciliari fratri tuo.* On this testimony rest Fagundez *in octavum praeceptum Decal. lib. 8. cap. 18. num. 9* and others.

> PROBATUR *a S. Doct.* loc. cit. *illo* Matth. 5. Qui dixerit fratri suo, Racha: reus erit iudicio. Qui dixerit fratri suo, fatue: reus erit gehennae ignis. *Explicat autem S. Doct. quid sit Racha* serm. 1. in Dominica 5. post Pentec. *est autem Racha interiectio indignantis, exprimens nomen hebraeum, quod significat canos, vel vanum; peius vero est dicere fatuum, et hos contumeliosos, et convitiatores, ac percussores vocat ibi damnificantes, atque damnatos. Hinc probat S. Doct.* serm. 4. in Dominica 5. post Pentec. *hos contumeliosos, et convitiatores teneri ad satisfactionem: Subdit enim Dominus:* Si ergo offers munus tuum ad altare, et ibi recordatus fueris, quia frater tuus habet aliquid adversum te, etc. vade prius reconciliari fratri tuo. *Hoc testimonio nituntur Fagundez* in octavum praeceptum Decal. lib. 8. cap. 18. num. 9. *et alii.*

35 *IN MANY ways,* however, this restitution of honor can be made. First, by honorable nomination; and Fagundez says this manner is enough for superiors, Lessius *Tom. 1. lib. 2. cap. 11. de contum. dub. 27,* Caietanus *2. 2. quaest. 72,* adducing D August. *de regulis superior.*

> MULTIS autem *modis potest fieri haec restitutio honoris. Primo honorifica nominatione, et hunc modum satis esse superioribus ait Fagundez, Lessius* Tom. 1. lib. 2. cap. 11. de contum. dub. 27. *Caietanus* 2. 2. quaest. 72. *allegantes D August.* de regulis superior.

36 *SECONDLY,* by asking pardon. And they say that this inferiors owe to superiors: Fagundez *num. 10,* Lessius *loc. cit. num. 145.* Nay, if the injury is atrocious, Fagundez says, it can be juridically decreed that the suppliant ask pardon with a rope about his neck; and he says that when this was done, it was decreed in the most flourishing kingdom of the Gauls, in the time of Louis XIII, who governed that most flourishing Empire most justly and most prudently, as this Spaniard exclaims.

> SECUNDO *petitione veniae. Et hoc debere inferiores superioribus aiunt Fagundez* num. 10. *Lessius* loc. cit. num. 145. *Imo si atrox sit iniuria, dicit Fagundez, posse iuridice damnari, ut reste ad collum alligato supplex petat veniam, quo pacto factum, ait, in floridissimo Galliarum regno decretum, tempore Ludovici XIII. qui florentissimum illud Imperium iustissime, et prudentissime gubernavit, ut acclamat Hispanus hic.*

37 THIRDLY, by inviting to dinner and giving a place of honor. Thus *Fagundez num. 13* and *Petrus Nauar. lib. 2. cap. 4. num. 63. Lessius lib. 2. cap. 11. de contum. dub. 27. Filliuc. Tom. 2. tract. 32. cap. 9.*

> *TERTIO invitando ad caenam, et dando locum honorificum. Ita* Fagundez num. 13. *et* Petrus Nauar. lib. 2. cap. 4. num. 63. Lessius lib. 2. cap. 11. de contum. dub. 27. Filliuc. Tom. 2. tract. 32. cap. 9.

38 COMMONLY, however, they assert that pardon must be asked if the injury is grave. Thus *Sotus lib. 4. de Iustitia, quaest. 6. art. 3. ad 5, Mastrius, Ledesma 2. 4. quaest. 18. art. 2. dub. 8, Sylvest. verb. Contumel. quaest. 4,* after Nicolao de Lyra and Abul. in id Matth. 5. Si offers munus tuum, etc., *Barthol. Medina lib. 1. Instruct. Confessar. cap. 14. §. 35, Aragon. 2. 2. quaest. 62. art. 2. ad 3, Salon. ibidem, controv. 24, Valentia disp. 5. quaest. 16. punct. 1, Clauis regia lib. 11. cap. 8.*

> *COMMUNITER vero asserunt, petendam veniam, si gravis est iniuria. Ita* Sotus lib. 4. de Iustitia, quaest. 6. art. 3. ad 5. Mastrius, Ledesma 2. 4. quaest. 18. art. 2. dub. 8. Sylvest. verb. Contumel. quaest. 4. ex Nicolao

de Lyra et Abul. in id Matth. 5. Si offers munus tuum, etc. Barthol. Medina lib. 1. Instruct. Confessar. cap. 14. §. 35. Aragon. 2. 2. quaest. 62. art. 2. ad 3. Salon. ibidem, controv. 24. Valentia disp. 5. quaest. 16. punct. 1. Clauis regia lib. 11. cap. 8.

39 OTHERS, however, assign a milder reason. Thus *Caietanus 2. 2. quaest. 72. art. 3, Couar. lib. 2. variarum, cap. 10, Corduba de detract. quaest. 3. concl. 11, Angles in floribus 4. quaest. de restit. art. 1, Petr. Nauar. lib. 2. de restit. cap. 4. p. 1. dub. 6.* This, I think, is the opinion of D. Bonaventure; for in the places cited he only says one is held to restitution, but he does not lay down the manner as a precept, on which account the rest rely. They subscribe with others: *Turrianus disp. 53. dub. 11, Caspens. disp. 10. sect. 5, Tanner. num. 158,* adducing others.

ALII tamen mitiorem rationem assignant. Ita Caietanus 2. 2. quaest. 72. art. 3. Couar. lib. 2. variarum, cap. 10. Corduba de detract. quaest. 3. concl. 11. Angles in floribus 4. quaest. de restit. art. 1. Petr. Nauar. lib. 2. de restit. cap. 4. p. 1. dub. 6. *Hanc reor esse sententiam D. Bonau. nam locis allegatis solum ait, teneri restitutioni, sed modum non ponit in praecepto; qua ratione nituntur caeteri. Subscribunt cum aliis* Turrianus disp. 53. dub. 11. Caspens. disp. 10. sect. 5. Tanner. num. 158. *alios adducens.*

40 But what turns my stomach is that some of the authorities cited compel subjects to ask pardon, but never superiors. I argue against it, thus: Restitution establishes equality and mediocrity, which consists in the thing, not in reason, as *Aristot. 3. Eth. cap. 6* says — although it establishes it in reason also, as I taught in *prima secundae Tract. de actibus humanis, disp. quaest.* — yet it depends upon the thing; but this is not a restitution of honor, when you defamed the man by calling him by the name of Honor: Therefore. I do not see what restitution of honor this is. The natural law cannot be undermined, and so easily dispensed. Nor did D. Augustine speak in a grave matter, but in light ordinary ones. For when a superior, out of an indiscreet Zeal of justice or love, so exceeds that he thus acts inordinately, such that he would incur such contumelious defamation, then the Zeal of justice would by no means excuse him from sinning mortally. But who shall exempt such a one from restitution of the honor taken away? Truly it ought to be compensated to the Commutative according to an Arithmetic proportion: if you cried out against a man as a thief or infamous, you must bring forward that he is not infamous, and render the counterpass of the contumely received to the man offended — even if you were the Duke of Macqueda.

Illud vero mihi stomachum facit, quod aliqui allegati cogunt subditos ad veniam petendam; superiores vero nunquam: Arguo autem contra, sic: Restitutio ponit aequalitatem, et mediocritatem, quae consistit in re, non ratione, ut ait Aristot. 3. Eth. cap. 6. *etsi ponat in ratione etiam, ut docui ego* prima secundae Tract. de actibus humanis, disp. quaest. *tamen dependet a re, sed non est restitutio honoris, quem infamem compellasti, vocando nomine Honoris: Ergo. Ego non video quae restitutio honoris sit haec. Ius naturale non potest pessundari, et adeo facile dispensari. Neque D. August. locutus est in materia gravi, sed in levibus ordinariis. Cum enim superior ex indiscreto Zelo iustitiae, aut amoris, adeo excedit, ut sic, inordinate, quod talis, per talem contumeliam diffamationem incurreret, tunc Zelus iustitiae nullatenus excusaret, quin peccaret mortaliter. Ecquis autem eximet talem a restitutione ablati honoris? Sane ad Commutativam debet proportione Arithmetica compensari, ut si inclamasti latronem, vel infamem, afferas, non infamem, et contrapassum acceptae contumeliae offenso reddas, etiamsi esses Dux de Macqueda.*

41 From these things they conclude, with D. Bonaventure in *Confessionali, cap. 1,* that absolution must be denied to one who is unwilling to restore the honor he took away. Thus *Caspensis disp. 10. sect. 5* admonishes at the end.

Ex his colligunt cum D. Bonau. in Confessionali, cap. 1. *negandam absolutionem ei, qui raptum honorem non vult restituere. Ita* Caspensis disp. 10. sect. 5. *ultimo monet.*

Doubt IV: On the restitution of goods of the soul

1 *I ASSERT first that one who has driven a man mad by a crime or by a wicked drug is held to make restitution of the damages. This is clear from *Valentia disp. 5. quaest. 6. punct 3; Tannerum disp. 4. quaest. 6. dubio 3.*

ASSERO primo, eum, qui dementavit maleficio, aut medicamine pravo, teneri ad restitutionem damnorum. Patet apud Valentiam disp. 5. quaest. 6. punct 3. Tannerum disp. 4. quaest. 6. dubio 3.

2 I ASSERT second that one who, without guile, violence, or fraud, merely by persuasion induced another to sin is not held in justice to restore him, as far as in him lies, to his former state, but only out of Charity. Thus *Soto lib. 4. de Iust. quaest. 6. art. 3; Nauar. in Manual. cap. 14. num. 45; Bass. 21; Valentia quaest. 6. punct. 5; Tanner. disp. 4. quaest. 6. num. 90; Caspens. disp. 9. sect. 1,* against *Scotum 4. dist. 15. quaest. 3, Richardum eadem dist. art. 5. quaest. 2, Paludanum ibi, et Adrianum de Restitutione.*

ASSERO secundo, qui absque dolo, vi, fraudeve, suadens, tantum induxit ad peccatum, non tenetur restituere illum ex iustitia, quantum ex se est ad statum primum, sed solum ex Charitate. Ita Soto lib. 4. de Iust. quaest. 6. art. 3. Nauar. in Manual. cap. 14. num. 45. Bass. 21. Valentia quaest. 6. punct. 5. Tanner. disp. 4. quaest. 6. num. 90. Caspens. disp. 9. sect. 1. contra Scotum 4. dist. 15. quaest. 3. Richardum eadem dist. art. 5. quaest. 2. Paludanum ibi, et Adrianum de Restitutione.

3 The RATIONALE is that no wrong is done to the willing against Justice, and therefore, since he does not offend against Justice, he is not held to restitution, as Valentia notes. Nor let them say that the loss of the grace of God is a greater damage than that of one's whole estate; for since this damage is inflicted upon one who wills it, no wrong against Justice is inflicted.

RATIO est, quia volenti non fit iniuria contra Iustitiam, atque ideo, cum non delinquat contra Iustitiam, neque tenetur ad restitutionem, ut notat Valentia. Neque dicant, maius esse damnum iacturam gratiae Dei, quam totius facultatis; nam cum hoc damnum inferatur volenti, non infertur iniuria contra Iustitiam.

4 AND further, I think, this is what the *Saintly Doctor in speculo animae, cap. 1* means, where he reckons only the damaging of temporal goods under the heading of restitution, because spiritual goods are not lost except by the will of the one losing them. And of these the old saying is that no one is harmed except by himself. For no force can compel the will to sin; while deceit and guile, which place an obstacle of invincible ignorance, do not induce sin. He indeed who applies force, or brings guile or fraud, will be held to remove them out of justice, and to leave the man constituted in his liberty. Indeed he must exhort him to penance, because he is considered to take away against the man's will. But if the man, now knowingly in his own state, does not repent, he is considered to have condoned the force, as *Bass. num. 21* says with *Petr. Nauarro.*

ET adhuc, ut reor, vult S. Doct. in speculo animae, cap. 1. *ubi damnificationem solam temporalium in ordine ad restitutionem recenset, quia spiritualia non amittuntur, nisi voluntate amittentis. Et de his vetum est, quod nullus laeditur, nisi a seipso. Nulla enim vis potest ad peccatum voluntatem cogere; fraus vero, et dolus, ponentes obstaculum ignorantiae invincibilis, non inducunt peccatum. Tenebitur sane is, qui infert vim, dolos, vel fraudes affert, ea removere ex iustitia, et in libertate constitutum relinquere. Imo hortari ad poenitentiam, quia invito censetur auferre. At si is sciens nunc suum statum, nec resipiscit, censetur vim condonasse, ut ait* Bass. num. 21. *cum* Petr. Nauarro.

5 A difficulty, however, ARISES concerning one who turns someone away from entering Religion by dissuading him. They commonly concede that it is a grave sin to do this without just cause, as may be seen in *Fagundez in septimum praeceptum, lib. 7. cap. 31.* But whether he is held to restitution.

> *OCCURRIT vero difficultas circa eum, qui aliquem avertit, ne Religionem ingrediatur dissuadendo. Concedunt autem communiter, grave esse peccatum sine iusta causa id facere, ut videre est apud* Fagundez in septimum praeceptum, lib. 7. cap. 31. *An vero teneatur ad restitutionem.*

6 It is MORE PROBABLE that he is not held to restitution, because he violated no right of religion, since the man is still free; and accordingly he owes nothing to Religion. And for the same reason he is not held to the man dissuaded, both because the man acts freely, and because he has no right to the goods of religion. See *Sayrum lib. 11. cap. 1. num. 35; Aragon. 2. 2. quaest. 62. art. 2; Nauar. summa Latina, cap. 22. num. 44* — and this even if it be done by violence or fraud.

> *PROBABILIUS est, non teneri restitutioni, quia ius nullum religionis violavit, cum ille adhuc liber sit; atque adeo nihil tenetur Religioni. Et hac eadem de causa, nec tenetur ipsi dissuaso, tum quia libere agit, tum quia nullum ius habet ad religionis bona. Vide* Sayrum lib. 11. cap. 1. num. 35. Aragon. 2. 2. quaest. 62. art. 2. Nauar. summa Latina, cap. 22. num. 44. *et hoc, etiamsi fiat vi, vel fraude.*

7 Yet the OPPOSITE is asserted by *Vasquez de restit. cap. 8. dub. 2. num. 38; Less. lib. 2. cap. 8. dub. 3; Rebell. p. 1. lib. 4. quaest. 15; Turrianus 2. 2. disp. 15. dub. 2; Molina Tom. 4. de Iustitia, tract. 4. disp. 51; Fagundez loc. cit. num. 6; Bannes quaest. 62. art. 2. disp. 3; Aragon. diffic. cit. ad 4; Tanner. disput. 4. quaest. 6. dub. 3,* while *Bass. num. 22* doubts if it is done by violence, fraud, etc.

> *OPPOSITUM tamen asserunt* Vasquez de restit. cap. 8. dub. 2. num. 38. Less. lib. 2. cap. 8. dub. 3. Rebell. p. 1. lib. 4. quaest. 15. Turrianus 2. 2. disp. 15. dub. 2. Molina Tom. 4. de Iustitia, tract. 4. disp. 51. Fagundez loc. cit. num. 6. Bannes quaest. 62. art. 2. disp. 3. Aragon. diffic. cit. ad 4. Tanner. disput. 4. quaest. 6. dub. 3. *dubitans* Bass. num. 22. *si fiat vi, fraude etc.*

8 WHETHER, then, one who removes a Novice, yet not by force, fear, or fraud, is held to restitution. The Doctors commonly deny it, as in *Fagundez num. 15,* against *Rebellium p. 1. lib. 4. quaest. 15. num. 5.* To remove the unfit is not an evil. For thus Christ also in *Matth. 8* rejected such a man, as *S. Bonau. in cap. 2. Regula Fratrum minorum* notes.

> *AN vero Nouitium removens, non tamen per vim, metum, aut fraudem, teneatur ad restitutionem. Communiter negant Doctores apud* Fagundez num. 15. contra Rebellium p. 1. lib. 4. quaest. 15. num. 5. *Ineptos autem amovere non est malum. Sic enim et Christus* Matth. 8. *talem reiecit, ut notat* S. Bonau. in cap. 2. Regula Fratrum minorum.

9 But IF he extracts a professed man without force, yet with fraud: first it is certain that he owes nothing to the religious man himself, because no wrong is done to the willing. The question is whether he is held to the religion; and they define that he is held: *Molina Tom. 4. tract. 4. disp. 51; Vasquez de restit. cap. 8. dub. 2; Turrianus 2. 2. disp. 15. dub. 2; Azorius Tom. 3. lib. 5. cap. 2; Valentia disp. 5. quaest. 6. punct. 5. §. 1. cap. 2; Reginald. Tom. 1. lib. 10. tract. 4. cap. 21. num. 309; Tanner. num. 99,* and others. But they deny it: *Sotus lib. 4. de Iust. quaest. 6. art. 3; Sayrus lib. 11. cap. 1; Bassaeus num. 22; Lessius lib. 2. cap. 8. dub. 5; Malder. tract. 8. dub. 3; Filliuc. Tom. 2. tract. 32. cap. 7. quaest. 8,* and others among these. Fagundez says both are probable, but inclines to the former. See him.

SI vero extrahat professum sine vi, cum fraude tamen; primo certum est, non teneri aliquid ipsi religioso, quia volenti non fit iniuria. Quaestio est: an teneatur religioni; et teneri definiunt Molina Tom. 4. tract. 4. disp. 51. Vasquez de restit. cap. 8. dub. 2. Turrianus 2. 2. disp. 15. dub. 2. Azorius Tom. 3. lib. 5. cap. 2. Valentia disp. 5. quaest. 6. punct. 5. §. 1. cap. 2. Reginald. Tom. 1. lib. 10. tract. 4. cap. 21. num. 309. Tanner. num. 99. *et alii. Sed negant* Sotus lib. 4. de Iust. quaest. 6. art. 3. Sayrus lib. 11. cap. 1. Bassaeus num. 22. Lessius lib. 2. cap. 8. dub. 5. Malder. tract. 8. dub. 3. Filliuc. Tom. 2. tract. 32. cap. 7. quaest. 8. *et alii apud hos. Utramque esse probabilem ait Fagundez, sed ad priorem inclinat. Ipsum vide.*

Subquestion II: What things are to be restored by reason of the manner in which they were acquired

1 We have TREATED of goods to be restored insofar as they are considered in themselves; now we must consider those which are unjustly acquired, or possessed under an unjust title. For some are acquired by contracts, in which forms are prescribed which no one can transgress either licitly or validly; and to these contracts persons who are suitable, or capable, are supposed, while others are declared incapable by law. Others are possessed by donation, which likewise has its own rules if it is to be valid. Many things pass into another's ownership by title of prescription, but for this the laws require various conditions, as I shall weigh below. Certain things are given by title of payment for the function of an office, or for meretricious prostitution. Some also, by fowling, hunting, fishing, the use of common things, illicit games, and lastly by unexpected discovery, are taken into the possession and ownership of one person; of these the laws make various determinations. In the following Doubts we must inquire whether, how, and when these things ought to be restored to their proper Owners.

Quae res sint restituendae ratione modi, quo fuerunt acquisitae

ACTUM est de bonis restituendis, quatenus in se ipsis considerantur; nunc videndum est de iis, prout inique acquiruntur, seu iniusto titulo possidentur; alia enim contractibus acquiruntur, in quibus formae, quas nec licite, nec valide potest quis transgredi, praescribuntur; his etiam contractibus personae habiles, seu capaces supponuntur; aliae inhabiles a lege declarantur. Alia possidentur donatione; quae suas etiam habet regulas, ut valida sit: Multa titulo praescriptionis in alterius Dominium abeunt; sed ad hanc leges varias conditiones requirunt, ut infra expendam: Quaedam titulo mercedis ratione functionis officii, aut prostitutionis meretriciae intuitu dantur; nonnulla quoque Aucupio, Venatione, Piscatione, rerum communium usu, Ludis illicitis, ac denique insperata inventione in unius possessionem, et dominium adsciscuntur; de quibus leges varia statuunt; de his per sequentes Dubitationes inquirendum; an, quomodo, et quando debeant propriis Dominis restitui.

Doubt I: When a thing acquired by contract is to be restored

1 THREE cases are adduced in which things acquired by contract must be given back. The first, if the contract is unjust and null by the law of nature. But when this happens will be said in the *Disput. de contractibus.* The second case is if the contract is null by some human law, as a purchase from a minor; or if it impedes the translation of ownership, for what reason. Testators cannot be deprived of necessary heirs. The third is when the contract is rescinded by the sentence of a Judge, for a human law, founded upon the presumption of fraud. See Valentia *disput. 5. quaest. 6. punct. 5,* and Tanner. *disp. 4. quaest. 6. dub. 13,* citing others. Thus it is gathered from D. Bonaventure *in speculo animae, cap. 2.*

Quando restituenda sit res acquisita per contractum.

TRES casus afferuntur, in quibus acquisita per contractum sunt reddenda. Primus, si contractus iure naturae sit iniquus, et nullus. Hoc autem quando eveniat; dicetur Disput. de contractibus. *Secundus casus est, si contractus sit nullus ex aliqua lege humana, ut emptio a pupillo; vel si impediat translationem dominii, qua ratione. Testatores nequeunt*

haeredes necessarios privare Tertius est, quando per sententiam Iudicis rescinditur contractus veritus lege humana, fundata in praesumptione fraudis. Vide Valentiam disput. 5. quaest. 6. punct. 5. *Tanner.* disp. 4. quaest. 6. dub. 13. *alios citantem. Sic colligitur ex D. Bonavent.* in speculo animae, cap. 2.

2 AND the rationale of this last case is that what is given through fraud is considered to have been accepted involuntarily; but for the validity of contracts a free and voluntary consent on both sides is required, which is destroyed when error intervenes, as is plausible among Theologians and Jurisconsults. Yet if the error is voluntary on the part of the giver, then it is taken for fraud, and the contract is rescinded, and the obligation of restitution follows. See the authorities cited.

ET Ratio huius posterioris est, quia quod per fraudem datur, censetur involuntarie acceptum; Ad validitatem autem contractuum consensus liber, et voluntarius utrinque requiritur, qui errore interveniente tollitur, ut apud Theologos et Iurisconsultos plausibile est: Verum si error est voluntarius ex parte dantis, tunc pro fraude habetur, et contractus rescinditur, ac restituendi debitum succedit. Vide allegatos.

Doubt II: When things acquired by donation ought to be restored

1 IT IS ANSWERED that this is so when the Donation is invalid, either by the law of nature, as when it is coerced, or if it was not absolute but conditional, and the condition is not present in fact; or it is void by human law, as that which is made by a Minor without the consent of his Tutor *l. Pupillae, ff. de acquirendo rerum dominio,* and that which is made between husband and wife *l. si Sponsus, ff. de donat. inter virum, et uxorem,* except in certain cases noted by Sylvester *v. Donatio*; and that which is made between a Father and a son not emancipated *l. ult. C. de Impuber,* except in the cases given by Sylvester *loc. cit.* See Tanner *disput. 4. quaest. 6. dub. 11. num. 315.*

Quando nam debeant restitui acquisita per donationem.

RESPONDETUR id esse, quando Donatio est invalidae, sive iure naturae, ut cum est coacta vel si non fuerit absoluta, sed conditionalis; et conditio non adsit in re, sive iure humano sit irrita, ut quae fit a Pupillo sine consensu Tutoris l. Pupillae, ff. de acquirendo rerum dominio, et quae fit inter virum, et uxorem l. si Sponsus, ff. de donat. inter virum, et uxorem, *exceptis quibusdam casibus, notatis a Sylvestro* v. Donatio, *et quae fit inter Patrem, et filium non emancipatum* l. ult. C. de Impuber, *exceptis casibus apud Sylvestrum* loc. cit. *Vide Tannerum* disput. 4. quaest. 6. dub. 11. num. 315.

2 From which doctrine it follows that what Adrianus *de Restit.* says is true — Alensis *4. p. quaest. 86. membr. 3. art. 29,* Altisiodor. *lib. 4. sum. quaest. 7. de Restit,* and D. Bonav. *Apologia de paupertate Christi, cap. 2. §. Secundus modus mendicandi, et* ad 8. — namely that the poverty of those who by simulated sanctity and poverty extort alms is against justice, and accordingly that such men are thieves, which he proves from D. Ambrose *lib. 1. de offic. cap. 16* and D. Augustine *de operibus Monachorum, cap. 26.*

Ex qua doctrina sequitur, verum esse, id quod Adrianus de Restit. *Alensis* 4. p. quaest. 86. membr. 3. art. 29. *Altisiodor.* lib. 4. sum. quaest. 7. de Restit. *et D. Bonav.* Apologia de paupertate Christi, cap. 2. §. Secundus modus mendicandi, et *ad 8. aiunt, illorum egestatem esse contra iustitiam, qui simulatione sanctitatis, et paupertatis extorquent eleemosynas, atque adeo hos esse fures, quod probat ex D. Ambrosio* lib. 1. de offic. cap. 16. *et D. August.* de operibus Monachorum, cap. 26.

Doubt III: When things acquired by prescription are to be restored

1 IF Prescription is legitimate, acquired things may be retained; but not, however, if the necessary conditions are lacking, as St. Bonaventure teaches *in the Apology for the Poor, chapter 1 of the fourth response.*

Quando debeant restitui acquisita titulo praescriptionis.

SI Praescriptio sit legitima, possunt res acquisitae retineri; secus vero si desint conditiones necessariae, ut docet S. Bonav. in Apologia pauperum, cap. 1. quartae responsionis.

2 THE FIRST is, that the thing be prescriptible. For there are certain things which by law cannot be prescribed, as Sylvester teaches, *verb. Praescriptio, 2.* Covarruvias, *relect. in regul. possess. p. 2.* Juan Medina *quaest. 16. de rerum restit.* Valencia *quaest. 6. punct. 5.*; for a man cannot be prescribed, *l. sola C. de longi temporis praescript.* Nor the right of tithes, or other sacred things by Laymen, *c. Cansam, extra de Praescript.* Nor a fugitive slave, *§. sed aliquando, Instit. de Usucapion.* Nor exemption from obedience to one's superior, *c. Cum non liceat, extra de praescript.* Nor things held in common and assigned to public use, that is, of the Republic, such as public roads, *l. 1. Usucapionem, ff. de Usucapion.* Nor the boundaries of Bishoprics, provinces, and parishes, *16. quaest. 3. cap. Licet, et cap. Inter. et cap. Super eo, extra de Paroch.* Nor a Pension, or Canon, which ought to be paid to the republic for lands, *16. quaest. 4. §. Potest.* Nor possessions of fields held by colonists, *l. Male agitur, C. de Praescript. triginta, vel quadraginta annorum.* Nor tributes owed to the Prince, *l. Comperit, C. eodem titulo.* Nor things which are forbidden to be alienated by Law, or Canon, or by the deceased, or by pact, as Sylvester holds, *verb. Praescriptio, 2. num. 13.* and Valencia *quaest. 6. punct. 5.* Nor things which someone possesses Precariously, and not as true Lord, *l. Certe, §. Is qui rogavit, ff. de Precar.* Nor things bought from a Prodigal, or a luxurious man, or a gambler. Nor things which the Lord, through probable ignorance, does not know are possessed by another, as Sylvester explains, *num. 17.* Nor the goods of an excommunicate, so long as he does not stand in the way of being freed from excommunication, as Sylvester notes, *num. 19.* and Valencia: See them on all these matters, also Covarruvias, *loco citato.*

PRIMA est, ut res sit praescriptibilis. Sunt enim aliquae res, quae iure nequeunt praescribi, ut docet Sylvest. verb. Praescriptio, 2. *Covar.* relect. in regul. possess. p. 2. *Ioan. Medina* quaest. 16. de rerum restit. *Valentia* quaest. 6. punct. 5. *nam homo praescribi non potest,* l. sola C. de longi temporis praescript. *Neque ius decimarum, aut aliae res sacrae a Laicis,* c. Cansam, extra de Praescript. *Neque servus fugitivus,* §. sed aliquando, Instit. de Usucapion. *Neque exemptio ab obedientia sui superioris,* c. Cum non liceat, extra de praescript. *Neque res communes ad publicum, scilicet Reipublicae, usum deputatae, ut viae publicae,* l. 1. Usucapionem, ff. de Usucapion. *Neque limites Episcopatuum, provinciarum, et parochiarum* 16. quaest. 3. cap. Licet, et cap. Inter. et cap. Super eo, extra de Paroch. *Neque Pensio, aut Canon, qui debet solvi reipublicae pro agris* 16. quaest. 4. §. Potest. *Neque possessiones agrorum a colonis,* l. Male agitur, C. de Praescript. triginta, vel quadraginta annorum. *Naec tributa debita Principi* l. Comperit, C. eodem titulo. *Nec res, quae prohibentur alienari per Legem, aut Canonem, aut a defuncto, aut per pactum, ut habent Sylvest.* verb. Praescriptio, 2. num. 13. *et Valentia* quaest. 6. punct. 5. *Neque res, quas Precario quis possidet, et non tanquam verus Dominus* l. Certe, §. Is qui rogavit, ff. de Precar. *Neque res empta a Prodigo, vel luxurioso, vel lusore. Nec res, quas probabili ignorantia Dominus ab alio possideri ignorat, ut explicat Sylvester* num. 17. *Nec res excommunicati, quam diu per eum non stat, quo minus liberetur ab excommunicatione, ut notant Sylvester* num. 19. *et Valentia: Eos de his omnibus vide, etiam Covarr.* loco citato.

3 THE SECOND condition is, that the thing be actually possessed by the one who is going to prescribe it, for without possession there is no prescription, as the *rule of Law* has it, nor is it acquired by usucaption, as is clear from *l. sine possessione, ff. de Usucapion.*

SECUNDA conditio est, ut res actu possideatur ab eo, qui eam praescripturus sit, nam sine possessione non praescribitur, ut habet regula Iuris, *neque usucapitur, ut patet* l. sine possessione, ff. de Usucapion.

4 THE THIRD condition is, that the thing be possessed by a legitimate title, true, or probably presumed, such as a title of inheritance, purchase, donation, etc. *cap. si diligenti, extra de praescript.*

> *TERTIA conditio est, ut res possideatur legitimo titulo vero, aut probabiliter praesumpto, ut titulo haereditatis, emptionis, donationis, etc.* cap. si diligenti, extra de praescript.

5 THE FOURTH condition is, that the thing be possessed in good faith, in conscience believing it to be one's own, *cap. Possessor, de regulis iuris, et cap. Vigilanti, et cap. si diligenti, extra de Praescript.* By which canons certain civil laws are considered revoked, which permitted prescription with bad faith, as the Doctors commonly hold in *cap. Finali.*

> *QUARTA conditio est, ut res possideatur bona fide, in conscientia credens esse suam,* cap. Possessor, de regulis iuris, et cap. Vigilanti, et cap. si diligenti, extra de Praescript. *Per quos canones censentur revocatae aliquae leges civiles, quae praescriptionem cum mala fide permittebant, ut sentiunt communiter Doctores in* cap. Finali.

6 THE QUESTION, however, is: whether mere doubt that the thing belongs to another impedes this good faith.

> *QUAESTIO vero est: an sola dubitatio, quod res sit aliena, impediat hanc bonam fidem.*

7 SOME say that it is removed; others, however, not; see them in Valencia, who follows the negative opinion. The reason is, because, although one in doubt cannot begin to possess; yet, while he possesses, *The condition of the possessor is the better one.*

> *ALIQUI dicunt, tolli; alii vero non; eos vide apud Valentiam, qui negativam sententiam sequitur. Ratio est, quia, licet dubitans non possit incipere possidere; tamen, dum possidet,* Melior est conditio possidentis.

8 THE FIFTH condition is, that possession have lasted for as long a time as is necessary according to the prescription of the laws. For to prescribe movable things—which may rather be called Usucaption than Prescription—a possession of three years suffices between those present, and of four years between those absent, as is clear *from l. Quas actiones, C. de Usucap.* But to prescribe Ecclesiastical immovable things, a possession of the very longest time is required, namely of thirty years between those present, and forty between those absent, as is clear in *l. Quas actiones, et 16. quaest. 3.* Indeed, even to prescribe the goods of the Roman Church a possession of one hundred years is required, *l. Quas actiones, C. de Usucap. et 16. quaest. 3. cap. ult.*

> *QUINTA conditio est, ut possessio tanto tempore duraverit, quantum ex legum praescripto necessarium est. Nam ad praescribendum res mobiles, quatum potius potest dici Usucapio, quam Praescriptio, sufficit possessio triennalis inter praesentes, et quadriennalis inter absentes, ut patet* ex l. Quas actiones, C. de Usucap. *Ad praescribendum autem res Ecclesiasticas immobiles, possessio exigitur longissimi temporis, nimirum triginta annorum inter praesentes; et quadraginta inter absentes, ut patet in* l. Quas actiones, et 16. quaest. 3. *Quin etiam ad praescribendum res Eclesiae Romanae requiritur possessio centum annorum,* l. Quas actiones, C. de Usucap. et 16. quaest. 3. cap. ult.

9 LIKEWISE, to prescribe temporal immovable things: if indeed they were first acquired by theft, or by violence, there is necessary in the heirs of the thief a possession of good faith of thirty years; at least between those present, and forty between those absent, as Sylvester says, *v. Praescript.* with Valencia, *Et l. et omnis, C. de Praescript. triginta annorum.* But the other things acquired by a good title are prescribed by possession of long time, namely of ten years between those present, and twenty between those absent, *l. Quas actiones, C. de Usucapion. Et l. mala fidei C. de Praescript. longi temporis.*

ITEM ad praescribendas res immobiles temporales, si primo quidem fuerint furto, aut vi acquisitae, necessaria est in furis haeredibus possessio bonae fidei triginta annorum; saltem inter praesentes, et quadraginta inter absentes, ut aiunt Sylvest. v. Praescript. *cum Valentia,* Et l. et omnis, C. de Praescript. triginta annorum. *Res autem caeterae bono titulo acquisitae praescribuntur possessione longi temporis, nempe decem annorum inter praesentes, et viginti inter absentes,* l. Quas actiones, C. de Usucapion. Et l. mala fidei C. de Praescript. longi temporis.

10 THE SIXTH condition is, that good faith not be interrupted throughout that whole prescribed time, *cap. Illud autem, et cap. Quoniam omne, de Praescript.* Therefore, if any of these conditions is lacking, the prescription must be judged invalid, and restitution made. But if all these are present, the prescription will be legitimate; as the Doctors commonly teach, Ven. Bonaventure, especially St. Thomas, *quodl. 12. art. 25.* Scotus *in 4. dist. 15. quaest. 3.* Paludanus *eadem dist. quaest. 2.* Durandus *in 4. dist. 41. quaest. 4. art. 1. ad 1.* and others in Valencia. And it is clear from the laws above, and *C. Nos Sanctorum, and C. Quoniam omne, de Praescript.* You have nearly all this also in Ven. Bonaventure, *in the Mirror of the Soul, chapter 1, and in the places cited 1. 2. disput. de Conscientia. And in 4. dist. 15. p. 2. artic. 2. quaest. 1.*

SEXTA conditio est, ut bona fides toto illo tempore praefixo non interrumpatur, cap. Illud autem, et cap. Quoniam omne, de Praescript. *Itaque si aliqua desit ex his conditionibus, iudicanda est praescriptio invalida, et restituendum. Si autem omnes hae adsint, legitima erit praescriptio; ut docent communiter D. Bonau. praesertim D. Thom.* quodl. 12. art. 25. *Scotus* in 4. dist. 15. quaest. 3. *Palud.* eadem dist. quaest. 2. *Durand.* in 4. dist. 41. quaest. 4. art. 1. ad 1. *et alii apud Valentiam. Et patet ex legibus supra, et* C. Nos Sanctorum, et C. Quoniam omne, de Praescript. *Haec fere habes etiam apud D. Bonau.* in speculo animae, cap. 1. et locis allegatis 1. 2. disput. de Conscientia. Et in 4. dist. 15. p. 2. artic. 2. quaest. 1.

Doubt IV: When a thing acquired as wages for discharging an office is to be restored

1 FIRST, indeed, he is held to restore, when he has not earned it by negligent operating, or omitting, the things that are his duty. Thus Clerics, by omitting the office to which they are bound by some benefice, are held, in proportion to the omission, to restore, as was proved *tom. 4. disp. 17. quaest. 10. ad prop. 10.*

PRIMO quidem tenetur restituere, quando id non est emeritas, negligenter operando, aut omittendo, quae sui sunt muneris. Ita Clerici omittendo officium, ad quod tenentur ex aliquo beneficio; reneutur, pro rata omissionis, restituere, ut probatum est tom. 4. disp. 17. quaest. 10. ad prop. 10.

2 SECOND, if he had a fee from elsewhere, as a Judge who receives a new fee in order to render a just sentence. Thus commonly, with Adrian, *§. restat inquirere, and Valencia.*

SECUNDO, si aliunde habuit mercedem, ut Iudex, qui accipit novam mercedem, ut iustam ferat sententiam. Ita communiter cum Adriano §. restat inquirere, et Valentia.

3 THIRD, one who receives a fee for an office to which he is otherwise bound, as for bearing true testimony, *cap. Non sane 14. quaest. 5.* and the Doctors teach in Valencia.

TERTIO qui accipit mercedem pro officio, ad quod alioqui tenetur, ut pro ferendo vero testimonio, cap. Non sane 14. quaest. 5. *et docent Doctores apud Valentiam.*

4 MOREOVER, that which is received as a fee for a wicked action against Justice, and brings no other benefit to the other party besides that which is done against Justice, as for killing a man, for rendering an unjust sentence, etc.

PRAETEREA id, quod accipitur pro mercede actionis malae contra Iustitiam, et nullam aliam commoditatem afferat alteri, praeter eam, quae fit contra Iustitiam, ut pro occidendo homine, pro ferenda iniusta sententia, etc.

5 From this burden certain Judges indeed wished to vindicate themselves when rendering an unjust sentence; but not, if they judged justly; chiefly for this reason, that a judge owes a just sentence; but by no means an unjust one; whence if he sells Justice, owed of itself, through the intervention of gifts, he lies subject to restitution: But since he does not owe injustice, they hold that if the Judge received something for it, he can retain it for himself.

Ab hoc quidem onere voluere nonnulli, Iudices, inique sententiam proferentes, vindicare; secus, si iuste iudicarent; ea potissimum ratione, quod iustam sententiam debet iudex; iniustam vero nequaquam; unde si Iustitiam, ex se debitam, munerum interventu vendat, restitutioni iacet obnoxius: Cum vero non debeat iniustitiam, si quid pro ea acceperit Iudex, sibi id posse retineri, perhibent.

6 MOREOVER, they strive to fortify this by another reason, because, namely, against a Judge remunerated by one of the litigants for a just judgment, an action is granted; and he who had bestowed the gifts can bring suit, since by another title that right will have to be adjudged to him: but the action of him who carved out for himself, by suborning the judge, a judgment favorable to himself for an unjust sentence, perishes entirely, and is proscribed.

PRAETEREA alia id ratione munire satagunt, quia scilicet contra Iudicem, ob iustum iudicium ab uno litigantium remuneratum, datur actio; potestque, qui munera contulerat, litem intentare, cum alio titulo fuerit sibi ius illud adiudicandum: actio vero illius, qui iniustam sententiam, iudicem subornando, sibi propitiam emulsit, tota perit, et proscribitur.

7 I GRANT indeed that the former reason, as utterly inept, was deservedly turned into a mockery of its authors by a certain Theologian of Salzburg, who assails them with a pen sharp enough; For if therefore the price of a just judgment must be restored, because a right that is owed cannot be sold, therefore neither can a right not owed be sold: And, if therefore I cannot sell a righteous Judgment, because I already owe it to the one who would buy it, therefore I can also expose an iniquitous one for sale, because I do not owe it; since, however, what is at issue here is the moral, or legal can or cannot, it would be the same as if I said: therefore I do not owe the selling of a righteous judgment, because I owe it; and therefore I owe the illicit, or it is licit, because I do not owe it.

FATEOR equidem, priorem rationem, tanquam valde ineptam, haud immerito, ludibrio suis authoribus verti a quodam Salisburgensi Theologo, qui acri satis stilo in eos invehitur; Si enim ideo pretium iusti iudicii est restituendum, quia quippe ius debitum nequit vendi, ideo nec Ius indebitum potest vendi: Et, si ideo nequeo rectum Iudicium vendere, quia illud empturo iam debeo, ideo etiam iniquum possum, venditioni exponere, quia illud non debeo; cum autem hic agatur de posse, vel non posse morali, sive iuris; idem esset; ac si dicerem: ideo non debeo rectum iudicium vendere, quia illud debeo; et ideo illicitum debeo, vel licitum est, quia non debeo.

8 Another reason for this disparity I brought forward *tom. praecedente disp. 17. de conscient. quaest. 10. ad proposit. 26.* because, namely, the Judge's service is sufficiently compensated by a public stipend, wherefore he cannot demand payment twice for the same thing; nevertheless I did not exempt the one judging unjustly from the burden of restitution, nor yet did I judge that anything must be restored to the prior lord; since Justice has been violated equally by both, whence the one is unworthy to receive it, the other to retain it; but I brought forward that the whole must be spent on the poor, and other pious uses, with the entire class of Theologians and Jurists; whence the force of

the second reason is enervated, which contends that the judge can retain whatever he received for an unjust sentence.

> *Aliam huiusce disparitatis rationem attuli* tom. praecedente disp. 17. de conscient. quaest. 10. ad proposit. 26. *quia scilicet publico stipendio Iudicis opera sat compensatur, quare nequit bis in id ipsum solutionem exigere; non tamen inique iudicantem ab onere restitutionis exemi, nec tamen priori domino aliquid restituendum censui; cum aeque ab utroque Iustitia sit temerata, unde ille indignus est ut recipiat; iste vero ut retineat; sed pauperibus, aliisque piis usibus totum erogandum, cum universa Theologorum, et Iurisperitorum classe afferui; unde enervatur vis secundae rationis, quae posse iudicem, quicquid pro iniusta sententia receperit, retinere contendit.*

9 INDEED, under the title of a donation, not of a fee, that which is given spontaneously for any base action whatsoever can by natural law be accepted, not as on a principal cause, but on a certain condition. So Navarrus, *cap. 17.* Valencia, *loco citato.* Except, however, the donations of a soldier, made to a prostitute, *Leg. Affectionis, ff. de donat. Et Leg. Miles ita, §. Miles, ff. de test. Militari.*

> *POTEST quidem, titulo donationis, non mercedis, accipi iure naturae id, quod datur sponte ad qualemcumque turpem actionem, non ut ob causam principalem, sed ob quandam conditionem. Ita Navar.* cap. 17. *Valentia* loco citato. *Excipe tamen donationes militis, factae meretrici,* Leg. Affectionis, ff. de donat. Et Leg. Miles ita, §. Miles, ff. de test. Militari.

Doubt V: Whether the wages of harlotry are to be restored

1 MANY, and not undistinguished, Doctors constantly cry out that a prostitute cannot accept a fee, and that, once accepted, it cannot be retained. So Angelus, Baldus, and Jason *super §. Sed et quod meretrici, l. 4.* Whence they infer that one who commits fornication is not held to give the fee. So also Durandus 3. dist. 39. quaest. 4. Medina Cod. de restit. quaest. 20. Comitoli resp. moral. lib. 3. quaest. 5. Johannes Valerius in differ. utriusque fori, verbo Promissio, diff. 8. and Diana judges it probable p. 1. tract. 16. resol. 40.

> *PLURIMI, nec ignobiles Doctores constanter clamant, non posse meretricem accipere mercedem, eamque acceptam non posse retinere. Ita Angelus, Baldus, et Iason* super §. Sed et quod meretrici, l. 4. *Ex quo inferunt, non teneri moechantem dare mercedem. Ita etiam Durand. 3. dist. 39. quaest. 4. Medina Cod. de restit. quaest. 20. Comitol. resp. moral. lib. 3. quaest. 5. Ioannes Valerius in differ. utriusque fori, verbo Promissio, diff. 8. et probabile existimat Diana p. 1. tract. 16. resol. 40.*

2 The opposite opinion is that of Ven. Bonaventure in 4. dist. 15. p. 2. art. 2. quaest. 1. ad 4. St. Thomas 2. 2. quaest. 32. art. 7. and Cajetan there, Alexander of Hales 4. p. quaest. 86. membr. 3. art. 6. §. 2. Richard 4. dist. 15. art. 5. quaest. 8. Sotus l. 4. de Iust. quaest. 7. art. 1. Covarruvias relect. cited above; Valencia disp. 5. quaest. 6. punct 5. Homob. in Exam. Eccles. p. 2. tract. 9. quaest. 14. Regii in resol. casu 8. Sayrius lib. 10. tract. 5. cap. 3. num. 34 Aragon. 2. 2. quaest. 32. art. 7. Azor. p. 2. lib. 4. cap. 21. quaestu. 2. Salonii 1. 2. quaest. 62. art. 5. controu. 4. Sylu 1. 2. 2. quaest. 32. art. 1. Corduba lib. 1. quaest. 52. art. 2. Tanner. disp. 4. dub. 10. num. 300. Malderi 2. 2. tract. 1. cap. 9. d. 7. Turriani 2. 2. Tom. 2. disp. 14. dub. 1. Villalob. tom. 2. tract. 11. diffic. 16. Rebell. p. 2. lib. 18. quaest. 1. Lopez p. 1. cap. 105. Lessii lib. 2. cap. 14. dub. 8. Dianae loc. cit. These say that a fee can be accepted from a prostitute. This is common to nearly all Theologians and Jurists, as Tannerus says.

> *Opposita sententia est D. Bonauent. in 4. dist. 15. p. 2. art. 2. quaest. 1. ad 4. D. Thom. 2. 2. quaest. 32. art. 7. et Caietani ibi, Alens 4. p. quaest. 86. membr. 3. art. 6. §. 2. Richardi 4. dist. 15. art. 5. quaest. 8. Soti l. 4. de Iust. quaest. 7. art. 1. Couar. relect. allata supra; Valentia disp. 5. quaest. 6. punct 5. Homob. in Exam. Eccles. p. 2. tract. 9.*

quaest. 14. Regii in resol. casu 8. Sayri lib. 10. tract. 5. cap. 3. num. 34 Aragon. 2. 2. quaest. 32. art. 7. Azor. p. 2. lib. 4. cap. 21. quaestu. 2. Salonii 1. 2. quaest. 62. art. 5. controu. 4. Sylu 1. 2. 2. quaest. 32. art. 1. Cordubae lib. 1. quaest. 52. art. 2. Tanner. disp. 4. dub. 10. num. 300. Malderi 2. 2. tract. 1. cap. 9. d. 7. Turriani 2. 2. Tom. 2. disp. 14. dub. 1. Villalob. tom. 2. tract. 11. diffic. 16. Rebell. p. 2. lib. 18. quaest. 1. Lopez p. 1. cap. 105. Lessii lib. 2. cap. 14. dub. 8. Dianae loc. cit. Hi dicunt, posse a meretrice accipi mercedem. Est communis fere omnium Theologorum, et Iuristarum, ut ait Tannerus.

3 *IT IS PROVED ex l. 4. §. Sed et quod meretrici, ff. de condictis ob turpem causam*, where Ulpian has it expressly.

PROBATUR ex l. 4. §. Sed et quod meretrici, ff. de condictis ob turpem causam, *ubi Ulpianus id habet expresse.*

4 *IT IS PROVED* secondly by the reason of Cajetan, Valencia, and others, which they proclaim subtle. First, for every act estimable by a price, a price can be accepted; but the act of a prostitute is such: Therefore. The major is proved, because it suffices to act upon the proper object of a virtue, and to bestow an action upon it, even if, by reason of a circumstance elsewhere, that act is opposed to some virtue distinct from Justice, as Eligius Bassaeus infers, *verb. Restitutio, 4. num. 3.*

PROBATUR *secundo ratione a Caietano, Valentia, et aliis, quam subtilem conclamant. Primo pro omni actu pretio aestimabili potest accipi pretium; sed actus meretricius est talis: Ergo. Maior probatur, quia sufficit agere circa proprium virtutis obiectum, et super illud cadere actionem, etiamsi aliunde ratione circumstantiae actus ille opponatur alicui virtuti, distinctae a Iustitia, ut infert Eligius Bassaeus,* verb. Restitutio, 4. num. 3.

5 *It is*, moreover, the proper object of Justice whatever thing is estimable by a price. The major is confirmed by an example; for a thing that is sold, in a forbidden time or place, is transferred by law: The minor is proved; for the act of a prostitute offers to a man the material of a certain natural delight: Therefore it is estimable by a price, no otherwise than the act of offering foods, etc., even for procuring drunkenness. That is the reason of Ven. Bonaventure, I may say.

Est *autem obiectum proprium Iustitiae quaecumque res pretio est aestimabilis. Confirmatur Maior, exemplo; nam res, quae venditur, tempore, vel loco vetito, iure transfertur: Minor probatur; nam meretricium exhibet materiam cuidam homini naturalis delectationis: Ergo est pretio aestimabilis, non secus, ac actus exhibendi cibos, etc. etiam ad ebrietatem procurandam. Ea est ratio D. Bonauent. ut dicam.*

6 *YOU OBJECT* first. If these things can rightly be accepted: Therefore they can also be offered to God. And yet *Deuteronomy 23.* we read: *Thou shalt not offer the hire of a prostitute in the house of the Lord.*

OBIICIES *primo. Si haec recte possent accipi: Ergo et Deo offerri. Et tamen* Deuter. 23. *legitur:* Non offeres mercedem prostibuli in domo Domini.

7 *VALENCIA ANSWERS* from Ven. Bonav. loc. cit. that the price of prostitution is not rejected because it be of another's, but on account of indecency, just as an offering from the price of a Dog was also rejected.

RESPONDET *Valentia ex D. Bonau. loc. cit. non respui pretium meretricii, quia sit de alieno, sed ob indecentiam, sicuti etiam oblatio ex pretio Canis respuebatur.*

8 *YOU OBJECT* secondly the Laws, which assert generically that a fee cannot be accepted for a base thing, nor does a pact, or a claim concerning it avail, *l. Generaliter, l. si flagitii, ff. de verb. oblig. l. Mercatem, C. de Condictio ob turpem causam. Et l. Iulius genitum §. si ob maleficium, ff. de pactis.*

OBIICIES *secundo Iura, quae generatim astruunt, non posse pro re turpi accipi mercedem, neque valere pactum, aut condictum de illa* l. Generaliter, l. si flagitii, ff. de verb. oblig. l. Mercatem, C. de Condictio ob turpem causam. Et l. Iulius genitum §. si ob maleficium, ff. de pactis.

9 *VALENCIA ANSWERS* from Ven. Bonav. loc. cit. that the Laws are understood of actions which are against Justice, and are possessed in bad faith, such as deceptive pacts, pernicious to life; as those who expose prices to tormentors for torturing others. Such are usurious pacts, and others of this kind, in which dominion is not transferred upon the rendering, namely, of some thing estimable by a price, such as the offering of the body to luxury. Although that action is not estimable formally, as it is evil; yet it is estimated, as naturally delectable; and from this gather that in the Seraphic Doctor are held all the things that pertain to the decision of this matter, while he says that a translation of dominion of money takes place in prostitution. But the most pure Virgin blushed to say what a prostitute gives, but only says that that action is sufficient to transfer dominion, in which manner Casas also speaks *disp. 8. sect. 1.*

RESPONDET *Valentia ex D. Bonau. loc. cit. Iura intelligi de actionibus, quae sunt contra Iustitiam, et malae fide possidentur, ut sunt pactiones deceptoriae, perniciosae ad vitam; ut qui in tormentis pretia exponunt ferentibus alios. Talia sunt pacta usuraria, et alia huiusmodi, in quibus non transfertur dominium ex redditione, scilicet alicuius rei pretio aestimabilis, qualis est exhibitio corporis ad luxum. Quamuis autem illa actio non sit aestimabilis formaliter, ut mala est; tamen aestimatur, ut delectabilis naturaliter; et hinc collige, in Seraphico haberi omnia, quae ad huius rei decisionem spectant, dum ait, fieri translationem dominii pecuniae in meretricio. Erubuit autem purissimus Virgo dicere, quid det meretrix, sed solum ait, quod illa actio est sufficiens ad transferendum dominium, quo pacto loquitur etiam Caspensis* disp. 8. sect. 1.

10 If, however, any arguments seem to prove that this fee is illicit; they prove it only as to baseness formally; or as to those not having dominion, such as wards.

Si quae autem argumenta probare videntur, mercedem hanc esse illicitam; probant solum quoad turpitudinem formaliter; vel quoad non habentes dominium, ut sunt pupilli.

11 *But what* I said about exposed prostitutes must be said also of private concubines, as to the internal forum, as Valencia notes, and Covarruvias loc. cit. Medina *ad 5.* Sotus *lib. 4. quaest. 7. art. 1.* and others. The reason is that brought forward above.

QUOD *vero dixi de meretricibus expositis, dicendum et de concubinis privatis, quoad forum internum, ut aduertit Valentia, et Couar. loc. cit. Medina* ad 5. *Sotus.* lib. 4. quaest. 7. art. 1. *et alii. Ratio est supra allata.*

12 *IN* the external forum, indeed, a fee cannot be accepted for those hidden acts which, if they were known, are punished; and consequently not in the internal forum either, after the judge's sentence has been laid down. *For no one can enjoy the benefit of the law on account of an act which by law is to be punished.* So Covarruvias above, Valencia *loc. cit.* and it is commonly gathered. *ex l. Mercalem, C. de condictio ob turpitud. et l. Lucius Titius; ff. de Iure fisci.* See Bassaeus *loc. cit.* Syluius *2. 2. quaest. 62. art. 2.* Fill. *tract. 31. cap. 9. quaest. 9. et 10.*

IN *foro vero externo non posse mercedem accipi pro iis actibus occultis, qui, si sciantur, puniuntur; atque adeo neque in foro interno, post latam iudicis sententiam.* Nullus enim potest gaudere iuris beneficio propter actum, qui iure est puniendus. *Ita Couar. supra, Valentia* loc. cit. *et communiter et colligitur.* ex l. Mercalem, C. de condictio ob turpitud. et l. Lucius Titius; ff. de Iure fisci. *Vide Bassaeum* loc. cit. *Syluium* 2. 2. quaest. 62. art. 2. *Fill.* tract. 31. cap. 9. quaest. 9. et 10.

13 *MOREOVER,* concerning the hidden acts of other prostitutes, estimable by a price, which by law are not usually punished; Valencia says that each part is probable. But the price given by a Religious to a prostitute must be restored to the monastery, as Casas teaches, *loc. cit.* Vasquez *cap. 7. dub. 3.* and commonly, in Fagundez *lib. 7. cap. 5. num. 33.*

> CAETERUM *de actibus aliarum meretricum occultatum, pretio aestimabilibus, qui iure non soleant puniri; ait Valentia, utramque partem esse probabilem. Pretium vero, datum a Religioso meretrici, est restituendum monasterio, ut docet Caspens.* loc. cit. *Vasquez* cap. 7. dub. 3. *et communiter apud Fagundez* lib. 7. cap. 5. num. 33.

14 But before the act, nothing can be accepted, because he is held to abstain from the wicked work; therefore the contract must be rescinded, as Bassaeus says with others.

> *Ante vero factum nihil accipi potest, quia tenetur abstinere ab opere pravo, ideo rescindendus contractus, ut ait Bassaeus cum aliis.*

Doubt VI: When things acquired by fowling, fishing, and hunting are to be restored

1 I SPEAK as to Wild Beasts, Fish, and Birds, which by the law of nations can be free, and then no restitution is to be made, if they are captured, because thus they become the first occupant's.

> *LOQUOR quoad Feras, Pisces, et Aues, quae iure gentium liberae esse possunt, et tunc non est restitutio facienda, si capiantur, quia sic fiunt primo occupantis.*

2 *WHEN,* however, they are fed by someone in enclosed places, so that he may take them at will, or they go and return home. These, however, if they inflict damage on others, compel to restitution. And this seems true also of Doves; yet Sylvester does not compel them, *verb. restit. 2. quaest 4.* nor Valencia *quaest. 6. punct. 5.* bringing forward a witty reason, because by fertilizing the fields with their droppings, they give back as much as they damage.

> QUANDO *vero aluntur ab aliquo in locis septis, ut pro libito ea capiat, vel eant, et redeant domum. Hae tamen, si damnum aliis inferant, cogent ad restitutionem. Et hoc videtur etiam de Columbis; sed tamen non cogunt Sylvester* verb. restit. 2. quaest 4. *nec Valentia* quaest. 6. punct. 5. *afferens lepide rationem, quia stercorando campos, tantum reddunt quantum damnificant.*

3 FURTHERMORE, that Dovecotes are licit is commonly asserted with Navarrus *num 126.* See Tannerus *disp. 4. quaest. 6. num. 352.* Casas *disp. 6. sect. 1.* But if they fly often to another's Dovecote, and rest and dwell there, dominion is transferred. *Instit. de rerum divisione.*

> *PORRO Columbaria esse licita communiter astruunt cum Nauarro* num 126. *Vide Tannerum* disp. 4. quaest. 6. num. 352. *Caspensem* disp. 6. sect. 1. *Quod si ad alterius Columbarium saepius euolent, et ibi quiescant, et habitent, transfertur dominium.* Instit. de rerum divisione.

4 THE SAME is said of Wild Beasts fleeing away, so that you can no longer pursue them, and of Bees *ex Instit. cit. §. ff. lib. 3. 4. et 5.* See Tannerus *num. 354.*

> *IDEM dicitur de Feris aufugientibus, ut non amplius eas prosequi queas, et de Apibus* ex Instit. cit. §. ff. lib. 3. 4. et 5. *Vide Tannerum* num. 354.

5 SECOND, if Beasts, fish, or birds are captured in a place reserved by the Prince, they seem to be things to be restored. Valencia, however, presupposes *quaest. 6. punct. 5.* Medina quaest. 12. de rebus restit. Sotus lib. 4. de Iust. quaest. 6. art. 4. Nauar. cap. 17. num. 120. and 114. that the Prince can reserve to himself certain places for hunting for his recreation from the labors and occupations which

he sustains for the public good: He proves this at length, Covarruvias relect. in Reg. peccatum, p. 2. § 8. and there follow Casas disp. 6. sect. 2. Diana p. 2. Tract. 6. resol. 18. Valerus v. peccatum, differ. 16. who also extends the same to certain magnates, with Villalob. Tom. 1. Tract. 10. diffic. 16. num. 7. Wherefore Diana says that a certain Magnate defended himself in this way. So also Tannerus num. 350.

> *SECUNDO si Ferae, pisces, aut aues capiantur in loco reservato a Principe, videntur restituenda. Supponit autem Valentia* quaest. 6. punct. 5. *Medina quaest. 12. de rebus restit. Sotos lib. 4. de Iust. quaest. 6. art. 4. Nauar. cap. 17. num. 120. et 114. posse Principem sibi aliqua loca ad venationem reservare pro recreatione a laboribus, et occupationibus, quas pro bono publico sustinet: Id probat late Couar. relect. in Reg. peccatum, p. 2. § 8. et sequuntur Caspensis disp. 6. sect. 2. Diana p. 2. Tract. 6. resol. 18. Valerus v. peccatum, differ. 16. qui etiam ad aliquos magnates idipsum extendit cum Villalob. Tom. 1. Tract. 10. diffic. 16. num. 7. Quare Diana ait, sic se defendisse quemdam Magnatem. Sic et Tannerus num. 350.*

6 YET with this condition, that they inflict no damage on the peoples unwilling. But if they consent truly, and spontaneously, the Prince will not be held to restitution. So Cajetan opusc. 17. qq. cap. 11. Covarruvias num. 11. Navarrus num. 110. and Valencia. Ven. Bonaventure also asserts the same. Note that hunting is forbidden to clerics, clamosa cap. 1. de cler. ven. yet if it be exercised with a few dogs, Diana concedes it p. 2. Tract. 6. resol. 19. Indeed, hunting is rarely permitted, even though it be clamorous; with Valero v. Peccatum, diff. 20. and Rebellion lib. 1. quaest. 14. num. 10. and others.

> *HAc tamen conditione, ut non inferant damnum populis invitis. Quod si consentiant vere, et sponte, non tenebitur Princeps restitutioni. Ita Caietanus opusc. 17. qq. cap. 11. Couar. num. 11. Nauarr. num. 110. et Valentia. Id ipsum asserit etiam D. Bonau. Adverte, clericis vetitam venationem, clamosam cap. 1. de cler. ven. si tamen quibusdam paucis canibus exerceatur, eam concedit Diana p. 2. Tract. 6. resol. 19. Imo, et rara permittitur, sit licet clamosa; cum Valero v. Peccatum, diff. 20. et Rebellio lib. 1. quaest. 14. num. 10. et aliis.*

Doubt VII: When things acquired by the use of common things are to be restored

1 IT happens not infrequently that wood is cut from the Community's Forests, and animals graze in its meadows.

> ***Quando restituenda sint, quae sunt acquisita per usum rerum communium.***
>
> *SOlent nonnunquam e Sylvis Communitatis ligna caedi, et animalia in pratis ipsius pasci.*

2 IT IS ANSWERED that he is held to restitution of what he takes immoderately beyond what is licit to anyone as a member of the community. So Valencia quaest. 6. punct. 5. Except, if he is as it were in extreme need; for then he can even take what is necessary from the Forests of anyone whatsoever, as Sotus teaches lib. 4. de Iust. quaest. 6. art. 4. Medina quaest. 12. de restit. Valencia loc. cit. Tannerus num. 348. Molina Tom. 1. tract. 2. disp. 58. Salon. quaest. 62. art. 3. controu. 2.

> *RESPONDE TUR, teneri ad restitutionem eius, quod immoderate super id, quod alicui licet, ut membro communitatis. Ita Valentia quaest. 6. punct. 5. Excipe, si quasi extreme indigeat; tunc enim etiam de Sylvis quorumlibet potest necessarium accipere, ut docent Sotus lib. 4. de Iust. quaest. 6. art. 4. Medina quaest. 12. de restit. Valentia loc. cit. Tannerus num. 348. Molina Tom. 1. tract. 2. disp. 58. Salon. quaest. 62. art. 3. controu. 2.*

Doubt VIII: Whether things acquired in illicit games are to be restored

1 I do not speak of gains made through games of lawful industry, which one may use moderately for refreshment; for this is the virtue of Eutrapelia, as Aristotle teaches in book 4 of the Ethics, chapter

8, and St. Thomas in question 168, article 2, and commonly others. What is acquired in this way is not to be restored.

> ***An acquisita ludis illicitis, sint restituenda.***
>
> *NOn loquor de acquisitis per ludos licitos industriae, quibus uti licet moderate ad levamen; estque virtus Eutrapeliae, ut tradit Aristoteles 4. Eth. cap. 8. et D. Thom. quaest. 168. art. 2. et communiter alii. His acquisitum, non est restituendum.*

2 The question therefore concerns games that depend wholly, or for the greater part, on chance; and thus the game of dice is forbidden to all, both Clerics and Laics, C. Episcopus 35, distinction; and C. Clerici 2, extra, de vita et honestate clericorum, and l. solent ff. de aleae usu et aleatoribus. And Auth. alearum usus, C. de religiosis et sumptibus fund. Under this game, too, all similar games of chance are forbidden, as Navarra observes, chapter 20, number 6, Valencia question 6, point 5, with St. Bonaventure in the place cited.

> *Est igitur quaestio de ludis, qui omnino, vel maiori ex parte pendent a fortuna, et ita prohibetur ludus Alearum omnibus, tum Clericis, tum Laïcis, C. Episcopus 35. distinct. Et C. Clerici 2. extra, de vita, et honest. clericorum, et l. solent ff. de aleae usu, et aleat. Et Auth. alearum usus, C. de religiosis, et sumptibus fund. Sub hoc autem ludo prohibentur omnes ludi similes fortunae, ut observat Nauar. cap. 20. num. 6. Valentia quaest. 6. punct. 5. cum D. Bonau. loco citando.*

3 The question is: whether dominion is acquired by such games.

> *Quaeritur vero: An his ludis acquiratur dominium.*

4 The FIRST opinion is that dominion is acquired, if there be no fraud or deceit, and the player may alienate what he wins, and no law exists forbidding the transfer of such dominion. So Alensis, book 4, question 86, member 3, article 6; Adrianus de Restit.; Ioan. Maior in 4, distinction 15, question 13; Gabriel, same distinction, question 13, articles 1 and 2; Couar. in Reg. Peccatum, part 2, § 4; Caiet. 2. 2, question 32, article 7, and in the Summa, v. Ludus; Ioan. Medina de rebus restituendis; Sotus, book 4, de Iustitia, question 5, article 2; Navar. in Manuale, chapters 20 and 29; Valencia, disp. 5, question 6, point 5; Fagundez in octavum Praeceptum, chapter 17, number 11; Molina, Tract. 1, de Iustitia, disp. 99; Syluest. v. Lex, question 18; Castro, question 41; Salon. question 5, de dominio, article 6; Lessius, book 2, chapter 16, dub. 3; Tannerus, dub. 8. And much more strongly do those hold this who say that he is not bound to restitution who, having lost much money at dice, compelled the player to persist in the game and redeemed all the losses and others besides, as Lessius, book 2, chapter 26, dub. 1; Gerfias de contractibus, part 2, chapter 19; Diana, part 1, Tract. 17, resol. 27; and those who compel payment of the money lost at dice: Azor. part 3, book 5, chapter 24, question 7; Bannes 2. 2, question 32, article 7; Rebell. part 2, book 12, question 8, number 6; Salon. 2. 2, question 62, article 6, question 5.

> *PRIMA opinio est, acquiri dominium, si absit fraus, et dolus, et colludens potuerit alienare, neque ulla Lex extet prohibens talis dominii translationem. Ita Alensis 4. p. quaest 86. membr. 3. art. 6. Adrianus de Restit. Ioan. Maior in 4. dist. 15. quaest. 13. Gabriel eadem dist. quaest. 13. art. 1. et 2. Couar. in Reg. Peccatum, p. 2. § 4. Caiet. 2. 2. quaest. 32. art. 7. et in summa, v. Ludus Ioan. Medina de rebus restit. Sotus lib. 4. de Iust. quaest. 5. art. 2. Nauar. in Manu. cap. 20. et 29. Valentia disp. 5. quaest. 6. punct. 5. Fagundez in octavum Praeceptum, cap 17. num. 11. Molina Tract. 1. de Iust. disp. 99. Syluest. v. Lex, quaestio 18. Castro quaest. 41. Salon. quaest. 5. de dominio, art. 6. Lessius lib. 2. cap. 16. dub 3. Tannerus dub. 8. Et multo magis id tenent hi, qui dicunt, non teneri eum ad restitutionem, qui*

taxillis ludo amissis pecuniis multis, coëgit lusorem persistere in ludo, et redemit omnes omissas, et alias insuper, ut Lessius lib. 2. cap. 26. dub. 1. Gerfias de contract. p. 2. cap. 19. Diana p. 1. Tract. 17. resol. 27. et illi, qui cogunt solvere pecuniam, taxillis amissam, Azor. p. 3. lib. 5. cap. 24. quaestio 7. Bannes 2. 2. quaest. 32. art. 7. Rebell. p. 2. lib. 12. quaest. 8. num. 6. Salon. 2. 2. quaest. 62. art. 6. quaest. 5.

5 The SECOND opinion is that winnings from such games are subject to restitution. So Palud, book 4, distinction 15, question 3, article 5; Rich. article 5, question 8; Panorm. on cap. Clerici 2, de vita et honestate clericorum, and on cap. Quia plerique, de Immunitate Ecclesiae; and certain other Canonists whom Gabriel cites, book 4, distinction 15, question 13, article 1. St. Bonaventure in 4, distinction 15, part 2, article 2, question 1, is also alleged by Valencia and others.

SECUNDA sententia est, acquisita per huiusmodi ludos esse restitutioni obnoxia. Ita Palud 4. dist. 15. quaest. 3. art. 5. Rich. art. 5. quaest. 8. Panorm. in cap. Clerici 2. de vita, et honestate clericorum, et in cap. Quia plerique, de Immunitate Eccl. et aliqui alii Canonistae, quos citat Gabriel 4. dist. 15. quaest. 13. art. 1. Allegatur etiam D. Bonau. in 4. dist. 15. p. 2. art. 2. quaest. 1. a Valentia, et aliis

6 BUT let us hear the Saintly Doctor in his reply to the fourth objection. For when he had said that a possessor in bad faith cannot spend in alms the things he possesses in bad faith, such as stolen goods, he adds: *If, however, the question concerns a gambler, it must be said generally that he is a possessor in bad faith and possesses under an unjust title; and therefore he must in no way keep for himself what he has won, since such a game is base and reprobate, against God and against all the laws. Whether, however, he is bound to restore, some distinguish: for either the one from whom he won is such a person as cannot govern his own affairs, as for instance a Minor, or a Pupillus, a Deaf man, a Mute, or one languishing with perpetual disease; and thus he is bound to restore. But if he is such a person as could lose; or whether he was dragged into it and induced by him, or not: if he was dragged in by him, he is not bound to restore to him, because to him no repetition belongs in vindication of sin, but he may make alms of it. But if he himself dragged him in, he cannot make alms of it, but is bound to restore, at least in the forum of conscience; because, although no one wishes to lose, nevertheless he who does not wish to lose, nor to play, but is induced, seems less culpable; and the other who induces, more so; and therefore the former ought not to be damaged, nor ought the author or the inducer to be in any way bettered: yet no one may on that account convert any of the acquired gain to his own uses. The same judgment must be made concerning Tournaments; and it must be said that in those pacts which they make among themselves, goods are not transferred between them, but are turned to the uses of the poor on account of the dishonesty of the game and the interdiction of the law.* Thus St. Bonaventure.

SED audiamus S. Doctorem in resp. ad 4. Cum enim dixisset, malae fidei possessorem non posse de his, quae mala fide possidet, erogare in eleemosynam, qualia sunt furta; subdit: Si vero quaeritur de Aleatore, dicendum est generaliter, quod est malae fidei possessor, et iniusto possidet titulo: Et ideo nullo modo debet sibi tenere, quod lucratus est, cum talis ludus sit turpis, et reprobatus, et contra Deum, et contra omnia Iura. Utrum tamen teneatur restituere, distinguunt aliqui, quia aut ille, a quo lucratus est, talis sit persona, quae rebus suis praeesse non potest, ut puta Minor, siue Pupillus, Surdus, Mutus, aut perpetuo morbo languidus: et sic tenetur restituere: Si autem sit talis persona, quae potuit amittere; aut tractus est ab illo, et inductus; aut non; si tractus est ab illo, non tenetur illi restituere, quia illi non competit repetitio in vindictam peccati, sed potest inde facere eleemosynam. Si autem ipse traxit eum, non potest eleemosynam facere, sed tenetur restituere, saltem in foro conscientiae; quia, licet nullus velit amittere, tamen, qui non vult amittere, nec ludere, sed inducitur, minus culpabilis videtur; et alius, qui inducit, magis; et ideo iste non debet damnificari; nec auctor, nec inductor in aliquo meliorari: nulli tamen licet ex hoc aliquid lucri acquisiti in proprios usus convertere. Similiter iudicandum est de Torneamentis, et

> dicendum, quod in illis pactionibus, quas habent inter se, bona non transferuntur inuicem, sed in usus pauperum convertuntur propter ludi inhonestatem, et iuris interdictionem. *Haec S. Bonaventura.*

7 Likewise in the Speculum animae, chapter 2, he says: The fifth fruit of rapine is the game of dice, or of dice-boards, which is forbidden both by Canonical and by Civil law. Hence some say of it that it is mortal sin, in that it is against Canonical and Civil law; and that what is gotten from play is possessed under no good title, nor can it be retained, but ought to be distributed to the poor. For he who gains in play gains unjustly, and he who loses loses justly; therefore he who gains is not bound to restore to him from whom he gained, unless perhaps he induced him to play. But since play seems to have from its root the character of mortal sin, because it evidently proceeds from avarice, and because many sins are communicated in play, namely fraud, lying, perjury, blasphemy, scandal, and frequently the loss of time, therefore this seems to be the cause of the prohibition of play. When one plays for the sake of recreation, with the aforesaid sins excluded, it does not seem to have the character of mortal sin. Thus the Saintly Doctor.

> *SImiter in speculo animae, cap. 2. ait: Quintus fructus rapinae est ludus alearum, seu taxillorum, qui prohibitus est tam a iure Canonico, quam Ciuili. Unde de hoc dicunt quidam, quod sit peccatum mortale, eo quod sit contra Ius Canonicum, et Ciuile; et quod ex ludo habetur, nullo bono titulo possidetur, nec potest retineri, sed debet pauperibus erogari. Quia enim, qui in ludo lucratur, iniuste lucratur, et qui amittit, iuste amittit; ideo qui lucratur, eidem a quo lucratur, restituere non tenetur, nisi forte induxerit ad ludendum. Cum autem ludus satis videatur ex radice habere rationem mortalis peccati, quia scilicet ex avaritia videtur procedere, et quia ludo multa communicantur peccata, scilicet fraus, mendacium, periurium, blasphemia, scandalum, amissio temporis, et ita frequenter. Ideo haec causa prohibitionis ludi esse videtur. Cum ludit aliquis causa recreationis, peccatis supradictis exclusis, non videtur habere rationem mortalis. Haec S. Doctor.*

8 From all this you have that St. Bonaventure spoke as reporting the opinion of others, and is not to be reprehended by Valencia and others in anything.

> *Ex his omnibus habes, S. Bonav. locutum, referendo opinionem aliorum; nec reprehendendum a Valentia, et aliis in aliquo.*

9 *First*, indeed, he says that the game of dice is forbidden by both Laws; and this I showed above, with the laws adduced.

> Primo *enim dicit, ludum alearum esse ab utroque Iure vetitum; et hoc supra ostendi, relatis iuribus.*

10 *Next* he teaches that playing at dice and dice-boards seems on this account to be mortal sin.

> Deinde *docet, ideo videri peccatum mortale aleis, et taxillis ludere.*

11 As for Clerics and Religious, they sin mortally by transgressing these laws, where the contrary has not been abrogated by custom, if they play for a notable sum, and especially from the fruits of benefices, as *Navar. chapter 20, number 9* and *Sotus, book 4, de Iustitia, question 5, article 2* assert, although Cajetan sometimes hesitates in doubt concerning Clerics who are prelates. The same he asserts in the *Summa, verb. Ludus*; concerning these Sotus asserts the same less doubtfully, and it is proved from *C. Episcopus 35, distinction, and C. Inter dilectos, extra, de excessibus praelatorum*, where a cleric is ordered to be deposed for the use of dice, a penalty that is not inflicted except for mortal fault, as is gathered from *C. Non affirmamus, 24, question 1* — Valencia subscribes.

> *De clericis quidem, et Religiosis, peccare eos mortaliter transgredientes has leges, ubi contraria consuetudine non sint abrogatae; si ludant pro notabili quantitate, et praesertim ex fructibus beneficiorum, asserunt* Navar. cap. 20. num. 9.

Sotus l. 4. de Iust. quaest. 5. art. 2. *licet aliquando dubius haesitet Caietanus de Clericis, qui sint praelati; Idem asserit in* summa, verb. Ludus; *de quibus id asserit Sotus minus dubitanter, et probatur ex* C. Episcopus 35 distinct. et C. Inter dilectos extra, de excessibus praelat. *ubi clericus ob aleae usum iubetur deponi, quae poena non infligitur, nisi ob culpam mortalem, ut colligitur ex* C. Non affirmamus 24. quaest. 1. *subscribit Valentia.*

12 ¶ As for Laics, however, Navarra, Sotus, Cajetan, and Valencia himself judge that they do not sin mortally, the other few circumstances against the natural law being excluded, of which mention was made above. The reason is that either those laws do not bind Laics so severely, and are derogated by custom, at least as regards mortal sin. The Saintly Doctor speaks almost in the same way and to the same effect.

¶ *De Laicis autem, existimant Navar. Sotus, Caietanus, et ipse Valentia, eos non peccare mortaliter, exclusis aliis paucis circumstantiis contra ius naturae, de quibus dictum est supra. Ratio est, quia, vel illae leges non cogunt adeo severe Laicos, et sunt consuetudine derogatae, saltem quoad mortale. Eadem eodem modo fere loquitur S. Doct.*

13 *He adds*, that these games are not forbidden by these laws and Decrees if they are instituted principally for recreation: and this the Doctors gather, and among them Valencia *from l. Quod in convivio, ff. de Aleae usu*; but if it is exercised principally for gain, as *Navarra notes, number 6, and Valencia in the place cited* from the cause.

Addit, *his legibus, et Decretis, non prohiberi hos ludos, si instituantur principaliter ob recreationem: Et hoc colligunt Doctores, et inter eos Valentia* ex l. Quod in convivio, ff. de Aleae usu; *sed, si principaliter exerceatur ob lucrum, ut notat ex causa* Navar. num. 6. et Valentia loco citato.

14 *He teaches*, therefore, that he who dragged another in, and efficaciously induced him to play, if he prevails, is bound to restitution; the same St. Thomas asserted, *question 32, article 7, ad 2*; and Valencia teaches this to be clear even before the sentence of the Judge; and he alleges the Doctors related above for his opinion; for this St. Thomas signified by the same words concerning him who dragged another to play; but Valencia says that traction is understood not as any kind of attraction whatever, for this does not suffice to impede the translation of dominion — in which Adrianus, deceived, expounds St. Thomas badly, as Valencia, Couar., and Medina, adduced above, noted — but it is understood of violence, with manifest force, or with most importunate prayers, which suffuse with shame, for instance if he object that he is a poor man, as the same Doctors above expound, and with them Valencia.

Docet *proinde, eum, qui traxit alium, et efficaciter induxit ad ludum, si luctetur, teneri ad restitutionem, quod idem asseruit D. Thom.* quaest. 32. art. 7. ad 2. *et hoc clarum esse docet Valentia, etiam ante Iudicis sententiam; et allegat Doctores, supra relatos pro sua sententia; hoc enim significavit eisdem verbis S. Thomas de eo, qui traxit ad ludum; tractionem autem ait Valentia intelligi non quamlibet attractionem, nam haec non sufficit ad impediendam dominii translationem; in quo deceptus Adrianus exponit male D. Thomam, ut notarunt Valentia, Couar. et Medina allati; sed intelligitur violentia, vi manifesta, vel importunissimis precibus, quae rubore suffundant, puta si opponat, eum pauperem esse, ut iidem Doctores supra exponunt, et cum eis Valentia.*

15 *Furthermore*, that he is bound to restitution — besides those alleged by Valencia — hold Clavis *reg. l. 11. cap. 15*; Malderus *2. 2, Tract. 1, chapter 12, dub. 3*; Fernandez *in suo examine Theologiae moralis, part 1, chapter 15, § 6*; Molfesius *Tom. 2, tract. 12, chapter 21, number 59*. Add Toletus *book 5, chapter 27*; Megalam *2. 2, book 2, chapter 19, question 2, number 16*, speaking of him who knows and compels his companion to persist in the game, and recovers what was lost, and besides gains other things

besides: they say he is bound to restore at least these super-gains, as Diana relates, *part 1, resol. 27*, adding it for the opinion of St. Bonaventure; Alphonso de Vega *in summa, part 2, chapter 13, case 12*; Rebellius *de obligatione iustitiae, part 2, book 12, question 3*; Azorius *part 3, chapter 29, book 5, question 1*; Valencia *loc. cit.*; Comitolus *in resolutionibus Moralibus, book 3, question 9*; Salam *Tract. de Ludo, disp. 6*; Bannes, and Aragon. *2. 2, question 32, article 7, ad 7*.

> Porro *hunc teneri ad restitutionem, praeter allegatos a Valentia, tenent Clavis* reg. l. 11. cap. 15. *Malderus* 2. 2. Tract. 1. cap. 12. dub. 3. *Fernandez* in suo exam. Theol. moral. p. 1. cap. 15. §. 6. *Molfesius* Tom. 2. tract. 12. cap. 21. num. 59. *Adde Toletum* l. 5. cap. 27. *Megalam* 2. 2. l. 2. cap. 19. quaest. 2. num. 16. *loquentes de eo, qui sciat, et coëgit socium ad permanendum in ludo, et recuperavit amissa, et insuper alia lucrificet, aiunt teneri ad haec saltem superlucrata restituenda, ut refert Diana* p. 1. resol. 27. *addens pro sententia S. Bonav. Alphonso de Vega* in summa p. 2. cap. 13. casu 12. *Rebellium* de oblig. iust. p. 2. lib. 12. quaest. 3. *Azorium* p. 3. cap. 29. lib. 5. quaesito 1. *Valentiam* loc. cit. *Comitolum* in resol. Moral. lib. 3. quaest. 9. *Salam* Tract. de Ludo disp. 6. *Bannes, et Aragon.* 2. 2. quaest. 32. art. 7. ad 7.

16 *It is proved*, because he who thus plays plays involuntarily. This is the reason of St. Bonaventure above, which opinion, because of the reasons by which it is supported, Reginald says is to be followed, *Tom. 1, book 10, chapter 25, number 385*; and Diana judges it not improbable, *loc. cit.*, and Lessius *book 2, chapter 26, dub. 2, number 9*.

> Probatur*, quia, qui ita ludit, involuntarie ludit. Haec est ratio D. Bonau. supra, quam opinionem propter rationes, quibus nititur, sequendam ait Reginald.* Tom. 1. lib. 10. cap. 25. num. 385. *nec improbabilem credit Diana* loc. cit. *et Lessius* l. 2. cap. 26. dub. 2. num. 9.

17 *The Saintly Doctor adds* that he who was dragged in and won is not bound to restore, which nearly all those alleged sustain. The reason of St. Bonaventure is that the privilege of repetition, granted by law, does not belong to the one who dragged him in, because by the dragging he renders himself unworthy of it.

> Addit *S. Doct. eum, qui tractus est, et vicit, non teneri restituere, quod omnes fere allegati sustinent. Ratio D. Bonau. est, quia tractori non competit repetitionis privilegium, a iure concessum, quia tractione, se indignum reddit.*

18 *He asserts* also that he who won money — truly in a notable sum — from those who cannot govern their own affairs, whom he enumerates with other similar cases, is bound to restore; which Valencia also holds, *loc. cit.*, and others with him. Nay, Molina *tom. 1, disp. 142*; Sanchez *book 6, disp. 38*; Lessius *book 2, chapter 17, dub. 8*, after the Gloss, Navarra, Lopez, Corduba, and others with Sanchez, teach that boys within a decade and a half year of puberty, and girls within nine years and a half, remain naturally bound by onerous contracts, yet not concerning immovables and other things that must be preserved for themselves — unless, however, they contract even with Tutors. Which doctrine relieves Confessors of the burden.

> Asserit *etiam eum, qui vicit pecunias, sane in notabili quantitate ab his, qui res suas regere nequeunt, quos recenset cum aliis similibus, teneri restituere, quod tenent etiam Valentia* loc. cit. *et alii apud eum. Imo Molina* tom. 1. disp. 142. *Sanchez* l. 6. disp. 38. *Lessius* lib. 2. cap. 17. dub. 8. *post Glossam Nauarrum, Lopez, Cordubam, et alios apud Sanchez docent, proximos pubertati pueros decennio, et dimidio anni, puellas novennio, et dimidio, manere obligatos naturaliter contractibus onerosis, non tamen circa immobilia, et alia, quae sibi sunt servanda nisi tamen etiam cum Tutoribus contrahant. Quae doctrina eximit a molestia Confessarios.*

19 Whether, however, he who neither dragged another in, nor was dragged, but played as an equal partner, is bound to restitution, he defines nothing; he only says, *If he acquired, he is a possessor in bad faith, inasmuch as he acquired against the laws, and he ought not convert those monies to his own uses, but ought to give them to the poor, because absolute dominion is not transferred peacefully, inasmuch as the laws resist and give rise to repetition, and because it is base gain, acquired against the laws*. Yet he does not assert this in his own settled sense.

> *An vero is, qui nec traxit alium, nec fuit tractus, sed consors lusit, teneatur restitutioni, nihil definit; solum ait,* Si acquisivit, esse possessorem malae fidei, quippe contra iura acquisivit, et non debet illas pecunias in usus suos convertere, sed debet dare pauperibus, quia non transfertur absolutum dominium pacifice, eo quod iura resistant, et inducant repetitionem, et quia est lucrum turpe, contra leges adeptum. *Hoc vero non astruit proprio sensu resoluto.*

20 For therefore he who lost is not compelled to pay in court, and an action is given for recovering what was lost, if he has already paid — which the Saintly Doctor understands after the sentence of the judge, with Medina, Couar., Soto, and others who thus expound St. Thomas, with whom Valencia subscribed.

> *Ideo enim non cogitur in iudicio solvere, qui perdidit, et datur actio ad repetenda amissa, si iam solvit, quod sane post sententiam iudicis intelligit S. Doct. cum Medina, Couar. Soto, et aliis, qui ita exponunt D. Thomam quibus subscripsit Valentia.*

21 *Finally*, that he who lost is not bound in conscience, and played in hope and in good faith, teach Malderus *2. 2, tract. 3, chapter 12, dub. 3*; Lessius *book 2, chapter 26, dub. 4*; Aragon. *1. 2, question 21, article 7, and question 62, article 1*; Ledesma *Tom. 2, tract. 31, chapter 2*; Molina *Tom. 2, tract. 2, disp. 515*; Philiarc. *T. 2, p. 2, book 5, chapter 2, number 11*; Toletus *book 5, chapter 27*; Diana *part 1, Tract. 17, resol. 8, and Tract. 5, resol. 44, and Tract. 4, resol. 169*.

> Tandem*, non teneri in conscientia eum, qui perdidit, et in spe, ac in fide lusit, docent Malderus* 2. 2. tract. 3. cap. 12. dub. 3. *Lessius* l. 2. cap. 26. dub. 4. *Aragon.* 1. 2. quaest. 21. art. 7. et quaest. 62. art. 1. *Ledesma* Tom. 2. tract. 31. cap. 2. *Molina* Tom. 2. tract. 2. disp. 515. *Philiarc.* T. 2. p 2. l. 5. cap. 2. num. 11. *Toletus* l. 5. cap. 27. *Diana* p. 1. Tract. 17. resol. 8. et Tract. 5. resol. 44. qui Tract. 4. resol. 169.

22 *The same* he says of him who won from one playing with false cards. The reason is that to him to whom an action for recovering is given, an exception not to pay is conceded a fortiori, according to the rules of both Laws; but in a forbidden game, as I said, an action for recovering is given. Medina subscribes, *book 1, chapter 14, § 29*; Couar. *reg. Peccatum, part 2, § 4, number 8*; and eighteen Doctors with Salam *Tract. 1, de contractibus, disp. 20*.

> Idem *ait de eo, qui vicit ludentem chartis falsis. Ratio est, quia cui datur actio ad repetendum, a fortiori conceditur exceptio ad non solvendum, iuxta regulas utriusque Iuris; sed in ludo prohibito, ut dixi, datur actio ad repetendum. Subscribunt Medina* l. 1. cap. 14. §. 29. *Couar.* reg. Peccatum, p. 2. §. 4. num. 8. *et decem et octo Doctores apud Salam* Tract. 1. de contract. disp. 20.

23 ¶ Understand this standing in the common law; for if in some places repetition is not granted to the loser, nor is the exception conceded that he need not pay.

> ¶ *Haec intellige stando in Iure communi; nam si in aliquibus locis non est concessa repetitio perdenti, neque conceditur exceptio, ut non solvat.*

24 ¶ This is the opinion of St. Bonaventure *loc. cit.*, where he concedes repetition to him who lost, and consequently the exception not to pay.

> ¶ *Haec est sententia D. Bonau.* loc. cit. *ubi concedit repetitionem ei, qui perdidit, atque adeo exceptionem, ut non solvat.*

25 *Many*, however, with Diana teach that he is bound to pay; Azor. *part 3, book 5, chapter 24, question 7*; Bannes *2. 2, question 32, article 7*; Rebell. *part 2, book 12, question 8, number 6*; Valencia *loc. cit.*; Salon. *1. 2, question 62, article 6, question 5*; Garzias *de contractibus, book 2, chapter 29*; Tanner. *disp. 4, question 6, dub. 11*; and others. The reason is that a promise, unless it is void by the law itself, binds: but this one in play is not void, but only an action for recovering is given, *l. Alearum, C. de Religiosis et sumptibus*.

> Multi *tamen apud Dianam docent, hunc teneri solvere; Azor.* p. 3. l. 5. cap. 24. quaesito 7. *Bannes* 2. 2. quaest. 32. art. 7. *Rebell.* p. 2. lib. 12. quaest. 8. num. 6. *Valentia* loc. cit. *Salon.* 1. 2. quaest. 62. art. 6. quaest. 5. *Garzias* de contract. l. 2. cap. 29. *Tanner.* disp. 4. quaest. 6. dub. 11. *et alii. Ratio est, quia promissio, nisi ipso iure irrita sit, obligat: Sed haec in ludo non est irrita, sed solum datur actio ad repetendum* l. Alearum, C. de Relig. et sumpt.

Doubt IX: What is to be restored by reason of finding

1 The Holy Doctor OBSERVES, in the Speculum Animae, cap. 2, that certain things are found on the seashore, or in common waters; certain by digging, as treasures, concerning which Fagundez treats at length in the seventh Precept of the Decalogue, lib. 7. cap. 22; certain by finding, which were under someone's dominion, and their owner is not found.

> Quaenam sint restituenda ratione inventionis.
>
> *OBSERVAT S. Doct. in speculo animae, cap. 2. quaedam inveniri in littore maris, vel aquae communis; quaedam effossione, ut thesauros de quibus late Fagundez in septimum Praeceptum decalogi, lib. 7. cap. 22. Quaedam inventione, quae sub alicuius dominio erant, nec invenitur eorum dominus.*

2 AS TO those things which are found on the seashore, it is certain that things cast up in a storm, or submerged by shipwrecks, belong to their owners; and indeed in the Bull of the Coena, those goods which are the Christians' are struck with anathema for usurping them, as Caspens. notes, disp. 7. sect. 1.

> *QUOAD ea, quae inveniuntur in littore maris, certum est proiecta in tempestate, vel submersa naufragiis, esse dominorum, atque adeo in Bulla coenae ea bona, quae sunt Christianorum, usurpantes anathemate feriuntur, ut notat Caspens. disp. 7. sect. 1.*

3 The QUESTION concerns things cast up by the sea, which never had an owner, such as Fish, Whales, Pebbles, Gems, Pearls, Amber, etc.

> *QUAESTIO est de proiectis a mari, quae nunquam habuere dominum, ut sunt Pisces, Balenae, Lapilli, Gemmae, Uniones, Ambarum, etc.*

4 The FIRST opinion is, that such things belong to the first occupant, whoever finds them. So Firmus v. Inventum, Gutierrez l. 2. quaest. can. cap. 9. Rodriquez in summa, cap. 197. Tannet. disp. 4. quaest. 1. dub. 7. and it is established from C. Ius generale and C. Ius gentium, dist. 1. and C. dilectissimi 12. quaest. 1. and l. 1. ff. de acq. rer. dominio from § 1. and §. singulorum, and §. capilli, and §. fere, Instit. de rerum divisione. This is the opinion of D. Bonav. loc. cit., and Caspens. disp. 7.

sect. 3. seems to suppose it, as common; and so it is often reported to have been defined in the royal senate of Lusitania, as Cabedo relates, 1. p. decisione 48. num. 9. and Fagundez in septimum praeceptum, l. 7. cap. 22. num. 4. and so it is found in the Ordinationes Lusitanae, lib. 2. tit. 16. And the same is noted by Barthol. ad l. 3. ff. de acquir. rer. dominio. And Ripa l. Rem, quae nobis, ff. de acquir. possess. numero 34.

PRIMA opinio est, talia esse primi occupantis, qui ea invenerit. Ita Firmus v. Inventum, Gutierrez l. 2. quaest. can. cap. 9. Rodriquez in summa, cap. 197. Tannet. disp. 4. quaest. 1. dub. 7. et constat ex C. Ius generale et C. Ius gentium, dist. 1. et C. dilectissimi 12. quaest. 1. et l. 1. ff. de acq rendorum dominio ex § 1. et §. singulorum, et §. capilli, et §. fere, Instit. de rerum divisione. Haec est sententia D. Bonau. loc. cit. et videtur eam, ut communem, supponere Caspens. disp. 7. sect. 3. et ita saepe definitum in senatu regio Lusitano refert Cabedo 1. p. decisione 48. num. 9. et Fagundez in septimum praeceptum, l. 7. cap. 22. num. 4. et ita habetur in Ordinationibus Lusitanis lib. 2. tit. 16. Et idem notant Barthol. ad l. 3. ff. de acquir. rerum dominio. Et Ripa l. Rem, quae nobis, f. de acquir. possess. numero 34.

5 Cabedo ADDS at decis. 48. that amber indeed, found on the seashore, belongs to the first occupant and finder; but that whales belong to the King; from which it also follows that amber drawn from the whale's belly belongs to the king. Yet Cabedo says it was decided that amber, which is ambra, a kind of fragrance, does not belong to the King, nor is the fifth part of the royal treasury owed from it.

ADDITTAMEN Cabedo decis. 48. Ambarum quidem, in littore inventum, esse primi occupatoris, et inventoris; at Balenas ad Regem pertinere; ex quo etiam sequitur, Ambarum, quod e Balenae extrahitur ventre, ad regem pertinere. Sed tamen ait Cabedo, decisum esse, Ambarum, quod est ambra, odoramenti genus, ad Regem non pertinere, nec ex illo quintam partem Regiae Gazae deberi.

6 Yet the SECOND opinion was, that these findings belong to the Prince. So Angelus §. Item lapilli, Instit. de rerum divis. And as to amber it is proved, because the offspring follows the womb, as Barthol. says, l. si quis ex Pamphila, ff. de legatis. But whales belong to the King by custom: Therefore also amber: Yet this opinion is improbable; nor are the whales themselves, from which amber is obtained, the Kings' by common law.

SECUNDA tamen opinio fuit, haec inventa, esse Principis. Ita Angelus §. Item lapilli, Instit. de rerum divis. Et quoad Ambarum probatur, quia partus sequitur ventrem, ut ait Barthol. l. si quis ex Pamphila, ff. de legatis. Sed Balenae ex consuetudine ad Regem spectant: Ergo et Ambarum: Haec tamen opinio est improbabilis; neque ipsae Balenae, e quibus Ambarum habetur, ex iure communi sunt Regum.

7 AS TO animals wandering in alien lands, when even with diligence applied their owners could not be recognized, according to the Lusitanian Law in the new Ord. l. 2. tit. 26. they are the King's. The same Law is found in the Kingdom of Castile, lib. 6. tit. 13. Yet it is more probable that they are to be restored to the poor, as Peter Nauar. asserts, de restit. lib. 4. cap. 2. num. 82. Fagundez loc. cit. num. 7. Armilla verbo Inventum. Paludanus in 4. dist. 15. and others.

QUOAD animalia errantia in terris alienis, cum nec adhibita etiam diligentia potuerunt agnosci eorum domini, iuxta Ius Lusitanum in novis ord. l. 2. tit. 26. sunt Regis. Eadem Lex habetur in Regno Castellae lib. 6. tit. 13. Attamen probabilius est, esse restituenda pauperibus, ut asserunt Petrus Nauar. de restit. lib. 4. cap. 2. num. 82. Fagundez loc. cit. num. 7. Armilla verbo Inventum. Paludanus in 4. dist. 15. et alii.

8 AS TO inanimate goods which had some owner, such as money, clothes, gold, etc., whether they can be retained by the finders and by the rich, if after diligence their Owner is not found.

QUOAD bona inanimata, quorum dominus aliquis erat, ut pecuniae, vestes, aurum, etc. an possint retineri ab inventoribus, et divitibus, si post diligentiam non inveniatur earum Dominus.

9 The FIRST, affirmative opinion is that of Soto, de Iust. lib. 5. quaest. 3. art. 3. Aragonii 2. 2. quaest. 62. art. 3. Petri Nauar. de restit. lib. 4. cap. 2. dub. 9. num. 75. Rodriquez summa p. 2. cap. 41. Sayri lib. 10. tract. 5. cap. 3. from num. 18. where he reports others, and Maldor. tract. 4. cap. 4. disp. 3. judges it probable. The reason is, because no law destines these things to the poor. Tanner. disp. 4. quaest. 6. dub. 14. with others holds this to be probable.

PRIMA opinio assertiva est Soti de Iust. lib. 5. quaest. 3. art. 3. Aragonii 2. 2. quaest. 62. art. 3. Petri Nauar. de restit. lib. 4. cap. 2. dub. 9. num. 75. Rodriquez summa p. 2. cap. 41. Sayri lib. 10. tract. 5. cap. 3. a num. 18. ubi alios refert, et probabilem censet Maldor. tract. 4. cap. 4. disp. 3. Ratio est, quia nullo iure pauperibus haec sunt destinata. Id censet cum aliis Tanner. disp. 4. quaest. 6. dub. 14. esse probabile.

10 The SECOND opinion is, that these are to be given to the poor. So Molina, Tract. de Iustitia, disp. 645. Rebell. p. 1. lib. quaest. 2. sect. 1. Lessius l. 2. cap. 14. dub. 7. Turtianus, 2. 2. disp. 42. dub. 2. Azorius tom. 3. l. 4. cap. 27. Count. ad reg. peccatum, p. 3. §. 1. Malder. tract. 4. cap. 4. disp. 3. D. Thom. 2. 2. quaest. 62. art. 5. ad 3. Gutrier. l. 2. qq. can. cap. 9. disp. 9. Syluester v. Restit. 3. quaest. 1. Nauar. summa Latina, cap. 17. num. 91. et 171. Armilla, v. inventum, and v. restitutio, num. 20. and commonly all those whom Fagundez subscribes to in septimum praeceptum, lib. 7. cap. 22.

SECUNDA sententia est, haec danda pauperibus. Ita Molina Tract. de Iustitia, disp. 645. Rebell. p. 1. lib. quaest. 2. sect. 1. Lessius l. 2. cap. 14. dub. 7. Turtianus, 2. 2. disp. 42. dub. 2. Azorius tom. 3. l. 4. cap. 27. Count. ad reg. peccatum, p. 3. §. 1. Malder. tract. 4. cap. 4. disp. 3. D. Thom. 2. 2. quaest. 62. art. 5. ad 3. Gutrier. l. 2. qq. can. cap. 9. disp. 9. Syluester v. Restit. 3. quaest. 1. Nauar. summa Latina, cap. 17. num. 91. et 171. Armilla, v. inventum, et v. restitutio, num. 20. et communiter omnes, quibus subscribit Fagundez in septimum praeceptum, lib. 7. cap. 22.

11 The REASON is, because these must be judged as uncertain goods are. But those are the poor's: Therefore: The minor is proved from C. Cum in de usur. and C. cum sit nimis de Iudaeis, and 14. quaest. 5. canone Non sane. And l. omnes peregrini, Cod. de furtis eff., where it is defined that the goods of foreigners, who die in Hospitals, are to be applied to those Hospitals themselves.

RATIO est, quia ita de his iudicandum, ac de bonis incertis. Sed illae sunt pauperum: Ergo: Minor probatur ex C. Cum in de usur. et C. cum sit nimis de Iudaeis, et 14. quaest. 5. canone Non sane. Et l. omnes peregrini, Cod. de furtis eff. ubi definitur, bona peregrinorum, qui moriuntur in Hospitalibus, applicanda esse ipsis Hospitalibus.

12 But whether these are the poor's by positive law alone is in dispute with Fagundez cap. 21. and it seems more probable that they are owed by the law of nature.

An vero haec solo iure positivo sint pauperum; est in disputatione apud Fagundez cap. 21. et videtur probabilius iure naturae deberi.

13 Concerning these the Holy Doctor says; that they certainly cannot be retained, if it stands probable that they were under someone's dominion, and he brings forward that of D. August. serm. 21. de verb. Apostoli: *If you have found anything, and have not returned it, you have stolen it.* But if the owner cannot be found, the custom of the land is to be kept: The Holy Doctor indeed very well defines that, considering the variety of laws and customs in various regions, these matters are to be deliberated more maturely.

DE his S. Doct. ait; profecto non posse ea retineri, si probabiliter constat, fuisse sub alicuius dominio, et affert illud D. August. serm. 21. de verb. Apostoli: Si quid invenisti, et non reddidisti, rapuisti. *Si autem possessor inveniri non potest, consuetudo terrae est servanda: Optime sane definit S. Doct. considerata varietate legum, et consuetudinum in variis regionibus, de his maturius deliberandum.*

14 AS TO Treasures, a Treasure can thus be defined with D. Bonavent. loc. cit.: *It is an old deposit of money, or of movable things, of whose dominion, or concealment, or of the depositor, no memory exists.* So it is established from l. Unica, Cod. de Thesauris, and § Thesaurus, Instit. de rerum divisione.

QUOAD Thesauros, Thesaurus sic definiri potest cum D. Bonavent. loc. cit. Est vetus depositio pecuniae, vel rerum mobilium, de quarum dominio, vel occultatione, depositaeque nulla extat memoria. *Ita constat ex l. Unica, Cod. de Thesauris, et § Thesaurus, Instit. de rerum divisione.*

15 But a Treasure can be found in one's own field, or in another's land. Concerning that which is found in another's field, free from feud and emphyteusis, if treasures be dug up by chance, the Holy Doctor asserts that half belongs to the finder, the other half to the Lord of the field; it is plain from § Thesaurus, Instit. de rerum divisione: And l. unica, Cod. de Thesauris; and this half part is owed to the Lord of the ground before any sentence, because this provision of law is not penal, but definitive of the ownership of things, and therefore binds before a sentence. Less. de Iust. lib. 2. cap. 5. dub. 15. num. 58. and 59. follow, Nauar. summa, cap. 17. num. 175. Caietanus 2. 2. quaest. 66. art. 2. Mercado de contract. cap. 15. num. 128. Sà verbo Thesaurus, Rebell. lib. 1. de oblig. iust. quaest. 15. sect. 2. Molina T. 1. de inst. disp. 56. and others agree. See Tannetum disp. 4. quaest. 1. dub. 5. who adds that by natural law precisely, the whole belongs to the finder.

POTEST autem inveniri Thesaurus in agro proprio, vel in terra aliena. De illo, qui reperitur in agro alieno, libero a feudo, et emphytheusi, si casu thesauri effodiantur, asserit S. Doct. esse dimidiam partem inventoris, alteram dimidiam Domini agri; patet ex § Thesaurus, Instit. de rerum divisione: Et l. unica, Cod. de Thesauris, et haec dimidia pars debetur Domino fundi ante ullam sententiam, quia haec dispositio iuris non est poenalis, sed definitiva proprietatis rerum, et ideo ante sententiam obligat. Sequuntur Less. de Iust. lib. 2. cap. 5. dub. 15. num. 58. et 59. Nauar. summa, cap. 17. num. 175. Caietanus 2. 2. quaest. 66. art. 2. Mercado de contract. cap. 15. num. 128. Sà verbo Thesaurus, Rebell. lib. 1. de oblig. iust. quaest. 15. sect. 2. Molina T. 1. de inst. disp. 56. et conveniunt alii. Vide Tannetum disp. 4. quaest. 1. dub. 5. qui addit, iure naturali praecise, esse totum inventoris.

16 The Holy Doctor proves this from that passage of Matth. 13. where the man who finds the treasure is said: *He went, and bought that field,* so that the whole treasure might be his. For when it is found in his own field, the treasure is entirely the first occupant's, provided a real apprehension of it intervenes; for the bare, mere finding of it does not suffice; and this indeed by common law, as is plain from l. una, C. de Thesaur. and the said §. Thesaurus, Instit. de rerum divisione; and Valasius teaches it, de Iure Emphytheutico, q. 15. n. 1. Fagund. num. 13. with Bartolo *lib. 1. num. 17. and 18. ff. de acquir. possess.* Cyno *l. licet, num. 6. ff. on the same title, and others, in Valascus.*

Id probat S. Doct. illo Matth. 13. ubi dicitur ille, qui invenit thesaurum: Abiit, et emit agrum illum, *ut totus thesaurus esset suus. Cum enim invenitur in agro suo, thesaurus est totus primo occupantis, dummodo interveniat realis apprehensio eius; nec enim sufficit sola, et nuda inventio illius, et hoc quidem de iure communi, ut patet l. una, C. de Thesaur. et dicto §. Thesaurus, Instit. de rerum divisione, et docet Valasius de Iure Emphytheutico, q. 15. n. 1. Fagund. num. 13. cum Bartolo* lib. 1. num. 17. et 18. ff. de acquir. possess. *Cyno* l. licet, num. 6. ff. eodem titulo et aliis apud Valascum.

17 ¶ *But if* it is found by the Emphyteuta in an emphyteutic field, or by the Feudatary in such a field.

> ¶ Quod si *inveniatur ab Emphyteuta in agro emphyteutico, aut a Feudatario in seu tali agro.*

18 *The first* opinion is, that by common law it is wholly the emphyteuta's. So commonly the Jurists; Accursius *§. Thesauros, Instit. de rerum divis.* Platea *there num. 2.* Faber *num. 1.* Portius, and Iason *there,* Andreas Isernia, and Alvarot. *Tit. quae sint Regalia,* and others in Valascus *at the place cited, quaest. 15.*

> Prima *opinio est, esse de iure communi totum emphyteutae. Ita communiter Iurisperiti, Accursius* §. Thesauros, Instit. de rerum divis. *Platea* ibi num. 2. *Faber* num. 1. *Portius, et Iason* ibi*, Andreas Isernia, et Alvarot.* Titulo, quae sint Regalia*, et alii apud Valascum* loco citato quaest. 15.

19 *The second* opinion will be that it is to be divided between the lord and the emphyteuta. So Valascus *speculator de emphyt. num. 158. vers. 132. Nauar. summa, cap. 17. num. 173. Sà v. Thesaurum,* and others in Valascus.

> Secunda *opinio erit esse dividendum inter dominum, et emphyteutam. Ita Valascus* speculator de emphyt. num. 158. vers. 132. Nauar. summa, cap. 17. num. 173. Sà v. Thesaurum*, et alii apud Valascum.*

20 *The reason* with D. Bonav. is, because half the Treasure, according to the laws, is the Lord's; but the Emphyteuta, and the Feudatary, are not lords of the field simply, but only by reason of the useful dominion, as is plain from *l. 1. Cod. de Usufruct. l. 2. Cod. de Mancip.*

> Ratio *e D. Bonav. est, quia dimidium Thesauro, secundum iura, est Domini; at Emphyteuta, et Feudatarius, non sunt domini agri simpliciter, sed solum ratione dominii utilis, ut patet* l. 1. Cod. de Usufruct. l. 2. Cod. de Mancip.

21 *You will say:* Therefore useful dominion profits nothing; for, even if he finds it in another's field, half will be his.

> Dices: *Ergo dominium utile nihil prodest; nam, etiamsi in alieno agro invenerit, erit eius dimidium.*

22 Fagundez ANSWERS that it does profit, because, whether he seeks the treasure by chance or by design, he will have the half; not so in another's field, whose use he does not have; for if in another's field he deliberately seeks it without the Lord's will, the whole is the Lord of the ground's; yet he is not bound, before the judge's sentence, to give the whole, but the half; but after the sentence he is bound to give the other half, which is a penal law on account of the injury done to the Lord of the field.

> Respondet *Fagundez prodesse, quia, sive casu, sive data opera quaerat thesaurum, habebit medietatem, non sic in agro alieno, cuius non habet usum; si enim in agro alieno dedita opera quaerat absque Domini voluntate, totus est Domini fundi; non tenetur tamen ante iudicis sententiam dare totum, sed medietatem; post sententiam vero tenetur dare alteram medietatem, quae est lex poenalis ob iniuriam illatam Domino fundi.*

23 ¶ *But if* a treasure is dug up in a public place, say on a road, it will be wholly the finder's. So Less. *lib. 2. cap. 5. dub. 16. num. 63.* Couar. *ad reg. peccatum, p. 3. §. 2.* citing Baldus, and Cynus. The reason is, because there is no one who is the special lord of these places. But if it is found in a public place, that is, one specially possessed by the Prince; the half will be the Prince's, as is found in *§. Thesauros, loc. cit.* Public roads, however, are the Prince's only by a general disposition.

> ¶ Quod si *thesaurus in loco publico, puta in via effodiatur, erit totus inventoris. Ita Less.* lib. 2. cap. 5. dub. 16. num. 63. *Couar.* ad reg. peccatum, p. 3. §. 2. *citans Baldum, et Cynum. Ratio est, quia non est aliquis dominus*

horum locorum specialis. Quod si in loco publico inveniatur, idest specialiter possessu a Principe; erit dimidium Principis, ut habetur §. Thesauros, loc. cit. *Viae autem publicae sunt Principis tantum dispositione generali.*

24 Therefore the gold mines and veins of silver, after the occupation of the Kings, remained by the law of nations to the inhabitants as finders. Hence it is inferred that the Basilians and the Peruvians could not licitly be deprived of gold mines and veins of silver, since they were the peaceful finders of these, and they had inflicted no injuries on the Christians, for which war might justly be waged against them. Therefore much less could they be deprived of them after their conversion to the faith, as Ioan. XXII. defines. See Rodriquez *cap. 47.*

Ideo aurifodinae, et venae argenti post Regum occupationem manserunt adhuc iure gentium incolis inventoribus. Ideo infertur, non potuisse licite privari Basilienses, et Peruanos aurifodinis, et venis argenti, cum essent horum pacifici inventores, nec iniurias Christianis intulissent, ob quas bellum iuste eis inferretur. Itaque multo minus post conversionem ad fidem potuere eis privari, ut definit Ioan. XXII. Vide Rodriquez cap. 47.

25 ¶ *But if* a treasure is found in a public sacred place, as a cemetery, it is more probable, and according to the mind of S. Bonav., that it is to be divided, according to what was said above. Thus hold Nauar. *summa cap. 17. num. 175.* Rebel. *lib. 1. quaest. 15. sect. 2.* Couar. *ad Regulam Peccatum, p. 3. §. 2.* Gomez *ad §. 45. Taur. num. 52.* Molina *disp. 56.* Sylvest. *v. Inventum;* and therefore the half is the finder's, and the half the Church's prelate's, because today the Church in this respect is held to be theirs, as Fagundez says *num. 26.* Tanner. *num. 55.* who understands it if it is found deliberately; but if it be found there by chance, the whole belongs to the finder, as Lessius and Retella teach, in Tanner.

¶ Quod si *thesaurus in loco sacro publico inveniatur, ut caemeterio, probabilius est, et ad mentem S. Bonav. dividendum, iuxta supra dicta. Sic tenent Nauar.* summa cap. 17. num. 175. *Rebel.* lib. 1. quaest. 15. sect. 2. *Couar.* ad Regulam Peccatum, p. 3. §. 2. *Gomez* ad §. 45. Taur. num. 52. *Molina* disp. 56. *Sylvest.* v. Inventum; *et ideo dimidium inventoris, et dimidium praesuli Ecclesiae esse, quia hodie Ecclesiae hac in parte illorum esse censetur, ut ait Fagundez* num. 26. *Tanner.* num. 55. *qui intelligit, si de industria inveniatur: at si casu ibi sit inventus, totum spectat ad inventorem docent Lessius, et Retella apud Tannerum.*

26 *To me* it does not please that the Churches are the Prelate's, because he has here only the right to Tithes and other Parochial rights, not to the ground. Therefore I think the treasure is wholly the Church's, if it is found deliberately: but the half, if by chance. Nor is the Church to be reckoned with public roads; in which Tostatus also errs, *quaest. 66. ad 13. Matth.* For Churches have rights, etc. Much more Monasteries and Colleges; as Less. says *t. 1. lib. 2. cap. 5. dub. 15. num. 50.* and Fagund. *num. 26.*

Mihi *non placet, Ecclesias esse Praelati, quia habet hic solum ius ad Decimas, et alia iura Parochialia non ad fundum. Itaque reor thesaurum totum esse Ecclesiae, si de industria sit inventus: at dimidium, si casu. Neque computanda Ecclesia cum viis publicis; in quo fallitur et Tostatus* quaest. 66. ad 13. Matth. *Habent enim Ecclesiae iura, etc. Multo magis Caenobia, et Collegia; ut ait Less.* t. 1. lib. 2. cap. 5. dub. 15. num. 50. *et Fagund.* num. 26.

27 If a treasure is found in a dowry field, the half will be the wife's, who is the lady of the ground, although, while the marriage stands, the husband has the usufruct; for a treasure is not reckoned among the fruits; as Fagund. warns, *num. 28.* Whence it comes that, if found in a farm let or rented, the half is the lord of the farm's, the half the finder's, and nothing the usufructuary's, etc., according to the rule of Law brought forward above by D. Bonav.

Si in agro dotali thesaurus reperiatur, dimidius erit uxoris, quae est domina fundi, licet constante matrimonio maritus habeat usumfructum; non enim thesaurus inter fructus computatur; ut monet Fagund. num. 28. *Quo fit, ut et inventus*

in praedio locato, aut conducto, dimidius sit domini praedii; dimidius inventoris, et nihil usufructuarii, etc. iuxta regulam Iuris a D. Bonav. allatam supra.

28 ***But if*** it be found by magical art, or by other means condemned by law, it devolves to the Fisco, *leg. una, Cod. de Thensauris, lib. 10.* Gloss. *there*, as Fagund. note, *num. 32.* Tanner. *num. 56.* with Molina *T. 1. de Iust. disp. 56.* Couar. *ad reg. Pecc. 3. p. §.* Lopez *de contr. lib. 1. cap. 50.* Aragon. *2. 2. quaest. 66. art. 5.* Nauar. *Man. Lat. cap. 17. num. 175.* Sà, *v. Thes.* Valasc. *de iure Emphyt. p. 1. quaest. 15.* and others commonly.

Quod si *sit arte magica, vel aliis modis a iure damnatis repertus, devolvitur Fisco* leg. una, Cod. de Thensauris, lib. 10. *Gloss.* ibi, *ut notant Fagund.* num. 32. *Tanner.* num. 56. *cum Molina* T. 1. de Iust. disp. 56. *Couar.* ad reg. Pecc. 3. p. §. *Lopez* de contr. lib. 1. cap. 50. *Aragon.* 2. 2. quaest. 66. art. 5. *Nauar.* Man. Lat. cap. 17. num. 175. *Sà,* v. Thes. *Valasc.* de iure Emphyt. p. 1. quaest. 15. *et alii communiter.*

29 For a fuller knowledge of this matter it may be asked: Whether it is lawful to buy a field in which we know there is a Treasure, the treasure not being indicated to the Lord of the field, nor its price increased.

Ad amplam huius rei notitiam quaeri potest: An liceat emere agrum, in quo scimus, esse Thesaurum, non indicato thesauro Domino agri, nec aucto pretio illius.

30 ***The first*** opinion, which asserts it, is that of D. Bonaventura *loc. cit.* D. Thom. *2. 2. quaest. 66. art. 5.* Soto *lib. 5. de Iust. quaest. 3.* Nauar. *cap. 17. num. 175.* Molina *de Iust. disp. 56.* and *disp. 333.* Sylvestri *v. inventum,* Rebell. *2. p. l. 9. quaest. 5. num. 2.* Sà *v. Thesaur.* Aragon. *2. 2. quaest. 66. art. 1.* Mercado *de contract. cap. 15.* Rodriquez *summa, cap. 47.* Lopez *p. 2. Instit. cap. 1.* Lessii *lib. 2. cap. 5. disp. 15. num. 64.* Fagundez *num. 40.*

Prima *opinio asserens est D. Bonaventurae* loc. cit. *D. Thom.* 2. 2. quaest. 66. art. 5. *Soto* lib. 5. de Iust. quaest. 3. *Nauar.* cap. 17. num. 175. *Molina* de Iust. disp. 56. *et* disp. 333. *Sylvestri* v. inventum, *Rebell.* 2. p. l. 9. quaest. 5. num. 2. *Sà* v. Thesaur. *Aragon.* 2. 2. quaest. 66. art. 1. *Mercado* de contract. cap. 15. *Rodriquez* summa, cap. 47. *Lopez* p. 2. Instit. cap. 1. *Lessii* lib. 2. cap. 5. disp. 15. num. 64. *Fagundez* num. 40.

31 But it is against Angelus, and Firmus *v. Inventum*, Tabiena *v. Restitutio §. 26.* and Valas. *quaest. 15.* who inclines to this opposite view.

Est autem contra Angelum, et Firmum v. Inventum, *Tabienam* v. Restitutio §. 26. *et Valas.* quaest. 15. *qui inclinat ad hanc oppositam.*

32 ***I assert*** with the first opinion that such a field, a repository of Treasure, can be bought, with consideration had of the field alone.

Assero *cum prima sententia, talem agrum, Thesauro depositarium, posse emi, habita sola consideratione agri.*

33 ***It is proved*** by the authors of that opinion, with D. Bonav., from that passage of *Matth. 13. The kingdom of heaven is like unto a treasure hidden in a field: which when a man hath found, etc., he goeth, and buyeth that field;* where he asserts that a prudent man can buy that field, and says nothing about the increase of the price.

Probatur *ab authoribus illius cum D. Bonav. ex illo* Matth. 13. Simile est regnum caelorum thesauro abscondito in agro: quem qui invenit homo, etc. vadit, et emit agrum illum; *Ubi asserit, posse hominem prudentem emere agrum illum, et nihil de augmento pretii dicit.*

34 *They answer* that nothing is gathered from that, since he says nothing of the price; but that it is left in its due estimation, since Christ does not favor frauds.

> Respondent, *nihil inde colligi, dum nihil dicit de pretio; sed relinquere in debita aestimatione, cum Christus fraudibus non faveat.*

35 *But on the contrary;* for Christ in his most pure doctrine would have expressed what was necessary for a licit contract. Nay, I gather from this that Christ did not wish to require anything else; for his purpose was to speak of the purchase of the kingdom of heaven by merits, which are not of themselves adequate to so great a glory, as the holy Fathers Hilary, Peter Chrysol. Eusebius Emiss. and Haymo expound; or by the treasure Christ himself is understood, as D. Hieronymus, and Christianus Druthmarus, and the ordinary Gloss explain; or the WORD OF GOD, as SS. Chrysost. and Gregory explain in the Bibliotheca, Homil. But it is certain that a force is put in the Treasure in that it is hidden, and consequently the price of the field is unknown, by which Tostatus was deceived, *quaest. 65. in cap. 13. Matth.* for the word of preaching also has a hidden virtue, as he teaches in the other parable, because it is compared to a grain of mustard seed, as S. Hieron. explains; for it contains heavenly wisdom, unknown to the wise of this world: So likewise Christ is one in whom are all the treasures of the Wisdom of God hidden, and yet he is: *To the Jews a stumbling block; to the gentiles foolishness.* So also of the blessed kingdom, which is acquired on the way. Wherefore it would not be well applied, if the field were bought at a price adequate on our part. See the Fathers alleged, *De restitutione debita ex impeditis alicui bonis.*

> Sed contra; *nam Christus in sua purissima doctrina expressisset id, quod erat necessarium ad contractum licitum. Imo colligo, hinc noluisse Christum aliud requirere; nam propositum erat ei agere de emptione regni caelorum per merita, quae non sunt ex se adaequata tantae gloriae, ut exponunt SS. PP. Hilarius, Petrus Chrysol. Eusebius Emiss. et Haymo: Vel per thesaurum intelligitur Christus, ut explicant D. Hieronymus, et Christianus Druthmarus, et Gloss. ordinaria; aut VERBUM DEI, ut explicant SS. Chrysost. et Gregorius in Bibliot. Homil. Certum autem est, fieri vim in Thesauro, quod absconditus sit, atque adeo ignoretur pretium agri, in quo deceptus est Tostatus* quaest. 65. in cap. 13. Matth. *nam, et verbum praedicationis habet virtutem absconditam, ut docet etiam in alia parabola, quia comparatur grano Sinapis, ut explicat S. Hieron. nam continet sapientiam caelestem, saeculorum sapientibus incognitam: Similiter et Christus est, in quo sunt omnes thesauri Sapientiae Dei absconditi, cum tamen sit:* Iudaeis scandalum; gentibus stultitia. *Sic et de regno beato, quod acquiritur in via. Quapropter non bene applicaretur, si esset emptus ager pretio ex parte nostra adaequato. Vide Patres allegatos,* De restitutione debita ex impeditis alicui bonis.

Subquestion III: On the restitution owed for goods of which another has been hindered

1 JUSTICE is violated not only by taking away goods acquired, but also by impeding their being acquired; and this is the third head, from which the debt of restitution arises; concerning which the holy Doctor says something in the *Speculum Animae, cap. 1.* where he describes five ways of doing damage, and from the four first he places the obligation of restoring; for the goods of others, whether possessed or to be possessed, are impeded by doing, commanding, counseling, helping, and dissimulating; but of this last he says that a mortal sin is often not committed, unless hatred, or some other wicked disposition toward one's neighbor, arises; for commonly this dissimulation happens from fear and pusillanimity; while one fears that the wrath of wrongdoers be excited against him, and redound to his own loss; whence from this no one is held to restitution: Otherwise it would have to be said of him on whom the duty lay by his office to coerce such wrongdoers; since here he is bound by the bonds of Justice to guard the goods entrusted to him by office; but others are bound to

it by charity, wherefore they can licitly even dissimulate, when they probabilistically believe that by reproving they will not profit; as D. Augustine has it, *lib. 1. de civitate Dei*, in the Seraphic Doctor, at the place cited: *If anyone for this reason spares the wicked in rebuking and reproving them, lest they become worse, it does not seem to be an occasion of covetousness, but the counsel of Charity*.

> *IUSTITIA violatur non solum auferendo bona acquisita, sed etiam impedieudo ne acquirantur; et hoc tertium caput est, ex quo oritur debitum restitutionis; de quo aliqua dicit S. Doctor in* speculo Animae, cap. 1. *ubi quinque modos damnificandi describit, et ex quatuor primis ponit obligationem restituendi; bona enim aliorum, seu habita, sive habenda, impediuntur faciendo, praecipiendo, consulendo, iuvando, et dissimulando; hoc autem ultimo dicit non peccari saepe mortaliter, nisi ex odio, aut alia prava dispositione in proximum oriatur; nam plerumque ex timore, et pusillanimitate dissimulatio haec contingit; dum quis timet, ne malefactorum ira in se concitetur, et in proprium damnum redundet; unde hinc nullus restitutioni tenetur: Aliter tamen dicendum esset de illo, cui ex officio incumberet tales malefactores coërcere; cum hic Iustitiae vinculis obligetur ad tuenda bona ex officio sibi credita; verum alii ad id ex charitate tenentur, quare licite possunt etiam dissimulate, cum probabiliter credunt corripiendo, se non profuturos; ut habet D. Augustinus* lib. 1. de civitate Dei *apu Seraphicum, loco citato:* Si propterea quisque obiurgandis, et corripiendis male agentibus parcit, ne deteriores efficiantur, non videtur esse cupiditatis occasio, sed Charitatis consilium.

2 Of the other ways, by which one who impedes his neighbor's good is held to restitution, I shall speak in the following doubts.

> *De aliis autem modis, quibus reus, impediendo proximi bonum, ad restitutionem tenetur seqq. dubitationibus dicam.*

Doubt I: On the restitution owed for goods impeded by violence, fraud, or evil intention

1 It is first SUPPOSED, by the common consent of all, that he who by prayers, blandishments, or other like means persuaded someone, who was going to give liberally to one person, to give rather to another, is not compelled to restitution; because as yet Justice is acquired against no one, against whom an offense could be committed; and this is intimated in *the last law, C. si quis aliquem testari prohibuerit;* wherefore if by prayers you persuade Caio, about to make a testament, to leave a legacy rather to Titio than to another, you are not held to restitution.

> De restitutione bonorum, Vi, Dolo, aut prava intentione impeditorum.
>
> *SUPPONITUR primo e communi omnium consensu, non cogi eum ad restitutionem, qui precibus, blanditiis, vel aliis modis similibus suasit alicui, liberaliter donaturo uni, ut donet potius alteri; quia nulli adhuc Iustitia acquiritur, contra quam delinquatur; et hoc insinuatur* lege ult. C. si quis aliquem testari prohibuerit; *quare si Caio testaturo precibus suadeas, ut potius Titio quam alteri legatum relinquat, ad restitutionem non teneris.*

2 It is SUPPOSED second, according to Caietanus, Paludanus, Sylvestrus, and others in Azorius *p. 3. lib. 4. cap. 9. quaestito 4.*, that he who in any way impeded the worthy man from an office or benefice, so that it be possessed by the unworthy, is held to make good a double loss: namely, to the Church, or the Republic, to which the unworthy man is preferred; and to that worthy man who is rejected out of regard for him; since each has equally acted against Justice, depriving both, whether the benefice or the minister. So an undue loss is inflicted on both.

> *SUPPONITUR secundo iuxta Caietanum, Paludanum, Sylvestrum, et alios apud Azorium* p. 3. lib. 4. cap. 9. quaestito 4. *eum, qui impediuit quocumque modo dignum ab officio, vel beneficio, ut ab indigno possideatur, teneri refarcire duplex damnum, Ecclesiae scilicet, aut Reipublicae, cui indignus praefertur; et illius digni, qui ipsius intuitu*

reiicitur, cum aeque egerit contra Iustitiam, privando utrumque, seu beneficio, seu ministro; Ita et utrique indebitum damnum infertur.

3 It is SUPPOSED third, as certain, that he is held to restore who, even without force, fraud, or wicked intention, impeded another from acquiring a good to which he had some right of commutative Justice, whether that right was the perfect one, which they call *Ius in re,* (as Nauar. note, *cap. 17. num. 89.* Valentia *quaest. 6. punct. 5. col. 923.*) obtained by dispensation among the living, or by testament, or by legitimate collation, or confirmation, or by another legitimate way.

SUPPONITUR tertio ut certum, teneri restituere illum, qui etiam absque vi, dolo, vel prava intentione impedivit alterum, ne acquireret bonum, ad quod habebat ius aliquod commutativae Iustitiae, sive id ius fuerit perfectum, quod vocant Ius in re, *(ut notant Nauar.* cap. 17. num. 89. *Valentia* quaest. 6. punct. 5. col. 923.*) obtentum dispensatione inter vivos, aut testamento, aut legitima collatione, aut confirmatione, aut alio modo legitimo.*

4 Or whether it was the imperfect right, which they call *Ius ad rem* acquired (as Nauar. and Valentia say) by just promise, purchase, stipulation, election, presentation, apposition, concourse, expectancy, regress, access, auxiliary help, primogeniture, or by another title of this kind; from which one can legitimately petition the Judge that the free faculty be made and preserved for him of progressing to the acquisition of the perfect right, and consequently of the real possession of it itself. The holy Doctor expressed this twofold way in these words: Damage can be done in a twofold way, either by impeding a good possessed; behold the first: or one to be possessed; behold the other.

Sive fuerit ius imperfectum, quod vocant Ius ad rem *acquisitum (ut Nauar. et Valentia aiunt) iusta promissione, emptione, stipulatione, electione, praesentatione, appositione, concursu, expectantia, regressu, accessu coadiutoria, primogenitura, aut alio huiusmodi titulo; ex quo possit aliquis legitime petere a Iudice, ut sibi libera facultas fiat, et conservetur progrediendi usque ad acquisitionem iuris perfecti, atque adeo realis possessionis ipsius. Hunc duplicem modum his verbis expressit S. Doct. Damnificatio potest fieri dupliciter, aut impediendo bonum habitum; Ecce primum: vel habendum; Ecce alterum.*

5 The REASON is, because he violates Commutative Justice: Therefore he is held to restore; and indeed, if he has a perfect right, the impeder is held to restore the whole; but if the right was imperfect, he will be held to what is estimated pro rata for the certainty of the benefit, etc., with what must be computed being computed.

RATIO est, quia is violat Iustitiam Commutativam: Ergo tenetur restituere, et quidem si habeat ius perfectum, impediens tenetur restituere totum; si vero ius erat imperfectum, tenebitur ad id, quod aestimabitur pro rata certitudinis emolumenti, etc. computatis computandis.

6 Valentia then POSITS as certain that he is held to restore who by fraud, deceit, or force impeded another, even an unworthy one, from a good to which he had no right from distributive or commutative justice; But this is not proved to me, because if he has no right, the matter does not concern justice, which is owed to the unworthy; and although one sins against Charity by unjustly revealing someone's hidden crime; yet since the sin is only against charity, no obligation of restitution arises from it.

PONIT Valentia deinde ut certum, eum teneri restituere, qui dolo, fraude, aut vi impedivit alterum, etiam indignum bono, ad quod non habebat aliquod ius ex distributiva, vel commutativa; Sed hoc mihi non probatur, quia si nullum habet ius, non agitur contra iustitiam, indigno debitam; et licet peccetur contra Charitatem occultum alicuius crimen inique prodendo; cum tamen in charitatem solum delinquitur, nulla hinc restituendi obligatio enascitur.

7 But they ASK: Whether from this an obligation of restitution arises, because out of some evil affection of hatred, and with a wicked end, he impeded another from acquiring goods, whether he had a right to it or none at all.

> *QUAERUNT autem: An inde nascatur obligatio restitutionis, quia ex aliquo malo affectu odii, et fine pravo impedivit alium a bonis acquirendis, sive ad id habuerit ius, sive nullum omnino.*

8 Scotus AFFIRMS, *4. dist. 15. quaest. 6. art. 3.* Palud. *quaest. 2. art. 2.* Richard. *art. 5. quaest. 4. ad 7.* and they ascribe the same to D. Thom. *art. 2. ad 4.*

> *AFFIRMANT Scotus* 4. dist. 15. quaest. 6. art. 3. *Palud.* quaest. 2. art. 2. *Richard.* art. 5. quaest. 4. ad 7. *et idem adscribunt D. Thom.* art. 2. ad 4.

9 The OPPOSITE opinion Adrianus teaches, *de Restit.* Sotus *lib. 4. de Iust. quaest. 6. num. 3.* Couar. *relect. in Reg. Peccatum p. 2. §. 7.* Nauar. *cap. 17. n. 70.* Valentia *quaest. 6. punct. 5. col. mihi 924.* Caietanus *art. 2.* Caspensis *disp. 1. sect. 10. num. 116.* Couar. *epist. 4. p. 2. cap. 6 §. 7.* This, which the holy Doctor supposes *in speculo animae, cap. 1. and 2.*, where he derives the obligation of restitution from the mere doing of damage, is without controversy true; and therefore things done out of hatred he indeed places as opposed to charity, but not to justice, and consequently not liable to restitution, as the authors alleged argue, and Tannerus *disp. 4. quaest. 6. dub. 2. num. 64.* citing Scotus *loc. cit.* and others.

> *OPPOSITAM sententiam docet Adrianus* de Restit. *Sotus* lib. 4. de Iust. quaest. 6. num. 3. *Couar.* relect. in Reg. Peccatum p. 2. §. 7. *Nauar.* cap. 17. n. 70. *Valentia* quaest. 6. punct. 5. col. mihi 924. *Caietanus* art. 2. *Caspensis* disp. 1. sect. 10. num. 116. *Couar.* epist. 4. p. 2. cap. 6 §. 7. *Haec absque controversia est vera, quam S. Doct. supponit* in speculo animae, cap. 1. et 2. *ubi ex sola damnificatione eruit obligationem restitutionis; et ideo, quae fiunt ex odio, ponit quidem opposita charitati, sed non iustitiae, ac proinde restitutioni non obnoxia, ut arguunt allegati, ac Tannerus* disp. 4. quaest. 6. dub. 2. num. 64. *referens Scotum* loc. cit. *et alios.*

10 S. Bonav. indeed CONCEDES, *loc. cit.* and to others to be referred in disputation 34., that material detraction, which is not out of hatred, or envy, or anger, is not mortal. Yet it does not exempt from the obligation of restitution one who does damage in that way; just as if someone playing, or without reflection, pushed another into a river, where he was submerged; the pusher would be held to pull him out, if he could; or if someone threw another's purse, not with a wicked mind but in play, into a hidden place; for even if he did not sin by throwing it, he would nevertheless be held to restore it.

> *CONCEDIT sane S. Bonav.* loc. cit. *et aliis referendis in disputatione 34. detractionem materialem, quae non sit ex odio, aut invidia, vel ira, non esse mortalem. Enim vero non eximit a restitutionis obligatione ita damnificantem; sicuti si aliquis ludens, vel inconsulto impelleret alium in flumen, ubi submerfus; teneretur impulsor illum eruere, si posset; vel si aliquis crumenam alterius proiiceret, non animo pravo, sed ad ludum, in locum reconditum; esto enim non peccaret proiiciendo, teneretur tamen eam restituere.*

Doubt II: Whether one is bound to restore customs duties he has defrauded

1 I SUPPOSE with D. Bonav. *in 2. dist. 44. art. 2. quaest. 2.* that subjects are held in conscience, from justice, to pay to the Prince the tributes and tolls justly imposed. The holy Doctor proves it from that passage of *Matth. 22.* where Christ defines: *Render therefore to Caesar the things that are Caesar's, and to God the things that are God's.* This opinion is that of Jesus Christ. The Apostle Paul follows him, *Rom. 13. Render to all their dues: tribute to whom tribute: toll to whom toll.* The holy Doctor urges the same *at the place cited.*

An teneatur quis restituere fraudata vectigalia.

SUPPONO cum D. Bonav. in 2. dist. 44. art. 2. quaest. 2. *teneri subditos in conscientia ex iustitia solvere Principi tributa, et vectigalia iuste imposita, Id probat S. Doct. illo* Matth. 22. *ubi Christus definit:* Reddite ergo, quae sunt Caesaris, Caesari, et quae sunt Dei, Deo. *Haec sententia est Iesu Christi. Eum sequitur Paulus Apostolus* Rom. 13. Reddite omnibus debita: cui tributum, tributum: cui vectigal, vectigal. *Idem urget S. Doct.* loco citando.

2 But tribute is a payment imposed on subjects by the Prince, according to each one's means, especially landed means, etc., for the Prince's dignity and the public expenditures to be sustained in the kingdom. Toll, however, signifies a payment for things that are exported from the city, or imported into it, or for the transport of goods across bridges and through ports, as Lessius notes, *cap. 33.* Tanner. *disp. 4. quaest. 6. dub. 12. n. 336.* with D. Bonav. *in vita Christi, cap. 60.*

Est autem tributum pensio, quae a Principe imponitur subditis, iuxta cuiusque facultates, praesertim praediales, etc. ad Principis dignitatem, et impendia publica in regno sustinenda. Vectigal vero significat pensionem pro rebus, quae exportantur e civitate, vel in eam importantur, vel pro transvectione mercium per pontes, et per portus, ut notat Lessius cap. 33. *Tanner.* disp. 4. quaest. 6. dub. 12. n. 336. *cum D. Bonav.* in vita Christi, cap. 60.

3 But that the payment be just, four conditions are required, without which they are robberies, as the holy Doctor teaches *in speculo animae, cap. 2.* and I discussed more broadly *t. 2. Tract. de Legibus, disp. 5. quaest. 11.* The first is, that it be imposed by an absolved Prince; others, however, are excommunicated in the Bull of the Coena. The second, that the cause be just, that is, the public good, as for public debts, or expenditures, in peace and in war, or for the legitimate sustenance of the Prince. The third, that it be imposed only on things of commerce and the like. See Valentiam *quaest. 6. punct. 6.* The fourth, that it be done in a legitimate manner, or form, according to the proportion of goods, so that nothing is exacted from non-subjects either, or some subjects are exempted to the prejudice of others, as Tannerus notes. It is found in *l. Omnium, as I shall say in doubt 3.*

Ut autem iusta sit pensio, quatuor conditiones requiruntur, sine quibus sunt rapinae, ut docet S. D. in speculo animae, cap. 2. *et latius disserui* t. 2. Tract. de Legibus, disp. 5. quaest. 11. *Prima est, ut a Principe absoluto imponatur; alii vero excommunicantur in Bulla Coenae. Secunda, ut causa sit iusta, idest bonum publicum, ut pro publicis debitis, vel impensis, pace, et bello, vel ob legitimam Principis sustentationem. Tertia, ut in rebus imponatur tantum mercationum, et similium. Vide Valentiam* quaest. 6. punct. 6. *Quarta, ut modo fiat legitimo, seu forma, secundum proportionem bonorum, ita ut etiam non exigatur aliquid a non subditis, aut aliqui subditi eximantur in praeiudicium aliorum, ut notat Tannerus. Habetur* l. Omnium, ut dicam dub. 3.

4 But whether, on the part of the efficient cause, they can be imposed by enfeoffed Princes. It is answered affirmatively. Therefore the Pontiff, the General Council, the Emperor, Kings, Princes, and Feudataries can impose tributes, as Valentia notes, *loc. cit.* Caietanus *v. Vectigal.* Medina *quaest. 13. de restit.*

An vero ex parte efficientis imponi queant a Principibus feudatis. Respondetur assertive. Itaque Pontifex, Concilium Generale, Imperator, Reges, Principes, et Feudatarii possunt tributa imponere, ut notant Valentia loc. cit. *Caietanus* v. Vectigal. *Medina* quaest. 13. de restit.

5 On the part of the end you ask: Whether they can be imposed by the Prince to endow his daughter, to ransom his son, for decent recreations. And it is answered affirmatively. See Caspensem *disp. 8. sect. 4.* Covar. *in reg. Peccatum, p. 2. §. 5.* Valentiam *at the place cited.*

Ex parte finis quaeres: An possint a Principe imponi ob dotandam filiam suam, ob filium redimendum, ob recreationes decentes. Et respondetur assertive. Vide Caspensem disp. 8. sect. 4. *Covar.* in reg. Peccatum, p. 2. §. 5. *Valentiam* loco citato.

6 On the part of the form they must be imposed according to the proportion of means and strength; nor more than the causes require. Concerning which see Caietanum.

Ex parte formae debent esse imposita iuxta proportionem facultatum, et virium; neque plura, quam exigant causae. De quo vide Caietanum.

7 On the part of the matter, by civil law they ought to be constituted only in things which pertain to the commerce of buying and selling, and the like, *l. Omnium, C. de vectigalibus.* But not in those which one acquires for his own use and necessity, as Caietanus noted, and Angelus *verb. Pedagium, §. 3.* adding that a contrary custom does not avail in this; but that it can be introduced by custom, Valentia *loc. cit.* Navar. *Manuali, cap. 17. num. 203.* Antonin. *2. p. tit. 1. cap. 24.* Sylvest. *verbo Gabella, 3. num. 14.* Valentia *at the place cited* admonish.

Ex parte materiae, e iure civili, solum constitui debent in rebus, quae ad negotiationem emptionum, et venditionum, ac similium pertinent l. Omnium, C. de vectigalibus. *Non autem in iis, quae quis ad usum, et necessitatem suam acquirit, ut notavit Caietanus, et Angelus* verb. Pedagium, §. 3. *addens, non valere in hoc contrariam consuetudinem; sed consuetudine id posse introduci admonent Valentia* loc. cit. *Navar.* Manuali, cap. 17. num. 203. *Antonin.* 2. p. tit. 1. cap. 24. *Sylvest.* verbo Gabella, 3. num. 14. *Valentia* loco citato.

8 It is asked, therefore: Whether by some particular law, or custom, tributes can be imposed on those things which are acquired for necessary sustenance, as bread, wine, oil, salt, and the like.

Quaeritur igitur: An aliqua lege particulari, vel consuetudine possint imponi tributa super his, quae ad necessarium victum acquiruntur, ut pane, vino, oleo, sale, et similibus.

9 The affirmative opinion Molina upholds, *tom. 3. disp. 669.* Suarez *de Legibus lib. 5. cap. 15.* Vasquez *opusc. de restit. cap. 6. §. dub. 1.* Azor. *p. 3. lib. 5. cap. 21. quaestio 1.* Malder. *2. 2. Tract. 5. cap. 6.* Ioan. de Cruz *in direct. p. 1. praecepto septimo, art. 3. disp. 1.* Turrianus *2. 2. T. 2. disp. 14. dub. 3.* Lessius *lib. 2. cap. 33. dub. 7.* Reginald. *T. 1. lib. 10. cap. 25. n. 377.* Molfesius *summa, T. 2. tract. 12. cap. 23.* But these last three say these gabels are licit under these conditions: First, when public necessity presses, and tolls cannot be had elsewhere, or do not suffice. Second, when this gabel is established by the free consent of the people. Third, when, for the security of the aforesaid things diverted another way, provision cannot otherwise be made. When they have been imposed by immemorial custom.

Assertivam sententiam astruunt Molina tom. 3. disp. 669. *Suarez* de Legibus lib. 5. cap. 15. *Vasquez* opusc. de restit. cap. 6. §. dub. 1. *Azor.* p. 3. lib. 5. cap. 21. quaestio 1. *Malder.* 2. 2. Tract. 5. cap. 6. *Ioan. de Cruz* in direct. p. 1. praecepto septimo, art. 3. disp. 1. *Turrianus* 2. 2. T. 2. disp. 14. dub. 3. *Lessius* lib. 2. cap. 33. dub. 7. *Reginald.* T. 1. lib. 10. cap. 25. n. 377. *Molfesius* summa, T. 2. tract. 12. cap. 23. *Hi vero tres ultimi sub his conditionibus licitas esse has gabellas aiunt: Primo, quando urget necessitas publica, et aliunde vectigalia haberi non possunt, aut non sufficiunt. Secundo, quando haec gabella ex libero consensu populi statuitur. Tertio, quando securitate praedictarum rerum, divectarum alia via, consuli nequit. Quando e consuetudine immemorabili iam sunt impositae.*

10 The negative opinion Caietanus defends, *verb. Vectigal,* Zanard. *directorio p. 2. cap. 12. super septimum praeceptum,* Medina *p. 2. quaest. 96. art. 4.* Sotus *de Iustitia, lib. 3. quaestion. 6. artic. 7.* Tolet. *lib. 5. cap. 73.* Angel. *verb. Pedagium,* Sayrus *de Censuris, lib. 3. cap. 9.* Bertazolus *vol. 1. consil. 107.* Roland. *vol. 3. consil.*

42. num. 18. Decius *consil. 96. num. 5. et 18.* Bonacina *de contract. disp. 2. quaest. 9. p. 1.* and Diana thinks it probable, *p. 1. tract 17. resol. 28.* although he judges the opposite more probable. The reason is, because the just form of the gabel is not observed; for in that form of tributes the Poor are burdened more than the Rich.

> *Negativam sententiam defendunt Caietanus* verb. Vectigal, *Zanard.* directorio p. 2. cap. 12. super septimum praeceptum, *Medina* p. 2. quaest. 96. art. 4. *Sotus* de Iustitia, lib. 3. quaestion. 6. artic. 7. *Tolet.* lib. 5. cap. 73. *Angel.* verb. Pedagium, *Sayrus* de Censuris, lib. 3. cap. 9. *Bertazolus* vol. 1. consil. 107. *Roland.* vol. 3. consil. 42. num. 18. *Decius* consil. 96. num. 5. et 18. *Bonacina* de contract. disp. 2. quaest. 9. p. 1. *eamque probabilem putat Diana* p. 1. tract 17. resol. 28. *tametsi oppositam probabiliorem censeat. Ratio est, quia non servatur iusta forma gabellae; nam in tali forma tributorum, magis gravantur Pauperes, quam Divites.*

11 But it can be doubted: Whether a creditor of the Prince or of the city, by defrauding the gabel, can compensate himself the debt owed him.

> *Potest vero dubitari: An quis creditor Principis, vel civitatis, fraudando gabellam possit sibi debitum compensare.*

12 Reginaldus denies it, *Tom. 1. lib. 10. cap. 24. num. 383.* Graffius *p. 1. lib. 2. cap. 125. num. 39.* when the gabels are leased to publicans, who pay the Prince a determined payment wherever; for then the loss falls on the Publicans, not the Prince.

> *Negant Reginaldus* Tom. 1. lib. 10. cap. 24. num. 383. *Graffius* p. 1. lib. 2. cap. 125. num. 39. *quando gabellae sunt locatae publicanis, qui determinatam Principi ubicumque solvunt pensionem; tunc enim fit damnum Publicanis, non Principi.*

13 Yet they assert this compensation to be licit: Petrus Navar. *lib. 3. de restitut. cap. 1. num. 24.* Lessius *de Iust. lib. 2. cap. 33. dub. 10.* Bonac. *de contract. disp. 2. quaest. 9. p. 1. num. 12.* who cites Vasquez and Molina. Bartholomaeus a S. Fausto also holds it, *in spec. disp. 33. quaest. 37.* Turrianus *2. 2 T. 2. disp. 46. dub. 3.* Molfesius *tomo 2. tract. 12. cap. 22. num. 142.* Vega *in summa p. 1. cap. 15. casu 10.* Malder. *2. 2. tract. 5. cap. 9. dubitat. 16.*

> *Asserunt tamen, licitam esse hanc compensationem Petrus Navar.* lib. 3. de restitut. cap. 1. num. 24. *Lessius* de Iust. lib. 2. cap. 33. dub. 10. *Bonac.* de contract. disp. 2. quaest. 9. p. 1. num. 12. *qui citat Vasquez, et Molinam. Eam tenent etiam Bartholomaeus a S. Fausto* in spec. disp. 33. quaest. 37. *Turrianus* 2. 2 T. 2. disp. 46. dub. 3. *Molfesius* tomo 2. tract. 12. cap. 22. num. 142. *Vega* in summa p. 1. cap. 15. casu 10. *Malder.* 2. 2. tract. 5. cap. 9. dubitat. 16.

14 Yet this opinion is not proved to me, on account of the reason brought for the first opinion; nor does Diana answer sufficiently, *p. 1. tract. 16. resol. 16.*, that the lessees of the Gabel do not receive a loss, because they lease the Gabels and Duties at a far smaller price; because they know the frauds of subjects.

> *Haec tamen opinio mihi non probatur ob rationem allatam pro prima sententia; neque satis respondent Diana* p. 1. tract. 16. resol. 16. *conductores Gabellae non accipere damnum, quia conducunt Gabellas, et Datia, longe minori pretio; quia sciunt fraudes subditorum.*

15 For it is against it, because they are shaken enough by the ordinary frauds of subjects, unless they also pay the Prince's dues, by which indeed they are annihilated, immense as they are.

> *Contra enim est, quia satis fraudibus ordinariis subditorum concutiuntur, nisi etiam debita Principis solvant, quibus profecto ingentibus exterminentur.*

16 But if the doubt be: Whether the toll is unjust; many assert that the subject is held to pay. So Suarez *de Legibus, lib. 5. cap. 18. num. 20.* Vasquez *de restit. cap. 6. §. 3. disp. 5. num. 78.* Turrianus *2. 2. Tom. 2. disp. 46. dub. 6.* according to that saying: *In doubts the condition of the possessor is better*; and the possessor (they add) is the Superior, who has authority. But Carbo *quaest. 33.* Sylvest. *v. Gabella 4. num. 7. and others* say they bind, if they are old; otherwise if new.

> *Si vero dubium sit: An vectigal sit iniustum; multi asserunt, teneri subditum solvere. Ita Suarez* de Legibus, lib. 5. cap. 18. num. 20. *Vasquez* de restit. cap. 6. §. 3. disp. 5. num. 78. *Turrianus* 2. 2. Tom. 2. disp. 46. dub. 6. *iuxta illud:* In dubiis melior est conditio possidentis, *possidens vero (addunt) est Superior, qui habet authoritatem. At Carbo* quaest. 33. *Sylvest.* v. Gabella 4. num. 7. et alii *dicunt, eas obligare, si antiquae sint; secus si novae.*

17 Yet that they are not held to pay them, Less. teaches, *lib. 2. cap. 33. disp. 9. num. 67.* Reginald. *T. 1. lib. 10. cap. 25. sect. 1. num. 374.* Megala *p. 2. lib. 2. cap. 17. quaest. 8. num. 152.* Navar. *de restit. lib. 3. cap. 1. p. 3. dub. 13. num. 167.* Salon. *de restit. t. 1. quaest. 5. art. 4. controv. 2.* Batthol. a S. Fausto *in spec. disp. 33. quaest. 23.* Sanchez *in summa, tom. 2. lib. 6. cap. 3. num. 7.* Malder. *1. 2. Tract. 5. cap. 6. dub 4.* Diana *p. 1. Tract. 17. resol. 59.* The reason is, because better is the condition of the possessor; but the subject is in the power of his own liberty. He is subjected indeed to the Prelate; and in this matter possession favors the Subject. Tannerus inclines this way, *disp. 4. quaest. 6. dub. 22.* I refer these things to what was said first, 2. *Tract. primo, Disputatione de conscientia.*

> *Tamen non teneri eas solvere docent Less.* lib. 2. cap. 33. disp. 9. num. 67. *Reginald.* T. 1. lib. 10. cap. 25. sect. 1. num. 374. *Megala* p. 2. lib. 2. cap. 17. quaest. 8. num. 152. *Navar.* de restit. lib. 3. cap. 1. p. 3. dub. 13. num. 167. *Salon.* de restit. t. 1. quaest. 5. art. 4. controv. 2. *Batthol. a S. Fausto* in spec. disp. 33. quaest. 23. *Sanchez* in summa, tom. 2. lib. 6. cap. 3. num. 7. *Malder.* 1. 2. Tract. 5. cap. 6. dub 4. *Diana* p. 1. Tract. 17. resol. 59. *Ratio est, quia melior est conditio possidentis; at subditus est in potestate suae libertatis. Subditur quidem Praelato; et hac in re possessio est pro Subdito. Inclinat Tannerus* disp. 4. quaest. 6. dub. 22. *ego haec remitto ad dicta prima 2.* Tract. primo, Disputatione de conscientia.

18 SINCE, however, the chief difficulties in this matter are about the Formal and Final causes of tributes and tolls, namely that they be imposed for the public utility, and that they be imposed according to distributive justice; as the Doctors commonly say, Turrianus 2. 2. *col.* 1. *disp.* 44. *dub.* 1. and 2. Bonac. *tract. de contract. disp.* 2. *quaest.* 9. *p.* 1. Aragon. *quaest.* 77. *art.* 3. Valentia tomo 3. *disp.* 5. *quaest.* 6. *puncto* 5. Suarez *de legibus, l.* 5. *cap.* 14. *num.* 16. Barthol. a S. Fausto *in speculo, disp.* 33. *quaest.* 2. Salas *de leg. quaest.* 69. *tract.* 14. *disp.* 15. *sect.* 10. *num.* 118. Lessius *lib.* 2. *cap.* 33. *dub.* 1. and 2. Reginald. T. 1. *lib.* 10. *cap.* 25. *num.* 372. Ledesiin. *tom.* 2. *tract.* 7. *cap.* 2. Malder. 2. 2. *tract.* 5. *cap.* 6. *dub.* 2. Layman *lib.* 3. *sect.* 5. *tract.* 3. *p.* 1. *cap.* 3. Tannerus *disp.* 4. *quaest.* 6. *dub.* 12. *num.* 323. and 344. Moltesius *summa, Tom.* 1. *tract.* 12. *cap.* 22. *num.* 37. Sylvius 2. 2. *quaest.* 66. *art.* 8. Villalobos T. 2. *tract.* 8. *dub.* 13. *num.* 14. and 15. Aragon. 2. 2. *quaest.* 62. *art.* 3. Vasquez *de restit. cap.* 5. §. 2. *dub.* 1. and 2. Molina *de Iust. Tract.* 2. *disp.* 667. and others, whom Diana reports, *p.* 1. *Tract* 3. *resol.* 2. Diana himself resolved many doubts on these.

> *QUONIAM vero praecipuae difficultates hac in re sunt circa causas, Formalem, et Finalem tributorum, et vectigalium, nempe quod imponantur ob publicam utilitatem, et ut imponantur secundum distributivam; ut communiter Doctores aiunt, Turrianus 2. 2.* col. *1.* disp. *44.* dub. *1. et 2. Bonac.* tract. de contract. disp. 2. quaest. *9.* p. *1. Aragon.* quaest. *77.* art. *3. Valentia tomo 3.* disp. *5.* quaest. *6.* puncto *5. Suarez* de legibus, l. *5.* cap. *14.* num. *16. Barthol. a S. Fausto* in speculo, disp. *33.* quaest. *2. Salas* de leg. quaest. *69.* tract. *14.* disp. *15.* sect. *10.* num.

118. Lessius lib. 2. cap. *33.* dub. *1. et 2. Reginald. T. 1.* lib. *10.* cap. *25.* num. *372. Ledesiin.* tom. 2. tract. *7.* cap. *2. Malder. 2. 2.* tract. *5.* cap. *6.* dub. *2. Layman* lib. *3.* sect. *5.* tract. *3.* p. *1.* cap. *3. Tannerus* disp. *4.* quaest. *6.* dub. *12.* num. *323. et 344. Moltesius* summa, Tom. *1.* tract. *12.* cap. *22.* num. *37. Sylvius 2. 2.* quaest. *66.* art. *8. Villalobos T. 2.* tract. *8.* dub. *13.* num. *14. et 15. Aragon. 2. 2.* quaest. *62.* art. *3. Vasquez* de restit. cap. *5. §. 2.* dub. *1. et 2. Molina* de Iust. Tract. *2.* disp. *667. et alii, quos refert Diana* p. *1.* Tract *3.* resol. *2. Super haec multa dubia ipse Diana resolvit.*

19 FIRST: Whether it is licit for a King to impose tributes in one Kingdom for the expenses made in his other Kingdoms, e.g. the King of Spain in the kingdom of Naples, for the expenses of Flanders. He answers affirmatively with Turriano 2. 2. T. 2. *disp.* 40. *du.* 1. Vasquez *opusc. de restit. cap.* 6. § 3. *disp.* 1 *num.* 7. and gives, by way of example, the reason in the King of Spain, who in guarding the religion stands alone against heretics and Turks, by whom he is little favored, and on whom the whole weight of the Christian Republic depends. He pursues this hyperbole at length.

PRIMO: An liceat Regi imponere tributa in uno Regno pro expensis, quae fiunt in aliis eius Regnis, v. g. Regi Hispaniae in regno Neapolis, pro expensis Flandriae. Respondet assertive cum Turriano 2. 2. T. 2. disp. *40.* du. *1. Vasquez* opusc. de restit. cap. *6. § 3.* disp. *1* num. *7. et reddit exempli gratia, rationem in Rege Hispaniae, qui in religione tuenda solus contra haereticos, et Turcas stat, quibus est pauori, ab eoque totum Christianae Reipublicae pondus pendet. Quam hyperb. lem late prosequitur.*

20 He ASKS second. Whether a King, who through immoderate expenses on games and unjust wars has fallen into poverty, can justly impose tributes.

QUAERIT secundo. An Rex, qui propter immoderatas expensas in ludis, bellisque iniustis in egestatem incidit, possit iuste tributa imponere.

21 He answers affirmatively with Maldero 2. 2. *tract* 5. *cap.* 6. *dub.* 4. L. st. *l.* 1. *cap.* 33. *dub.* 6. *num.* 48. Turrianus 2. 2. *t.* 2. *disp.* 44. *dub.* 2. Molina *de iust. tract.* 2. *quaest.* 667. and others. The reason is, because the King's need turns into the Kingdom's loss. But Lessius notes that the Prince is held to moderate all superfluous expenses.

Respondet assertive cum Maldero 2. 2. tract *5.* cap. *6.* dub. *4. L. st.* l. *1.* cap. *33.* dub. *6.* num. *48. Turrianus 2. 2.* t. *2.* disp. *44.* dub. *2. Molina* de iust. tract. *2.* quaest. *667. et aliis. Ratio est, quia inopia Regis vergit in damnum Regni. Notat vero Lessius, teneri Principem omnes sumptus superfluos moderari.*

22 The GREATER difficulty is about the Formal cause.

MAIOR difficultas est circa causam Formalem.

Doubt III: What form is to be kept in a just tax

1 HOWEVER GREAT may be the formal cause, drawn from pressing needs, for imposing taxes; nevertheless distributive justice requires that the resources of the peoples and the proportions of individuals be weighed, so that from this proportionate taxes be imposed upon rich and poor alike; nor should peoples be burdened so much that they are not merely plundered but flayed, as Salonius discusses *de Iustitia* in 2. 2. *tom.* 1. *quaest.* 77. *art.* 3. *controv.* 6. Villalobos *summae, tom.* 2. *tract.* 8. *diffic.* 13. Rodriguez *in summa, p.* 2. *cap.* 74. Ortiz *in summa, cap.* 22. *num.* 15. Turrianus 2. 2. *tom.* 2. *disp.* 45. *dub.* 1. Ioan. de Madcuaga *lib. de Senatu, cap.* 40. *fol.* 474.[1] Molfesius *in summa, tom.* 2. *tract.* 12. *cap.* 22. *num.* 36. Ioan. Franciscus a Ponte *in Tract. de potestate Praerogativis, tit.* 4. *de regalibus impositis, num.* 45. Vega *in summa, tom.* 1. *cap.* 15. *casu.* 3. Petrus Nauar. *de restit. lib.* 3. *cap.* 1. *num.* 237. Ledesma *in summa,*

Tom. 2. *tract.* 7. *cap.* 2. Capiblancus *l. de off. Baronum, Pragm.* 10. Consultor Matutae *in resp. cons. Messan. fol.* 4. Diana *p.* 1. *Tract. de Parlamento, resol.* 5. where he admonishes Theologians who know of excesses in burdens to freely admonish Princes and their exacting ministers that the most severe judgment of God hangs over them and that they are bound to restitution; but all that these men discuss, the Seraphic Doctor sets forth more divinely.

[1] Editor's note: the print reads 'Ioan. de Madcuaga lib. de Senatu, cap. 40'; the surname cannot be resolved with confidence from the scan or OCR (perhaps 'Madriga' or similar); kept as printed.

> ***Quaenam Forma servanda sit in iusto tributo.***
>
> *QUANTUMVIS causa formalis e necessitatibus sumpta imponendi tributa existat; requiritur tamen ad distributivam iustitiam, ut populorum vires pensitentur, et singulorum proportiones, ut inde proportionata inter divites, et pauperes tributa imponantur; nec adeo onerentur populi, ut nedum expilati reddantur, sed excoriati, ut disserit Salonius* de Iustitia in *2. 2.* tom. *1.* quaest. *77.* art. *3.* controv. *6. Villalobos* summae, tom. 2. tract. *8.* diffic. *13. Rodriquez* in summa p. 2. cap. *74. Ortiz* in summa, cap. *22.* num. *15. Turrianus 2. 2.* tom. *2.* disp. *45.* dub. *1. Ioan. de Madcuaga* lib. de Senatu, cap. *40.* fol. *474. Molfesius* in summa, tom. 2. tract. *12.* cap. *22.* num. *36. Ioan. Franciscus a Ponte* in Tract. de potestate Praerogis, tit. *4.* de regalibus impositis, num. *45. Vega* in summa, tom. *1.* cap. *15.* casu. *3. Petrus Nauar.* de restit. lib. *3.* cap. *1.* num. *237. Ledesma* in summa, Tom. 2. tract. *7.* cap. *2. Capiblancus* l. de off. Baronum, Pragm. *10. Consultor Matutae* in resp. cons. Messan. fol. *4. Diana* p. *1.* Tract. de Parlamento, resol. *5. ubi admonet Theologos, scientes gravaminum excessus, ut libere admoneant Principes, ac ministros exactores, severissimum eis iudicium Dei imminere, et ad restitutionem teneri; Omnia vero, quae isti disserunt, divinius edisserit Seraphicus Doctor.*

[2] THEREFORE the holy Doctor, *in Speculum Animae, cap.* 2, says: *To establish new tallages, or laws, or customs for extorting money without just cause has the character of robbery. Likewise exaction is when someone demands a debt inordinately. Hence those who exact tallages from subjects in this manner, and do not show compassion for their need, however poor they may be, are rightly called robbers.*

> *IGITUR S. Doct.* in speculo, animae, cap. 2. *ait:* Novas Talias, vel leges, vel consuetudines constituere ad extorquendum pecuniam absque iusta causa, habet rationem rapinae. Item exactio est, cum quis debitum inordinate exigit. Unde qui a subditis Talias isto modo exigunt, nec necessitati eorum, quantumcumque sint pauperes, compatiuntur, recte raptores dicuntur.

[3] And *in the book On the Ecclesiastical Hierarchy, p.* 2. *cap.* 3. *on the Potestates*, whom he likens to Princes and Kings, he says on our subject: *The secular power therefore will be well ordered, and disposed according to the likeness of the celestial Potestates, if those placed in authority be wise, that is, proceeding in all things not by the impulse of the will but by the helm of reason.* Therefore Solomon at the beginning of his reign asked for wisdom, 3 *Reg.* 3. For just as in spiritual jurisdiction, so also in temporal matters, one must not act without wisdom and discretion. Hence it is commanded in *Deuter. cap.* 17: *When the King sits upon the throne of his kingdom he shall write out for himself the words of the Deuteronomy, and receive a copy from the Priests of the Levitical tribe, etc., and he shall not turn aside to the right hand or to the left, that he and his sons may reign for a long time over Israel, etc.* On this account Roboam lost his kingdom, 3 *Regum* 12, because, being young, he abandoned the counsel of the Elders and gave heed to the counsel of the Young Men, saying to Ieroboam and all the people: *My father laid a heavy yoke upon you: but I will add to your yoke, etc.* These and other most deserving things, which are read concerning Kings, he set down so that infallible doctrines may be drawn from them for preserving a kingdom flourishing most peacefully; hence he says: *Those are true powers who rule their subjects not with tyrannical cruelty but rather with human,*

indeed angelic kindness, and guard the innocent. Hence it is said in *Esther* 13 by King Assuerus: *Though I commanded many nations and subdued the whole world to my dominion, I did not wish to abuse the greatness of my power, but to govern my subjects with clemency and mildness, that passing their lives in quietness without terror they might enjoy the peace desired by all mortals.*

> *Et* in lib. de Ecclesiastica Hierarchia, p. 2. cap. 3. de Potestatibus*, quas Principibus, et Regibus assimilat; ait ad rem nostram:* Ordinata igitur erit potestas saecularis, et secundum similitudinem caelestium Potestatum disposita, si in potestate constituti fuerint sapientes, scilicet non secundum voluntatis impetum, sed secundum rationis gubernaculum in singulis procedentes. *Ideo Salomon initio regni sui petiit sapientiam 3.* Reg. *3. Sicut enim nec in spirituali iurisdictione; sic nec in temporali, sine sapientia, et discretione est agendum. Ideo praecipitur in* Deuter. cap. *17.* Cum sederit Rex in folio regni sui scribet sibi deuteronomii verba, et accipiat exemplar a Sacerdotibus Leviticae tribus, etc. neque declinet in partem dexteram, vel sinistram, ut longo tempore regnet ipse, et filii eius super Israël, etc. *Propter hoc Roboam perdidit regnum 3.* Regum *12. quia iuvenis existens, derelicto consilio Seniorum, Iuvenum consilio acquievit, dicens ad Ieroboam, et omnem populum:* Pater meus aggravavit iugum vestrum: ego autem addam iugo vestro, etc. *Haec, et alia emeritissima, quae a Regibus perlegantur, exaravit, ut inde dogmata eruant infallibilia ad Regnum in pace florentissimum conservandum; Ideo ait:* Verae sunt potestates, qui non tyrannica crudelitate, sed potius humana, imo Angelica benignitate subditos regunt, et custodiunt innocentes. *Unde dicitur in* Esther *13. ab Assuero Rege:* Cum pluribus gentibus imperarem, et universum orbem meae ditioni subiugassem, nolui abuti potentiae magnitudine, sed cum clementia, et lenitate gubernare subiectos, ut absque terrore vitam silentio transigentes, optata cunctis mortalibus pace fruerentur.

4 ABOUT this we read how he moderated exactions, *cap.* 2: *And he gave rest to all the provinces, and bestowed gifts according to the magnificence of his princely station.*

> *DE hoc legitur, quo pacto exactiones moderatus sit,* cap. *2.* Et dedit requiem universis provinciis, ac dona largitus est, iuxta magnificentiam principalem.

5 THE SAME holy Doctor, in 2 *dist.* 44. *art.* 3. *quaest.* 1, says that by divine dispensation among Christians there are Kings and Princes, Lords and servants; and according to a distinction of power they are subjected to him and held bound in greater and lesser degrees. And the Lord himself says this, Matth. 22: *Render to Caesar the things that are Caesar's, and to God the things that are God's.* The Apostle also teaches this in 1 Timothy at the end, and condemns those preaching the contrary. And likewise *Rom.* 13: *Render to all their debts: tribute to whom tribute: custom to whom custom.* Therefore it must be conceded that Christians are bound to earthly Lords; yet not in all things, but only in those which are not against God; nor even in all of these, but in those which have been reasonably established according to right custom, such as taxes and customs dues.

> *IDEM S. Doct. in 2.* dist. *44.* art. *3.* quaest. *1. secundum divinam dispensationem inter Christianos sunt Reges, et Principes, Domini, et servi; et secundum distinctionem potestatis ei subiiciuntur, et tenentur secundum plus, et minus. Et hoc ipse Dominus dicit Matth. 22.* Reddite, quae sunt Caesaris, Caesari, et quae sunt Dei, Deo. *Hoc et Apostolus prima Timot. ult. docet, et contrarium praedicantes condemnat. Et hoc ipsum* Rom. *13.* Reddite omnibus debita: cui tributum tributum: cui vectigal, vectigal. *Ideo concedendum quod Christiani sunt terrenis Dominis obligati; non tamen in omnibus, sed in his solum, quae non sunt contra Deum; neque in his omnibus, sed in his, quae secundum rectam consuetudinem statuta sunt rationabiliter, sicut tributa, et vectigalia.*

6 HE ADMONISHES, moreover, in answer to the 1st of the Ecclesiastics, especially Religious, that they are not subject to the tribute payments of Kings, and he proves this by that passage of *Matth.* 22

cited above, where Christ addresses Peter: *Do the kings of the earth receive toll from their own sons, or from strangers?* And when Peter answered: *from strangers*, Christ took up again: *Then are the sons free. Matth. 17.*

> *ADMONET vero in responsione ad 1. Ecclesiasticos, Religiosos praesertim, non subdi Regum vectigalibus, idque ostendit illo* Matth. *22. allegato, ubi Petrum Christus interpellat :* Reges terrae , a quibus accipiunt censum, a filiis suis, an ab alienis? *Et cum respondisset Petrus :* ab alienis , *resumpsit Christus:* Ergo liberi sunt filii. Matth. 17.

7 ABOUT these matters Diana treats in his *Tract. de immunitate Ecclesiae.*

> *DE his agit Diana* p. p. Tract. de immunitate Ecclesiae.

8 There he first defines, in resol. 35, together with many others, that Clerics of first tonsure are not held to the tributes of Princes. Next, that Clerics are not held to pay tributes to a Prince even if they do not wear the clerical habit and tonsure.

> *Ibi primo definit resol. 35. cum multis, Clericos primae tonsurae non teneri Principum tributis. Deinde non teneri clericos, etiamsi non incedant habitu, et tonsura clericali, solvere Principi tributa.*

9 Then, that a Prince cannot impose Gabellas upon the goods of Novices; and he says this is the view of all Theologians and learned Jurists.

> *Mox Principem non posse Gabellas imponere super bona Novitiorum, et ait, esse omnium Theologorum, et Iuristarum peritiorum.*

10 LIKEWISE, that a Prince cannot impose gabellas upon the goods of Ecclesiastics for the repair of bridges and walls; and he says this is common among Theologians.

> *ITIDEM, non posse Principem ob reparationes pontium, murorum, gabellas imponere super bona Ecclesiasticorum; et ait esse communem Theologorum.*

11 SIMILARLY, by the common sense of the Theologians, that he cannot do so even upon the patrimonial goods of Clerics.

> *SIMILITER ex communi Theologorum sensu neque posse super patrimonialia bona clericorum.*

12 IN LIKE MANNER, that Ecclesiastics cannot be brought by the Prince to contribute to public expenses along with the people in this way; nor even when they concern equally and principally, and concern also the Ecclesiastics; but that in this case he ought to come to an agreement with them. Similarly, that a lay Prince cannot compel Clerics to pay the Gabellas which they are bound to pay, but must have recourse to Ecclesiastical Judges.

> *PARITER, non posse populum cum Principe deducere Ecclesiasticos ad contribuendum in publicis expensis, ut sic; neque, etiamsi concernant aeque principaliter, concernantue etiam Ecclesiasticos, sed debere cum eis convenire in hoc casu. Similiter, Principem laicum non posse compellere clericos ad solvendas Gabellas, quas tenentur solvere, sed debere Iudices Ecclesiasticos adire.*

13 NOR is it lawful for a Prince to impose gabellas upon goods donated to or bought by Clerics. Indeed not even upon the goods of Clerics who assumed the habit without an intention of becoming clerics, but only in fraud of the Collects; and the Bulla Coenae excommunicates those imposing them. These and other matters Diana defines there, and *in the following Tractate.* But I shall treat of the

Immunity of the Church in the third part of the *Tract. de Sacramento Ordinis*, where I shall disclose what the Seraphic Doctor thought on these matters.

> *NEC non, illicitum esse Principi imponere gabellas super bona Clericis donata, aut empta. Imo neque super bona Clericorum, qui animo non clericandi, habitum assumpsere; sed solum in fraudem Collectarum; et imponentes, excommunicatos Bulla coenae clamat. Haec et alia ibi, definit Diana, et* Tractatu sequenti. *Sed de Immunitate Ecclesiae agam* tertia part. Tract. de Sacramento Ordinis*, ubi quid de his senserit Seraphicus, aperiam.*

14 THIS MUCH I would note here: that it is lawful in sum to demand such tributes from Ecclesiastics with respect to those things which they carry for the sake of trade, as Sylvester notes *V. Gabella, 3. num. 10.* Medina *quaest. 13. et 15. de Restit.* Navar. *cap. 17. num. 203.* Valentia *quaest. 6. puncto 5.*

> *ILLUD hic monuerim, licere in summa exigere ab Ecclesiasticis tributa huiusmodi, quo ad ea, quae deferunt causa negotiationis, ut notat Sylvester* V. Gabella, 3. num. 10. *Medina* quaest. 13. et 15. de Restit. *Navar.* cap. 17. num. 203. *Valentia* quaest. 6. puncto 5.

15 YET whether a trading Cleric is bound to pay the gabellas on these goods after a threefold warning is disputed.

> *ATTAMEN Clericus negotiator, an teneatur ante trinam monitionem solvere gabellas pro his; est controversum.*

16 IT IS COMMONLY ASSERTED that he is. So Malderus *1. 2. Tract. 5. cap. 6. dub. 9.* Portel. *in dub. regul. V. Tributum, num. 5.* Ioan. de Neviam *tract. de commerc. lib. 1. cap. 14. num. 10.* Prosper de Augustino *in addit. ad summam Quaranta, V. vectig.* Turtianus *Tom. 2. in 1. 2. disp. 44. dub. 4. num. 12.* and others.

> *ASSERUNT communiter. Ita Malderus* 1. 2. Tract. 5. cap. 6. dub. 9. *Portel.* in dub. regul. V. Tributum, num. 5. *Ioan. de Neviam* tract. de commerc. lib. 1. cap. 14. num. 10. *Prosper de Augustino* in addit. ad summam Quaranta, V. vectig. *Turtianus* Tom. 2. in 1. 2. disp. 44. dub. 4. num. 12. *et alii.*

17 YET Doctors are not lacking who deny that they are bound to pay after the threefold warning until they desist from trade. So teach Lopez *Instruct. part. 2. cap. 41.* Sousa *in Bulla Coenae, cap. 19. disput. 92.* Rodriguez *summa tom. 2. cap. 75.* Petrus Ledesma *Tom. 2. tract. 17. cap. 2. concl. 17.* Molfesius *Tom. 2. tract. 12. cap. 22. num. 173.* Lessius *lib. 2. cap. 33. dub. 3. num. 23.* Ioan. de la Cruz *in direct. consc. part. 1. praecepto septimo, quaest. 7. art. 3. dub. 1.* Reginaldus *Tom. 1. lib. 9. cap. 25. num. 379.*

> *NON desunt tamen Doctores negantes, eos teneri solvere ante trinam monitionem, ut desistant a negotiatione. Ita docent Lopez* Instruct. part. 2. cap. 41. *Sousa* in Bulla Coenae, cap. 19. disput. 92. *Rodriguez* summa tom. 2. cap. 75. *Petrus Ledesma* Tom. 2. tract. 17. cap. 2. concl. 17. *Molfesius* Tom. 2. tract. 12. cap. 22. num. 173. *Lessius* lib. 2. cap. 33. dub. 3. num. 23. *Ioan. de la Cruz* in direct. consc. part. 1. praecepto septimo, quaest. 7. art. 3. dub. 1. *Reginaldus* Tom. 1. lib. 9. cap. 25. num. 379.

18 SOME, however, reconcile both opinions: the Cleric loses the privilege of exemption at once on account of trade, yet he is not deprived of this immunity except after a threefold warning. For with respect to the very goods which he carries on occasion of trade, he is thereby exempt without any warning whatsoever, and on account of them, if gabella and toll are demanded, no excommunication is incurred; and thus the first opinion proceeds. But with respect to all his other goods and his person, he does not lose the privilege of immunity simply, unless after a threefold warning, should he be unwilling to desist; and thus the second Opinion proceeds. So teach Alterius *de cens. tract. 1. disp. 19. lib. 5. cap. 6. quaest. 3.* Molina *tract. 1. disp. 147.* Durandus *in Bulla Coenae, lib. 2. cap. 18. quaest. 8.* See also on this matter Ceballos *tract. de cognit. per viam violentiae, part. 2. quaest. 64.* Gutierrez *de Gabellis,*

lib. 7. quaest. 94. Mariham *de Iurisdict. part. 4. cent. 1. casu 3.* Diana *p. p. Tract. de Immunitate Eccles. resol. 46.*

> *ALIQUI vero utramque sententiam conciliant; Clericum statim ex causa negotiationis amittere privilegium exemptionis, et hac immunitate non esse privatum, nisi post trinam monitionem. Nam quantum ad ipsas res, quas defert occasione negotiationis, eo ipso caret exemptione absque ulla monitione, pro quibus, si exigitur gabelia, et pedagium, nulla incurritur excommunicatio; et sic procedit prior opinio. Quantum vero ad alia omnia bona sua, et personam, non amittit simpliciter privilegium immunitatis, nisi post trinam monitionem, si desistere nolit; et ita procedit secunda Opinio. Sic docent Alterius de* cens. tract. 1. disp. 19. lib. 5. cap. 6. quaest. 3. *Molina* tract. 1. disp. 147. *Durandus* in Bulla Coenae, lib. 2. cap. 18. quaest. 8. *Vide de hac re etiam Ceballos* tract. de cognit. per viam violentiae, part. 2. quaest. 64. *Gutierrez* de Gabellis, lib. 7. quaest. 94. *Mariham* de Iurisdict. part. 4. cent. 1. casu 3. *Dianam* p. p. Tract. de Immunitate Eccles. resol. 46.

19 From these one may gather that sometimes the subject is bound to restore what was defrauded in gabellas; and conversely, sometimes Princes are bound to repay what was extorted.

> *Ex his licet colligere, quandoque subditus teneatur restituere fraudatum e gabellis; et e contra, quandoque Principes teneantur refarcire extortum.*

20 THIS one thing, dreadful for trading Clerics, I shall add from D. Hieronymo *epist. 2. ad Nepotianum* in D. Bonavent. 3. part. Pharetrae, *cap. 22: Flee like a plague the trading cleric, and the one made rich out of poverty, glorious out of obscurity.*

> *HOC unum, Clericis negotiatoribus horrendum, addam ex D. Hieronymo* epist. 2. ad Nepotianum *apud D. Bonavent. 3. part. Pharetrae,* cap. 22. Negotiatorem clericum, et ex inope divitem factum, ex ignobili gloriosum, quasi quandam pestem fuge.

Question VI: How much is to be restored

1 I ASSERT first, that restitution of Arithmetic equality is owed from Commutative Justice. So D. Thom. *art. 3.* and commonly. It is clear from the nature of Commutative Justice, as Tannerus notes *disput. 4. quaest. 6. dubio 14.*

> *ASSERO primo, ex Iustitia commutativa restituendum aequale Arithmeticum. Ita D. Thom.* art. 3. *et communiter. Patet ex natura Iustitiae commutativae, ut notat Tannerus* disput. 4. quaest. 6. dubio 14.

2 BUT this equality must be computed not only according to the present goods that have been taken away, but also according to those which existed in potentiality after the expenses were reckoned, such as the trampling of the seeds of a field; or the taking away of a merchant's horse, by which he earned his living at the Fairs. See Valentia *quaest. 6. puncto 6.* Caietanum *V. Restitutio.* Navar. *manual. cap. 17. num. 27.*

> *AEQUALITAS autem haec computari debet, non solum secundum bona praesentia, quae erepta sunt, sed etiam secundum ea, quae erant in potentia computatis expensis, ut conculcatio seminum agri; ereptio equi mercatorii, quo lucrabatur in Nundinis. Vide Valentiam* quaest. 6. puncto 6. *Caietanum* V. Restitutio. *Navar.* manual. cap. 17. num. 27.

3 BUT restitution can further be imposed from Vindictive Justice. So D. Thom. *art. 3.* and commonly all others with D. Bonavent. *in the places to be cited.*

POTEST vero ex Vindicativa amplius imponi restituendum. Ita D. Thom. art. 3. *et communiter alii omnes cum D. Bonavent.* locis citandis.

4 THUS in *Exodi 22.* it was enacted that he who had stolen an Ox or a Sheep, and killed or sold it, should restore five Oxen for one Ox and four Sheep for one sheep. To this David alluded, *Reg. 2. cap. 12: He shall restore the sheep fourfold*, and Zachaeus, *Lucae 19: If I have defrauded anyone of anything, I restore fourfold*, as the holy Doctor observes on this passage, noting that this was not necessary for Commutative Justice, as is clear; nor for Vindictive Justice, which is not to be fulfilled except after the sentence of the Judge, as the cited Doctors commonly teach, *Tract. de Legibus, disput. 5. quaest. 7. et seq.* Hence he concludes that it was rather an act of liberality.

SIC Exodi 22. *statutum fuit, ut qui furatus esset Bovem, aut Ovem, et occideret, aut venderet, quinque Boves pro uno Bove restitueret, et quatuor Oves pro una ove. Ad quod allusit David* Reg. 2. cap. 12. Ovem reddet in quadruplum*, et Zachaeus,* Lucae 19. Si quid aliquem defraudavi, reddo quadruplum*, ut observat S. Doctor ad hunc locum, advertens, hoc non fuisse necessarium ad Iustitiam commutativam, ut patet; neque ad vindicativam, quae non est adimplenda, nisi post sententiam Iudicis, ut docent communiter DD. allegati* Tract. de Legibus, disput. 5. quaest. 7. et seq. *Ideo concludit, fuisse potius liberalitatem.*

5 AND *in Diaetastit. 2. cap. 4.* he admonishes that restitution is like a Phlebotomy, that is, an evacuation of blood, which is necessary for certain infirmities, because: *Sin is not remitted unless what was taken away is restored*, from D. Augustino *epist. 54.* and the example of Zachaeus adduced there. This Phlebotomy Zachaeus was performing when he said: *If I have defrauded anyone of anything, I restore fourfold*; but would that Usurers would repay only the principal in like manner.

ET in Diaetastit. 2. cap. 4. *admonet, restitutionem esse veluti Phlebotomiam, idest sanguinis evacuationem, quae nonnullis infirmitatibus est necessaria, quia:* Non remittitur peccatum, nisi restituatur ablatum*, ex D. Augustino* epist. 54. *et allato exemplo Zachaei. Hanc Phlebotomiam faciebat Zachaeus, qui dicebat:* Si quid aliquem defraudavi, reddo quadruplum; *sed utinam Usurarii modo redderent simplum.*

6 MOREOVER Caspensis notes, *disp. 1. sect. 11.* that the quantity of the thing intended in restitution must be considered in the better state in which the owner would have used it; so that if you have wheat in the month of August and you withhold it until the month of May, at which time its owner would have sold it more dearly, you are bound to restore the greater price, because the thing always remained under the right of its owner, who would have used that wheat at a more profitable time. But if it is uncertain at what time he would have sold it (says Caspensis), the middle price must be restored. Likewise, if the thing unjustly suffers damage in the hands of the one retaining it, the loss will have to be restored, which was not receivable in the hands of the owner.

ADVERTIT autem Caspensis disp. 1. sect. 11. *quantitatem rei intentae in restitutione considerandam in statu meliori, quo usus ea fuisset Dominus; ut si habes frumentum in mense Augusti, et illud retines usque ad mensem Maii, quo tempore charius illud vendidisset Dominus eius, teneris restituere illud pretium maius, quia res semper perseveravit sub iure Domini sui, qui illo tritico usus fuisset tempore magis lucratorio. Quod si incertum sit, quo tempore venditurus fuisset (ait Caspensis) restituendum pretium medium. Itidem si detrimentum res in manu retinentis inique recipiat, restituendum erit damnum, quod non erat receptiva in manu Domini.*

Question VII: When restitution is to be made, and the causes excusing from it

1 IT IS the common and certain opinion of all that he who unjustly detains a thing against the owner's will is under a continual actual obligation of restitution. So D. Bonavent. *in speculo, cap. 8. in calce* D. Thom. *art. 8.* Caietanus *ibid*, Sotus *lib. 4. de Iust. quaest. 7. art. 4.* Valentia *quaest. 6. puncto 7.* and the rest. But things acquired by contract do not oblige to restitution except at the appointed time, as the holy Doctor observes, whom all follow. See Tannerum *disput. 4. quaest. 6. disp. 14. num. 44.*

> ***Quando sit restituendum, et de causis ab ea excusantibus.***
>
> *COMMUNIS omnium, et certa sententia est, eum, qui invito Domino iniuste rem detinet, esse in continua actuali obligatione restituendi. Ita D. Bonavent.* in speculo, cap. 8. in calce *D. Thom.* art. 8. *Caietanus* ibi, *Sotus* lib. 4. de Iust. quaest. 7. art. 4. *Valentia* quaest. 6. puncto 7. *et caeteri. Res autem, ex contractibus habitae, non obligant ad restitutionem, nisi condicto tempore, ut observat S. Doctor, quem omnes sequuntur. Vide Tannerum* disput. 4. quaest. 6. disp. 14. num. 44.

2 ALTHOUGH matters stand thus, nevertheless D. Bonavent. above, D. Thom. and others acknowledge certain causes which excuse from restitution, either always, or at least for a time, as long as they last.

> *QUAMVIS autem res ita sint, tamen D. Bonavent. supra, D. Thom. et alii agnoscunt nonnullas causas, quae excusant, vel semper, vel saltem ad tempus, quamdiu durant, a restitutione.*

3 Now these causes either hold on the side of the debtor, or on the side of the creditor, or on the side of the thing itself, or by reason of public authority.

> *Hae autem causae vel se tenent ex parte debitoris, vel ex parte creditoris, vel ex parte rei ipsius, vel ratione publicae potestatis.*

4 On the side of the debtor, the first excusing cause is probable ignorance; yet not crass ignorance; whether it be of law or of fact, Caietanus *verbo Restitutio, cap. 6.* Nauar. *in manuali, cap. 17. num. 82.* Valentia *loco cit.* adduce it as excusing. But if it is crass or supine, it does not excuse. Such would be that of one buying a silver chalice from a soldier. See Fagundez *Lib. 7. cap. 25.*

> *Ex parte debitoris prima causa excusans est ignorantia probabilis; non tamen crassa; quam, sive iuris, sive facti sit, excusare afferunt Caietanus* verbo Restitutio, cap. 6. *Nauar.* in manuali, cap. 17. num. 82. *Valentia* loco cit. *At si est crassa, vel Supina, non excusat. Talis esset ementis calicem argenteum a milite. Vide Fagundez* Lib. 7. cap. 25.

5 THE second cause is doubt; for in doubt the condition of the possessor is the better, as the rule of Law has it.

> *SECUNDA causa est dubium; nam in dubio melior est conditio possidentis, ut habet regula Iuris.*

6 THE third cause is poverty. So D. Bonavent., whom all follow.

> *TERTIA causa est inopia. Ita D. Bonavent. quem omnes sequuntur.*

7 THE fourth cause is necessity, when he indeed has wherewithal to restore, but he himself needs it, whether he labors under extreme necessity, in which nearly all concur; or even if it be a grave necessity, so that he may preserve the decent condition of his state honestly, as D. Antonin. *part. 2. tit. 2. cap. 8.* Nauar. *in man. cap. 17. num. 63.* Sotus *Lib. 4. de Iust. quaest. 7. art. 4.* Couar. *relect. in regulam Peccatum, part. 1. art. 2.* Valentia *quaest. 6. puncto 7.* Aragon *quaest. 62. art. 8.* and commonly others hold,

as appears in Fagundez *Lib. 7. cap. 27.* and Tannerum *disput. 4. quaest. 6. dub. 15. num. 429.* Bassaeum *V. Restitutio 5. num. 4.* Bonac. *disp. 5. quaest. ult. punct. 1.*

> *QUARTA causa est necessitas, quando habet quidem, unde restituat, sed eo ipse indiget, sive extremam laboret necessitate; in quo omnes fere assentiuntur; sive etiam si sit necessitas gravis, ut conservet decentiam honeste sui status, ut sentiunt D. Antonin.* part. 2. tit. 2. cap. 8. *Nauar.* in man. cap. 17. num. 63. *Sotus* Lib. 4. de Iust. quaest. 7. art. 4. *Couar.* relect. in regulam Peccatum, part. 1. art. 2. *Valentia* quaest. 6. puncto 7. *Aragon* quaest. 62. art. 8. *et communiter alii apud Fagundez* Lib. 7. cap. 27. *et Tannerum* disput. 4. quaest. 6. dub. 15. num. 429. *Bassaeum* V. Restitutio 5. num. 4. *Bonac.* disp. 5. quaest. ult. punct. 1.

8 THERE indeed arises a doubt: whether, if the Creditor also is in extreme need, the Debitor is bound to the extreme necessity of the Creditor rather than to his own.

> *OCCURRIT vero dubitatio: An, si Creditor etiam extreme indigeat, teneatur Debitor magis necessitati extremae Creditoris, quam suae.*

9 SCOTUS *4. dist. 15. quaest. 2.* Sylvest. *V. Restit. quaest. 2.* Azor *tract. 3. lib. 4. cap. 39.* and the cited Bassaeus say that he is bound to restore.

> *SCOTUS* 4. dist. 15. quaest. 2. *Sylvest.* V. Restit. quaest. 2. *Azor* tract. 3. lib. 4. cap. 39. *Bassaeus citatus dicunt, eum teneri restituere.*

10 THE second opinion denies that he is bound. So it seems to D. Thom. *2. 2. quaest. 62. art. 5. ad 4.* It is expressly defended by Valentia *disp. 5. quaest. 6. puncto 7.* Lessius *Lib. 2. cap. 16. dub. 1.* Malder. *tract. 4. cap. 7. dub. 1.*, Sotus *Lib. 4. quaest. 7. art. 1.* Azor *tract. 2. lib. 12. cap. 8. quaestio 6.* Tolet. *lib 5. cap. 24.* Sayrus *Lib. 10. tract. 5. cap 6.* Fagundez *Lib. 7. cap. 25. num. 14.* Tanner. *loco cit. adding:* unless however the creditor has been reduced to extremity by his own withholding.

> *SECUNDA sententia negat, eum teneri. Ita videtur D. Thom.* 2. 2. quaest. 62. art. 5. ad 4. *Eam expresse tuentur Valentia* disp. 5. quaest. 6. puncto 7. *Lessius* Lib. 2. cap. 16. dub. 1. *Malder.* tract. 4. cap. 7. dub. 1., *Sotus* Lib. 4. quaest. 7. art. 1. *Azor* tract. 2. lib. 12. cap. 8. quaestio 6. *Tolet.* lib 5. cap. 24. *Sayrus* Lib. 10. tract. 5. cap 6. *Fagundez* Lib. 7. cap. 25. num. 14. *Tanner.* loco cit. addens; *nisi tamen creditor sit reductus ad extremum ob suam substractionem.*

11 THE FOUNDATION is that in extreme necessity the Ius gentium ceases, by which the division of things was made, and the natural law is restored in its entirety, in which all things are common and come to be by way of the occupant's seizure, at least as to use, as the holy Doctor argues *in Apol. paupert. cap. 1. quartae responsionis.*

> *FUNDAMENTUM est, quia in extrema necessitate cessat Ius gentium, quo facta est rerum divisio, et restituitur in integrum ius naturale, in quo sunt omnia communia, et fiunt per modum occupantis, saltem quoad usum, ut arguit S. Doctor* in Apol. paupert. cap. 1. quartae responsionis.

12 ON this foundation Malderus, Lessius, Sayrus, Fagundez above consequently infer that the debtor's parents also are to be preferred, if they lie in extreme necessity.

> *QUO fundamento consequenter inferunt Malderus, Lessius, Sayrus, Fagundez supra, praeferendos etiam parentes debitoris, si in extrema iaceant necessitate.*

13 IT IS DOUBTED secondly: when creditor and debtor are both alike in grave necessity, is the latter bound to restore, falling from his station, so that, if he was a noble, he be compelled to become a

craftsman?

> *DUBITATUR secundo: An creditore, et debitore existentibus in gravi pariter necessitate, teneatur is restituere, cadendo a suo statu, ut, si erat nobilis, cogatur fieri artifex.*

14 SOME excuse him, and say he is not bound. So many hold, as appears in Fagundez *Lib. 7. cap. 27.* which opinion Malderus *tract. 4. cap. 7. dub. 1.* Tanner. *num. 430.* judges probable, together with Carbone *quaest. 77.*

> *ALIQUI excusant, et dicunt, eum non teneri. Ita multi apud Fagundez* Lib. 7. cap. 27. *quam sententiam probabilem censet Malderus* tract. 4. cap. 7. dub. 1. *Tanner.* num. 430. *cum Carbone* quaest. 77.

15 YET commonly they say he is bound to restore: Azor *tract. 3. Lib. 4. cap. 39.* Petrus Nauar. *Lib. 4. de restit. cap. 4. disp. 9. num. 53.* Less. *Tom. 1. de Iust. Lib. 2. cap. 26. dub. 1.* Tolet. *Lib. 5. cap. 24.* Fagundez, Bassaeus *loco cit.*

> *ATTAMEN communiter dicunt, eum teneri restituere, Azor* tract. 3. Lib. 4. cap. 39. *Petrus Nauar.* Lib. 4. de restit. cap. 4. disp. 9. num. 53. *Less.* Tom. 1. de Iust. Lib. 2. cap. 26. dub. 1. *Tolet.* Lib. 5. cap. 24. *Fagundez, Bassaeus* loco cit.

16 THE REASON is that in grave necessity the Ius gentium remains in force.

> *RATIO est, quia in gravi necessitate manet Ius gentium.*

17 THE fifth cause is grave loss in one's own goods, which the debtor would incur through restitution; as Caietanus *loco cit.* Ioan. Medina *quaest. 3. de rebus restit. causa 4.* Sotus *Lib. 4. de Iust. quaest. 7. art. 4.* Nauar. *man. cap. 17. num. 56.* Couar. *loco cit.* note; and the holy Doctor adduces this when he adds the condition: provided however the possibility of paying be present; for not only is he judged unable to pay who can in no way, but also he who cannot do so conveniently without, to be sure, grave loss, as appears *ex Lege Nepos Proculo, ff. de verborum significatione, et cap. faciat, 22. quaest. 2.* as Valentia notes *loco cit. causa 5.* Tanner. *num 433.*

> *QUINTA causa est damnum grave in rebus propriis, quod ex restitutione debitor incurreret; ut notat Caietanus* loco cit. *Ioan. Medina* quaest. 3. de rebus restit. causa 4. *Sotus* Lib. 4. de Iust. quaest. 7. art. 4. *Nauar.* man. cap. 17. num. 56. *Couar.* loco cit. *et hoc afferit S. Doctor, dum eam apponit conditionem; si tamen adsit reddendi possibilitas; neque enim solum is, qui nullo modo potest, censetur, non posse facere, sed etiam qui commode non potest absque nimirum gravi damno, ut constat* ex Lege Nepos Proculo, ff. de verborum significatione, et cap. faciat, 22. quaest. 2. *ut advertit Valentia* loco cit. causa 5. *Tanner.* num 433.

18 HENCE one is not bound to restore at the peril of one's own good name. Wherefore they excuse the woman who does not reveal the bastard son she had from adultery. So admonish nearly all the Doctors, as appears in Valentia in the place lately cited. Which Fagundez *in octavum Praeceptum decalogi, et in 7. Lib. 7. cap. 28.* confirms with several arguments, especially from the declaration of Innocentius III. *de poenitent.* as Medina, Nauar. Couar. Valentia and others observe.

> *HINC non tenetur periculo suae famae restituere. Quare excusant mulierem, quae non revelat filium spurium, quem habuit ex adulterio. Sic admonent omnes ferme Doctores apud Valentiam nuper citato loco. Quod Fagundez* in octavum Praeceptum decalogi, et in 7. Lib. 7. cap. 28. *pluribus confirmat, praecipue ex declaratione Innocentii III.* de poenitent. *ut observant Medina, Nauar. Couar. Valentia, et alii.*

19 THE REASON is taken from D. Bonavent. *locis allatis, quaest. 5. subquaest. 1. dub. 3.* because the goods of a higher order are not to be restored for the goods of a lower order; but reputation is an order higher than riches: Therefore. The Major is certain; for restitution is arithmetic equality. The Minor is certain from *Proverb. 22: A good name is better than great riches,* and *Ecclesiastici 41: Have care of a good name: for this will abide with you more than a thousand precious and great treasures,* and Aristoteles *4. Eth. cap. 3.* says: *Honor is the greatest of external goods.*

> *RATIO sumitur ex D. Bonavent.* locis allatis, quaest. 5. subquaest. 1. dub. 3. *quia non sunt restituenda bona ordinis superioris, pro bonis ordinis inferioris, sed fama est ordine superior divitiis: Ergo. Maior est certa; nam restitutio est aequalitas Arithmeticae. Minor est certa ex* Proverb. 22. Melius est nomen bonum quam divitiae multae, *et* Ecclesiastici 41. Curam habe de bono nomine: hoc enim magis permanebit tibi, quam mille Thesauri pretiosi, et magni, *et Aristoteles* 4. Eth. cap. 3. *ait:* Honorem esse maximum bonorum externorum.

20 GREGORIUS de Valentia however, with Soto *Lib. 1. de Iust. art. 3. ad 4.* and Molina *Tom. 4. disp. 702.* hold that if the restitution be most grave and the loss of reputation be small, either because the woman was previously suspected or the like, the woman is bound to disclose herself, lest she squander an enormous inheritance from the legitimate heirs; for although (they say) reputation is by genus nobler than the goods of riches, yet it can be so small as to be inferior to them, in the way in which gold indeed is more precious than silver; nevertheless a tiny crumb of gold can be surpassed by a great mass of silver; Tannerus subscribes *numero 434.*

> *GREGORIUS de Valentia tamen cum Soto* Lib. 1. de Iust. art. 3. ad 4. *et Molina* Tom. 4. disp. 702. *volunt, quod si restitutio sit gravissima, et amissio famae sit parva, eo quod vel antea mulier suspecta sit, vel simile, teneri mulierem se manifestare, ne haereditatem ingentem legitimis disperdat, quamvis enim (aiunt) ex genere sit fama nobilior bonis divitiarum, tamen potest esse adeo parva, ut iis sit inferior, eo modo, quo aurum quidem est pretiosius argento; attamen potest parvulum frustum auri superari a massa grandi argenti; subscribit Tannerus* numero 434.

21 BUT Fagundez strongly protests *num. 9. cap. 28. cum Petro Nauarro Lib. 2. de restit. cap. 2. part. 2. dub. 9. Corduba Lib. 1. quaest. 31. Vasquez opusc. de testam. cap. 5. disput. 10. Less. Lib. 2. cap. 10. dub. 7. num. 50. Malder. tract. 7. cap. 4. dub. 10. Turriano 2. 2. disp. 17. dub. 1. num. 10. et aliis.*

> *SED graviter reclamat Fagundez* num. 9. cap. 28. cum Petro Nauarro Lib. 2. de restit. cap. 2. part. 2. dub. 9. Corduba Lib. 1. quaest. 31. Vasquez opusc. de testam. cap. 5. disput. 10. Less. Lib. 2. cap. 10. dub. 7. num. 50. Malder. tract. 7. cap. 4. dub. 10. Turriano 2. 2. disp. 17. dub. 1. num. 10. et aliis.

22 NOR do the adversaries satisfy the argument of the Seraphic Doctor: For if they so diminish reputation as to reduce it to light matter, I do not refuse that one is bound to restore a great debt, even if it must be divulged, since one is not so prudent as to manage domestic affairs perfectly; But truly if we stand at the parity of grave reputation and money, the former is always of higher order, even if it be the reputation of a plebeian man; and in this case the similitude taken from the crumb of gold and the mass of silver is beside the point; For even in quantity, not to say in natural preciousness, gold is of greater worth; so too is grave reputation; as *Fagundez num. 9.* rightly noted *with D. Bonavent. in speculo, cap. 1.* where, citing that passage *Proverb. 22.* he admonishes that as light theft is venial, so is light detraction of reputation, which yields to the grave obligation of Restitution.

> *NEQUE satisfaciunt adversarii argumento Seraphici: Nam si famam ita diminuant, ut ad materiam levem trahant, non renuo, teneri restituere grande debitum, etiamsi divulgandum sit, cum non esse adeo prudentem, ut res oeconomicas perfecte agat; At vero si stemus in paritate famae gravis, et pecuniae, semper illa est ordine superior, etsi sit hominis*

plebei; et in hoc casu non est ad rem similitudo, sumpta ex frustulo auri, et massa argenti; Nam etiam in quantitate, nedum in pretiositate naturali, aurum est maioris pretii; Sic et fama gravis; ut recte adnotavit Fagundez num. 9. *cum* D. Bonavent. in speculo, cap. 1. *ubi allegato eo loco* Proverb. 22. *monet, quod sicuti leve furtum est veniale, sic levis detractio famae, quae rerum gravi Restitutionis obligationi cedit.*

23 IT MUST ALSO BE EXPLAINED what sort of grave detriment in domestic fortune is sufficient to excuse from Restitution in the meantime; for the detriment considered as the expenditure of a large sum of money does not suffice, nor as the cessation of the profit due from that money; for this gain is not a detriment in one's own goods, but it is required that it be in the debtor's goods, either because he would fall from his station, or because he is compelled to sell his goods at a ruinous and pernicious price; for then the creditor is bound to wait, as *Fagundez, Molina, Lessius, Valentia* cited above note; and this is what *D. Bonavent. cap. 2. speculi* says, that one is bound to Restitution, provided however the possibility and opportunity be present. For such a time would be most gravely inopportune, and the creditor would exact unjustly at such a time.

EXPLICANDUM etiam, quodnam sit detrimentum grave in re familiari, sufficiens ad excusandum interim a Restitutione; non enim sufficit detrimentum consideratum, ut est erogatio grandis pecuniae, vel ut est cessatio lucri ex illa pecunia debita obveniens; hoc enim lucrum non est detrimentum in re propria, sed requiritur, ut sit in rebus debitoris, sive quia caderet a suo statu, sive quia cogitur praecipitanti, et pernicioso pretio res suas vendere; tunc enim creditor tenetur expectare, ut notat Fagundez, Molina, Lessius, Valentia *allati; et hoc est, quod ait* D. Bonavent. cap. 2. speculi, *teneri Restitutioni, si tamen adsit possibilitas, et opportunitas. Tale enim tempus esset graviter importunum, et inique eo tempore exigeret creditor.*

24 THE sixth cause excusing from Restitution is the customary occupation of human life; for it is not necessary that one rise from bed at midnight, or rise from table at dinner, in order to pay, as *Caietanus, Sotus, Valentia,* and others commonly noted *with D. Bonavent.* cited above; but restitution can be deferred to a suitable time.

SEXTA causa excusans a Restitutione est consueta humanae vitae occupatio; non enim necesse est ut surgat media nocte e lecto, vel e mensa in prandio, ut solvat, ut adnotarunt Caietanus, Sotus, Valentia, *et alii communiter cum* D. Bonavent. *allegato; sed potest restitutio deferri in tempus opportunum.*

25 THE seventh cause is compensation made to the creditor in other temporal goods, either by conferring on him a burdensome temporal office, as *Nauar. et Valentia* say (I said temporal; for to give a spiritual one would be Simony), or by remitting to the creditor another equivalent debt, as *Medina quaest. 3. et Valentia* above, *Tanner. num. 439.* note.

SEPTIMA causa est compensatio facta creditori in aliis bonis temporalibus, sive conferendo ei officium temporale luctuosum, ut aiunt Nauar. et Valentia *(dixi temporale; nam spirituale dare, erit Simonia,) sive remittendo creditori aliud debitum aequivalens, ut notant* Medina quaest. 3. et Valentia *supra,* Tanner. num. 439.

26 THE eighth is compensation made by paying some legitimate creditor of his. So *Medina, Valentia,* and others.

OCTAVA est compensatio facta, solvendo alicui legitimo creditori eius. Ita Medina, Valentia, *et alii.*

27 THE ninth cause is the legitimate prescription of the thing, that is, such as it ought to be according to the canons, as *Nauar. num. 85. et Valentia* noted in the place cited.

NONA causa est praescriptio rei legitima, hoc est talis, qualis esse debet secundum canones, ut notarunt Nauar. num. 85. et Valentia *loco citato*.

Subquestion IV: On two further causes excusing from restitution on the part of the debtor

[1] TWO further causes still remain to be examined; the Prior is entrance into Religion; the Other is Cession of goods; in the former one voluntarily loses Dominion over himself; in the latter Dominion over his goods; concerning which it is certain that one validly professing an approved Religion can neither acquire anything for himself nor renounce it; But it is doubtful whether one burdened with debt can bid the world farewell and licitly pronounce the Vows of Religion; Likewise, further, whether one who is beyond possibility, since he is not able to pay, can cede to the creditor the goods he possesses, and thereafter be released from Restitution of the further debt. These I shall weigh in as many doubts.

De aliis duabus Causis, excusantibus a restitutione, ex parte debitoris.

GEMINAE adhuc causae extant examinandae; Prior est ingressus Religionis; Altera est Cessio bonorum; in prima perdit quis voluntarie Dominium sui; in secunda Dominium suorum; de quibus certum est, valide Religionem probatam profitentem nihil sibi posse vel acquirere, vel abdicare; Sed dubium est, utrum obstrictus aeri alieno possit saeculo nuncium remittere, ac licite Vota Religionis emittere; Item, utrum ultra posse gravatus, cum non sit in solvendo, possit bona, quae possidet creditori cedere, ac deinceps a Restitutione ulterioris debiti liberari. Haec per totidem dubitationes expendam.

Doubt I: Whether entrance into religion excuses from restitution

[1] IT IS CERTAIN that one burdened with debt sins by not restoring before entrance into Religion, if he has no impediment, as *Fagundez Lib. 7. cap. 28.* admonishes.

Utrum ingressus in Religionem excuset a Restitutione.

CERTUM est, gravatum aere alieno peccare non restituendo ante ingressum in Religionem, si nullum habeat impedimentum, ut monet Fagundez Lib. 7. cap. 28.

[2] IT IS ALSO CERTAIN that, if the debts are uncertain, whose owners are unknown and cannot be known even after due diligence, and which would therefore have to be restored to the poor, such debtors can licitly enter Religion, even though, remaining in the world, they might be able to acquire wherewithal to pay. So *Sanchez Lib. 4. Decal. cap. 10. Aragon. 2. 2. quaest. 68. art. 12. fol. 1044. Manuel Rodriguez quaest. Regul. tom. 3. quaest. 10. art. 9. not. 1.* This however understand, as *Sanchez, et Fagundez* note, when the debtor himself has been constituted debtor in his own name of uncertain goods.

CERTUM etiam est, si debita sint incerta, quorum Domini ignorentur, nec facta diligentia sciri possint, et ideo pauperibus essent restituenda, posse huiusmodi debitores Religionem ingredi licite, etiam si in saeculo manentes acquirere possent, unde solverent. Ita Sanchez Lib. 4. Decal. cap. 10. Aragon. 2. 2. quaest. 68. art. 12. fol. 1044. Manuel Rodriguez quaest. Regul. tom. 3. quaest. 10. art. 9. not. 1. *Hoc tamen intellige, ut notant* Sanchez, et Fagundez, *quando ipse debitor nomine proprio, debitor bonorum incertorum constitutus est.*

[3] THE QUESTION therefore is: whether, if someone is burdened with a certain debt and has not wherewithal to pay, yet can hope to earn by his industry in the world wherewith he might pay, he can licitly enter Religion.

QUAESTIO est igitur: An, si aliquis certo aere alieno oneratus est, et non habet solvendum; potest tamen sperare in saeculo sua industria lucrari, unde solveret; possit licite Religionem ingredi.

4 GERSON denies it *2. part. Tractatu de hac re, Alphabeto 39. littera X.* where he reports many Parisian Doctors, *et suppl. Gabriel. in 4. dist. 38. art. 2. diffic. 12. Carbo de restit. quaest. 85. dub. 3.* and others as appears in *Dianam part. 2. Tract. 2. resol. 41.*

> *NEGANT* Gerson 2. part. Tractatu de hac re, Alphabeto 39. littera X. *ubi refert multos Doctores Parisienses,* et suppl. Gabriel. in 4. dist. 38. art. 2. diffic. 12. Carbo de restit. quaest. 85. dub. 3. *et alii apud* Dianam part. 2. Tract. 2. resol. 41.

5 ON the other hand very many affirm that he can enter Religion, and therefore is not liable to restitution. So *D. Thom. 2. 2. quaest. ult. art. 6. ad 3.* as *Caiet. Palud. in 4. dist. 38. quaest 3. art. 2. D. Anton. 2. part tit. 11. cap. 2. §. 1. Sanchez Lib. 4. Decal. cap. 19. num. 7. Rosella V. Religio 2. num. 5. et V. Restitutio 16. Angel. V. Religiosus. Sylvester. V. Religio 2. quaest. 4. Tabiena V. Religio, quaest. 11. num. 12. et ibi Armilla num. 5. Viguer. lib. instit. moral. cap. 17. §. 1. Aragon. 2. 2. quaest. 88. art. 12. ad 1. fol. 1044. Sà V. Religio,* and others as appears in *Dianam.*

> *E regione plurimi affirmant, posse ingredi religionem, atque ideo restituendo non esse obnoxium. Ita* D. Thom. 2. 2. quaest. ult. art. 6. ad 3. *ubi* Caiet. Palud. in 4. dist. 38. quaest 3. art. 2. D. Anton. 2. part tit. 11. cap. 2. §. 1. Sanchez Lib. 4. Decal. cap. 19. num. 7. Rosella V. Religio 2. num. 5. et V. Restitutio 16. Angel. V. Religiosus. Sylvester. V. Religio 2. quaest. 4. Tabiena V. Religio, quaest. 11. num. 12. et ibi Armilla num. 5. Viguer. lib. instit. moral. cap. 17. §. 1. Aragon. 2. 2. quaest. 88. art. 12. ad 1. fol. 1044. Sà V. Religio, *et alii apud* Dianam.

6 THE third opinion is the middle one, inclining toward the second, with two conditions added. The first, when the debtor, remaining in the world, would hope that he can satisfy shortly. So *Sanchez Lib. 4. Decal. cap. 19. num. 8. Maior in 4. quaest. 8. dist. 17. Nauarrus, Commentar. primo, de regular. num. 8. Azor lib. 13. cap. 1. quaestio 5. Petrus Nauarr. lib. 4. de restit. cap. 4. diffic. ult. num. 28. Sylvester verbo Religio 2.* and many Canonists as appears in him, *Tanner. 4. quaest. 6. disput. 15. num. 444.* citing *Carbonem loco citato, Valentiam quaest. 6. puncto 7. Lessium Lib. 2. cap. 16. num. 22. Lopez p. p. cap. 129.* But if these are asked how much time would have to be awaited, in which he might be able to earn in order to pay; *Ioan. Maior* answers, two years. *Nauar.* one year or another. *Sanchez, et Fagundez* stand *with Maiore.*

> *TERTIA sententia media est, secundae arridens, duabus conditionibus appositis. Prima, quando debitor in saeculo manens speraret breui satisfacere, se posse. Ita* Sanchez Lib. 4. Decal. cap. 19. num. 8. Maior in 4. quaest. 8. dist. 17. Nauarrus, Commentar. primo, de regular. num. 8. Azor lib. 13. cap. 1. quaestio 5. Petrus Nauarr. lib. 4. de restit. cap. 4. diffic. ult. num. 28. Sylvester verbo Religio 2. *et multi Canonistae apud eum,* Tanner. 4. quaest. 6. disput. 15. num. 444. *referens* Carbonem loco citato, Valentiam quaest. 6. puncto 7. Lessium Lib. 2. cap. 16. num. 22. Lopez p. p. cap. 129. *Si autem interrogentur hi, quantum tempus esset expectandum, quo posset lucrari ad solvendum;* Ioan. Maior *respondet, biennium.* Nauar. *unum, vel alterum annum.* Sanchez, et Fagundez *cum* Maiore *stant.*

7 THE other condition is, when the expectation of two years is a moral hope, so that he can pay without notable difficulty, as *Nauar. Sanchez, et Fagundez* say. But *Sanctes in cap. 2. Regulae Minorum* says another year must be awaited: It is the more common opinion.[1] What D. Bonavent. thought is not hard to find.

[1] N. Editor's note: the print/OCR reads 'Est communior cum QUID senserit D. Bonavent. non est arduum invenire'; 'cum' appears to be a stray misprint, and the sentence is rendered as two statements: 'It is the more common opinion. What D. Bonavent. thought is not hard to find.'

ALTERA conditio est, quando expectatio biennii, moralis spes est, ut absque notabili difficultate possit solvere, ut aiunt Nauar. Sanchez, et Fagundez. Sanctes *vero* in cap. 2. Regulae Minorum, *dicit alium annum expectandum: Est communior cum Diana suprà* Baffaeo Verbo Restitut. 5. num. 16. Vech. disp. 2. dub. 1. *Quid senserit D. Bonavent. non est arduum invenire.*

8 FOR FIRST, expounding our rule *cap.* 2. in those words: *The Ministers shall speak to them the words of the holy Gospel, that they go and sell all their things, and strive to distribute them to the poor. But if they cannot do this (he says) on account of involvement in lawsuits, let their good will suffice*, whereby what is licitly ceded and all things are despised, according to that saying of Hieronymi: *If you have goods of your own, sell them: if you have not, cast them away. No one about to renounce the world can well sell what he has despised so as to sell it.*

PRIMO enim exponens regulam nostram cap. 2. *in ea verba:* Ministri dicant eis verba sancti Evangelii, quod vadant, et vendant omnia sua, et studeant ea pauperibus erogare. Quod si facere non potuerint, (ait) propter litium implicationem, sufficiat eis bona voluntas*, qua licite ceditur, et omnia contemnuntur, iuxta illud Hieronymi:* Si habes res tuas, vende: si non habes, proiice. Nemo renunciaturus saeculo potest bene vendere, quae contempsit, ut venderet.

9 THERE the holy Doctor seems to favor those who say that if some goods are entangled, in which others have rights in some way to lawsuits, or even most just claims, and he has not wherewithal to pay, nor hope of opportunity, he may cast all behind his back.

IBI videtur S. Doctor arridere dicentibus, quod si aliqua implicantia, et in quibus alii habent quomodocumque ius ad lites, seu etiam iustissimas praetentiones, si non habet unde solvat, neque opportunitatis spem, omnia possit tergum proiicere.

10 THE SAME he recalls *in speculo disciplinae ad novitios, cap. 1. et in Tractatibus de paupertate*, which I have read through, in which he only admonishes that they bid the world a perfect farewell and, free of any impediment of domestic goods, whether they lack them or abound in them, fly to Christ, leaving the disposition of their possessions to expert men.

EADEM refricat in speculo disciplinae ad novitios, cap. 1. et in Tractatibus de paupertate*, quos perlegi, in quibus solum admonet, mundo perfecte vale dicant, et nullo impedimento rerum familiarium, sive eis careant, sive abundent, ad Christum evolent, relinquendo de suis rebus dispositionem hominibus peritis.*

11 THE REASON by which D. Thom. and others support themselves is that the person of a free man is not bound to creditors; but only his goods: Therefore, by ceding them he satisfies them.

RATIO, qua nituntur D. Thom. et alii, est, quia persona hominis liberi non est creditoribus obligata; sed eius solum bona: Ergo eis cedendo satisfacit.

12 AGAINST this Fagundez argues, because it would follow that, these things perishing, the right of the creditor would perish; and thus, if new resources were acquired, they would not be subject to it, nor could the debtor be thrust into prison after the sentence of the Judge had been given.

CONTRA arguit Fagundez, quia sequeretur, pereuntibus his rebus, perire ius creditoris; et ita, si novae facultates acquirerentur, non essent subiectae, neque posset in carcere trudi debitor, post latam Iudicis sententiam.

13 THE REASON therefore devised by Fagundez is asserted to be this, that the person is not subjected as a slave, but only the goods are subjected. And so he is only bound to pay when he can morally; But in the said state he is accounted morally unable.

RATIO igitur ficta a Fagundez asseritur, quia persona non est subiecta, quasi serva, sed sola bona subiiciuntur. Itaque solum tenetur solvere, quando moraliter potest; At in statu dicto computatur moraliter impotens.

14 YET these reasons are not valid, and the former plainly wavers, as Fagundez says, yet it is not well overthrown by him; for if new resources arise, they are still bound by the same reason, because the debtor's goods are subjected to servitude. And so the person is not yet subjected to servitude. But if the person were imprisoned, this would be either as a punishment for past squandering, by which he precipitated himself into a state of inability to pay, dissipating goods not his own; or because fraud is presupposed, and it is still not established that he is unable to pay.

HAE tamen rationes non sunt validae, et prior sane nutat, ut ait Fagundez, non tamen bene ab eo infirmatur; nam si novae facultates resurgunt, adhuc obligantur eadem ratione, quia bona debitoris subiecta sunt servituti. Itaque non adhuc servituti subiicitur persona. Quod si persona carceretur, hoc est vel in poenam dilapidationis praeteritae, qua se praecipitavit in statum ineptitudinis ad solvendum, dissipando bona non sua; vel quia supponitur fraus, et adhuc non constat, hunc esse ineptum ad solvendum.

15 NOR does the reason of Fagundez add strength; for since the goods are subjected, and these are virtually in the person able to pay, they subject by their virtue the person, who by reason of the debt can be subjected in the natural law, as D. Bonavent. rightly argues *in 2. dist. 44. quaest. penult.* for Christian liberty does not exempt persons from all subjection; otherwise they would not be subject to Princes, nor to Prelates, which is most false, as I showed *Tract. de Legibus, disp. 5. quaest. 1. et 2.*

NEQUE ratio Fagundez robur adiungit; nam cum res sint subditae, et hae virtualiter sint in persona apta solvere, subiiciunt virtute personam, quae ratione debiti in iure naturae potest subiici, ut recte arguit D. Bonavent. in 2. dist. 44. quaest. penult. *non enim libertas Christiana eximit personas ab omni subiectione, alioqui neque Principibus subderetur, neque Praelatis, quod est falsissimum, ut ostendi* Tract. de Legibus, disp. 5. quaest. 1. et 2.

16 THE TRUE REASON therefore to be adduced is that the creditor, whose action is void because of his adversary's poverty, seems to have no action, as is said *L. Nam in his, ff. de dolo malo.*

RATIO igitur vera afferri est, quia creditor, cuius actio est inanis ob adversarii inopiam, nullam videtur actionem habere, ut dicitur L. Nam in his, ff. de dolo malo.

17 Since therefore morally he is not actually able to pay, as is presupposed, nor morally by virtue, because too long a delay of time would be required for payment; it follows that he is not bound; and thus the natural law does not press upon impossibilities, and so the objections are resolved.

Cum igitur moraliter non sit in solvendo actu, ut supponitur, neque virtute moraliter, quia nimia dilatio exigeretur temporis ad solutionem; sequitur, eum non teneri; et ita ius naturale non instat ad impossibilia, et sic obiecta solvuntur.

18 THEY STILL OBJECT that those wishing to enter Religion must be asked: Whether they are burdened with debt; which would be done in vain if they could licitly enter while so burdened; but this interrogation was introduced by the decree of Sixtus V. issued motu proprio in the year 1558, who declares such men as burdened with enormous debt and bound to accountings, or accounts to be rendered, incapable.

OBIICIUNT adhuc, interrogandos, volentes ingredi Religionem: An graventur aere alieno, quod frustra fieret, si licite possent ingredi gravati aere tali; haec vero interrogatio fit, decreto Sixti V. anno 1558. editi motu proprio, qui huiusmodi gravatos ingenti aere alieno, et ratiociniis, seu reddendis rationibus administrationum obligatos, declarat inhabiles.

19 THIS decree Clemens VIII. tempered, as to the invalidity of the profession of those burdened with debt; yet not as to the illicit act of profession and the punishments of those receiving it.

> *HOC decretum temperavit Clemens VIII. quod ad invaliditatem professionis huiusmodi gravatorum aere alieno; non tamen quod ad illicitum actum professionis, et poenas recipientium.*

20 YET those are not included in that *Motu proprio* of Sixtus V. who fell into inability to pay without their own fault, as Sanchez notes *in Decal. Lib. 4. cap. 19. num. 24.* Nor those to whom creditors renounce their claim. Nor those who are debtors from a merely liberal promise; but those who contracted resources for money, and after the contract squandered them, as Sanchez *loco cit. et* Fagundez *num. 7.* note.

> *NON includuntur tamen in eo* Motu proprio *Sixti V. illi, qui sine sua culpa ad impotentiam solvendi devenere, ut advertunt Sanchez* in Decal. Lib. 4. cap. 19. num. 24. *Neque illi, quibus creditores abrenuncient. Nec illi, qui ex sola promissione liberali debitores sunt; sed hi, qui facultates ad pecuniam contraxerunt, et post contractionem decoxerunt, ut notant Sanchez* loco cit. et *Fagundez* num. 7.

21 FINALLY Sanchez judges that those who squandered through their own fault, if they make a cession of goods and leave them to the creditors, and there is no probable hope that, if they remain in the world, they could satisfy, are not included in that *Motu proprio, ex his satisfit obiectioni.*

> *TANDEM existimat Sanchez, eos, qui culpa sua decoxerunt, si cessionem faciant bonorum, et relinquant ea creditoribus, neque sit spes probabilis, quod si maneant in saeculo, satisfacere queant, non includi illo* Motu proprio, ex his satisfit obiectioni.

Doubt II: Whether cession of goods excuses from restitution

1 The Laws permit *Cession of goods*, so that in the external forum the debtor may be safe *L. Qui bonis, ff. de cessione bonorum, and Cod. de iis, qui bonis cesserunt*; yet this cession in the forum of conscience does not free him, except insofar as it excuses his poverty, otherwise it would free him even without such cession, as Navar. notes, *cap. 17. num. 86.* Medina *quaest. 3. cap. 3.* Sotus *lib. 4. d. Iust. quaest. 7. art. 4.* Couar. *Lib. 2. variarum, cap. 1.* Valentia *quaest. 6. puncto 7.* Tanner. *num. 441. disp 4. quaest. 6.* Bassaeus *V. Restit. 5. num. 5.*

> ***An Cessio bonorum excuset a restitutione.***
>
> *PERMITTITUR a Legibus* Cessio bonorum*, ut in foro externo tutus fiat debitor* L. Qui bonis, ff. de cessione bonorum, et Cod. de iis, qui bonis cesserunt*, haec tamen cessio in foro conscientiae non liberat, nisi quantum excusat inopia, alioqui liberaret etiam sine tali cessione, ut notant Navar.* cap. 17. num. 86. *Medina* quaest. 3. cap. 3. *Sotus* lib. 4. d. Iust. quaest. 7. art. 4. *Couar.* Lib. 2. variarum, cap. 1. *Valentia* quaest. 6. puncto 7. *Tanner.* num. 441. disp 4. quaest. 6. *Bassaeus* V. Restit. 5. num. 5.

2 He will still be bound to restore if he comes to better fortune, as the same Doctors teach, and as is had in *Leg. 1. and Leg. cum et filii, and Leg. is, qui bonis. Cod. de his, qui bonis, locis citatis.* Which Couar. also shows to be true, when that cession of goods is made with some ceremony of ignominy.

> *ITA tenebitur ille restituere, si ad meliorem fortunam venerit, ut docent iidem Doctores, et habetur* Leg. 1. et Leg. cum et filii, et Leg. is, qui bonis. Cod. de his, qui bonis, locis citatis. *Quod etiam ostendit Couar. esse verum, quando cum aliqua caeremonia ignominiae, cessio illa bonorum fit.*

[3] Yet Caspensis observes, *disp. 1. sect. 13.* with Toletus *Lib. 1. cap. 16.* that a debtor in cession of goods may retain and conceal what is necessary for his own sustenance, that of his wife, children, and others in the first degree; nor are those who know it bound to reveal it, even if a penalty is imposed on one who does not reveal; they may even swear that they do not know where such goods are, understanding within themselves, *insofar as they are bound to reveal it*; but Petrus Navar. *Lib. 4. cap. 4. num. 50.* says this is true of one who is compelled without fault to cede his goods; Tannerus subscribes, *num. 441.*

> *OBSERVAT tamen Caspensis* disp. 1. sect. 13. *cum Toleto* Lib. 1. cap. 16. *posse debitorem in cessione bonorum retinere, et occultare necessaria suae sustentationi, uxoris, filiorum, et aliorum in primo gradu; neque teneri eos, qui sciunt, id revelare, etiamsi poena non revelanti imponatur; possunt etiam iurare, se nescire, ubi sint talia bona, intelligendo interius,* ita ut teneantur revelare*, sed Petrus Navar.* Lib. 4. cap. 4. num. 50. *verum esse ait de eo, qui absque culpa cogitur cedere bonis, subscribit Tannerus* num. 441.

Doubt III: On the causes excusing from restitution on the part of the creditor

[1] The first among the causes is judged to be free remission, made by the Creditor, which must be made neither by force nor by fraud, as Caiet. distinguishes, *here, art. 6. and in sum. v. Restitutio, cap. 6.* Ioan. Medina *quaest. 3. de rebus restit. cap. 2.* Navar. *in man. cap. 17. num. 73.* Valentia *disp. 5. quaest. 6. pun. 6.* puncto 7. Caspensis disp. 1. num. 163. Graffius Lib. 2. decis. cap. 131. Sylvest. V. Iudex, 1. quaest. 8. Turtecremata in cap. si res 14. quaest. 6. Fagundez Lib. 7. cap. 30. Tanner. disp. 4. quaest. 6. dub. 15. num. 438. who add that care must be taken lest the remission be impeded by law and invalidated; for it can be invalidated for the common good, rendering the debtor unfit for such a benefit of remission, and in fact Canon Law invalidated it, cap. statum, de rescripc. in 6. when an Ecclesiastical Judge receives something beyond victuals; for in that chapter he is bound to restitution, and there the remission of that obligation is invalidated; Likewise if a Bishop, or Archbishop, visiting the Churches, receive anything beyond what is necessary for food, according to cap. 5. and 6. de censibus, and extract. in 6. Si iudex delegatus let him receive anything from the parties against cap. statutum, de rescripc. in 6.

> ***De causis excusantibus a Restitutione ex parte creditoris.***
>
> *PRIMA inter causas censetur condonatio libera, facta a Creditore, quae fiat non vi, nec fraude, ut differunt Caiet.* hic, art. 6. et in sum. v. Restitutio, cap. 6. *Ioan. Medina* quaest. 3. de rebus restit. cap. 2. *Navar.* in man. cap. 17. num. 73. *Valentia* disp. 5. quaest. 6. pun. 6. *puncto 7. Caspensis disp. 1. num. 163. Graffius Lib. 2. decis. cap. 131. Sylvest. V. Iudex, 1. quaest. 8. Turtecremata in cap. si res 14. quaest. 6. Fagundez Lib. 7. cap. 30. Tanner. disp. 4. quaest. 6. dub. 15. num. 438. qui addunt advertendum, ne remissio sit impedita a iure, et irritata; potest enim ob bonum commune irritari, reddendo debitorem inhabilem ad tale beneficium remissionis, et de facto eam irritavit Ius Canon. cap. statum, de rescripc. in 6. quando Iudex Ecclesiasticus aliquid accipit praeter esculenta; obligatur enim in eo cap. ad restitutionem, et ibi irritatur remissio huius obligationis; Similiter si Episcopus, vel Archiepiscopus visitantes Ecclesias, praeter necessaria ad victum, aliquid recipiant, iuxta quod habetur cap. 5. et 6. de censibus, et extract. in 6. Si iudex delegatus aliquid accipiat a partibus contra cap. statutum, de rescripc. in 6.*

[2] The second cause is spiritual or bodily harm, which the creditor would incur if restitution were made at such a time, or in such a place, as D. Thom. teaches, art. 5. ad primum, and commonly. Hence a sword is not to be returned to a madman, lest he kill with it; nor money, which he might spend to the ruin of the Republic, or of others. Ambrose also taught this, Lib. de officiis, last chapter, and many others as gathered by Fagundez Lib. 7. capite 30. num. 32. Bassaeum V. Restitut. §. 1.

SECUNDA causa est damnum spirituale, aut corporale, quod creditor incurreret, si tali tempore, vel loco fieret restitutio, ut docet D. Thom. art. 5. ad primum, et communiter. Hinc enim furioso non est reddendus gladius, ne interimat; neque pecunia, quam in perniciem Reipublicae, aut aliorum expendat. Quod docuit etiam Ambrosius Lib. de officiis, capite ultimo, et multi apud Fagundez Lib. 7. capite 30. num. 32. Bassaeum V. Restitut. §. 1.

3 But they ask: Whether the debtor is excused from Restitution, if the creditor is an excommunicatus vitandus.

QUAERUNT vero: An excusetur debitor a Restitutione, si creditor est excommunicatus vitandus.

4 It is answered negatively, with the Maior 4. dist. 15. quaest. 4. Sylvestre V. Excommunicatio, 5. quaest. 12. Ioan. Medina quaest. 3. de rebus restit. cap. 9. Couar. in regula Peccatum, part. 1. num. 10. Valenria quaest. 6. puncto 7. Lessius Lib. 2. cap. 16. dub. 9. Tolet. Lib. 4. de restit. cap. 4. disp. 15. num. 24. Suarez de censuris, disp. 15. sect. 8. Maldet. tract 4. cap. 7. dub. 6. Fagundez L. 7. cap. 30. num. 29. Tanner. 445. and others commonly, against Panormitanus cap. veritatis, de dolo.

RESPONDETUR negative cum Maiore 4. dist. 15. quaest. 4. Sylvestre V. Excommunicatio, 5. quaest. 12. Ioan. Medina quaest. 3. de rebus restit. cap. 9. Couar. in regula Peccatum, part. 1. num. 10. Valenria quaest. 6. puncto 7. Lessius Lib. 2. cap. 16. dub. 9. Tolet. Lib. 4. de restit. cap. 4. disp. 15. num. 24. Suarez de censuris, disp. 15. sect. 8. Maldet. tract 4. cap. 7. dub. 6. Fagundez L. 7. cap. 30. num. 29. Tanner. 445. et aliis communiter contra Panormitanum cap. veritatis, de dolo.

5 It is proved, because in the sentence of excommunication he is not held to be deprived of his right concerning his own goods, nor is necessary communication prohibited, as all confess.

PROBATUR, quia in sententia excommunicationis non habetur, priuari eum iure suo circa res proprias, neque prohibetur necessaria communicatio, ut omnes fatentur.

6 You will say: cap. Nos sanctorum; and cap. Iuratos, 16. quaest. 5. and cap. ult. de Haeret. subjects are absolved from the oath of fidelity owed to a lord who afterwards fell into excommunication.

Dices cap. Nos sanctorum; et cap. Iuratos, 16. quaest. 5. et cap. ult. de Haeret. subditi absolvuntur a iuramento fidelitatis, debitae domino, qui postea incidit in excommunicationem.

7 It is answered: not on that account is he deprived of the right to his goods, nor are the odia to be extended, but restricted.

RESPONDETUR, non ob id priuari iure rerum suarum, neque odia sunt amplianda, sed restringenda.

Doubt IV: On the causes excusing from restitution on the part of the thing itself

1 One cause is judged, namely the destruction of the thing without the fault and delay of the debtor, because he had it in his keeping, and was bound to restore the same in specie. Then the thing perished for the Lord himself, as Medina notes, quaest. 3. causa 6. Navar. cap. 17. num. 80. Valentia quaest. 6. puncto 7. And as if after a thing that was not determined for payment, although destined by you for payment, you will be bound to return it. See Valentia.

De causis excusantibus a restitutione ex parte rei.

UNA causa censetur, nempe interitus rei sine culpa, et mora eius, quia eam apud se habebat, et debebat eandem numero restituere. Tunc res Domino ipsi perit, ut notant Medina quaest. 3. causa 6. Navar. cap. 17. num. 80. Valentia quaest. 6. puncto 7. Ac si post res, quae non erat determinata solutioni, quamvis a te solutioni sit destinata, reddere teneberis. Vide Valentiam.

Doubt V: On the causes excusing from restitution on the part of the public authority

1 THREE causes are enumerated from this chapter as excusing.

> ***De causis excusantibus a Restitutione ex parte publicae potestatis.***
>
> *TRES causae ex hoc capite enumerantur excusantes.*

2 The FIRST is the authority of the public power, granting something to someone by law itself, as in prescriptions, e. g.; but not merely permitting the possession of a thing with impunity, as Medina noted most excellently, quaest. 1. causa 7. Tanner. n. 440. infra, Valentia quaest. 6 punct. 8. Whence it comes about that, although the laws in contracts permit deception that does not exceed half the just price (as appears in L. Item in pretio, §. sin. ff. locati,), nevertheless in the forum of conscience he must restore who has deceived another even within half the just price.

> *PRIMA est authoritas publicae potestatis, ipso iure aliquid tribuentis alicui, ut in praescriptionibus, v. g. non autem solum impune permittentis possessionem rei, sicut optime adnotavit Medina quaest. 1. causa 7. Tanner. n. 440. infra, Valentia quaest. 6 punct. 8. Unde fit, ut, quamvis leges in contractibus permittant deceptionem, quae ultra dimidium iusti pretii non sit (ut patet L. Item in pretio, §. sin. ff. locati,) tamen debet in foro conscientiae restituere ei, qui alterum infra dimidium quoque iusti pretii deceperit.*

3 The SECOND cause is the authority of the public power adjudicating a thing to someone by a judicial sentence. See Medina causa 7. Valentia disp. 5. quaest. 4 puncto 2.

> *SECUNDA causa est authoritas publicae potestatis per sententiam iudicialem, alicui rem inre adiudicans. Vide Medinam causa 7. Valentiam disp. 5. quaest. 4 puncto 2.*

4 The THIRD cause is the authority of the supreme Ecclesiastical power, when the Pontiff, for a just cause, by a Bull of composition remits to someone a certain part of uncertain goods to be restored, provided he contribute a certain part of them to pious uses of the Church, according to what Medina teaches on this matter, said q. 3. and q. 11. Sotus Lib. 4. de Iust. quaest. 7. art. 1. ad 3. Navar. man. cap. 17. num. 91. Valentia loco cit. Tanner. disput. 4. quaest. 6. num. 444. Bassaeus, V. Restit. 5. num. 13.

> *TERTIA causa est authoritas summa Ecclesiastica, cum Pontifex iusta de causa, per Bullam compositionis, remittit alicui partem aliquam bonorum incertorum restituendorum, modo in pios Ecclesiae usus contribuat certam aliquam eorum partem, iuxta ea, quae de hac re tradunt Medina dicta q. 3. et q. 11. Sotus Lib. 4. de Iust. quaest. 7. art. 1. ad 3. Navar. man. cap. 17. num. 91. Valentia loco cit. Tanner. disput. 4. quaest. 6. num. 444. Bassaeus, V. Restit. 5. num. 13.*

Question VIII: Where restitution is to be made

1 TWIN rules for this matter are assigned by the Doctors.

> ***Ubi sit Restituendum.***
>
> *GEMINAE regulae pro hac re a Doctoribus assignantur.*

2 The FIRST is: Restitution must be made there where the creditor recovers his goods without loss to himself, provided also the debtor does not straightway suffer loss without his own fault. In this all the Doctors agree unanimously, D. Thom. art 5. ad 3. Caietanus here, and V. Restitutio, cap. 5. Sotus

Lib. 4. quaest. 7. art. 1. ad 3. Medina quaest. 2. de restit. dub. 3. Navar. cap 17. man. num. 42. Couar. in regul. Peccatum, part. 1. num. 9. Valentia disp. 5. quaest. 6. puncto 8.

> *PRIMA est. Ibi debet restitui, ubi creditor rem suam recuperet absque suo damno, dummodo neque debitor damnum absque sua culpa mox patiatur. In hac unanimes consentiunt Doctores, D. Thom. art 5. ad 3. Caietanus hic, et V. Restitutio, cap. 5. Sotus Lib. 4. quaest. 7. art. 1. ad 3. Medina quaest. 2. de restit. dub. 3. Navar. cap 17. man. num. 42. Couar. in regul. Peccatum, part. 1. num. 9. Valentia disp. 5. quaest. 6. puncto 8.*

3 SECOND rule: when the debtor cannot restore in such a place without unjust loss to himself or to the creditor, he may admonish the creditor, and in the meantime suspend, or even, according to the doctrine of D. Thom. here, art. 5. ad 3., deposit the thing in question in a safe place, so that it may be returned opportunely.

> *SECUNDA regula; quando debitor non potest absque iniusto suo, vel creditoris damno restituere in tali loco, potest admonere creditorem, et interim suspendere, vel etiam iuxta doctrinam D. Thom. hic, art. 5. ad 3. rem integram in tuto deponere, ut opportune reddatur.*

4 And the first rule follows: first, that he who is bound to restore by reason of the thing alone, and not by reason of an unjust acceptance or retention, satisfies well if he returns it in the place where he justly and in good faith received it, or where he promised he would pay, or in that place to which he went with simple intention, and he is not bound to pay elsewhere with expense. Second, that he who by unjust acceptance, retention, or delay made himself liable to restitution, is bound to restore, even with expense, where it is equally convenient for the Lord; For he unjustly afflicted the Lord with a like inconvenience. See Valentia.

> *Et prima regula sequitur primo, eum qui ratione solius rei, et non ratione iniustae acceptionis, aut retentionis tenetur restituere; bene satisfacere, si eam reddat in loco, ubi eam iuste, et bona fide accepit, aut ubi se soluturum spopondit, aut in eo loco, in quem simplici animo abiit, nec teneri alibi cum sumptu solvere. Secundo, cum qui iniusta acceptione, retentione, aut mora se reddidit obnoxium restitutioni, teneri restituere, etiam sumptu, ubi Domino aeque sit commodum; Nam incommodo simili Dominum inique affecit. Vide Valentiam.*

5 I yet think this is not true, when by that mode of restoring the debtor would undergo a greater loss than the creditor has suffered. For a similar reason, if in transferring the thing you were compelled to spend far more than the thing is worth, you are not bound; but it can be given to the poor, says Ligis num. 9.

> *ID tamen reor verum non esse, quando debitor eo modo restituendi maius subiret damnum, quam creditori sit perpessus. Simili ratione si in re transferenda cogeretis multo plus expendere, quam res valeat, te non teneri; sed posse dari pauperibus, ait Ligis num. 9.*

Question IX: How restitution is to be made

1 The manner must be convenient, so that the thing returns to the Lord in a fitting way. Hence it does not matter whether the debtor restores by himself or through another, as is gathered from cap. *Qui per alium, De reg. iur. in 6.*

> Quomodo sit restituendum.
>
> *Modus esse debet commodus, ut res modo apto redeat ad Dominum. Hinc non refert; an per se, vel per alium debitor restituat, ut colligitur ex cap.* Qui per alium, De reg. iur. in 6.

[2] Hence it follows that he who, because of uncertainty about the creditors, must restore to the poor, can do so by himself, without the counsel of his confessor, or the intervention of the Bishop, as Nauar. gathers from the common opinion, *man. cap. 17. num. 91.* Valentia *quaest. 6. puncto 9.* who adds with others, that the Bishop cannot forbid him to do so by himself without his counsel, except in four cases, in which the Bishop has power over it, as the cited authors teach. The first is, when he who was bound to restore to the poor dies without heir and executor. Second, when such a man is unwilling to restore, so that proceedings can be taken against him. Third, when such a man does not distribute rightly to the poor. Fourth, when such a man is found to be a usurer, and makes a will, or is already dead, as appears in cap. *Quamquam de usuris, in 6.* The Bishop can also, for certain reasons, forbid the confessor to absolve such a man without his counsel.

> *Hinc sequitur, eum, qui ob incertitudinem creditorum debet restituere pauperibus, posse id facere per se, absque Consilio confessarii, vel opera Episcopi, ut ex communi sentiunt Nauar.* man. cap. 17. num. 91. *Valentia* quaest. 6. puncto 9. *qui addit cum aliis, non posse prohibere Episcopum, ne per se absque consilio suo faciat, exceptis quatuor casibus, in quibus Episcopus habet ad id potestatem, ut docent allegati. Primus est, quando, qui restituere debebat pauperibus, moritur absque haerede et exequutore. Secundus, quando talis non vult restituere, unde potest contra eum procedi. Tertius, quando talis non recte distribuit pauperibus. Quartus, quando talis est repertus usurarius, et condit testamentum, aut est iam mortuus, ut patet cap.* Quamquam de usuris, in 6. *Potest etiam certas ob causas Episcopus confessario prohibere, ne absque consilio suo talem absolvat.*

[3] It follows next that he who holds a thing from an unjust reception can restore through another, lest he incur infamy or loss of liberty, as I said above, and as the Doctors teach, gathered by Fagundez *Lib. 7. cap. 28.* and Bassaeum *V. Restitut. 4. §. 5.* Bonacinam *de restit. disp. 1. quaest. 7.* I counsel, however, that he take care to ascertain whether restitution has been made.

> *Sequitur deinde, eum, qui ex iniqua receptione habet rem, posse per alium restituere, ne subeat infamiam, vel privationem libertatis, ut dixi supra, et docent Doctores apud Fagundez* Lib. 7. cap. 28. *et Bassaeum* V. Restitut. 4. §. 5. *Bonacinam* de restit. disp. 1. quaest. 7. *Moneo tamen, ut curet certior fieri, an facta sit restitutio.*

[4] I add, with the cited Doctors, that public debts arising from wickedness, as usuries and robberies, ought to be paid publicly, so that the scandal to others may be removed.

> *Addo cum allatis DD. publica debita e pravitate, ut usuras, latrocinia, publice esse solvenda, ad offensam aliorum amovendam.*

Question X: In what order restitution is to be made

[1] Human Laws are given prescribing order in restitution, and they bind in conscience, as Azor teaches, *tract. 3. lib. 4. cap. 36. quaestio 7.* Turrianus *2. 2. disput. 19. dub. 4. num. 5. cap. 10.* Vasquez *de restit. cap. 11. dub. 2. num. 50.* Fagundez *Lib. 7. cap. 35. num. 17.* Valentia *disp. 5. quaest. 6. puncto 10.* The reason is, because the law could give the creditor a right before another, whether it be a municipal Law, or the civil law for the public good. But they observe, if the debtor is able to pay all, no order is necessary.

> Quo ordine restituendum.
>
> *Dantur Leges humanae praescribentes ordinem in restitutione, atque obligant in conscientia, ut docent Azor* tract. 3. lib. 4. cap. 36. quaestio 7. *Turrianus* 2. 2. disput. 19. dub. 4. num. 5. cap. 10. *Vasquez* de restit. cap. 11. dub. 2. num. 50. *Fagundez* Lib. 7. cap. 35. num. 17. *Valentia* disp. 5. quaest. 6. puncto 10. *Ratio est, quia*

potuit lex dare ius creditori ante alium, sive sit Lex municipalis, sive ius civile ob bonum publicum. Observant autem, si debitor sit in solvendo omnibus; non esse ordinem necessarium.

2 Therefore, first, by the law of nature certain debts are to be paid before uncertain ones, as they commonly admonish, gathered by Valentia *loco citato*, Sylvestrum *V. Restitutio*, Fagundez *Lib. 7. cap. 35. num. 19.* Tanner. *disput. 4. quaest. 6. num. 412.* Bassaeum *V. Restit. 4. § 6.*

Primo igitur iure naturae solvenda sunt prius debita certa, quam incerta, ut monent communiter apud Valentiam loco citato*, Sylvestrum* V. Restitutio*, Fagundez* Lib. 7. cap. 35. num. 19. *Tanner.* disput. 4. quaest. 6. num. 412. *Bassaeum* V. Restit. 4. § 6.

3 Second, among certain debts, those are to be restored first by the law of nature, if they exist, whose dominion always remained with the creditor, and which therefore were to be restored the same in specie, as the cited Doctors admonish, as deposits, pledges, or things lent for use: And this is the common opinion in Tanner, *num. 412. Leg. si curator, ff. de iure fisci.*

Secundo, ex debitis certis illa iure naturae sunt prius restituenda, si extant, quorum dominium semper mansit apud creditorem, et quae ideo fuere restituenda eadem numero, ut allegati Doctores admonent, ut deposita, pignora, vel commodata: Et est communis sententia apud Tannerum num. 412. Leg. si curator, ff. de iure fisci.

4 Third, among certain debts of things which do not exist, and are not to be paid the same in specie, those at least by civil law are to be paid first which are specially called real debts, because the goods of the debtor are determined to their payment by an express hypothecation, or pledge, or because the price of the thing had not yet been paid by the debtor, and therefore the thing remained specially liable to payment, although it passed into the dominion of the debtor. So Medina *quaest. 2. dub. 5.* Caietanus, Nauar. Valentia, Tanner. *num. 414.* and others agreeably *Lege 2. ff. Quibus causis, pignor. vel hypothec. tacite contrahuntur.* For such debts are of a stricter obligation than mere personal debts, to whose payment no particular thing is assigned; and this order seems to be of the law of nature. Hypothecary creditors outrank personal creditors,[2] *Leg. 2. 4. 5. Cod. qui potior in pignore.*

2 Editor's note: the print reads 'Hypothecarios sue edunt creditores personales', ungrammatical as printed; rendered per sense required by Cod. 'qui potior in pignore' — hypothecary creditors are preferred to personal creditors (iure antecedunt).

Tertio e debitis certis rerum, quae non extant, nec sunt solvenda eadem numero, illa saltem iure civili sunt primo solvenda, quae peculiariter vocantur debita realia, eo quod eorum solutioni sunt determinata bona debitoris per expressam hypothecam, aut impignorationem, aut propterea, quod rei pretium non esset adhuc a debitore solutum, et ideo res manserit peculiariter obnoxia solutioni, licet in dominium debitoris transierit. Ita Medina quaest. 2. dub. 5. *Caietanus, Nauar. Valentia, Tanner.* num. 414. *et alii convenienter* Lege 2. ff. Quibus causis, pignor. vel hypothec. tacite contrahuntur. *Talia enim debita strictioris sunt debiti, quam personalia mera, quorum solutioni nulla res peculiaris est deputata, et hic ordo videtur iuris naturae. Hypothecarios sue edunt creditores personales* Leg. 2. 4. 5. Cod. qui potior in pignore.

5 Fourth, Therefore, among certain debts not real but personal, those seem by the law of nature to be paid first which were contracted from a just contract, rather than those from a delict, as Nauarrus, Caietanus, and Valentia think. Yet they limit it, lest it be understood also of one convicted, through whom he who owes from a delict (as a usurer) has been made poorer.[1]

1 Editor's note: the print/OCR reads 'fieri[t] factus pauperior' — both the scan transcription and the OCR dump agree on this garbled wording; rendered as 'has been made poorer' as the most plausible sense.

Quarto Ideo ex debitis certis non realibus, sed personalibus, illa iure naturae videntur prius solvenda, quae fuere contracta ex iusto contractu, quam quae ex delicto, ut sentiunt Nauarrus, Caietanus, et Valentia. Limitant tamen, ut non intelligatur etiam de convictis, per quem, qui ex delicto debeat, (ut usurarius) fierit factus pauperior.

6 In truth, those things are to be paid first which are held from a delict; say Medina supra, Salon. *2. 2. quaest. 62. art. 8.* Emanuel Rodriguez *part. 2. cap. 46.* and others.

Enim vero prius sunt solvenda, quae ex delicto habentur; aiunt Medina supra, Salon. 2. 2. quaest. 62. art. 8. *Emanuel Rodriguez* part. 2. cap. 46. *et alii.*

7 To me it is more probable that they are equal, as very many teach, gathered by Fagundez *Lib. 7.*; except the case in which someone sold a thing, and it remains the same in specie, and the seller has not received the price. I shall refer the Doctors *casu 8.* So also Tanner. *num. 421.* with Sylvestro, *V. Restitutio*, Aragon. *quaest. 62. art. 5.* Petrus Nauar. *Lib. 4. cap. 4.* Less. *cap. 15. dubio 7.* Bass. *4. num. 39.* according to *L. 6. Cod. de bonis authoritate Iudicis.*

Mihi probabilius est, esse aequales, ut docent plurimi apud Fagundez Lib. 7. *excipe casum, in quo aliquis vendidit rem, et manet eadem numero, nec pretium accepit venditor. Doctores referam* casu 8. *Sic et Tanner.* num. 421. *cum Sylvestro,* V. Restitutio*, Aragon.* quaest. 62. art. 5. *Petrus Nauar.* Lib. 4. cap. 4. *Less.* cap. 15. dubio 7. *Bass.* 4. num. 39. *iuxta* L. 6. Cod. de bonis authoritate Iudicis.

8 Fifth, among personal debts, apart from delict, those are to be paid first by civil law which are called privileged, as the Dowry of a wife, and what is owed to the Fisc. So Sylvest. *V. Restitutio, quaest. 5.* Nauar. supra *n. 50.* Valentia *loco citato*, and others. For these are preferred to others not having express hypothecations *Leg. assiduis, Cod. Qui potest in pignor. hab. et Lib. Quamvis de Privil fisc.* See Sylvestrum.

Quinto ex debitis personalibus, citra delictum, ea prius iure civili solvenda, quae vocantur privilegiata, ut Dos uxoris, et quae Fisco debentur. Ita Sylvest. V. Restitutio, quaest. 5. *Nauar. supra* n. 50. *Valentia* loco citato*, et alii. Nam haec praeponuntur aliis, non habentibus expressas hypothecas* Leg. assiduis, Cod. Qui potest in pignor. hab. et Lib. Quamvis de Privil fisc. *Vide Sylvestrum.*

9 Sixth, among personal debts not privileged, those tacitly hypothecated are first to be paid; then, those contracted under the title of deposit (since the deposited thing no longer exists, or is not to be returned the same in specie), unless it were rather a Mutuum than a Depositum.

Sexto ex debitis personalibus non privilegiatis prius solvenda sunt tacite hypothecata, Deinde, quae sunt contracta titulo depositi, (cum iam res deposita non extat, aut non est reddenda eadem numero,) nisi potius fuerit Mutuum, quam Depositum.

10 Seventh, in each genus of all the aforesaid debts of the same reason, those are to be paid first which are older, as is had in the Law: *Prior in time, stronger in right.* For the longer the creditor has lacked his own; the more strictly is it owed to him. So Sylvester, Medina, Valentia, Salon. *loco cit.* which Malderus, *tract. 4. cap. 6.* says is the more probable opinion.

Septimo in unoquoque genere praedictorum omnium debitorum eiusdem rationis, prius sunt solvenda, quae sunt antiquiora, ut habetur in Iure: Prior tempore, potior est iure. *Quo enim diutius creditor caruit suo; eo id illi strictius debetur. Ita Sylvester, Medina, Valentia, Salon.* loco cit. *quam Malderus,* tract. 4. cap. 6. *probabiliorem ait.*

11 I judge, however, that in conscience they are to be divided pro rata, computing the greater loss of the older creditor. So Malder. supra, Bassaeus *V. Restitutio, §. 4. num. 26.* Bonacina *de Restit. disp. 1.*

quaest. 8. punct. 2. num. 19. Lessius *Lib. 2. cap. 15. dub. 6.* D. Anton. *2. part. tit. 2. cap. 7. §. 3.* Molina *Tom. 2. disp. 536.* Vasquez *opusc. de restit. cap. 11. disp. 2. a num. 48.* Caspensis *disp. 1. sect. 12.* Fagundez *Lib. 7. cap. 34.* nor is a rule of law given except for real debts with a hypothecation, or the like, from *Leg. 1. ff. de separationibus.* EIGHTH, as to debts from delict, those are to be paid first which were contracted with greater guilt, Valentia and Medina hold.

> *Ego existimo, in conscientia ea dividenda pro rata, computato maiori damno antiquioris. Ita Malder. supra, Bassaeus* V. Restitutio, §. 4. num. 26. *Bonacina* de Restit. disp. 1. quaest. 8. punct. 2. num. 19. *Lessius* Lib. 2. cap. 15. dub. 6. *D. Anton.* 2. part. tit. 2. cap. 7. §. 3. *Molina* Tom. 2. disp. 536. *Vasquez* opusc. de restit. cap. 11. disp. 2. a num. 48. *Caspensis* disp. 1. sect. 12. *Fagundez* Lib. 7. cap. 34. *neque datur regula iuris, nisi pro realibus debitis cum hypotheca, vel simili ex* Leg. 1. ff. de separationibus. *OCTAVO quod ad debita ex delicto, ea prius solvenda, quae maiori culpa contracta sunt, tenent Valentia, et Medina.*

12 Yet the OPPOSED opinion is more probable, that no order is given among these, for instance between stolen goods and goods seized by rapine, unless some offense has been added in these, which must first be made good. So Toletanus *L. 4. de restit. cap. 6. dub. 8. num. 43.* Azorius *tract. 3. Lib. 4. cap. 36. quaestio 2.* Sayrus *L. 10. tract. 5. cap. 20. dub. 6.* Lessius *L. 2. cap. 15. dub. 3.* Turrianus *2. 2. disp. 19. dub. 2.* Vasquez *opusc. de restitut. cap. 11. dub. 2.* Nauar. *summa, cap. 17. a num. 88.* Fagundez *Lib. 7. cap. 33. num. 7.* who admit neither an order between debt from contract and from delict; nor any order among debts from delict. Caspensis says nearly the same, *disp. 1. sect. 12.*

> *OPPOSITA tamen sententia est probabilior, nullum dari ordinem inter haec, puta inter furata, et rapina abrepta, nisi in his aliqua offensio addita, sit refarcienda prius. Ita Toletanus* L. 4. de restit. cap. 6. dub. 8. num. 43. *Azorius* tract. 3. Lib. 4. cap. 36. quaestio 2. *Sayrus* L. 10. tract. 5. cap. 20. dub. 6. *Lessius* L. 2. cap. 15. dub. 3. *Turrianus* 2. 2. disp. 19. dub. 2. *Vasquez* opusc. de restitut. cap. 11. dub. 2. *Nauar.* summa, cap. 17. a num. 88. *Fagundez* Lib. 7. cap. 33. num. 7. *qui neque inter debitum ex contractu, et ex delicto; neque inter debita ex delicto aliquem ordinem admittunt. Idem fere ait Caspensis* disp. 1. sect. 12.

13 The RATION is, because the injury, abstracted from the thing taken away, does not have its Commutative compensation in the thing itself, but in another order, as the cited authors note.

> *RATIO est, quia iniuria, praecisa a re ablata, non habet suam compensationem Commutativam in ipsa re, sed in alio ordine, ut notant allegati.*

14 Restitution for each of the individual debts of Commutative and Distributive Justice is to be treated in the following disputations.

> *DE restitutione vero e singulis debitis Iustitiae Commutativae, et Distributivae agendum sequentibus disputationibus.*

15 AMONG those cooperating in harm, the principal is he who commanded efficaciously, who had the authority of sending, as a Judge over a subject, a lord over a slave.

> *INTER cooperantes ad damnum, principalis est, qui praecepit efficaciter, qui habuit auctoritatem mittendi, ut Iudex super subditum, dominus in servum.*

16 After him follows the executor of the harm: After him one who counsels, or commands; then the receiver: Likewise one who does not impede, when he was bound by his office. But among these the first place is held by him who has the thing formally, or in equivalent, in his possession. See D. Bonavent. *cit. quaest. 3.* D. Thom. *quaest. 62. art. 7.* Vasquez *de restitut. cap. 9. num. 52. et 56. §. 1.* Petrus

Nauar. *lib. 4. cap. 4. num. 75.* Sayrum *lib. 10. tract. 5. cap. 12.* Sylvium *loco cit.* D. Thom. Bassaeum *num. 27.*

> *Postea sequitur executor damnificationis: Post hunc consulens, vel mandans; mox receptor: Perinde non impediens, cum teneretur ex officio. Inter hos vero primum locum obtinet, qui apud se habet rem formaliter, vel in aequivalenti. Vide D. Bonavent.* cit. quaest. 3. *D. Thom.* quaest. 62. art. 7. *Vasquez* de restitut. cap. 9. num. 52. et 56. §. 1. *Petrus Nauar.* lib. 4. cap. 4. num. 75. *Sayrum* lib. 10. tract. 5. cap. 12. *Sylvium* loco cit. *D. Thom. Bassaeum* num. 27.

17 If the creditor remitted the principal, the others are freed; not so if less than the principal; But if an equal amount, the others are still bound in solid, the remitted part deducted. See Valentiam *quaest. 6. puncto 3.* Medin. *quaest. 8.* Vasquez *cit. cap. 9. disput. 3. §. 1.* Bonac. *quaest. 8. punct. 1.* Bassaeum *num. 28.*

> *Si creditor remisit principali, caeteri liberantur; non ita si minus principali; At si aequali, adhuc tenentur caeteri in solidum detracta parte remissa. Vide Valentiam* quaest. 6. puncto 3. *Medin.* quaest. 8. *Vasquez* cit. cap. 9. disput. 3. §. 1. *Bonac.* quaest. 8. punct. 1. *Bassaeum* num. 28.

18 IF however the prior Creditor is wealthy, and the later one poor and needy, restitution is to be made to him first, says Azorius *part. 3. lib. 4. quaestio 4.* The Ratio of D. Thom. and Medina *loco citato*, is, because one must first depart from the greater injury; but a greater injury is done in retaining the goods of the poorer than of the richer: But this Ratio is not approved by Azorius; who assigns another, supposing the poor Creditor to labor in such indigence as to be an object of mercy; and then he says restitution is owed to him; because, with this twofold precept of Justice and of mercy concurring, obedience is to be rendered to both rather than to Justice alone; and the richer creditor is bound to consent.

> *SI vero prior Creditor locuples sit, et posterior pauper, et egenus, huic prius Restituendum ait Azorius* part. 3. lib. 4. quaestio 4. *Ratio D. Thom. et Medinae* loco citato*, est, quia a maiori iniuria prius est recedendum; maior autem iniuria fit retinendo rem pauperioris, quam ditioris: Verum Ratio haec non probatur Azorio; qui aliam assignat, supponens pauperem Creditorem ea indigentia laborare, ut misericordiae sit obiectum; et tunc ait ei restituendum; quia concurrente duplici hoc praecepto Iustitiae, et misericordiae, potius obsequendum est utrique, quam Iustitiae soli; et creditor ditior tenetur consentire.*

19 BUT the prior Ratio is indeed firm enough, nor would Azorius so easily have rejected it, if he had perceived that it coincided with his own; For therefore a greater injury is inflicted on the poor man, by subtracting his goods and not restoring them; because beyond Justice, since the burden of the blow falls above both creditors, the unjust appropriator was bound rather to relieve the poverty of the poor man, by giving to him of his own (if indeed he could), than to burden him further; wherefore the magnitude of the injury arises from the violation of mercy, which outweighs Justice in that case; and which the citizen is bound to restore; wherefore restitution to be made to the poor creditor does not then prevail from the concurrence of a twofold precept; but rather from mercy: For even if he were bound to restore by no debt of Justice; nevertheless by the law of Mercy he would owe to give to the needy, not to the rich creditor.

> *AT Ratio sane prior satis firma est, nec eam tam facile Azorius reprobasset, si eam in suam coincidere perspexisset; Ideo enim maior iniuria infertur pauperi, ei rem suam subtrahendo, et non reddendo; quia ultra Iustitiam, pati pondere supra utrumque creditorem cadentem, tenebatur iniquus surreptor potius sublevare pauperis inopiam, ei de suo (si quidem potuit) tribuendo, quam ulterius ipsum gravare; quare magnitudo iniuriae oritur ex violatione misericordiae, quae Iustitiae in eo casu praeponderat; et quam tenetur civis restaurare; quare non ex duplicis praecepti concurrentia viget*

tunc restitutio, pauperi creditori facienda; sed ex misericordia potius: Nam etiamsi nullo Iustitiae debito ad restituendum teneretur; adhuc tamen lege Misericordiae deberet dare egeno, non diviti creditori.

20 BUT if two Creditors are equal in right, but unequal in the Debtor's friendship, Medina says the whole debt cannot licitly be paid to the friendly Creditor; since by right it would have to be divided between both; yet if it has been paid to one before the other, he says he can be bound; which does not please Azorius; and indeed deservedly; For if the debt was to be divided with equal lot, so that both be satisfied; the part owed to one, and paid to the other, ought to be paid to the former; wherefore he says that he to whom it is paid unduly cannot retain it; since no friendship ought to harm Justice; likewise, if of two creditors, the later in time is the prior in receiving the debt, by whose payment the debtor becomes unable to pay the prior; then Azorius says, ad finem *quaestio 7.* that the later Creditor is bound to satisfy and restore to the prior, since he unduly received the latter's debt.

QUOD si duo Creditores sint in iure pares, sed impares in Debitoris amicitia, dicit Medina totum debitum non posse licite solvi amico Creditori; cum ex iure esset inter utrumque dividendum; quod si tamen uni prae altero solutum sit, teneri posse ait; quod Azorio non placet; et quidem merito; Nam si debitum pari sorte dividendum erat, ut utrique satisfieret; pars uni debita, et alteri soluta, debet solvi priori; quare ait nequire illum, cui indebite soluitur, eam tenere; cum Iustitiae non debeat ulla amicitia obesse; similiter si e duobus creditoribus, posterior tempore, sit prior in recipiendo debito, cuius solutione debitor evadat impotens ad solvendum priori; tunc ait Azorius ad finem quaestio 7. *teneri posteriorem Creditorem satisfacere, et restituere priori, cum ipsius debitum ipse indebite receperit.*

Disputation XXV: On the Acceptance of Persons

[1] Commutative Justice regards things, Distributive persons; wherefore as the former is injured by exchanging things without due proportion; so the latter is offended while one person is unjustly preferred to another; which happens especially in benefices, elections, honors, and Judgments, as S. Bonaventura notes, *in speculo animae, cap. 3.* And he says the whole disordination of this Justice proceeds from inordinate love; For in conferring benefices flesh and blood choose the best part; but by reason of riches the Rich of this age are often honored before the Poor rather than the Saints, although honor, according to Aristotle *lib. 1. Rhetor. cap. 5.* is nothing other than a testimony of virtue; but in rendering Judgments, among other things, a Largess of gifts makes a corrupt judgment pronounce for one to the prejudice of another. Concerning this acceptance of persons it must be asked what and what sort of sin it is, with D. Thom. *quaestione 63. art. 1.*

> ***DISPVTATIO XXV. De Acceptione Personarum.***
>
> *RES respicit Iustitia Commutativa, personas vero Distributiva; quare sicut illa res rebus inique commutando laeditur; ita haec offenditur, dum iniuste persona una alteri praefertur; quod contingit praecipue in beneficiis, electionibus, honoribus, et Iudiciis, ut notat S. Bonaventura* in speculo animae, cap. 3. *Et totam huius Iustitiae deordinationem ex inordinato amore procedere ait; In conferendis enim beneficiis caro, et sanguis optimam partem eligit; ratione autem divitiarum Divites huius saeculi prae sanctis saepe Pauperibus honorantur, cum tamen honor, iuxta Aristotelem* lib. 1. Rhetor. cap. 5. *aliud non sit, quam virtutis testimonium; in Iudiciis vero ferendis, inter alia, Largitio munerum pravum iudicium uni in alterius praeiudicium pronunciare facit; De hac personarum acceptione quaerendum est, quid, et quale peccatum sit, cum D. Thoma* quaestione 63. art. 1.

Question I: What acceptance of persons is, and what kind of sin

[1] ACCEPTANCE of persons consists and is placed in this: that in the distribution of the goods of the community some person is preferred to others, without consideration of the proportion of merits. So teach D. Thom. *here, and there* the Thomists, and many Sententiarii *in 4. dist. 15. et* Summistae *V. Acceptio personarum, et V. dignitas,* with D. Bonavent. in speculo, cap. 3. And the Saintly Doctor defines it in Confessionali, cap. 1. particula 6. *Acceptance of persons is an injustice, whereby person is preferred to person for an undue cause in distributions of what is owed.* This definition the Saintly Doctor drew from many holy Fathers, whom he lists in Lib. 3. Pharetrae, cap. 38. But he explains the acts of Distributive Justice opposed to acceptance of persons most excellently, part. 2. de Ecclesiastica Hierarchia, cap. 2. et 3.

> *ACCEPTIO personarum in eo posita est, et constituta, ut in distributione bonorum communitatis praeferatur aliqua persona aliis, non considerata proportione meritorum. Ita docent D. Thom.* hic, et ibi *Thomistae, ac multi sententiarii* in 4. dist. 15. et *Summistae* V. Acceptio personarum, et V. dignitas, *cum D. Bonavent. in speculo, cap. 3. Eam vero S. Doctor definit in Confessionali, cap. 1. particula 6.* Acceptio personae est iniustitia, quae praefertur persona personae propter causam indebitam in distributionibus debitu. *Hanc definitionem eruit S. Doctor ex multis sanctis Patribus, quos recenset Lib. 3. Pharetrae, cap. 38. Eos vero actus Distributivae oppositos acceptationi explicat egregie part. 2. de Ecclesiastica Hierarchia, cap. 2. et 3.*

[2] Therefore, to distribute the goods of a community, not according to the proportion of merits, but to give them to someone from some undue condition, as Prefecture, or a Chair, because he is rich, not

because he is learned and holy; is acceptance of persons, and that mortally.

Igitur distribuere bona communitatis, non iuxta proportionem meritorum, sed alicui dare illa ex aliqua conditione indebita, puta Praelationem, aut Cathedram, quia dives est, non quia doctus, et sanctus; est acceptio personarum, eaque mortifera.

3 It is proved by D. Bonavent. in the places cited, first from Scripture, Levit. 19. *You shall not consider the person of the poor.* Deuter. 1. *There shall be no distinction of persons; you shall hear the small as well as the great: neither shall you accept the person of anyone*, Ecclesiasticus 42. *Do not accept a person, so as to offend.* James 2. *If you accept persons, you commit sin.*

Probatur a D. Bonavent. locis adductis, primo Scriptura, Levit. 19. Non consideres personam pauperis. *Deuter. 1.* Nulla erit distantia personarum, ita parvum audietis, ut magnum: neque accipietis cuiusquamque personam, *Ecclesiastici 42.* Ne accipias personam, ut delinquas. *Iacobi 2.* Si personas accipitis, peccatum operamini.

4 It is proved next by the Saintly Doctor, and D. Thom. because it gravely injures Justice in the public good.

Probatur deinde a S. Doctore, et D. Thom. quia graviter laedit Iustitiam in bono publico.

5 But two conditions are required by the Theologians with D. Bonavent. in speculo, loco citato, for there to be an Acceptance of persons. The one, that there be a distribution of goods which are of a community; not of the dispenser's own; for then he could say what the Lord says: *Is it not lawful for me to do what I will?* Matth. 20. The other is that the dispenser be bound by justice to distribute those common goods in that proportion, in compensation of merits.

Duas autem conditiones requirunt Theologi cum D. Bonavent. in speculo, loco citato, ut sit Acceptio personarum. Altera, ut sit distributio bonorum, quae sint communitatis; non autem propria dispensantis; nam tunc dicere is posset, quod ait Dominus: Nonne quod volo possum facere? *Matth. 20. Altera est ut dispensator ex iustitia teneatur distribuere ea proportione bona communia in compensationem meritorum.*

Question II: Whether, and how, it is a sin of acceptance of persons to choose the unworthy, or less deserving, for benefices

1 Dignities and Offices, as the Holy Doctor observes in the Speculum, cap. 3, are of two kinds: some are Ecclesiastical, others Secular. Again, of the Ecclesiastical, some have annexed care of souls, such as Bishoprics and Prelacies (praepositurae); and others are simple benefices.

An, et quomodo sit peccatum acceptionis personarum eligere indignos, vel minus emeritos ad beneficia.

Dignitates, et Officia, ut observat S. Doctor in speculo, cap. 3. alia sunt Ecclesiastica, alia sunt Saecularia. Rursus Ecclesiastica, alia sunt, quae adnexam habent curam animarum, ut Episcopatus, Praepositura; et alia sunt beneficia simplicia.

2 Distributive justice intervenes in the distribution of Ecclesiastical benefices, and consequently the opposite vice in a bad distribution: so judge D. Bonaventure, loco citato, art. 2, Valencia, disput. 5, quaest. 7, puncto 2, and others; for these benefices are not proper debts owed to anyone by his merits, but are compared with all the men of the community, so that a worthy man may be taken from among them, and among the worthy the worthier may be chosen, if need be. Yet I would not deny that Commutative justice also intervenes, which gives stipends of tithes even to the ministering

benefice-holder, etc., as is intimated in Num. 18, Luke 10, 1 Cor. 9, 1 Tim. 5. Add that in the cap. finalia, extra de rescriptis, it is laid down: *a benefice is not given except on account of an office, and even before the distribution one looks at whether he has merits proportionate adequately;* but here it does not stop, but proceeds to compare his merits with the merits of others; and thus, among many compared, one is chosen. Hence it is called Election, as it were the selection of one from among many, as the Holy Doctor proves in book 1, dist. 40, art. 2, quaest. 2, from that text of Cant. 5: *My Beloved is chosen out of thousands.*

> *Intervenire autem in distributione beneficiorum Ecclesiasticorum iustitiam Distributivam, atque adeo in prava distributione vitium oppositum, censet D. Bonavent. loco cit. art. 2. Valentia disput. 5. quaest. 7. puncto 2. et alii: haec enim beneficia non sunt propria debita alicui ex meritis, sed comparantur ad omnes viros communitatis, ut assumatur ex eis dignus, et inter dignos eligatur dignior, si opus sit. Non negaverim tamen, intervenire etiam Commutativam, quae etiam beneficium ministranti dat stipendia decimarum, etc. ut innuitur Num. 18. Lucae 10. prima Cor. 9. prima Timot. 5. Adde in cap. finalia, extra de rescriptis, haberi:* Beneficium non datur nisi propter officium, etiam ante distributionem aspicitur, an habeat merita proportionata adaequate; *At non sistitur hic, sed ad comparanda eius merita cum aliorum meritis proceditur; et sic e pluribus comparatis, unus eligitur. Ideo dicitur Electio, quasi unius e pluribus selectio, ut probat S. Doctor in primo, dist. 40. art. 2. quaest. 2. Ex illo Cant. 5.* Dilectus meus, electus e millibus.

3 It is certain, moreover, that in elections to benefices it is necessary that a worthy man be chosen. So testifies Innocent III with the General Lateran Council, in cap. *Grave nimis*, which the Holy Doctor often urges in his treatises *on Poverty.* Hence the Council of Trent, cap. 1 de Reformatione, declares that there is no election to benefices — those which in Cathedral Churches have annexed the office of reading Sacred Scripture — in an unworthy person, or one less suitable, and who cannot himself fulfill that office.

> *Certum est autem in electione ad beneficia, necesse esse ut eligatur dignus. Ita testatur Innocentius III. cum Generali Concilio Later. in cap.* Grave nimis*, quod saepe urget S. Doctor in suis tractatibus* de Paupertate. *Ideo Concilium Trident. cap. 1. de Reformatione, declarat, nullam esse electionem ad beneficia, quae in Ecclesiis Cathedralibus adnexum habent officium legendi Sacram Scripturam, in persona indigna, seu minus idonea, et quae per se ipsum eo fungi officio nequeat.*

4 The question is a grave one: whether they are bound to choose not only worthy men, but even the worthier.

> *Quaestio gravis est: An teneantur eligere non solum dignos, sed etiam digniores.*

5 The first opinion is that it is enough to choose a worthy man. So Hugo and the Apparatus seem to think, on cap. *Licet ergo*, § quaest. 1, and on cap. *Monasterium 16*, quaest. 7, and others, as cited by Covarruvias, Relectio on the rule *Peccatum non dimittitur, nisi restituatur ablatum*, part. 2, § 7 — who nevertheless says they spoke in the external forum.

> *Prima opinio est, satis esse eligere dignum. Ita videtur sentire Hugo, et Apparatus super cap.* Licet ergo*, §. quaest. 1. et super cap.* Monasterium 16. *quaest. 7. et alii apud Covar. Relect. in regulam inris:* Peccatum non dimittitur, nisi restituatur ablatum*, part. 2. §. 7. qui tamen ait eos locutos in foro exteriori.*

6 Very many have followed this view, if any of the following conditions is present. First, when the excess is not notable; second, when the worthier man is of another house, or of another Church, or a stranger; third, when the greater part wishes to elect the less worthy man, then the lesser part may

give him their suffrage, even if they had sworn to elect the worthier; fourth, when another unworthy man is elected, if he does not give his suffrage to this less worthy one, and the worthier would have to be excluded on account of the fewness of votes; fifth, when the worthier man presides over another Church and would have to be postulated; sixth, when the worthier man is entangled in external affairs, or does not reside as much as the less worthy; seventh, if the less worthy is already experienced and eloquent in the Prelacy, and the worthier inexperienced; eighth, when it is not free for the collator or the institutor to confer upon another, or to institute another, than the one presented to him by the Patron; ninth, if a benefice, by an institution confirmed by the Church, is to be given to someone from a certain Family or township; tenth, if the founder of a parochial benefice presents a worthy man, and not the worthier; for this is permitted him. Eleventh, when someone resigns a benefice to a worthy man, passing over a worthier one. Finally, a lay patron may elect and present a less worthy man, leaving aside a worthier. You will find all this in Valetus, *de differentia utriusque fori*, v. electio, diffic. 1; Ioan. de Cruz, in direct., part. 1, punct. 7, quaest. 7, art. 2, dub. 9, concl. 2; Riccius, part. 3, decis. 214, num. 3; Sylvius, 2. 2, quaest. 63, art. 2, quaeritur 4, concl. 3; Tanner, 2. 2, diffic. 4, quaest. 8, dub. 2, num. 17; Lessius, lib. 2, cap. 34, disp. 13, num. 58; Villalobos, in summa, Tom. 2, tract. 8, diffic. 4, num. 6. See also Malderus, 2. 2, tract. 9, c. 2, dub. 7; Diana, part. 2, tract. 5, resol. 110; Bassaeus, V. electio, num. 10; Lezana, tract. 1, cap. 15, num. 14; Bonagratia, V. electio, num. 161.

> *Plurimi vero hanc secuti sunt, si aliqua ex his conditionibus intersit. Prima est, quando excessus non est notabilis; Secunda, quando magis dignus est de alia domo, aut alterius Ecclesiae, seu extraneus: Tertia, quando maior pars vult eligere minus dignum, tunc potest minor pars ei dare suffragium, etiamsi iurassent eligere digniorem. Quarta, quando eligitur indignus alius, si huic minus digno non det suffragium, et dignior est excludendus, ex paucitate votorum. Quinta, cum dignior praeesset alteri Ecclesiae, et esset postulandus. Sexta, quando magis dignus est implicatus negotiis externis, vel non ita residet, sicut minus dignus. Septima, si minus dignus est iam expertus, et disertus circa Praelaturam, et dignior inexpertus. Octava, quando non est liberum collatori, vel institutori conferre alteri, vel alium instituere, quam sibi praesentatum a Patrono. Nona, si beneficium ex institutione confirmata ab Ecclesia, dandum sit alicui e certa Familia, vel Opido. Decima, si beneficii parochialis fundator praesentet dignum, et non digniorem; nam hoc ei licet. Undecima, quando quis beneficium resignat digno, praetermittens digniorem. Tandem patronus Laicus potest eligere, et praesentare minus dignum, relicto digniori. Haec omnia invenies apud Valetum* de differentia utriusque fori, v. electio, diffic. 1. *Ioan. de Cruz in direct. part. 1. punct. 7. quaest. 7. art. 2. dub. 9. concl. 2. Riccium part. 3. decis. 214. num. 3. Sylvium 2. 2. quaest. 63. art. 2. quaeritur 4. concl. 3. Tannerum 2. 2. diffic. 4. quaest. 8. dub. 2. num. 17. Lessium lib. 2. cap. 34. disp. 13. num 58. Villalob. in summa, Tom. 2. tract. 8. diffic. 4. num. 6. Vide etiam Malderum 2. 2. tract. 9. c. 2. dub. 7. Dianam part. 2. tract. 5. resol. 110. Bassaeum, V.* electio*, num. 10. Lezanam tract. 1. cap. 15. num. 14. Bonagratiam V.* electio, num. 161.

[7] Far more do they assert that it is licit for a Patron to present a less worthy man, excluding the worthier — with regard to a lay Patron: Lambertus, de iure patron., part. 1, lib. 2, quaest. 10, art. 3, num. 17; Riccius, in decis., part. 3, decis. 306; Belletus, in disquis. clerical., part. 1, § 4, num. 50; Ioan. Valetus, in differ. utriusque fori, v. Electio, num. 1 — and Ledesma calls this opinion probable, summa, part. 2, tract. 7, cap. 2, conclus. 7, diffic. 9; Bannes, 2. 2, quaest. 63, art. 2, dub. 4; and most recently Garzias follows it in its terms, de benef., tract. 2, part. 7, cap. 16, num. 19; Petrus Navarrus, *de restit., lib. 2, cap. 2, num. 150.* Diana does not reject it, part. 1, tract. 15, resol. 37.

> *Multo vero magis Patrono licere minus dignum praesentare, magis dignum excludendo, asserunt de Patrono Laico, Lambertus de* iure patron. *part. 1. Lib. 2. quaest. 10. art. 3. num. 17. Riccius in decis. part. 3. decis. 306. Bellet. in*

disquis. clerical. part. 1. §. 4. num. 50. Ioan. Valet. in differ. utriusque fori, v. Electio, numero 1. et hanc opinionem probabilem vocat Ledesma summa part. 2. tract. 7. cap. 2. conclus. 7. diffic. 9. Bannes 2. 2. quaest. 63. art. 2. dub. 4. et in terminis novissime eam sequitur Garzias de benef. tract. 2. part. 7. cap. 16. num. 19. Petrus Navar. de restit. lib. 2. cap. 2. num. 150. *Non renuit Diana part. 1. Tract. 15. resol. 37.*

[8] SENTENTIA, however — the view holding that one is bound in conscience to choose the worthier man for any Ecclesiastical benefice whatever — is expressed by D. Bonaventure in *the Speculum animae, part. 3*, where he says: *Around the conferring of Ecclesiastical benefices I then understand acception of persons to have the character of mortal sin, when an Ecclesiastical benefice is conferred upon someone unworthy, knowingly with the worthy passed over, whether out of regard for kinship, or even for a temporal benefice, or for spiritual affection; Likewise, too, to elect a rich man to a dignity of the Church, contemptuously passing over a poorer but better-instructed man. Hence Augustine, on that text: "Do not in acception of persons," etc., James 2: Who (he says) would endure it, if someone should elect a rich man to a seat of honor in the Church, contemptuously passing over a poorer man, better instructed and holier? But if the benefices are temporal, in them acception of persons can be mortal sin in the article of necessity, when someone is bound to confer a benefice by precept, and the benefice is given to him who does not need it, by reason of a particular love; and he who is in straitened necessity is despised.* Such is the word of St. Bonaventure.

SENTENTIA vero sustinens, teneri in conscientia eligere digniorem ad quodlibet beneficium Ecclesiasticum, est expressa D. Bonavent. in speculo animae, part. 3. *ubi ait:* Circa collationem beneficiorum Ecclesiasticorum tunc intelligo, acceptionem personarum habere rationem mortalis, cum beneficium Ecclesiasticum alicui indigno confertur, scienter dignis postpositis, sive sit intuitu consanguinitatis, vel etiam beneficii temporalis, vel affectionis spiritualis; Similiter autem, et divitem eligere ad dignitatem Ecclesiae, contempto paupere instructiore. Unde Augustinus super illud: Nolite in personarum acceptione, etc. Iacobi 2. Quis (inquit) ferat, si quis divitem eligat ad sedem honoris Ecclesiae, contempto paupere instructiore, et sanctiore. Si autem sint temporalia beneficia, sic in eis potest esse personarum acceptio mortale peccatum in necessitatis articulo, quando quis tenetur beneficium conferre ex praecepto, et cum datur beneficium illi, qui non indiget, ratione particularis amoris; et ille, qui est in arcta necessitate, contemnitur. *Haec S. Bonaventura.*

[9] D. Thomas followed him, *here, 2. 2, quaest. 63, art. 2, and in quodlibet, quaest. 7 and 8*; Alexander of Hales, *2. part., quaest. 136, memb. 2*; Lyranus, *on cap. 21 of John*; Richard and Maior, *in 4 Sent., dist. 15*; Adrian, *quaest. de restitut.*; Covarruvias, *relect. on the Rule Peccatum, part. 2, § 7, num. 4*; Soto, *lib. 3 de Iustitia, quaest. ultim., art. 2*; Valencia, *disput. 5, quaest. 7, puncto 2*; Caspensis, *Tract. 18, disput. 2, sect. 2*; Fagundez, *lib. 8 on the eighth precept, cap. 22*, alleging very many who constantly affirm that even the Supreme Pontiff, electing less worthy men with the worthier left aside, sins lethally. These are Decius, *in cap. constitutus, 2, § 7, num. 4*; Cajetan, *2. 2, quaest. 63, art. 2*; D. Thomas de Salonis, *ibidem*; Navarrus, *de orat., Miscell. 38*; Azorius, *part. 2, lib. 6, cap. 15, quaestio 1*; Reginaldus, *tract. 3, num. 19*; Sayrus, *decis. 22 de poenitent.*; Riccius, *in collectan., part. 4, coroll. 93*; Stephanus Gratianus, *decis. 97*; Raudensis, *decis. 25*; Barbosa, *in remiss. ad Trident., sess. 24, cap. 8, numero 27*; Goncales, *regul. 8, glossa 4, numero 128*; Rodriquez, *in summa, part. 1, cap. 106*; Cardinal Zapata, *de provis. benefic., part. 2, num. 5, fol. 53*; Lessius, *lib. 2 de Iust., cap. 34, num. 64* — and Tanner says it is the common view, *disp. 4, quaest. 8, num. 14*; Bassaeus, *V. electio, num. 11*.

Illum secuti sunt D. Thom. hic 2. 2. quaest. 63. art. 2. et in quodlib. quaest. 7. et 8. *Alensis* 2. part. quaest. 136. memb. 2. *Lyranus* in cap. 21. Ioan. *Richardus, et Maior* in 4. dist. 15. *Adrianus* quaest. de restitut. *Couar.* relect. in Regulam Peccatum, part. 2. §. 7. num. 4. *Sotus* lib. 3. de Iustitia, quaest. ultim. art. 2. *Valentia*

disput. 5. quaest. 7. puncto 2. *Caspensis* Tract. 18. disput. 2. sect. 2. *Fagundez* Lib. 8. in praeceptum octavum, cap. 22. *allegans plurimos, constanter afferentes, etiam summum Pontificem eligentem minus dignos, relictis dignioribus, lethaliter peccare. Hi sunt Decius* in cap. constitutus, 2. §. 7. num. 4. *Caietanus* 2. 2. quaest. 63. art. 2. *D. Thom. Salonis* ibidem, *Nauar.* de orat. Miscell. 38. *Azorius* part. 2. libr. 6. cap. 15. quaestio 1. *Reginaldus* tract. 3. num. 19. *Sayrus* decis. 22. de poenitent. *Riccius* in collectan. part. 4. coroll. 93. *Stephanus Gratianus* decis. 97. *Raudensis* decis. 25. *Barbosa* in remiss. ad Trident. sess. 24. cap. 8. numero 27. *Goncales* regul. 8. glossa 4. numero 128. *Rodriquez* in summa, part. 1. cap. 106. *Cardinalis Zapatta* de provis. benefic. part. 2. num. 5. fol. 53. *Lessius* Lib. 2. de Iust. cap. 34. num. 64. *eamque communem ait Tanner.* disp. 4. quaest. 8. mum. 14. *Bassaeus* V. electio, num. 11.

10 Indeed, not only in Pastoral benefices but even in the other simple Prebends they expressly deny that it is licit to elect a less worthy man: Vasquez, *opusc. de benef., cap. 2, dub. 8, num. 78*, and, as regards the more distinguished benefices, Rebellius subscribes, *de obligatione Iustitiae, part. 1, l. 3, quaest. 9, num. 22*; Salon, *quaest. 3, art. 2*; and the others cited above by Fagundez.

Imo non solum in beneficiis Pastoralibus, sed etiam in caeteris simplicibus Praebendis, expresse negant licitum esse eligere minus dignum, Vasquez opusc. de benef. cap. 2. dub. 8. num. 78. et quod ad insigniora beneficia *subscribit Rebellius* de obligatione Iustitiae, part. 1. L. 3. quaest. 9. num. 22. *Salon* quaest. 3. art. 2. et alii *a Fagundez supra adducti.*

11 THOUGH on this point Reginaldus holds the opposite, *Tom. 2, tract. 3, cap. 15, n. 179*; Aragon, *loco cit.*; Lessius, *l. 2, cap. 34, dub. 14, num. 66*; and others cited by Fagundez, saying it is not deadly if done only once or twice; and universally the opposite is held by Navarrus, *de restit., l. 2, cap. 2, num. 172*; Ledesma, *in summa, part. 2, tract. 7, cap. 2, concl. 7, diffic. 15*; Gutierrez, *can. quaest., lib. 2, cap. 11, num. 12*; Gazia, *de Benefic., Tom. 2, part. 7, cap. 16, num. 16*; Diana, *part. 1, tract. 15, resol. 38*.

TAMETSI de his oppositum sentiant Reginal. Tom. 2. tract. 3. cap. 15. n. 179. *Aragon.* loco cit. *Lessius* L. 2. cap. 34. dub. 14. num. 66. et alii *apud Fagundez, dicentes, non esse mortiferum, si fiat semel tantum, vel bis, et universaliter oppositum sentiant Nauarrus* de restit. L. 2. cap. 2. num. 172. *Ledefma* in summa, part. 2. tract. 7. cap. 2. concl. 7. diffic. 15. *Guttierrez* can. quaest. lib. 2. cap. 11. num. 12. *Gatzia* de Benefic. Tom. 2. part. 7. cap. 16. num. 16. *Diana* part. 1. Tract. 15. resol. 38.

12 I ASSERT, with the sentiment of D. Bonaventure, that the worthier man is always owed election in conscience for any Ecclesiastical benefice whatever.

ASSERO cum D. Bonaventurae sententia, deberi in conscientia eligi semper digniorem, ad quodvis beneficium Ecclesiasticum.

13 It is PROVED by D. Bonaventure, first, *on cap. 21 of John*, where Christ the Lord, about to elect the Supreme Pontiff, examines Peter three times: *Simon, son of John, lovest thou me more than these?* The Holy Doctor discusses this passage, *collat. 99 on 21 John*, finding Anthony of the Prelates in those words. For the first part: *Simon*, is interpreted as *Hearing*, or *Obedient*; for he who wishes to preside over others and to command must first have learned to be subject and to obey. The other part is *Ioannis*, or *Ione*; for he is called in Matth. 16 *Simon Bar-iona*, that is, son of the Dove, on account of the simple innocence of his life. But this name was changed into *Cephas*, which signifies head, κεφαλή, as the Holy Doctor says, so that he might have the eminence of perfection and holiness such as is owed to a Head, in whose figure Saul was good, and *better than he was not in all Israel, and from his shoulder and upward he overtopped with his whole head*, as is said in 1 Reg. 10. Yet let him keep humility together with

loftiness. Hence he calls him *Simon*, by which name he was called while as a poor man he toiled at fishing, so that he might always remember his former state; for so too it was said to Saul, 1 Reg. 15: *When thou wast a little one in thine own eyes, wast thou not made the head of the tribes of Israel?* Now in the head science flourishes; for thus he must be most learned. Hence God threatens him, Osee 4: *Because thou hast rejected knowledge, I will reject thee, that thou shalt not exercise the priesthood for me, etc.* Straightway Christ says: *Lovest thou me more than these?* to show that he ought to be more eminent and outstanding than the rest in Charity, so as to fulfill the office of Pastor most perfectly, even to offer his throat and expose himself to the slaughter of six hundred beasts for the safety of the flock. Hence D. Augustine says, *Tract. 123 on John: If thou lovest me: feed my sheep, not thine own; seek my glory, not thine own; my gains, not thine own.*

> *PROBATUR a D. Bonavent. primo ad* cap. 21. Ioan. *ubi Christus Dominus, electurus summum Pontificem, ter examinat Petrum:* Simon Ioannis diligis me plus his? *Hunc locum discutit S. Doctor* collat. 99. in 21. Ioann. *Antoniam Praelatis in illis verbis inveniens. Prima enim particula:* Simon. *interpretatur* Audiens*, vel* Obediens. *Qui enim aliis praeesse, et imperare vult, debet didicisse subiici, et obedire: Alia particula est:* Ioannis*, seu* Ione*; nam dicitur Matth. 16.* Simon Bar-iona*, idest filius Columbae ob simplicem vitae innocentiam. Hoc autem nomen mutatum est in* Cephas*, quod significat caput zefali κεφαλή, ut ait S. Doctor, ut eminentiam perfectionis, et sanctitatis, qualis Capiti debetur, haberet, in cuius figuram Saul erat bonus, et* melior, non erat eo in toto Israel, et ab humero, et sursum, toto capite praeminebat*, ut dicitur 1.* Reg. 10. *Si tamen cum celsitudine servet humilitatem, Ideo vocat eum* Simon*, quo nomine vocabatur, dum pauper piscationibus insudabat, ut recordaretur semper sui pristini status; sic enim et Sauli dictum est 1.* Reg. 15. Nonne cum parvulus esses in oculis tuis, caput in tribubus Israel factus es? *in capite autem vigent scientiae; Sic enim debet esse eruditissimus. Hinc illi minatur Deus,* Oseae 4. Quia tu scientiam repulisti, repellam ego te, ne sacerdotio fungaris mihi, etc. *Mox ait Christus:* Diligis me plus his? *ut ostendat, eum Charitate caeteris eminentiorem, et praestantiorem esse debere, ut Pastoris munere perfectissime perfungatur, ut iugulum etiam praebeat, seque sexcentis ferarum lanienis exhibeat ob gregis incolumitatem. Unde ait D. Augustinus* Tract. 123. in Ioan. Si diligis me: pasce oves meas, non tuas; gloriam meam quaere, non tuam; lucra mea, non tua.

14 Of this also Isidore, *Etymologiae, lib. 7, cap. 9.* Hence Augustine says that to love is: *To love God gratuitously, and not to expect other goods besides him.* But in what manner he ought to be loved, he had said above, cap. 14: *If any man loves me, he will keep my word.* For, as Dionysius says, *de divinis nominibus, cap. 4: the divine love is ecstatic, not allowing its lovers to remain in themselves*; and because to love God in this way is to feed the sheep of the Lord, which he redeemed with his own blood, therefore there follows here: *Feed my lambs*, or sheep; that is, if thou lovest me, feed them, as D. Augustine, cited above, says: *Feed with the word, feed with example, feed also with the fruits of the holy prayers*, as St. Bernard says, *epist. 101.* More particularly, in what way the sheep ought to be fed spiritually, the same Bernard says, *serm. 76 in Cant.: The Pastor of sheep ought to be in the pastures of the Scriptures, as in the inheritance of the Lord. And this, so that precepts may be imposed upon hard and carnal souls; the burdens of dispensations upon the weak; sound counsels and strong exhortations upon the healthy.* Such is his word. Such Pastores the Lord promised, Jer. 3: *I will give you Pastors who shall feed you with knowledge and doctrine.*

> *DE his etiam Isidorus* Ethymologia Lib. 7. cap. 9. *Unde ait Augustinus, diligere esse:* Amare Deum gratis, et alia, praeter ipsum, non expectare bona. *Qualiter autem sit diligendus, supra dixerat,* cap. 14. Si quis diligis me, sermonem meum servabit. *Ut enim ait Dionysius,* de divinis nominibus, cap. 4. Est enim extasim faciens divinus amor, non dimittens sui ipsius amatores*, et quia sic amantium Deum est pascere oves Domini, quas redemit sanguine suo, ideo sequitur hic:* Pasce agnos meos*, sive oves, id est, si diligis me, pasce illas, sicut ait D.*

Augustinus supra citatus. Pascas verbo, pascas exemplo, pascas et sanctarum fructibus orationum, *ut ait S. Bernardus* epist. 101. *Specialius autem, quibus sint pascendae oves spiritualiter, idem ait Bernardus,* serm. 76. in Cant. Pastor ovium debet esse in pascuis Scripturarum, tanquam in haereditate Domini. Et hoc, ut mandata duris, et carnalibus animis imponantur, dispensationum onera pupillis, consilia solida, et hortamenta fortia sanis. *Haec ille. Tales Pastores promisit Dominus* Ierem. 3. Dabo vobis Pastores, qui pascant vos scientia, et doctrina.

15 THEREFORE in figure the ancient Fathers fed sheep before they were called to Scepters, as Moses, Exod. 2; David, 1 Reg. 16; and others; wherefore Christ, Jo. 10: *I am the good Shepherd.* Hence he wished first to be revealed to shepherds, as D. Ambrose notes in the Homily on the Nativity of the Lord. Hence Peter himself, 1 cap. 5: *Feed the flock which is among you.* Hence the reproach: *Woe to the Pastors of Israel, who fed themselves*, Ezech. 34. And Thren. 1 he laments: *Her Princes are become like rams that find no pasture*; and Joel 1: *The herds have groaned, because they have no pasture, etc.* Such is the word of the Seraphic Doctor, *collat. 50 on cap. 21 of John*, cited above.

IDEO in figura antiqui Patres oves pascebant, antequam ad Sceptra vocarentur, ut Moyses Exodi 2. *Dauid* primo, Reg. 16. *et alii; quare Christus Ioan. 10.* Ego sum Pastor bonus. *Ideo primo pastoribus voluit revelari, ut notat D. Ambrosius in Homilia Nativitatis Domini. Hinc ipse Petrus* prima cap. 5. Pascite, qui in vobis est, gregem. *Hinc exprobrat:* Vae Pastoribus Israel, qui pascebant semetipsos, Ezechiel. 34. Thren. 1. plangit: Facti sunt Principes eius, velut arietes non invenientes pascua, et Ioel. 1. Mugierunt greges armenti, quia non sunt pascua eis, etc. *Haec Seraphicus Doctor,* collat. 50. in cap. 21. Ioannis, *supra cit.*

16 HENCE in a grave commentary he closes with an Epiphonema, and here there stands open what is necessary for the successors of Peter, namely a fervid and true love of God, so that they love God, not themselves, and the Divine honor, not their own, and Divine gains, not their own. And perhaps first he says: *Feed my lambs*, twice; and once: *Feed my sheep.* For by lambs are signified the simple, the weak, and the poor, who ought to be fed with a twofold pasture, namely bodily and spiritual. By sheep are signified the stronger and richer, who ought to be fed with spiritual pasture. Hence the Gloss: *To feed sheep is to provide, if need be, earthly succor to subjects, to furnish examples of virtues: as the Pastor feeds his flock: he shall gather the lambs with his arm, and shall take up the young in his bosom, Isa. 40.* Therefore he who succeeds to Peter in the pastoral office, and does not love God, nor feed the sheep, is an Idol, not a Pastor — *O Pastor, and idol, leaving the flock*, Zach. 11. But I resume the name Cephas, Xefali, head, and send it back to that discourse on election, in which I have adapted the Anatomy of the human head in every way to a Rector, or to the Head of some Church.

HINC in commentario gravi Epiphonemate claudit, et patent hic, quae sunt successoribus Petri necessaria, scilicet Dei fervida, et vera dilectio, ut scilicet Deum diligant, non se, et Divinum honorem, non suum; et divina lucra, non sua, et forte prius ait: Pasce agnos meos, *bis; et semel:* Pasce oves meas. *Per agnos enim simplices, et infirmos, et pauperes signantur, qui debent pasci duplici pastura, scilicet corporali, et spirituali. Per oves signantur firmiores, et ditiores, qui pasci debent pastura spirituali. Unde Glossa:* Pascere oves, est terrena subsidia, si necesse est, subditis providere, exempla virtutum praebere: sicut Pastor gregem suum pascet: in brachio suo congregabit agnos, et in sinu suo levabit foetas, Isaix 40. *Qui ergo Petro succedit in officio pastorali, et non diligit Deum, nec pascit oves, Idolum est, non Pastor,* O Pastor, et idolum, derelinquens gregem, Zach. 11. *Sed nomen Caephas, Xefali caput resumo, et remitto ad illam de electione concionem, in qua Anatomen capitis humani, Rectori, seu Capiti alicuius Ecclesiae per omnia adaptavi.*

17 *It is PROVED secondly* by the Holy Doctor, from the Fathers, *lib. 3 of the Pharetra, cap. 38*, all with one mouth approving it.

> PROBATUR secundo *a S. Doctore, e Patribus* L. 3. Pharetrae, cap. 38. *hoc uno ore comprobantibus.*

18 D. GREGORY, *lib. 25 Moral., cap. 11*, writes thus: *Because we close our eyes to things internal and invisible, and are fed by things visible, we often venerate a man not for what he himself is, but for what surrounds him; and since we do not look at what he is, but what he can be, in acception of persons we are led not by persons, but by things adhering to them. Read what he pursues there.*

> *D. GREGORIUS* Lib. 25. Moral. 11. sic scribit: Quia ab internis, atque invisibilibus oculos claudimus, et visibilibus pascimur, plerumque hominem, non ex eo quod ipse est, sed ex his, quae circa ipsum sunt, veneramur; cumque non intuemur quid ipse sit, sed quid possit, in acceptione personarum, non ex personis, sed ex rebus adiacentibus ducimur. Lege, quae ibidem prosequitur.

19 D. JEROME, *on cap. 2 of Malachi: Among all the sins of Priests, this is noted as if the greatest, that they consider not causes but persons, and despising the just poor man, honor the unjust rich.* The authority of D. Jerome is also cited, *8, quaest. 1, cap. Licet ergo.*

> *D. HIERONYMUS* in cap. 2. Malachiae: Inter omnia peccata Sacerdotum, quasi maximum notatur, quod non causas, sed personas considerant, et despecto iusto paupere, iniustos divites honorant. *Refertur etiam authoritas D. Hieronymi* 8. quaest. 1. cap. Licet ergo.

20 He also, *lib. 2 on Isa., cap. 3, in the Gloss, on the words: "Why do ye crush," sharply rebukes thus: Our Princes, while they publicly accuse and confound poor delinquents, make not even a gesture at the rich sinning worse, in whose houses is the rapine of the poor, while they treasure up to themselves the goods of the Church and abuse for their pleasures what is given for the sustenance of the poor, and reserve to themselves, or distribute to their kinsmen, and make of others' want their own riches, or those of their own; and lib. 3, on cap. 6 of Amos: Whoever in judging is led by kinship, or friendship, or on the contrary by hostile hatred or enmities, perverts the judgment of Christ, which is justice.*

> *Is etiam* Lib. 2. in Isa. cap. 3. in Glossa, ad illud: Quare atteritis, sic acriter arguit: Nostri Principes cum pauperes delinquentes publice arguant, et confundant; divitibus peiora peccantibus nec nutum faciunt, in quorum domibus rapina pauperum, dum Ecclesiae opes sibi thesaurizant, et eis in delicias abutuntur, quae ad sustentationem pauperum dantur et sibi reservant, vel propinquis distribuunt, et aliorum inopias, suas, vel suorum divitias faciunt, et Lib. 3. in cap. 6. Amos. Quicumque aut consanguinitate, aut amicitia, aut e contrario hostili odio, vel inimicitiis in iudicando ducitur, pervertit iudicium Christi, quod est iustitia.

21 D. AMBROSE, *lib. 2 de officiis, cap. 24: Far be grace the cause; let merits be discerned: let there be nothing of opinion; nay, it weighs upon Faith, if in judging thou favorest the more powerful, accusest the cause of the inferior, or the innocent poor man, and excusest the rich man guilty of fault.*

> *D. AMBROSIUS* Lib. 2. de offic. cap. 24. Gratia absit causa, merita discernantur: nihil sit opinionem, imo Fidem gravat, quam si in iudicando potentiori dones, causam inferioris, vel pauperem innocentem arguas, et divitem excuses, reum culpae.

22 ST. BERNARD, *lib. 2 de consideratione: Think it no small guilt of sin, if thou takest the faces of sinners, and judgest not rather the causes of merits.* Here he addresses the Supreme Pontiff Eugenius III.

S. BERNARDUS Lib. 2. de consider. Non parvite reum peccati aestimes, si facies peccatorum sumis, et non potius causas iudicas meritorum. *Hic Pontificem summum Eugenium III. alloquitur.*

23 The same St. Leo asserts, *epist. 84, cited in cap. Metropolitano, dist. 63*, where he commands that, the Metropolitan being deceased, the best man be substituted and ordained.

IDIPSUM asserit S. Leo epist. 84. relata in cap. Metropolitano, dist. 63. *ubi iubet, ut defuncto Metropolitano, optimus subrogetur, et ordinetur.*

24 AND Innocent III, *cap. unica extra*, prescribes that Ecclesiastical benefices ought not to be dispensed out of carnal affection, but by discreet judgment to the more suitable person. The same is clear from the letter of Pope Siricius to all the Orthodox, *Tomo 1 of the Concil.*, and from the Council of Basel, where in the form of the oath exacted from electors it is prescribed (he says): *I will elect the worthier.*

ET Innocentius III. cap. unica extra, praecipit, Ecclesiastica beneficia non ex carnis affectu, sed ex discreto iudicio in personam magis idoneam debere dispensari. *Idem patet ex epistola Siricii Papae, ad omnes Orthodoxos,* primo Tomo Concil. *et ex Concilio Basileae, ubi in forma iuramenti, quod exigitur ab electoribus, praescribitur (ait:)* Eligam dignior.

25 FINALLY in the Council of Trent, *sess. 24, in the Decree de Reform., cap. 1*, it is asserted that *the Electors of Bishops, communicating in the sins of others, sin mortally, unless they take care to prefer those whom they themselves judge worthier and more useful to the Church, etc., by reason of their demanding merits.* Regarding this, Clem. VIII, *decreto Reform. Regular.*, and Urban VIII, demand before elections the oath of electing the worthier.

TANDEM Concilium Tridentinum sess. 24. in Decreto de Reform. cap. 1. *asseritur,* Electores Episcoporum, alienis peccatis communicantes, mortaliter peccare, nisi quos digniores, et Ecclesiae magis utiles ipsi iudicaverint, etc. eorum exigentibus meritis, praefici curaverint. *Id respiciens Clem. VIII.* decreto Reform. Regular. *confirmatio ab Urbano VIII. exigit ante electiones iuramentum eligendi digniorem.*

26 *It is PROVED by reason* by both Holy Doctors. Whenever a less worthy man is preferred to a worthier one for a benefice, he must be preferred on account of irrelevant conditions, whether of friendship, of kinship, or of other similar things; but this is to accept persons: Therefore. This argument St. Bonaventure brings, *in the Speculum, loco citato, and in the Pharetra, from the Fathers alleged above.*

PROBATUR ratione *ab utroque S. Doctore. Quandoqumque praefertur minus dignus digniori ad beneficium, oportet ut praeferatur ob conditiones impertinentes, sive amicitiae, sive consanguinitatis, sive aliarum similium; sed hoc est accipere personas: Ergo. Hoc argumentum affert S. Bonavent.* in speculo, loco cit. et in Pharetra, ex Patribus allegatis.

27 *It is PROVED fourthly* by the Holy Doctor, *on Luke 12*, in those words: *Who, thinkest thou, is the faithful and wise dispenser*, where he says: He calls prelates dispensers: *So let a man account us, as the ministers of Christ, and dispensers of the mysteries of God. Such faithful men it is difficult to find.* Hence there: *Now it is sought among the dispensers, that some faithful one be found; namely faithful and prudent in election. Hence Prov. 27: Be diligent to know the countenance of thy cattle, and consider thy flocks. Few are intent upon the utility of the flock; hence Ezech. 34: Woe to the Pastors of Israel.*

PROBATUR quarto *a S. Doctore* ad 12. Lucae *illis verbis:* Quis putas est fidelis dispensator, et prudens, ubi ait: Dispensatores praelatos vocat: Sic nos existimet homo, ut ministros Christi, et dispensatores

Mysteriorum Dei. Tales difficile est invenire fideles. *Unde ibidem:* Hic iam quaeritur inter dispensatores, ut fidelis quis inveniatur; scilicet fidelis, et prudens in electione. Unde Proverb. 27. Diligenter agnosce vultum pecoris tui, tuosque greges considera. Pauci sunt utilitati gregis intenti; unde Ezech. 34. Vae Pastoribus Israël.

28 Consider the Holy Doctor, who infers that these are dispensers, not lords; and consequently cannot dispense goods except to the intention of the Lord; and he brings the example of Joseph, who was the best Dispenser in the land of Egypt, *Genes. 41.* Hence he pronounces Woe upon them, who in elections do not conduct themselves faithfully and prudently, providing most excellently, as far as can be done, for the ministers of the Church.

Vide S. Doctorem, qui infert, hos esse dispensatores, non dominos; atque adeo non posse dispensare bona, nisi ad intentionem Domini; et affert exemplum Ioseph, qui fuit optimus Dispensator in terra AEgypti, Genes. 41. *Unde Vae indicit eis, qui in electionibus non se habent fideliter, et prudenter, providendo optime, quantum fieri potest, de ministris Ecclesiae.*

29 Fagundez uses this argument, *num. 2*, where he also observes, with Cotta de memorabilibus, *V. Papa, pag. 655*, and D. Ambrose de dignitate Sacerdotali, and D. Gregory, *homil. 9 in Evangelia*, that the Supreme Pontiff is not excluded from this obligation; nay, he is bound the more, the greater and more universal the administration with which he is endowed. This the Holy Doctor also shows in the place cited, and Pinellus, *lib. de rescindendis vend. p. p., cap. 2, num. 30.* Nay, D. Bernard *de considerando* uses this very medium.

Hoc argumento utitur Fagundez num. 2. *ubi observat etiam cum Cotta de memorabilibus,* V. Papa, pag. 655. *et D. Ambrosio de dignitate Sacerdotali, et D. Gregorio* homil. 9. in Evangelia*, non excludi summum Pontificem ab hac obligatione; imo eum ed magis teneri, quo maiori, et universalioti est praeditus administratione. Quod ostendit etiam S. Doctot loco citato, et Pinellus* lib. de rescindendis, vend. p. p. cap. 2. num. 30. *Imo D. Bernardus* de consider *hoc utitur medio.*

30 By these arguments it is shown that the same must be observed even in simple benefices; for these too are goods falling under dispensation, not under free jurisdiction. Wherefore the reason is not taken from the side of the benefice as it is relative to the spiritual good of the people, but as in itself it is a good for the recipient, and a good of the Republic, or of the Church, which the faithful dispenser is bound to confer to the mind of the Lord, without acception of persons; and thus St. Thomas, St. Bonaventure, and others spoke universally, as Diana saw, *p. p., tract. 15, resol. 38*, with Bannes, *2. 2, quaest. 63, art. 2, dub. 5.*

HIS argumentis ostenditur, etiam in beneficiis simplicibus idem servandum; nam etiam haec sunt bona cadentia sub dispensatione, non sub iurisdictione libera. Quare non sumitur ratio ex parte beneficii, ut est relatiuum ad bonum populi spiritualem; sed ut in se bonum est accipienti, et est bonum Reipublicae, seu Ecclesiae, quod fidelis dispensator tenetur conferre ad mentem Domini, fine acceptione personarum, et ita universaliter locuti sunt S. Thom. S. Bonavent. et alii, ut vidit Diana p. p. Tract. 15. resol. 38. *cum Bannes* 2. 2. quaest. 63. art. 2. dub. 5.

31 NOR do they adequately extricate themselves, with others there cited by Diana, by inferring that all future Prelates will be in an evil state: For they often elect less worthy men.

NEQUE satis se eximit cum aliis ibi Diana, inferens, futuros omnes Praelatos in malo statu: Eligunt enim saepe minus dignos.

32 I SAY, indeed: Let them look to themselves; yet not all are of that kind.

> *DICO enim. Ipsi viderint, non tamen omnes sunt huiusmodi.*

33 He urges secondly: For the Council of Trent commands that only Pastoral benefices be conferred upon the worthier, and consequently does not seem to include Canonicates, which in *sess. 24, cap. 12* it admonishes should be conferred, if it can be conveniently done, at least in part, upon Doctors or even Licentiates in Theology: Therefore it does not compel that they be conferred upon the worthier.

> *INSTAT secundo; Nam Tridentinum Concilium, sola Pastoralia beneficia dignioribus deferenda iubet, atque adeo non videtur includere Canonicatus, quos in* sess. 24. cap. 12. *monet conferendos, si commode fieri potest, saltem ex parte, Doctoribus, vel etiam Licentiatis in Theologia: Ergo non cogit, ut conferantur dignioribus.*

34 It is CONFIRMED from practice: For Pastoral benefices are conferred by concursus; not so the rest. Nor do the Laws speak of these so clearly.

> *CONFIRMATUR ex praxi; Nam Pastoralia beneficia conferuntur concursibus; non sic reliqua. Neque de his adeo clare loquuntur Iura.*

35 But truly, as is gathered from what has been said, all simple benefices too are included in this prohibition, as is clear to the reader of the testimonies. Nor does the Council of Trent proceed by mere admonition in these benefices; but in *sess. 22, cap. 2* it commands that: *Whosoever hereafter shall be assumed to Cathedral Churches, he not only be fully endowed with birth, age, morals, and life, and other things required by the sacred Canons; but also constituted previously in Sacred Order, at least for a space of six months. The instruction regarding which matters, if their knowledge is nothing or recent, let it be taken from the Legates, or Nuncios of the provinces, of the Apostolic See, or from his Ordinary, and he failing, from the neighboring Ordinaries; and in knowledge, besides these, let him so excel that he can satisfy the necessity of the office imposed upon him. And therefore let him previously in a university of studies have been meritoriously promoted Master, or Doctor, or Licentiate in Sacred Theology, or in Canon law, etc. But if he be a regular, let him have a like attestation from the Superiors of his Religion. And all the aforesaid, from whom the instruction or attestation is to be taken, let them be bound to report these things faithfully and gratuitously: otherwise let them know that their consciences are gravely burdened, and they will have God and their Superiors as avengers:* This the holy Council decrees under grave obligation of conscience.

> *ENIM vero, ut ex dictis colligitur, omnia etiam beneficia simplicia hac prohibitione includuntur, ut constat legenti testimonia. Neque vero Concilium Tridentinum sola admonitione incedit in his beneficiis; sed* sess. 22. cap. 2. *praecipit, ut:* Quicumque posthac ad Ecclesias Cathedrales erit assumendus, is non solum natalibus, aetate, moribus, et vita, ac aliis, quae a sacris Canonibus requiruntur, plene sit praeditus; verum etiam in Sacro ordine antea, saltem sex mensium spatio, constitutus. Quarum rerum instructio, si eius notitia nulla, aut recens in Curia fuerint, a sede Apostolica Legatis, seu Nunciis provinciarum, aut eius Ordinario, eoque deficiente, a vicinioribus Ordinariis sumatur; scientia vero, praeter haec, huiusmodi polleat, ut muneris sibi iniungendi necessitati possit satisfacere. Ideoque antea in universitate studiorum Magister, sive Doctor, aut Licentiatus in Sacra Theologia, vel iure Canonico, merito sit promotus, etc. Quod si regularis fuerit, a Superioribus suae Religionis similem fidem habeat. Praedicti autem omnes, unde instructio, seu testificatio erit sumenda, haec fideliter, et gratis referre teneantur: alioquin eorum conscientias graviter oneratas esse scient; ac Deum, et Superiores suos habebunt ultores: *Haec Sanctum Concilium sub gravi conscientiae obligatione decernit.*

36 ¶ Since these things are so, much more must this be asserted in Pastoral benefices, as nearly all assert, cited by Fernandez in *Exam. Theol., part. 4, cap. 4, § 1*; Castellinus, *Tract. de elect. can., cap. 9*; Molfesius, *in summa, tom. 1, tract. 6, tit. de benefic., num. 6 and 61*; Turrianus, *2. 2, tom. 2, disp. 22, dub. 2*; and others whom Barbosa cites and follows, *in collect. prael., 1, l. 1, tit. 6, cap. 19, num. 4*; Vega, *in summa, Tom. 1, cap. 109*; Malderus, *2. 2, tract. 9, cap. 2, disp. 7*; Vasquez, *opusc. de benefic., cap. 2, § 3, dub. 1 and 8*; Azorius, *part. 2, l. 6, cap. 15, quaestio 1, 8 and 9* — all of whom pronounce the transgression of this precept mortal. Whatever the *Gloss on cap. licet erg., 8, quaest. 1*, and on cap. Monasterium, dist. 16, quaest. 7, and cap. 2 de offic. custodis, and cap. 3 de iure patron., with Rocchus, *de iure patron. et honorificum, quaest. 15, toward the end*, may assert to the contrary; Pedrazza, *in summa prax., tr. 7, § 36*; Filliuccius, *tom. 3, tract. 41, cap. 4, n. 181*; and Alexander of Ales, *part. 2, quaest. 136, § 2* — who says that the passing over of the worthier is sin only in Bishoprics, but not in the other benefices, even those having care of souls. And Kings too are held to this, as Lessius notes, *lib. 2, cap. 34, dub. 14, num. 64*. Though regarding these, and regarding the Pope, they judge the opposite probable, besides those alleged; so also Diana, *p. p., tract. 15, resol. 40*, and others cited by Fagundez, cap. 22.

¶ *Quae cum ita sint, multo magis in beneficiis Pastoralibus id asserendum, ut omnes fere asserunt apud Fernandez in* Exam. Theol. part. 4. cap. 4. §. 1. *Castellinum* Tract de elect. can. cap. 9. *Molfesium* in summa tom. 1. tract 6. tit. de benefic. num. 6. et 61. *Turrianum* 2. 2. tom. 2. disp. 22. dub. 2. et alios, quos refert, et sequitur Barbosa in collect. prael. 1. L. 1. tit. 6. cap. 19. num. 4. *Vega* in summa, Tom. 1. cap. 109. *Malder* 2. 2. tract 9. cap. 2. disp. 7. *Vasquez* opusc. de benefic. cap. 2. §. 3. dub. 1. et 8. *Azorius* part. 2. L 6. cap. 15. quaestio 1. 8. et 9. *qui omnes mortalem inhibent transgressionem huiusce praecepti. Quidquid in contrarium asserant* Glossa in cap. licet erg. 8. quaest. 1. et in cap. Monasterium, dist. 16. quaest. 7. et cap. 2. de offic. custodis, et cap. 3. de iure patron. *cum Roccho* de iure patron. et honorificum, quaest. 15. ad finem, *Pedrazza* in summa, prax. tr. 7. §. 36. *Filliuc.* tom. 3. tract. 41. cap. 4. n. 181. et Alexandro de Ales. part. 2. quaest. 136. §. 2. *qui solum in Episcopatibus ait esse peccatum praetermittere digniorem, non autem in caeteris beneficiis, etiam curam animarum habentibus. Et ad hoc tenentur etiam Reges, ut notant Lessius* Lib. 2. cap. 34. dub. 14. num. 64. *Tamersi de illis, et de Papa oppositum censeant probabile, praeter allegatos, ita etiam Diana* p. p. Tract. 15. resol. 40. et alii apud Fagundez cap. 22.

37 ¶ Nay, I deduce from what has been said that even those resigning benefices are held to this, as Navarrus teaches, *in miscell. 38, n. 7*; Soto, *de Iustitia, l. 3, quaest. 6, art. 2*; Vasquez, *opusc. de beneficiis, cap. 2, § 4, disp. 7, num. 100*. Whatever Diana may judge to the contrary, *loco citato, resol. 41*, with Reginaldus, *Tom. 1, l. 30, tract. 3, cap. 74, n. 110*; Lessius, *l. 2, cap. 34, dub. 13, num. 61*; Malderus, *2. 2, tract. 9, cap. 2, dub. 7*, citing Cajetan, Sà, and Salon. For he is a distributor, even if he resigns a benefice to a Nephew fixed upon beforehand, without comparison; for he still excludes the worthier, and sins against Distribution, and also against Commutative Justice; because he is unworthy, though flesh and blood may present him as worthy: Hence Vasquez infers that such commit more crimes than they think.

¶ *Imo deduco ex dictis, etiam renunciantes beneficiis ad id teneri, ut docent Navar.* in miscell. 38. n. 7. *Soto* de Iustitia, L. 3. quaest. 6. art. 2. *Vasquez* opusc. de beneficiis, cap. 2. §. 4. disp. 7. num. 100. *Quidquid in contrarium censeat Diana* loco citato, resol. 41. *cum Reginaldo* Tom. 1. L. 30. tract. 3. cap. 74. n. 110. *Lessio* L. 2. cap. 34. dub. 13. num. 61. *Maldero* 2. 2. tract. 9. cap. 2. dub. 7. *citante Caietanum, Sà; et Salonium. Est enim distributor, etiamsi absque comparatione resignet beneficium Nepoti, sibi praefixo; nam adhuc excludit digniores, atque aded peccat contra Distributionem, et etiam contra Commutativam Iustitiam; quia indignus est, licer caro, et sanguis ipsum dignum obtendant: Ideo Vasquez infert, hos plura committere crimina, quam cogitent.*

38 ¶ But here a question arises: Whether not only he who elects an unworthy man, but also he who elects a less worthy man, omitting a worthier, sins against Commutative Justice, and is held to restitution.

> ¶ *Oritur vero quaestio hic: An non modo eligens indignum, sed etiam eligens minus dignum, omisso digniori, peccet contra Iustitiam Commutativam, atque aded ad restitutionem teneatur.*

39 The first opinion is that the matter is not against the Commutative, but only against the Distributive, from which no obligation of restitution arises. They judge it probable and safe in practice: Villalobos, *in summa, Tomo 2, tract. 8, diff. 8, num. 15*; Soto, *de Iustitia, l. 4, quaest. 6, art. 3, ad 6*; Navarrus, *cap. 17, num. 74, and others*, to whom Diana subscribes, *parte 2, tract. 5, resol. 110*, where he adds that the less worthy man, even conscious of his lesser dignity, may safely accept that benefice. Turrianus consents, *2. 2, Tract. 2, disp. 22, dub. 3, num. 8*; Soto, *de Iustitia, l. 3, quaest. 6, art. 2, after conclusion 9*.

> *Prima opinio est, non agi contra Commutativam, sed solum contra Distributivam, ex qua non oriatur obligatio restitutionis. Eam probabilem, et tutam in praxi censent Villalobos* in summa, Tomo 2. tract. 8. diff. 8. num. 15. *Soto* de Iustitia, L. 4. quaest. 6. art. 3. ad 6. *Navar.* cap. 17. num 74. et alii, *quibus subscribit Diana* parte 2. tract. 5. resol. 110. *ubi addit, et minus dignum, etiam conscium suae minoris dignitatis, posse tuto acceptare illud beneficium. Consentit Turrianus* 2. 2. Tract. 2. disp. 22. dub. 3. num. 8. *Sotus* de Iustitia, L. 3. quaest. 6. art. 2. post 9. conclusionem.

40 Yet Turrianus adds that this is true after the election; for before it, if he knows, he is bound not to concur, lest he cause injustice. Ledesma subscribes to him, *Tom. 2, tract. 7, concl. 7, diffi. 19*; Sylvius, *2. 2, quaestio 63, art. 2, concl. 4*. Moreover Lessius says the less worthy man may even offer himself, by concurring. So *l. 2, cap. 34, dub. 41, num. 70, cited by Diana.*

> *Addit tamen Turrianus, hoc verum esse post electionem; nam antea sciens, tenetur non concurrere, ne causet iniustitiam. Huic subscribunt Ledefma* Tom. 2. tract. 7. concl. 7. diffi 19. *Siluius* 2. 2. quaestio 63. art. 2. concl. 4. *Caeterum Lessius dicit posse minus dignum etiam se offerre concurrendo. Sic* L. 2. cap. 34. dub. 41. num. 70. apud Dianam.

41 ¶ But truly, that this is a sin against both justices is held commonly, cited by Fagundez, *on the 8th Precept, l. 8, cap. 22, num. 4*, and Cardinal Zapata, per the cited *num. 11, fol. 55*. And so they judge it to be against Commutation with respect to the Church, which is deprived of worthier ministers, and against Distribution on account of the worthier man rejected; and the better Doctors hold that restitution is owed, to be made to the Church. Of this sentiment D. Thomas seems to be, *quaest. 63, art. 2, in corpore*. They hold it: Gazia, *de benefic., 7, cap. 16, num. 53*; Bannes, *2. 2, quaest. 62, art. 2, ad 6*; Salon, *ibid*; Ledesma, *part. 2, tract. 7, cap. 2, concl. 7* — against Robellus, *p. p., l. 3, quaest. 4, num. 14*.

> ¶ *Enim vero hoc esse peccatum contra utramque iustitiam, tenent communiter apud Fagundez* in 8. Praeceptum, L. 8. cap. 22. num 4. et *Cardinalem Zapatam, si pra allegatum* num. 11. fol 55. *Itaque censent, esse contra Commutationem respectu Ecclesiae, quae dignioribus ministris privatur, et contra Distributionem, propter digniorem reiectum; et meliores D et res obligant ad restitutionem, Ecclesiae faciendam. Huius sententiae videtur D. Thom.* quaest. 63. art. 2. in corpore. *Eam tenent Gaizia* de benefic. 7. cap. 16. num. 53. *Banucs* 2. 2. quaest. 62. art. 2. ad 6. *Salonius* ibi, *Ledefma* part. 2. tract. 7. cap. 2. concl. 7. *contra Robell.* p. p. L 3. quaest. 4. num 14.

42 Yet they do not hold that restitution is owed to the worthier man rejected, because they judge that from a violation of distributive justice no debt of restitution arises. So Lessius, *l. 2, cap. 34, dub. 15*;

Azor, *tract. 2, l. 6, cap. 15, quaestio 12*; Toletus, *l. 5 of the summa, cap. 4, vers. 4, and cap. 78*; Valencia, *quaest. 7, puncto 7*; Navarrus, *summa, cap. 17, num. 72*; Covarruvias, *on the Rule Peccatum, 2. part., § 7, num. 6*; Molina, *de primo genit., l. 2, cap. 5, num. 57*; Gutierrez, *can. qq., l. 2, cap. 11, from num. 97*; and others, whom Fagundez follows, *loco cit.* See also Caspensis, *disp. 3, quaestione 2.*

> *Non obligant tamen ad restitutionem digniori reiecto, quia censent, ex violatione iustitiae distributivae non oriri debitum restitutionis. Ita Lessius* L. 2. cap. 34. dub. 15. *Azor* tract. 2. L. 6. cap. 15 quaestio 12. *Tolet.* L. 5. summae, cap. 4. vers. 4. et cap. 78. *Valentia* quaest. 7. puncto 7. *Navar.* summa, cap. 17. num. 72. *Couar.* in Reg. Peccatum, 2. part. §. 7. num. 6. *Molina* de primo genit. L. 2. cap. 5. num 57. *Guttierrez* can. qq. L. 2. cap. 11. a num. 97. et alii, *quos sequitur Fagundez* loco cit. *Vide etiam Caspensem* disp. 3. quaestione 2.

43 Though Molina says the contrary, *Theol. de Iust., Tract. 2, disp. 714*; Rodriquez, *Tom. 1, summa, c. 108, num. 6*; Salon, *2. 2, quaest. 63, art. 4, controv. 3, concl. 4*; Bannes, *ibid*, asserting that from a violation of Distributive Justice there results a debt of rigorous restitution, and that the elector is held accordingly to restore to the worthier man the loss thence resulting to him.

> *Licet contrarium dicant Molina* Theol. de Iust. Tract. 2. disp. 714. *Rodriquez* Tom. 1. summa, c. 108. num. 6. *Salon.* 2. 2. quaest. 63. art. 4. controv. 3. concl. 4. *Bannes* ibi, *asserentes, ex violatione Iustitiae distributivae resultare debitum rigorosae restitutionis, tenerique perinde eligentem restituere digniori damnum, inde illi resultans.*

44 ¶ But the worthier man is not to be judged that one who excels in learning or in holiness; but he who is more apt for the government of the Church, by the judgment of prudent men. So teaches Soto, *l. 3, quaest. 6, art. 2*; Riccius, *in praxi, resol. 498, fol. 394*; Covarruvias, *loco citato, § 7*; Hoieda, *de incompatibilitate benefic., part. 2, cap. 23, num. 130*; Lupus, *on cap. per vestras, not. 3, § 6, num. 12, de donat.*; Fagundez, *num. 5.*

> ¶ *Dignior autem non est ille censendus, qui litteris antecellit, vel sanctitate; sed qui aptior est Ecclesiae regimini, iudicio prudentum. Ita docet Soto* L. 3. quaest. 6. art. 2. *Riccius* in praxi, resol 498 fol. 394. *Couar.* loco citato, §. 7. *Hoieda* de incompatibilitate, benefic. part. 2. cap. 23. num. 130. *Lupius* in cap. per vestras, not. 3. §. 6. num. 12. de donat. *Fagundez* num. 5.

45 ¶ And so, just as dignity consists in legitimate age, in learning, in morals, in the orders required for a benefice, *cap. cum in cunctis, § Inferior de electione*, so that he be not under twenty-five years, as is had in *cap. Cum in cunctis*, for which a Bishop cannot dispense for honors, *extra de elect.*; that they have no other benefice of cura, *extra de clericis, Dudum, etc.* — which St. Bonaventure has in *confessionali, cap. 5, particula 59*; Selva, *de benefic., part. 3, quaest. 5*; Council of Trent, cap. 1 with the following, sess. 7, and cap. 2 and 4, sess. 22; Riccius above; and others — so indignity consists in this, that they lack the required qualities, according to Rebuffus, *de pacifica possess., num. 7*; D. Thomas, 2. 2, quaest. 63, art. 2; and D. Bonaventure in the places alleged, and to be alleged below. In this, however, the judgment of the superior elector avails very much. So Baldus, *on cap. si pro debilitate, de off. deleg.*; Menochius, *de arbitr., quaest. centur. 1, casu 67, num. 13*; Alexander, *consil. 33, lib. 1, num. 7*; Tiraquellus, *de nobilit., cap. 10, num. 12*; the Doctors on cap. sedes, de rescriptis. Nevertheless, by these things no infallible judgment of a Bishop, or of another Prelate inferior to the Pontiff, is established, and therefore an appeal is given from them; for in such arbitrary matters deceit can be committed. Baldus, *l. si fugitivus, col. ult.*, and so it is clear from the Cod. de servis fugit.; Alexander, ad Bartolum, on *l. si quae poena, 2, 44, at the end*, ff. de verb. signific., after the Gloss there, v. poena, at the end; Tiraquellus, *l. si unquam, v. omnia vel partem, num. 32*, Cod. de revocand. Donat., to whom Fagundez subscribes, num. 6.

¶ *Itaque sicut dignitas consistit in aetate legitima, in litteris, in moribus, in ordinibus ad beneficium requisitis,* cap. cum in cunctis, §. Inferior de ele- ctione*, ut non sit inferior vigintiquinque annis, ut habetur,* cap. Cum in cunctis*, quocum non potest Episcopus dispensare ad honores,* extra de elect. *Ut non habeant aliud beneficium curae,* extra de cleri- cis, Dudum, etc. *quae habet S. Bonaventura* in con- fessionali, cap. 5. particula 59. *Selva* de benefic. part. 3. *quaest. 5. Concilium Trident. cap. 1. cum sequenti, sess. 7. et cap. 2. et 4. sess. 22. Riccius supra, et alii: Là indignitas in eo sita est, ut qualitates non habeant requisitas, iuxta Rebuffum de pacifica possess. num. 7. D. Thom. 2. 2. quaest. 63. art. 2. et D. Bonavent. locis allegatis, et infra allegandis. In hoc autem valet plurimum iudicium superioris eligentis. Ita Baldus in cap. si pro debilitate, de off. deleg. Menoch. de arbitr. quaest. centur. 1. casu 67. num. 13. Alexander consil. 33. Lib. 1. num. 7. Tiraquel. de nobilit. cap. 10. num. 12. Doctores in cap. sedes, de rescriptis. Attamen per haec non statuitur infallibile iudicium Episcopi, vel alterius Praelati inferioris Pontifici, et ideo ab eis datur appellatio; Nam in eiusmodi arbitrariis potest dolus committi. Baldus L. si fugitivus, col. ult. et sic patet Cod. de servis fugit. Alexander ad Bartolum in L. si quae poena 2. 44. in fine, ff. de verb. signific. post Glossam ibi v. poena, in fine, Tiraquell. L. si unquam, v. omnia, vel partem, num. 32. Cod. de revocand. Donat. quibus subscribit Fagandez num. 6.*

46 The QUALITIES of those to be elected, Valencia says, are to be taken from the end, in view of the variety of Prebends. And so, if the benefice is for teaching, say a Theological one, or for receiving confessions, there will be need of Theological doctrine and of the sacred Canons, as the Holy Doctor at length treats in his Confessionale. If for the care of souls, he will need to be endowed also with a greater Charity, as the Holy Doctor taught above on the passage of John at the end, and the Council of Trent in the places related at the beginning.

QUALITATES eligendorum, ait Valentia, sumendas a fine, pro varietate Praebendarum iniento. Itaque si sit beneficium ad docendum, puta Theologalis, vel ad excipiendas confessiones, necessaria erit doctrina Theologica, et Sanctorum Canonum, ut late differit S. Doctor in Confessionali. Si ad curam animarum, oportebit Charitate etiam maiori esse praeditum, ut docuit S. Doctor supra ad locum Ioan. ult. et Concil. Trident. locis initio relatis.

47 IN these matters, moreover, many things are to be guarded against, and many observed, for the public good. Hence it was rightly provided, cap. Nullus and cap. oportebat, dist. 79, that the Pope be elected by the College of Cardinals alone, lest Schisms arise.

IN his autem multa sunt cavenda, multaque observanda, ad bonum publicum. Ideo recte ait cautum cap. Nullus, et cap. oportebat, dist. 79. de solo collegio Cardinalium eligendum Papam, ne Schismata orirentur.

48 THEN it was rightly provided, cap. Nullus, dist. 61, and cap. Metropolitano, dist. 63, that the Election of Bishops be not made except from the same Church where they previously served, if suitable men are there; for these are presumed to love the people more.

DEINDE recte cautum est, cap. Nullus, dist. 61. et cap. Metropolitano, dist. 63. ut Electio Episcoporum non fiat, nisi ex eadem Ecclesia, ubi prius servierint, si ibi idonei sint; hi enim supponuntur magis cum populum amare.

49 BESIDES, often also rightly in certain elections it is provided that some be promoted with respect had to nobility and the splendor of family; for these promote the good of the Church.

PRAETEREA saepe etiam recte in quibusdam electionibus cautum est aliquos promoveri, habito respectu ad nobilitatem, et ad familiae splendorem, hi enim promovent bonum Ecclesiae.

50 SIMILARLY, rightly excluded from elections are those who already have other Churches espoused to themselves; for Churches are not frequently to be changed by way of providence, so that after other sheep have been known, they be transferred, and unknown ones be taken up to be governed. Hence it was provided that this not be done, in the Councils: Nicaea, can. 15; Arelate 2, can. 13;

Sardica, can. 1; Carthage 4, can. 27 — although sometimes these changes are expedient, as is clear from the letter of Pope Evaristus, epist. 2 to the Bishops of Egypt; Calixtus I, epist. to Benedictus; Antherus, epist. to the Bishops of Boetica and of the Toletan province.

> *SIMILITER recte excluduntur ab electionibus, qui alias Ecclesias iam sibi habent desponsatas; non enim provide mutantur Ecclesiae frequenter, ut postquam aliae oves sunt cognitae, deferantur, ut incognitae suscipiantur regendae. Ideo cautum est, ne hoc fiat, in Conciliis Nicaeno can. 15. Arelat. 2. can. 13. Sardic. can. 1. Carthag. 4. can. 27. etsi aliquando hae mutationes expediant, ut constat ex Evaristo Papa epist. 2. ad Episcopos AEgypti. Calixto I. epist. ad Benedictum, Anthero epist. ad Episcopos Boeticae, et Toletanae provinciae.*

51 FINALLY, above all, the life must be attended to, so that the life of him who is to be preferred not be gravely depraved. *For he who is evil to himself is good to no one.* On which matter many, with D. Bonaventure, discoursed at length upon those words of Matth. 24: *Who, thinkest thou, is the faithful and prudent servant*, and of Luke 12: *Dispenser*, etc.

> *TANDEM praecipue vitae ratio est attendenda, ut illius, qui praeficiendus sit, vita non sit graviter prava.* Qui enim sibi malus, nulli bonus. *Qua de re multi ad ea verba Matth. 24.* Quis putas est fidelis servus, et prudens*, et Lucae 12.* Dispensator*, etc. cum D. Bonavent. late disserunt.*

52 ELEGANTLY the Holy Doctor says in the *Apol. pauperum, art. 1, at the end*, from D. Jerome, epist. 85: *Let such a one be elected as future Pastor of the Church, in comparison with whom the subject people may deservedly be called a flock*; and from D. Gregory, 1. part. de cura pastorum, cap. 1: *So much ought the action of the people's prelate to precede the action of the people, as the life of the pastor is wont to differ from the flock.*

> *ELEGANTER S. Doctor in* Apol. pauperum, art. 1. in fine*, ait, ex D. Hieronymo epist. 85.* Futurus pastor Ecclesiae talis eligatur, cuius comparatione subiectus populus merito grex dicatur*, et ex D. Gregorio 1. part. de cura pastorum, cap. 1.* Tantum debet actionem populi actio praecedere praesulis, quantum distare solet a grege vita pastoris.

53 Of the condition of Prelates the Seraphic Bonaventure discoursed most eloquently, and most wisely out of the practice of all, who for eighteen years governed the most ample Order of Minors; then made Bishop of Albano, Coadjutor of the Supreme Pontiff, Cardinal, a most strong Atlas of the Church, turning the axis upon his shoulder, he kept in view the whole orbit of the Ecclesiastical world.

> *DE Praelatorum conditionibus eloquentiissime, et ex praxi omnium sapientissime Seraphicus Bonaventura disseruit, qui decem, et octo annos Ordinem amplissimum Minorum gubernavit; mox factus Episcopus Albanensis, summo Pontifici Coadiutor, Cardinalis, Ecclesiae validissimus Atlas, axem humero torquens, totum orbis Ecclesiastici gyrum observavit.*

54 He discourses on the conditions of prelates in the *Libello Apologetico*, against those who oppose the Order of Friars Minor, quaest. 5, where he requires maturity of Age, a becoming demeanor of person, integrity of life, discreet learning, providence, industry, and prudence, zeal for justice and the discipline of order, mildness, fraternal piety, devotion, the pursuit of prayer, etc. See it itself.

> *DE conditionibus praelatorum disserit in* Libello Apologetico*, in eos, qui ordini Fratrum Minorum adversantur quaest. 5. ubi exigit AEtatis maturitatem, honestam personae habitudinem, vitae integritatem, scientiam discretam, providentiam, industriam, atque prudentiam, zelum iustitiae, et ordinis disciplinae, mansuetudinem, pietatem fraternam, devotionem, orationis studium, etc. Ipsum vide.*

55 He wove an excellent little work, whose title is *De sex alis Seraphim*, in which, taking up that apparition of God described in Isa. 6, where in the temple, with God seated, two Seraphim having six wings stood by, with two veiling the face, with two the feet, and with two flying, etc. — he notes that Prelates are adumbrated by these, endowed as it were with wings, with six virtues especially necessary for governance: that with zeal for justice together with piety they veil the face; that with patience and exemplary life, as it were with two other wings, they cover the body even to the feet. But with circumspect prudence and devotion they fly aloft; and they are Seraphim, adorned with wisdom and Charity. I send you back to the Holy Doctor, discoursing excellently on this matter. Would that all Prelates bore those words inscribed on plates of gold in their breast, like the Rationale, in which DOCTRINE and TRUTH shine forth; I send you back also to what we discoursed on this above, disp. 20, quaest. 7.

> *OPUSCULUM egregium contexuit, cui titulus.* De sex alis Seraphim*, in quo assumpta illa Dei apparitione 6. Isaiae descripta, ubi in templo, Deo sedenti, duo Seraphim habentes alas senas adstabant, duabus velantes faciem, duabus pedes, duabus quoque volantes, etc. His adumbrari Praelatos, sex virtutibus praecipue ad regimen necessariis praeditos veluti alis adnotat, ut zelo iustitiae simul cum pietate velent faciem; patientiae, et vitae exemplaris, veluti duabus aliis alis corpus usque ad pedes contegant. Circumspectione vero prudenti, et devotione evolent in altum; sunt autem Seraphim sapientia et Charitate ornati. Remitto ad S. Doctorem egregie hac de re differentem. Utinam aureis laminis omnes Praelati ea inscripta in pectore portarent, veluti Rationale, in quo resplendet DOCTRINA, et VERITAS remitto etiam ad ea, quae hac de re disseruimus supra disp. 20. quaest. 7.*

56 In the first part also of the Pharetra, cap. 11, he pours forth many sentiments of the Holy Fathers on the right governance of Prelates, and others in cap. 12 compressed against wicked Prelates.

> *PRIMA parte etiam Pharetrae, cap. 11. multas Sanctorum Patrum sententias de Praelatorum recta gubernatione, et alias cap. 12. in malos Praelatos constipatas eiaculatur.*

57 AGAIN, in the work on the Ecclesiastical Hierarchy, he erects the hierarchy of all the Orders of Governors, and sets it in excellent parallels against the celestial Hierarchies.

> *RURSUS in opere de Ecclesiastica Hierarchia, Ordinum omnium Gubernatorum hierarchiam erigit, et caelestibus Hierarchiis, optime exquisitis parallelis componit.*

58 Therefore the Prelates, the dispensers of benefices, are held to attend to these; nor is the Pope exempt from this law. For although he has the supreme power, independent of men; yet he is subject to the laws of nature and of Divine Justice; and by this doctrine the arguments of the opposite opinion are answered, taken from *cap. 2 de praebendis, in 6*, and from the first Clementine, in fide, which begins: *Si duobus*, where full and free disposition of the dignities of the Church is asserted.

> *EAS igitur tenentur attendere Praelati, dispensatores beneficiorum; neque ab hac lege indemniz est Papa. Quamvis enim supremam habeat potestatem, ab hominibus independentem; tamen subiicitur legibus naturae, et divinae Iustitiae, et hac doctrina respondetur argumentis oppositae sententiae, sumptibus ex* cap. 2. de praebendis, in 6. et ex Clementina prima, in fide, quae incipit: Si duobus*, ubi plena, et libera dignitatum Ecclesiae dispositio asseritur.*

59 FINALLY, the doctrine of D. Bonaventure must be noted with regard to secular benefices; of which he says in the *Speculo animae, loco citato, in the words alleged above: But if the benefices be temporal, thus in them acception of persons can be mortal sin in the article of necessity, when someone is bound to confer a benefice by precept, and the benefice is given to him who does not need it, by reason of particular love; and he who is in*

straitened necessity is despised. But in those things in which one is not bound to give, acception of persons does not come in, according to that of Matthew 20: Is it not lawful for me to do what I will?

> *POSTREMO adnotanda est doctrina D. Bonaventurae quo ad beneficia saecularia; de quibus ait in* speculo animae, loco citato, verbo supra allegata; Si autem sint temporalia beneficia sic in eis potest esse personarum acceptio mortale peccatum in necessitatis articulo, quando quis tenetur beneficium conferre ex praecepto, et cum datur beneficium illi, qui non indiget, ratione particularis amoris; et ille, qui est in arcta necessitate, contemnitur. In his autem, in quibus non tenetur quis dare, non cadit acceptio personarum, secundum illud Matthaei 20. Aut non licet mihi quod volo facere?

60 The Holy Doctor wished, moreover, to abstain from defining whether Kings in their Kingdoms can dispense benefices — that is, revenues and stipends — in whatever villages they wish; for the goods of Kings seem to be their own free property, and consequently, by the common sentiment of very many whom you have noted above, they can dispense them freely, since they are not only dispensers but Lords. So also hold the *Gloss on cap. finali, 9, q. 3, verbo ad nos*; Decius, *in cap. quae in Ecclesiarum, de constit., num. 26*; Ripa, *l. 2, respon., cap. 19, num. 5*; Gomez, on the rule de non tollendo iure, quaest. 1, quod. 3; Baldus, on l. Rescripta, num. 7, Cod. de precibus Imper. offer.; Gigas, de pensionibus, quaest. 10, num. 4; Socinus, consil. 13, num. 34, l. 1; and consil. 266, num. 46, l. 2; and consil. 87, num. 21, d. 3; Selva, de benef., 1. p., quaest. 1, num. 42; Alciatus, reg. 3, praesumpt. 8, num. 2; Caccialupus, de pensionib., quaest. 19, num. 30; Panormitanus, C. Inter quatuor, de maioritate et obedientia. The same is held by all who assert that Kings can take away benefices freely conferred by themselves; so the Lusitanian law, l. 1, tit. 98; Cabedo, 2. p., decis. 20; Socinus, consil. 53, l. 3; Decius, l. finali C. de pactis, loan.; Lupus, at the beginning of his repetitio de donat. inter virum et uxorem; Suarius, allegation 12; Afflictus, on cap. 1, v. potestas, num. 14, quae sint regal. feud., l. 3; Thomas Grammaticus, decis. 46; Benedictus, on C. Raynutius, verse duos, num. 37; Felinus, on C. quae in Ecclesiarum, num. 40, de const.; Ripa, respons., l. 2, cap. 19, num. 4; Gomez, on the reg. cancell., reg. de non tollendo iure, quaest. 1, col. 3.

> *VOLVIT autem S. Doctor abstinere a definiendo: an Reges in suis Regnis possint dispensare beneficia villis quibuscumque voluerint, ut sunt proventus, et stipendia; bona enim Regum videntur ipsorum libera, atque adeo ex communi plurimorum sententia, quos supra innuis, possunt ea libere dispensare, cum non sint solum dispensatores, sed Domini. Sic etiam tenent* Glossa in cap. finali 9. q. 3. verbo ad nos, *Decius* in cap. quae in Ecclesiarum, de constit. num. 26. *Ripa* l. 2. respon. cap. 19. *num. 5. Gomez in reg. de non tollendo iure quaest. 1. quod. 3. Baldus in l. Rescripta, num. 7. Cod. de precibus Imper. offer. Gigas de pensionibus, quaest. 10. num. 4. Socinus consil. 13. num. 34. l. 1. et consil. 266. num. 46. l. 2. et consil. 87. num. 21. d. 3. Selva de benef. 1. p. quaest. 1. num. 42. Alciatus reg. 3. praesumpt. 8. num. 2. Caccialup. de pensionib. quaest. 19. num. 30. Panotmir. C. Inter quatuor de maioritate, et obedientia. Idem tenent omnes asserentes, posse Reges auferre beneficia a se gratis collata, ita lex Lusitana l. 1. tit. 98. Cabedo 2. p. decis. 20. Socinus consil. 53. l. 3. Decius l. finali C. de pactis loan. Lupus initio sua repetit. de donat. inter virum, et uxorem, Suarius allegatione 12. Afflictus in cap. 1. v. potestas, num. 14. quae sint regal. feud. l. 3. Thomas Grammat. decis. 46. Benedictus in C. Raynutius versu duos, num. 37. Felinus in C. quae in Ecclesiarum, num. 40. de const. Ripa respons. l. 2. cap. 19. num. 4. Gomez in reg. cancell. reg. de non tollendo iure, quaest. 1. col 3.*

61 But that the aforesaid Doctors assert the same even of offices is not proved. For there is a valid argumentation from benefices to offices; but the Pope cannot dispense and take away benefices at his pleasure: Therefore neither can Kings without cause, as Fagundez well argues from the above, cap. 23, at the line of D. Bonaventure, who wills that in those things which pertain to the public administration of government Distributive Justice be observed.

QUOD vero etiam de officiis praecitati Doctores idem asserant, non probatur. Est enim valida argumentatio a beneficiis ad officia; sed Papa nequit beneficia ad libitum dispensare, et auferre: Ergo nec Reges sine causa, ut bene arguit ex supradictis Fagundez cap. 23. ad lineam D. Bonau. qui in his, quae respiciunt publicam gubernationis administrationem, vult, ab his servari Iustitiam distributivam.

62 AND SO in useful goods, with which Kings erect stipends or revenues from their own treasuries, they can dispense freely; not, however, withdrawing what has already been granted, except for some cause, since it was freely assigned. To dispense with some of these, leaving others in straitened necessity, or grave necessity without succor, the Holy Doctor judges to be against Charity, and it seems also against the distributive, according to the various principles brought in disp. 1, where I showed probabiliter that it is against the law of nature, altered by the law of nations, as I said in disp. de eleemosyna, quaest. 7.

ITAQUE in bonis utilibus, quibus Reges ex propriis gazis erigunt stipendia, aut proventus, libere possunt dispensare, non tamen retrahendo iam concessa, nisi ex aliqua causa, cum libere fuerint consignata. De his dispensare quibusdam, relinquendo alios in necessitate arctata, seu gravi sine adiutorio, existimat S. Doctor esse contra Charitatem, et videtur etiam contra distributivam, iuxta varia principia allata disp. 1. ubi ostendi probabiliter, esse contra ius naturae, iure gentium alteratum, ut dixi disp. de eleemosyna, quaest. 7.

Question III: Whether acceptance of persons has place in the showing of honor, and reverence

1 St. Bonaventure holds as certain, in the Speculum, cap. 3, and D. Thomas here, that in the exhibition of such things acception of persons can intervene, insofar as they are goods of the Republic, and others have a greater right to them, for instance by reason of virtue, which is to be esteemed at more, than others by reason of power and riches.

An Acceptio personarum habeat locum in exhibitione honoris, et reverentiae.

PRO certo habent S. Bonav. in speculo, cap. 3. et D. Thom. hic, in talium exhibitione posse intervenire acceptionem personarum, prout sunt bona Reipublicae, et alii ad ea habent ius maius, puta ratione virtutis, quae pluris aestimanda, quam alii ratione potentiae, et divitiarum.

2 It is PROVED by both Holy Doctors from that text of James 2: *Do not in acception of persons hold the faith of our Lord Jesus Christ. For if there shall come in unto your assembly a man having a golden ring in fine apparel, and there shall come in also a poor man in vile attire; and you have respect to him that is clothed in fine apparel, and shall say unto him: Sit thou here well; but say to the poor: Stand thou there, or sit under my footstool: do not you judge within yourselves, and are become judges of unjust thoughts?*

PROBATUR ab utroque S. Doctore ex illo Iacobi 2. Nolite in personarum acceptione habere fidem Domini nostri Iesu Christi. Etenim si introierit in conventum vestrum vir aureum annulum habens in veste candida; introierit autem et pauper in sordido habitu; et intendatis in eum, qui indutus est veste praeclara, et dixeritis ei: Tu sede hic bene: pauperi autem dicatis: Tu sta illic; aut sede sub scabello pedum meorum: nonne iudicastis apud vosmetipsos, et facti estis iudices cogitationum iniquarum?

3 By these things the Apostle shows that it is fraudulent acception of persons to honor some, even if they are wicked, on account of riches alone, more than poor men eminent in virtue. It is confirmed by the Holy Doctor from the Interlinear Gloss on this passage, expressly reproving this preference of persons.

HIs ostendit Apostolus, esse acceptionem fraeidam personarum, honorare aliquos, etiamsi improbos, ob solas divitias magis, quam pauperes, virtute praeclaros. Confirmatur a S. Doctore ex Glossa, ad hunc locum, Interlineari, diserte hanc personarum praeferentiam reprobante.

4 It is PROVED secondly by reason, by St. Bonaventure. For honor, according to Aristotle, 2 Rhet., cap. 5, is nothing other than the testimony of virtue, owed to each proportionately for the magnitude or smallness of the virtue itself; and it is an estimable good, and a good of the Republic insofar as it is a civil body; and consequently to deprive studious men of this observance is acception of persons, and consequently, if it verges toward contempt of the poor studious man, it will be mortal, especially when the rich man is honored for riches alone, as the Holy Doctor notes from the testimony of D. James, who calls such a one a judge of unjust thoughts, or an unjust judge. Valencia uses this argument, quaest. 7, puncto 3.

PROBATUR secundo ratione S. Bonav. Nam honor ex Aristotele 2. Rhet. cap. 5. non est aliud, quam testimonium virtutis, debitum cuique pro magnitudine, vel parvitate ipsius virtutis proportionaliter; estque bonum aestimabile, et bonum Reipub. quatenus est corpus ciuile, atque adeo privare viros studiosos hac observantia, est acceptio personarum, atque adeo, si vergat ad contemptum pauperis studiosi, erit mortale, maxime honorato divite ob solas divitias, ut advertit S. Doctor ex testimonio D. Iacobi, qui talem vocat Iudicem cogitationum iniquarum, seu iudicem iniquum. Hoc argumento utitur Valentia quaest. 7. puncto 3.

5 From this it appears that Cajetan here is deceived, and Lessius, tome 1 de Iustitia, l. 2, cap. 11, de detract. et contumel., dub. 27, num. 142; Filliuccius, tomo 2, tract. 32, cap. 9, num. 251; Fagundez, lib. 8, cap. 28, num. 8 — saying that the denial of due honor is not against justice, but only against observance, of which St. Thomas, quaest. 102; unless perhaps contumely be interpretatively attached, as if someone, while all honor a passing Pastor or Prince, should look upon him without any sign of honor. From this they deduce that the denial of reverence does not of itself obligate to restitution.

Ex quo apparet, deceptos Caietanum hic, Lessium tomo primo de Iustitia l. 2. cap. 11. de detract. et contumel. dub. 27. num. 142. Filliucium tomo 2. tract. 32. cap. 9. num. 251. Fagundez lib. 8. cap. 28. num. 8. dicentes, negationem honoris debiti non esse contra iustitiam, sed solum contra observantiam; de qua S. Thomas quaest. 102. nisi forte habeat contumeliam interpretative adiunctam, ut si transeuntem Pastorem, seu Principem omnibus honorantibus, aliquis sine honoris signo aspiciat. Ex quo deducunt, negationem reverentiae per se non cogere ad restitutionem.

6 But they are DECEIVED, because these acts must be considered not as immediately elicited by the virtue of observance, but as they are the matter, or the thing owed; and consequently he abuses the virtue of observance unjustly, which is opposed to the act of Distributive Justice; for it is not unusual for the act of one virtue to be the matter of another virtue; for thus also the act of divine liberality and mercy, by which he gives grace, is the matter of justice, insofar as that grace is owed by the merits of Christ. Therefore the exhibition of reverence is the matter of distributive justice in the manner in which Ecclesiastical benefices also are to be distributed, as Valencia notes, loc. cit.

FALLUNTUR autem, quia non sunt considerandi hi actus, ut immediate eliciti a virtute observantiae, sed ut sunt materia, seu res debita, atque adeo iniuste virtute observantiae abutitur, quod opponitur actui Iustitiae distributivae; neque enim insolitum est, actus unius virtutis esse materiam alterius virtutis, sic enim et actus divinae liberalitatis, et misericordiae, qua gratiam dat, est materia iustitiae, prout ea gratia est debita meritis Christi. Igitur exhibitio reverentiae est materia distributivae iustitiae ad modum, quo et beneficia Ecclesiastica distribuenda, ut advertit Valentia loc. cit.

7 From this also falls Cajetan's other argument: This exhibition of honor is gratuitous; but in gratuitous things acception of persons does not intervene.

> *Ex quo etiam ruit Caietani alterum argumentum. Haec honoris exhibitio est gratuita; in gratuitis autem non intervenit acceptio personarum.*

8 It is ANSWERED that these acts are gratuitous as they are elicited immediately by the virtue of observance; but not as they are owed insofar as they are public goods of the Republic, as it is a civil body, to be distributed according to merits. Nor indeed does anyone infer well that these do not pertain to distributive justice, on the ground that even inferiors pertain to it, who exhibit these signs of reverence. For it is enough that it pertain to everyone having a right to those goods, which are to be distributed to each according to his own merit.

> *RESPONDETUR, hos actus esse gratuitos, ut eliciuntur immediate a virtute observantiae; non autem, ut sunt debiti ex eo, quod sunt bona publica Reipublicae, ut est corpus ciuile, distribuenda secundum merita. Neque vero bene infert quispiam, haec non spectare ad iustitiam distributivam, eo quod etiam ad inferiores spectat, haec signa reverentiae exhibere. Satis enim est, id spectare ad omnem habentem Ius ad illa bona, cuique secundum suum meritum distribuenda.*

9 TANNERUS indeed, disp. 4, quaest. 8, num. 20, says that honor is indeed immediately and elicitive from the virtue of observance; but imperative from Commutative Justice. Thus he reconciles the opinions.

> *TANNERUS sane disp. 4. quaest. 8. num. 20. dicit, immediate quidem, et elicitive honorem esse a virtute observantiae; imperative autem a Iustitia commutativa. Sic componit opiniones.*

10 Most GLORIOUSLY, however, St. Doctor confirms the assertion laid down from the Holy Fathers, lib. 3 of the Pharetra, cap. 38, by which also he dissolves the objections. Most illustrious, too, are the testimonies on this matter of DD. Gregory and Jerome; see them in the preceding question.

> *PRAECLARE vero e SS. PP. assertionem positam confirmat S. Doctor lib. 3. Pharetrae, cap. 38. quibus etiam oppositiones diluit, Praeclara sunt etiam hac de re testimonia DD. Gregorii, et Hieronymi, eos vide quaestione praecedenti.*

11 He ADDS Seneca, epist. 76, after the middle: *In this error we toil; thus is it imposed upon us, that we estimate no man for what he is, but we add to him also those things by which he is adorned: But when you wish to enter upon the true estimation of a man, and to know what sort he is; look upon him naked: let him cast away patrimony, let him cast away honors, and the other lies of fortune, let him strip off the body itself; consider the soul, what and how great it is, whether great by another's, or by its own.*

> *ADDIT Senecam epist. 76. post medium:* Hoc laboramus errore, sic nobis imponitur, quod neminem aestimamus, eo quod est, sed etiam adiicimus illi et ea, quibus adornatus est: Atqui cum voles veram hominis aestimationem inire, et scire qualis sit; nudum inspice: ponat patrimonium, ponat honores, et alia fortunae mendacia, corpus ipsum exuat, animum intuere, qualis, quantusque sit, alieno, an suo magnus.

Question IV: Whether acceptance of persons finds a place in the sentences of judges

1 IT IS CERTAIN from faith that there can be acceptance of persons in judgment. The holy Doctor proves it with those words: *Deuter. 16: You shall not accept person in judgment; and Proverbs 18: To accept person in judgment is not good.*

An acceptio personarum inveniat locum in Iudicum sententiis.

CERTUM ex fide est, in iudicio esse posse acceptionem personarum. Id probat S. Doctor illo Deuter. 16. Non accipies personam in iudicio, et Proverb. 18. Accipere personam in iudicio non est bonum.

2 ST. BONAV. ADDS a valid reason, *Part 1. on the Ecclesiastical Hierarchy, cap. 4. at the end*, citing there the passage of Proverbs; for it departs from the Geometric mean, which is owed to each one's merits.

ADDIT S. Bonav. rationem validam Parte 1. de Eccl. Hierarchia, cap. 4. in fine*, recitato hoc loco Proverbiorum; nam declinatur a mediocritate Geometrica, debita meritis cuiusque.*

3 This therefore is a grave sin, and a kind of monster, that he who is Judge of men should act unjustly, as the Blessed Andrew said to Aegeas, judge of Achaia.

Hoc itaque est grave peccatum, et veluti monstrum, ut qui Iudex est hominum, iniuste agat, ut dicebat Beatus Andreas AEgeae, iudici Achaiae.

4 IT IS PROVED thirdly by the holy Doctor, *l. 3. of the Pharetra, cap. 38. from the holy Fathers.*

PROBATUR tertio a S. Doct. l. 3. Pharetrae, cap. 38. ex SS. PP.

5 ST. ISIDORE, *on the highest good, l. 3. cap. 57: Unjust judges err from the truth of the sentence, while they attend to the quality of the person; and they often wound the just, while they wickedly defend the unjust; and cap. 57: The rich man quickly corrupts the Judge with gifts; but the poor man, while he has nothing to offer, is not only despised and refused a hearing, but is also oppressed against the truth.*

D. ISIDORUS de summo bono, l. 3. cap. 57. Iudices iniqui errant a veritate sententiae, dum intendunt in qualitate personae; et exulcerant saepe iustos, dum improbe defendunt iniquos, et cap. 57. Dives muneribus cito corrumpit Iudicem; pauper autem dum non habet, quod offerat, non solum audiri contemnitur, sed etiam contra veritatem opprimitur.

6 HENCE ST. GREGORY, *lib. 9. Morals, cap. 17.*, cited by ST. Bonav. *lib. 1. of the Pharetra, cap. 45: There are three acceptances of gifts, by which one hastens deceitfully to judgment. A gift from the heart is the favor sought by thought. A gift from the mouth is glory through favor. A gift from the hand is a reward through giving.*

HINC D. Gregorius lib. 9. Moral. cap. 17. *apud D. Bonav.* lib. 1. Pharetrae, cap. 45. Tres sunt acceptiones munerum, ad quas ex fraude festinatur ad iudicium. Munus namque a corde, est captata gratia a cogitatione. Munus ab ore, est gloria per favorem. Munus a manu, est praemium per dationem.

7 He goes on there to cite St. Isidore, *on the highest good, cap. 58. sent. 7: In four ways human judgment is perverted: by fear, by covetousness, by hatred, by love. By fear, when dreading the power of someone we are afraid to speak the truth. By covetousness, when we are corrupted by the reward of some gift. By hatred, when we strive against someone. By love, when we strive to obey a friend or relatives.* For other Fathers testifying the same you have question 2 of the preceding question.

PERGIT ibidem afferre D. Isidorum de summo bono, cap. 58. sent. 7. Quatuor modis iudicium humanum pervertitur, timore, cupiditate, odio, amore. Timore, dum metu potestatis alicuius veritatem loqui pavescimus. Cupiditate, dum praemio muneris alicuius corrumpimur. Odio, dum contra quemlibet adversari molimur. Amore, dum amico vel propinquis obtemperare contendimus. *Alios patres id ipsum testantes habes quaest. 2. praecedenti.*

8 SO MUCH do the Fathers exaggerate this crime of Judges that St. Jerome calls it the greatest, because since the Judge is the soul of Justice, or animated justice, as Aristotle teaches in 5 Ethics, injustice in him is a monstrous thing.

> *ADEO autem exaggerant Patres hoc Iudicum crimen, ut S. Hieron. maximum appellet, quia cum Iudex sit anima Iustitiae, seu iustitia animata, ut docet Aristoteles 5. Eth. monstruosa res est in eo iniustitia.*

9 BUT there is a doubt: Whether a Judge, when he judges in a matter of commutative justice, punishing or rewarding this particular one, or that one against the just, while considering in him a condition not relevant to the cause, sins also against distributive justice.

> *EST autem dubium: An Iudex, quando iudicat in materia Iustitiae commutativae, puniendo, vel praemiando hunc praecisum, vel illum contra iustum, considerando in eo conditionem, non facientem ad causam, peccet etiam contra Distributivam.*

10 IT MUST BE ASSERTED that a Judge so judging offends against distributive justice.

> *ASSERENDUM, Iudicem ita iudicantem, contra distributivam Iustitiam delinquere.*

11 IT IS PROVED from Valencia, *point 4*. For judicial acts, as in the power [of the judge], are morally public goods to be distributed according to the Geometric proportion to those who deserve them: therefore the Judge, distributing these acts unjustly, sins against distributive justice, since that sentence was owed to another more worthy.

> *PROBATUR a Valentia* puncto 4. *Nam actus Iudiciales, prout in potentia, sunt moraliter bona publica distribuenda secundum proportionem Geometricam emeritis: Ergo Iudex hos actus distribuendo inique; peccat contra distributivam, quia illa sententia alteri digniori debebatur.*

12 YET this reason seems metaphysical, not moral; otherwise all the acts of a Prince or Judge bound by some precept would look to distributive justice. They must therefore be considered in their practical application, whence the reason of distributive or commutative justice is considered.

> *HAEC tamen ratio videtur Metaphysica, non moralis; alioqui omnes actus Principis, vel Iudicis aliquo praecepto ligati, spectabunt ad distributivam. Debent igitur considerari in practica applicatione, unde ratio distributivae, vel commutativae consideratur.*

13 THE TRUE and solid reason is that of St. Bonaventure, *on the Ecclesiastical Hierarchy p. 1. cap. 4. at the end, and in the places of the Pharetra cited from the Fathers.* Because, since the Judge holds in his hands the distribution of rewards and punishments and the other goods of the community, he is bound to observe the mean, remote from every extreme of vice; and accordingly, even if he now looks upon this defendant, this infant, and renders to them according to the commutative debt, he is bound to render it with that moderation which, the public good being reckoned along with the others to whom justice is ministered, is due according to the present state of affairs, so that with this one the utmost rigor is not applied; since, if it were applied with a just proportion to him, it ought not to be applied to the others, if he wishes to preserve the peace of the commonwealth. This exorbitance of disproportion arises either from ignorance of one's office, or from an affectation of attending to conditions irrelevant to the definition of causes, such as friendships, gifts, power, kinship, etc.; and this the holy Fathers openly intended, as cited by St. Bonaventure. Wherefore Valencia does not rightly say that others have not sufficiently explained this matter.

RATIO igitur vera, et solida est D. Bonav. de Eccl. Hier. p. 1. cap. 4. in fine, et in Pharetra locis adductis ex PP. *Quia, cum Iudex habeat in manibus distributionem praemiorum, et poenarum, aliorumque bonorum communitatis, tenetur servare medietatem, ab omni extremitate vitiorum remotam; atque adeo, etiamsi nunc respiciat hunc reum, hunc infantem, reddatque illis secundum commutativam debitum, tenetur id praestare ea mediocritate, quae bono publico computatis etiam aliis, quibus iustitia ministratur, iuxta praesentem statum rerum debita est, ut non adhibeatur rigor summus cum hoc; cum iusta proportione non adhibeatur, neque adhiberi debeat cum caeteris, si pacem Reipub. tueri velit. Haec vero exorbitantia improportionis oritur, vel ex ignorantia sui officii, vel ex affectatione in respiciendo ad conditiones, impertinentes definitioni causarum, ut sunt amicitiae, munera, potentia, consanguinitas, etc. et hoc voluere aperte SS. PP. apud D. Bonaventuram. Quare non recte Valentia ait, non satis rem hanc alios explicasse.*

14 From these things I deduce what must be said when it is left to the Judge's discretion to give something, for example, when the law determines that the Judge shall grant a time to litigants at his discretion.

Ex his deduco; quid dicendum, quando Iudicis arbitrio relinquitur dare aliquid, puta, cum Lex determinat, ut Iudex pro arbitrio det tempus litigantibus.

15 FOR I SAY that he cannot, on account of conditions irrelevant [to the cause], give more to one than to another; for the law leaves something to the discretion of the Judge because there are so many conditions subject to individuating circumstances that it would be difficult, and morally impossible, to define each one. Therefore it is left to the discretion of the Judge, all things being reckoned, to preserve what must be preserved; otherwise, if he distributes this out of favoritisms, he will not rightly consult the peace and public tranquillity; since all the members of the commonwealth have a right to those goods, for example to that convenience of time for appearing or paying, since all are equals in the causes, it must not be denied to one more than to another.

DICO enim, non posse ex conditionibus impertinentibus dare uni magis, quam alteri; relinquit enim lex aliqua arbitrio Iudicis, quia tot sunt conditionibus individuantibus obnoxia, ut de singulis definire sit arduum, ac moraliter impossibile. Ideo relinquitur arbitrio Iudicis computatis omnibus, servanda servare, alioqui si ex affectionibus haec distribuat, non recte paci, ac tranquillitati publicae consulet; cum enim membra omnia Reipublicae habeant ius ad ea bona. puta ad illam commoditatem temporis ad comparendum, vel ad solvendum, cum omnes sunt pares in causis, non est uni magis, quam alteri denegandum.

16 YET some things, which impose a proper inconvenience to be borne by the Judge himself, can be assigned rather to a friend, for example, to go to an inconvenient place, to the scene of the crime, or to plead a cause, as Valencia notes, *loc. cit.*, Sotus *l. 3. last quaest. art. 5. and others.* But scandal must be avoided.

ALIQUA tamen, quae proprium incommodum Iudici suspiciendum imponunt, possunt amico magis appendi, puta ire ad locum incommodum, ad corpus delicti, vel ad causam dicendam, ut notat Valentia loc. cit. *Sotus* l. 3. quaest. ult. art. 5. et alii. *Cavendum tamen scandalum.*

Sole Doubt: Whether a judge can, without the stain of acceptance of persons, decide in favor of friends when the law is doubtful among the doctors

1 WHEN there is on either side a probable opinion, most hold that the Judge can judge for either side at his pleasure. So Sanchez *7. 1. Decal. lib. 1. cap. 9. num. 45.* Medina *t. 2. quaest. 19. art. 6. fol. 309.* Salon. *2. 2. quaest. 63. art. 4. controu. 2.* Valencia *2. 2. disp. 5. quaest. 7. punct. 4. dub. 3.* Rodriquez *Tomo 1. of the summa, cap. 6.* Sayrus *lib. 1. cap. 11.* Salas *2. 2. quaest. 21. tract. 8. dub. un. sect. 12.* Petrus Ledesma

T. 2. of the summa, Tract. 8. cap. 22. after the 11th conclusion, diff. 1. fol. 745. Fagundez *on the eighth Precept of the Decal. l. 8. cap. 26. num. 35.*, where he says that all these assert that the Judge cannot divide the thing disputed in the lawsuit among the litigants, or, if it be indivisible, such as a Majorat, cannot divide the fruits (as Bannes *2. 2. quaest. 69. art. 4. disp. 1.* and Malder. *tract. 9. on justice, cap. 1. dub. 4.* hold), but that the Judge is bound to determine himself and choose whichever opinion he prefers, and according to it adjudge the whole dispute to one party; but not all say the Judge is bound to do this, but that he can. Nor does it seem proved to me that he is bound; for since no greater reason compelling conscience is present on either side, but the probabilities are in equilibrium on both sides, I do not see why he should wish to compel. Indeed I think it probable that he is bound to divide, because each has an equal right to the thing, and therefore, by giving the whole to one, there will be a withered acceptance of persons, which judges not according to the reason of merit. On this I have also treated in *prima secundae, Tract. on human acts, disp. 17. on probable conscience, quaest. 10. and on proposition 16. This many hold with Navarro, C. si quis, on penitence, dist. 7. num. 130.*

> An possit IUDEX absque nota acceptationis personarum adhaerere amicorum Favori, quando ius est dubium inter Doctores.
>
> *EXISTENTE utrinque opinione probabili, censent plurimi, posse Iudicem pro alterutro ad libitum iudicare. Ita Sanchez* 7. 1. Decal. lib. 1. cap. 9. num. 45. *Medina* t. 2. quaest. 19. art. 6. fol. 309. *Salon.* 2. 2. quaest. 63. art. 4. controu. 2. *Valentia* 2. 2. disp. 5. quaest. 7. punct. 4. dub. 3. *Rodriquez* Tomo 1. summae, cap. 6. *Sayrus* lib. 1. cap. 11. *Salas* 2. 2. quaest. 21. tract. 8. dub. un. sect. 12. *Petrus Ledesma* T. 2. summae, Tract. 8. cap. 22. post 11. conclusionem, diff. 1. fol. 745. *Fagundez* in octavum Praeceptum Decal. l. 8. cap. 26. num. 35. *ubi ait, hos omnes asserere, non posse Iudicem dividere rem litigio agitatam inter litigantes, aut si indivisibilis sit, ut Maioratus, non posse dividere fructus (ut volunt Bannes* 2. 2. quaest. 69. art. 4. disp. 1. et *Malder.* tract. 9. de iustitia, cap. 1. dub. 4.*) sed teneri Iudicem se determinare, et unam opinionem, quam maluerit eligere, et secundum eam totam litem parti uni adiudicare; sed non omnes dicunt, Iudicem ad id teneri; sed posse. Neque mihi id probatur, quod teneatur; nam cum nulla hinc inde maior ratio cogens conscientiam adsit, sed utrinque in aequilibrio sint probabilitates; non video cur velit cogere. Imo arbitror probabile, teneri dividere, quia uterque ius habet aeque ad rem, atque adeo totam dando uni, erit acceptio marcida personarum, quae iudicat, non secundum rationem meriti. De hoc egi etiam* prima secundae, Tract. de actibus humanis, disp. 17. de conscientia probabili, quaest. 10. et ad prop. 16. Hoc multi tenent cum Navarro C. si quis, de poenit. dist. 7. num. 130.

2 I WONDER, however, that Fagundez should put forward little arguments and boast that they are admirably proved, which are taken from the fact that the Judge is bound to determine himself for some party.

> *MIROR autem, Fagundez apponere ratiunculas, atque gloriari, egregie probari eas, quae sumuntur, eo quod Iudex tenetur se determinare ad aliquam partem.*

3 FOR I SAY he is bound to determine himself according to the laws of justice, not against them. But to give the whole thing to one, taking it away from another who has an equal right to it — let Fagundez consider whether that is to determine oneself according to the rules of justice. This seems to be the opinion of St. Bonaventure, *at the place cited.*

> *DICO enim, teneri se determinare secundum leges iustitiae, non autem contra eas. Iam vero dare totam rem uni, eam auferendo ab alio, qui habet ad eam aequale ius, cogitet Fagundez, an sit determinare se secundum regulas iustitiae. Haec videtur sententia D. Bonan.* loco citando.

4 I ADD that these freedoms of adjudicating usually bring scandals, when the people see that the same thing, numerically one, is judged one way and then the opposite way. *It is confirmed.* When the reasons and proofs on both sides are equal, the thing is to be divided: therefore that must also be done when the opinions on both sides rest on the same reasons.

> *ADDO has libertates adiudicandi, plerumque scandala afferre, dum vident populi modo, uno modo, modo opposito iudicari eandem numero rem.* Confirmatur. *Quando rationes, et probationes utrinque sunt aequales, res est dividenda: Ergo et id agendum dum opiniones sunt utrinque iisdem rationibus nixae.*

5 Fagundez answers by denying the parity; for the proofs hold on the side of the cause, but the probabilities of the opinions on the side of the Judge, who is bound to choose the opinion according to which he judges. Sanchez also assents to this, *lib. 1. Decal. cap 9. num. 45.*

> *RESPONDET Fagundez, negando paritatem; nam probationes se tenent ex parte causae; probabilitates autem opinionum ex parte Iudicis, qui tenetur eligere opinionem, secundum quam iudicet. Cui annuit etiam Sanchez* lib. 1. Decal. cap 9. num. 45.

6 BUT both are mistaken; for the reasons of the opinions stand on the side of the cause, just as the proofs do. For they are the props of the cause, without which it perishes; and this is the royal sign, because when the reasons of the opinions are changed, the case essentially changes its face.

> *SED fallitur uterque; nam et rationes opinionum stant ex parte causae, sicuti etiam probationes. Sunt enim sustentacula causae, sine quibus perit, et hoc signum regium est, quia mutatis rationibus opinionum, mutat causa essentialiter faciem.*

7 NEXT, he infers not very cleverly that, if the probabilities hold on the side of the judge, it lies in his power to judge against the reasons: for these generate probability in the judge.

> *DEINDE non adeo lepide infert, quod si probabilitates se teneant ex parte iudicis, stet in eius potestate contra rationes iudicare: Haec enim gignunt in iudice probabilitatem.*

8 Valencia ADDS that if the opinion is more probable for one side, the Judge is bound to judge for it; for then the law stands for the one whom the opinion favors more probably; otherwise he will be an acceptor of persons; and from this he deduces what the Confessor is bound to do in the forum of conscience, so as not to be an acceptor of persons.

> *ADDIT Valentia, quod si opinio sit probabilior pro una parte, tenetur pro ea Iudex iudicare; tunc enim ius stat pro illo, cui opinio favet probabilius; alioqui erit acceptor personarum; et hinc deducit, quid Confessarius teneatur agere in foro conscientiae, ne sit acceptor personarum.*

9 BETTER is St. Bonaventure in the *Confessionale, cap. 1. part. 6.*, whose words I shall quote: *Let the Confessor also strive to guard against acceptance of persons, so that the confessor in the judgment of penance accept not a person, which is thus described by the Masters. Acceptance of a person is an injustice by which a person is preferred to a person on account of an undue cause. Attend diligently, O penitential judge, to what is said to thee, Leviticus 19: You shall not do that which is unjust, nor shall you judge unjustly. Do not consider the person of the poor; nor honor the countenance of the mighty, lest namely thou decline from the way of justice on account of compassion for the poor, or on account of flattery of the mighty. Attend also to what is said to thee, Deuter. 16: You shall not accept person nor gifts, for gifts blind the eyes of the wise, and pervert the words of the just. Nevertheless attend diligently, and consider that it was said universally to all confessors, Deuter. 1: Hear them, and judge what is just: whether he be a citizen or a stranger. There shall be no distinction of persons; you shall hear the small as the great; you shall not accept the person of anyone, for it is the judgment of God. Hear, I say, that is, attend diligently*

to the sins, examining the sins and their circumstances, and judge what is just, namely absolving the just, whether rich or poor, and condemning the impious, though they be also powerful and rich; nor shall you accept the person of anyone, unduly exasperating the poor, and flattering the rich and powerful. Do not, I say, accept a person, lest thou be struck by the prophetic malediction by which it is said, Isa. 5: Woe to you who justify the wicked for gifts, and take away the justice of the just from him. This is St. Bonaventure.

> *MELIUS S. Bonav. in* Confessionali, cap. 1. part. 6. *cuius verba auferam:* Studeat etiam Confessor cavere ab acceptione personarum, quod confessor in iudicio poenitentiae personam non accipiat, quae sic describitur a Magistris. Acceptio personae est iniustitia, qua praefertur persona personae, propter causam indebitam. Attende diligenter o iudex poenitentialis, quod tibi dicitur, Levitici 19. Non facies quod iniquum est, nec iniuste iudicabis. Non consideres personam pauperis; nec honores vultum potentis, ne videlicet declines a via iustitiae propter pauperis compassionem, vel propter potentis adulationem. Attende praeterea tibi dictum, Deuter. 16. Non accipies personam, nec munera, quia munera excaecant oculos sapientum, et mutant verba iustorum. Attende nihilominus diligenter, et considera universaliter omnibus confessoribus esse dictum, Deuter. 1. Audite illos, et quod iustum est iudicate: siue civis ille, siue peregrinus. Nulla erit distantia personarum, ita parvum audietis, ut magnum; non accipietis cuiusquam personam, quia Dei iudicium est. Audite inquam, idest, diligenter intendite peccata, et peccatorum circumstantias examinando, et quod iustum est iudicate, iustos videlicet, siue divites, siue pauperes absolvendo; et impios, quamvis etiam potentes, et divites, condemnando: nec accipietis personam cuiusquam, pauperes indebite exasperando, et divitibus, et potentibus adulando. Non inquam accipias personam, ne maledictione prophetica feriaris, qua dicitur Isa. 5. Vae qui iustificatis impium pro muneribus, et iustitiam iusti aufertis ab eo. Haec S. Bonaventura.

10 HENCE another question is born concerning Judges, whether, without the note of acceptance of persons, they can, through the intervention of gifts, judge for a side equally probable. We have examined this difficulty in *tomo quarto, disp. 17. nu. 10.*, according to the decree of Alexander VII., who curbs the lust of opinions running riot too much, both in this and in other matters. It will not be tedious to treat of this question again in *disp. on the Judge, quaest. 6.*

> *HINC enascitur alia quaestio de Iudicibus, an sine nota acceptionis personarum, possint munerum interventu iudicare pro parte aeque probabili: Hanc difficultatem excussimus* tomo quarto, disp. 17. nu. 10. *Iuxta decretum Alexandri VII. qui luxuriantium nimis opinionum libidinem tam in hac quam aliis in rebus coërcet. De hac iterum quaestione agere non pigebit* disp. de Iudice, quaest. 6.

11 FOR there are not obscure authors, some of whom we have already cited, who so make the Judge the arbiter of their own will that, for whichever side he pleases, equally probable on both sides, he may judge, and, by the determination of his liberty rather in one part than in the other, can licitly accept gifts: and some defend this, as far as the law of nature goes; others too do not blush to proclaim that it is lawful by every law. But in the place already cited I shall say how greatly these outrage Justice, both on the side of the Judge, who is otherwise sufficiently compensated for the function of his office, and on the side of the litigants, each of whom, by an equal probability of law, demands rather an equal division of the dispute than that the whole be adjudged to one.

> *SUNT enim non ignobiles authores, quorum quosdam iam retulimus, qui arbitrium suae voluntatis Iudicem ita faciunt, ut pro qua libest parte utrinque probabili iudicet, et pro suae libertatis determinatione potius in unam, quam in aliam partem, munera possit licite accipere: et hoc nonnulli tuentur, quantum est ex iure naturae; alii quoque omni iure id licere proclamare non erubescunt. Verum loco iam citato dicam quantum hi Iustitiam temerant, tam ex parte Iudicis, qui*

aliunde sat pro sui muneris functione recompensatur, quam ex parte litigantium, quorum uterque pari Iuris probabilitate aequam litis divisionem potius expostulat, quam ut uni tota adiudicetur.

Disputation XXVI: On Homicide

1 SINCE among the other goods life is most dear to each one, by its unjust removal one sins most gravely against one's neighbor; for it is like an annihilation of all the goods which one living possesses: wherefore by homicide all the rights by which we are bound to our neighbor are violated in every way; and this is done spiritually by hatred and detraction; corporally it is done by the tongue and by deed; the former precepts, counsels, or does not inhibit; the latter sometimes issues in homicide, by executing justice, by killing by accident, or by necessity of defense; and in this last way, the things to be observed being observed, homicide is free from fault: but if it be done by will, with the lust of vengeance alone ruling, one sins gravely, as will be seen presently.

> ***De Homicidio.***
>
> *CUM inter caetera bona, vita unicuique sit charissima, huius iniqua ablatione maxime in proximum delinquitur; est etenim veluti omnium bonorum, quibus vivens potitur, annihilatio: quare homicidio omnia iura, quibus Proximo, obstringimur, omnimode violantur; hoc autem fit spiritualiter odio, et detractione; corporaliter vero fit lingua et opere, prior praecipit, consulit, aut non inhibet; posterior autem in homicidium aliquando exit, Iustitiam exequendo, casu perimendo, vel necessitate defendendo; et hoc ultimo modo servatis servandis homicidium vacat culpa: verum si voluntate fiat; dominante tantum vindictae libidine, graviter peccatur uti mox videndum est.*

Question I: What homicide is, and of how many kinds

1 HOMICIDE is thus defined by St. Bonaventure, *p. 1. Centil. sect. 31: Homicide is the killing of a man, done by a man.* This definition is followed by Ioannes de Anania *in the rubric on homicide, num. 1.* and others. It is called *the killing of a man*, to distinguish it from the slaying which is inflicted on brute animals. It is said to be *done by a man*, to distinguish that killing by which a man is killed by some brute animal. But this definition regards rather the force of the name (as Catterius saw, *in the practice, tract. on homicide and assassination, at the beginning*) than the essence of the sin, which Fagundez also notices *on the fifth precept, chapter 1.*

> Quid sit Homicidium, et quotuplex.
>
> *HOMICIDIUM sic definitur a D. Bonaventura* p. 1. Centil. sect. 31. Homicidium est hominis occisio, ab homine facta. *Hanc definitionem sequuntur Ioannes de Anania* in rubric. de homicidio, num. 1. *et alii. Dicitur* hominis occisio*, ad differentiam necis, quae infertur animalibus brutis. Dicitur* ab homine facta*, ad distinctionem illius occisionis, qua homo occiditur ab aliquo bruto animali. Respicit autem haec definitio magis vim nominis (ut vidit Catterius* in pract. tract. de homicidio, et assassinio, initio*) quam essentiam peccati, quod advertit etiam Fagundez* in quintum praeceptum, capite 1.

2 THEREFORE Catterius and the Jurists commonly, as cited by Prosper Farinacius, *quaest. 119. Tom. 4.*, and the Theologians, as cited by Fagundez, *loc. cit. from St. Bonaventure's sermon on the ten precepts, cap. 6.*, define it as prohibited in the 5th precept: *It is the unjust killing of a man.* Now homicide unjustly done is that which is done by private authority, without the moderation of blameless defense being observed; or by public authority, without due justice and the order of law being observed, as Fagundez observes from St. Bonav. *loc. cit. and in 3. dist. 37. dub. 5. lit. et in qq.* Of both kinds we must treat.

IDEO Catterius, et Iurisperiti communiter apud Prosperum Farinacium quaest. 119. Tom. 4. *et Theologi apud Fagundez* loc. cit. ex D. Bonaventura sermone de decem praeceptis, cap. 6. *definiunt, prout prohibetur in 5. praecepto:* Est iniusta hominis occisio. *Est autem homicidium iniuste factum illud, quod a privata authoritate fit, non servato moderamine inculpatae tutelae; vel a publica, non servata debita iustitia, et iuris ordine, ut observat Fagundez ex D. Bonau.* loc. cit. et in 3. dist. 37. dub. 5. lit. et in qq. De utraque autem agendum.

3 Homicide is divided in many ways. First into Spiritual and Corporal, by St. Bonav. *in the places cited*, and by other Doctors of both Laws; on which division Farinac. treats especially, *at the place cited, from Jacobus Boulent. in the repertory of the capital law, §. Famos. num. 63. ff. de poenis.*

MULTIS modis homicidium dividitur. Primo in Spirituale, et Corporale a D. Bonau. locis adductis, *et ab aliis utriusque Iuris Doctoribus; de qua divisione agit praesertim Farinac.* loco citato ex Iacobo Boulent. in repert. legis capital. §. Famos. num. 63. ff. de poenis.

4 SPIRITUAL homicide is called, first, that by which a detractor unjustly blackens reputation. For in law the detractor is called a homicide, *cap. Homicidiorum, de poenit. dist. 2.* Second, that by which one hates his neighbor, *1 John 3: He who hates his brother is a homicide.* Third, that by which he persuades another to harm his neighbor, for in law both the persuader of evil and the one who holds another in hatred are called homicides, *C. Noli putare, de poenit. dist. 1. C. Homicidium.* Fourth, that by which each one strives to harm his neighbor in some way, *C. Homicidium, de poenit. dist. 2.* Fifth, that by which someone denies sustenance to his brother in extreme need, as we have in *dist. 86. from Ambrose: Feed him dying of hunger; if you did not feed him, you killed him.*

SPIRITUALE dicitur primo, quo detractor iniuste famam denigrat. Sic enim in Iure detractor dicitur homicida, cap. Homicidiorum, de poenit. dist. 2. *Secundo illud, quo quis proximum suum odio habet,* prima Ioan. 3. Qui odit fratrem suum, homicida est. *Tertio illud, quo suadet alteri; ut proximo noceat, quia in iure etiam tam suasor mali, quam odio alterum habens homicidae appellantur,* C. Noli putare de poenit. dist. 1. C. Homicidium. *Quarto illud, quo quisque proximo suo aliquo modo nocere studet* C. Homicidium, de poenit. dist. 2. *Quinto illud, quo aliquis fratri suo extreme indigenti negat alimenta, ut habetur* dist. 86. ex Ambrosio: Pasce fame morientem; si non pavisti, occidisti.

5 CORPORAL homicide, however, is that by which the body of a man is killed; but spiritual homicide is chiefly that by which one is led to the death of the soul through sin, as St. Bonav. notes *in the Confessionale, cap. 2. particula 3.*

HOMICIDIUM vero corporale est illud, quo corpus hominis occiditur; maxime vero homicidium spirituale est, quo quis inducitur ad mortem animae per peccatum, ut notat S. Bonau. in Confessionali, cap. 2. particula 3.

6 HOMICIDE, therefore, as it is defined by the Theologians, is a most grievous and atrocious sin, graver than theft and adultery. For the loss of homicide is irreparable, and by it we inflict on a man the greatest of all harms that we can inflict on him; as Socinus proves at large and learnedly, *consil. 157. num. 8. lib. 2.*, with arguments from St. Bonaventure.

HOMICIDIUM igitur, ut a Theologis definitur, gravissimum, et atrox peccatum est, gravius, quam furtum, et adulterium. Est enim homicidii damnum irreparabile, et per illud inferimus homini maximum omnium nocumentum, quae illi inferre possumus; ut late, et docte probat Socinus consil. 157. num. 8. lib. 2. *argumentis ex D. Bonaventura.*

7 THE FIRST argument is: Graver are those sins by which harm is inflicted on the body than those by which harm is inflicted on a man's external goods and possessions; and thus for a single homicide the

punishment of death is imposed; not so for a single theft, unless it be clothed with most grave circumstances, as the holy Doctor relates *in the Confessionale*.

> *PRIMUM argumentum est. Graviora sunt peccata, quibus infertur nocumentum corpori, quam ea, quibus infertur nocumentum rebus hominis externis, et bonis illius, et ita pro unico homicidio imponitur poena mortis; non sic pro unico furto, nisi fuerit vestitum gravissimis circumstantiis, ut refert S. Doct.* in Confessionali.

8 THE SECOND argument, because in the ten precepts of the Decalogue the precept forbidding homicide is placed before the precept prohibiting theft and adultery, as the holy Doctor argues *in 3. dist. 37. art. 2. quaest. 2.*

> *SECUNDUM argumentum, quia in decem praeceptis Decalogi prius ponitur praeceptum vetans homicidium, quam praeceptum prohibens furtum, et adulterium, ut arguit S. Doct.* in 3. dist. 37. art. 2. quaest. 2.

9 THE THIRD; because in the Decretals the Title of homicide is placed before the Title of adultery and theft.

> *TERTIUM; quia in Decretalibus prius ponitur Titulus homicidii, quam Titulus adulterii, et furti.*

10 THE FOURTH, because it is easier to dispense with a thief than with a voluntary homicide, as is clear *from C. sicut dignum, on homicide, num. 2. fol. 315.* Decian. *in the tract on crimes l. 9. cap. 17. num. 18.* Matfil. *in l. 1. num. 3. ff. ad legem Cornel. de sicar.* With Socinus, *that homicide is graver than adultery*, they prove from the text in *C. si quid verius, dist. 30. quaest. 2. L. Quamvis* and from the circumstances; as in adultery and notorious theft the contrary must be said, as Decius teaches, *consil. 65. l. 1.*

> *QUARTUM, quia facilius dispensatur cum fure, quam cum homicida voluntario, ut patet* ex C. sicut dignum, de homicidio, num. 2. fol. 315. *Decian.* in tract. crim l. 9. cap. 17. num. 18. *Matfil.* in l. 1. num. 3. ff. ad legem Cornel. de sicar. *cum Socino,* Grauius esse homicidium adulterio*, probant ex textu in* C. si quid verius, dist. 30. quaest. 2. L. Quamvis *e circumstantiis, ut in adulterio, et furto famoso, contrarium dicendum sit, ut docet Decius* consil. 65. l. 1.

11 BUT THE TRUE reason of the whole thesis is, because the harm inflicted by death is irreparable; but the harm from adultery and theft is per se repairable, since it concerns goods more extrinsic, as Fagundez says, *cap. 1. num. 3.*, with St. Bonav.; and surely a man simply values life more than riches, fame, and honor, as the holy Doctor says *in 3. dist. 37. art. 2. quaest. 1. in corpore;* for it is against the very being of the individual, and against the more intrinsic good.

> *VERA autem ratio totius assumpti est, quia damnum illatum per mortem est irreparabile; at damnum ex adulterio, et furto, est per se reparabile, cum sit circa bona magis extrinseca, ut ait Fagundez* cap. 1. num. 3. *cum S. Bonau. ac sane homo simpliciter pluria aestimat vitam, quam diuitias, famam, et honorem, ut ait S. Doctor* in 3. dist. 37. art. 2. quaest. 1. in corpore; *est enim contra ipsius esse individui, et contra bonum magis intrinsecum.*

12 ALTHOUGH he adds there that fornication is against the due preservation of the species, still the harm inflicted on one's neighbor is less; nor is the damage to the species in one act of adultery so great as in homicide.

> *QUAMVIS autem ibi addat, fornicationem esse contra debitam conservationem speciei, tamen damnum illatum proximo est minus; neque tanta est damnificatio speciei in una moechia, quantum est in homicidio.*

13 HOMICIDE, says St. Bonav. above, with St. Augustine, *epist. 54.*, is taken in a twofold way: for either it is from private authority or from public; and both, if done in an illicit manner, are prohibited,

Exodus 20. Deuter. 5. It will be illicit privately, if it be done without the necessity of blameless defense; but public, by a Judge or Prince, if someone is killed against justice. For although Princes are commanded to punish the wicked, even by death, as was said to Moses, *Exodus 23: You shall not suffer the wizards to live;* yet at the same time it is also commanded that they do not kill the innocent against justice, nor even the guilty in undue ways, as the holy Doctor teaches *in 3. at the place cited.*

> *HOMICIDIUM, inquit D. Bonau. supra cum S. August.* epist. 54. *bipartite accipitur: Aut enim est ab authoritate privata, aut a publica; et utrumque, si illicito modo fiat, prohibetur* Exodi 20. Deuter. 5. *Erit autem illicitum privatim, si fiat absque necessitate inculpatae tutelae; publicum vero a Iudice, vel Principe, si contra iustitiam aliquis occidatur. Quamvis enim Principibus praecipiatur, ut scelestos puniant, etiam morte, sicut dictum est Moysi* Exodi 23. Maleficos non patieris vivere; *tamen simul etiam praecipitur ne contra iustitiam insontem, aut nec ipsum reum indebitis modis interficiant, ut docet S. Doct.* in 3. loc. cit.

14 IT IS INDEED NECESSARY for the safety of the commonwealth that robbers, cutthroats, assassins, and traitors be punished; and this power, or this sword of justice, was given by God, as the Apostle says, *Rom. 13: Let every soul, that is, every man, as St. Augustine expounds, tract. 105. on John, be subject to the higher powers. If you do evil, fear: for he bears not the sword without cause.* For they bear it to repel the evils which run rampant through the world in the body of the commonwealth, as St. Thom. teaches, *2. 2. quaest. 64. art. 1.* For as a public member is cut off in the human body so that the safety of the whole body be consulted, so a noxious member of the commonwealth is deservedly removed from the midst, lest it corrupt the whole political body. But then a man is killed by a Judge not as a man, but as a criminal; and therefore out of hatred of malice and zeal for justice he is lawfully and deservedly put to death, as the holy Doctor sets forth *in 2. dist. 44. art. 3. quaest. 1. and in 3. dist. 37. dub. 5. litt. and in the little work on the ten precepts, cap. 6.*, where he subdivides several other ways in which a man is killed privately, of which below.

> *NECESSARIUM est sane saluti Reipublicae, ut latrones, sicarii, assassini, et proditores puniantur, et haec potestas, seu hic gladius iustitiae datus est a Deo, ut ait Apostolus* Rom. 13. Omnis anima, hoc est, omnis homo, ut exponit S. August. tract. 105. in Ioan. potestatibus sublimioribus subdita sit. Si malum feceris, time: non enim sine causa gladium portat. *Portant enim ad referenda mala, quae grassantur per orbem in corpore Reipublicae, ut docet D. Thom.* 2. 2. quaest. 64. art. 1. *Sicut enim membrum publicum praescinditur in corpore humano, ut saluti totius corporis consulatur; ita membrum Reipublicae noxium merito e medio tollitur, ne totum corpus politicum corrumpat. Tunc autem homo occiditur a Iudice, non ut homo, sed ut scelestus; et ideo odio malitiae, zeloque iustitiae, iure, ac merito perimitur, ut edisserit S. Doct.* in 2. dist. 44. art. 3. quaest. 1. et in 3. dist. 37. dub. 5. litt. et opusculo de decem praeceptis, cap. 6. *ubi plures alios modos subdiuidit, quibus homo privatim occiditur, de quibus infra.*

15 From what has been said you have that not every killing of any living thing is forbidden, but only of men. Therefore it is lawful to cut plants and herbs, as is said *Genesis 1: Behold I have given you every herb, and all trees, that they may be to you for food,* and cap. 9: Every thing that moves and lives shall be food for you. And Aristotle acknowledged this too, lib. 1. Politics, cap. 5. and 6. Therefore St. Augustine, lib. 1. on the city of God, cap. 20: With most just ordination the Creator subjected both the life and the death of all living things to our uses. This is proved by the holy Doctor with very many passages of Scripture everywhere. Wherefore he deduces from the places alleged, with St. Thom. art. 1., whom others imitate, that the Manichaeans were senseless and foolish who cried out that by this precept it was forbidden to kill not only brutes but even plants. For all these things were made for the sake of man, for his use, as the Lord declares in the places alleged, and as our holy

Doctors argue. Hence, after it was granted to men in Genesis 9. to kill animals, the prohibition of killing man is added, the reason of which the Lord gives: *For man was made after the image of God.* In what ways it is illicit, and in what ways lawful, to kill a man, I shall set forth below.

Ex dictis habes, non vetari omnem occisionem cuiuscumque viventis, sed solum hominum. Itaque licet secare plantas, et herbas, ut dicitur Genesi 1. Ecce dedi vobis omnem herbam, et universa ligna, ut *sim vobis in escam, et cap. 9. Omne quod movetur, et vivit, erit vobis in cibum. Et hoc agnovit etiam Aristoteles lib. 1. Polit. cap. 5. et 6. Ideo S. August. lib. 1. de civit. cap. 20. Iustissima ordinatione Creatoris et vitam, et mortem omnium animantium nostris usibus subdidit. Id vero plurimis scripturis probatur a S. Doctore passim. Quare deducit allegatis locis cum D. Thom. art. 1. quos alii imitantur, insulsos, et stultos fuisse Manichaeos, qui hoc praecepto clamabant, prohiberi occidere ne dum bruta, sed etiam plantas. Sunt enim omnia haec facta propter hominem ad usum eius, ut protestatur Dominus allatis locis, et arguunt SS. Doctores nostri. Hinc concesso hominibus Genes. 9. occidere animalia, subditur prohibitio occidendi hominem, cuius rationem affert Dominus:* Ad imaginem quippe Dei factus est homo. *Quibus autem modis illicitum sit, et quibus licitum hominem occidere, infra edisseram.*

Question II: On homicide of deliberate purpose, by ambush, and by treachery

1 A MAN is killed in a threefold way: by Accident, by Necessity, and by Will, as the holy Doctor notices, sermon 6. on the ten precepts: But in the first part of the Centil. sect. 31. he adds the Homicides of Justice; and since we treat of the sin of homicide, we must first treat of that which is more voluntary, such as those placed in the title, which are called qualified Homicides, each of which always has the punishment of death enjoined: l. 3. C. de Episcopali audientia, l. si servus, C. de his, qui ad Ecclesiam confugiunt, l. 3. §. of the Law Cornelia. And l. Qua caedem, ff. de sicariis, l. Poena, ff. on Parricide, §. Likewise the Law Cornelia, t. of the Instit. on public judgments.

De homicidio a proposito doloso, insidioso, et proditorio.

TRIPLICITER homo occiditur, Casu, Necessitate, et Voluntate, ut advertit S. Doct. serm. 6. de decem praeceptis: Sed prima parte Centil. sect. 31. Homicidia Iustitiae addit, et quia de peccato homicidii agimus, oportet prius de eo, quod est magis voluntarium disserere, qualia sunt posita in titulo, quae dicuntur Homicidia qualificata, quaeque semper habent poenam mortis iniunctam l. 3. C. de Episcopali audientia, l. si servus, C. de his, qui ad Ecclesiam confugiunt, l. 3. §. Legis Corneliae. Et l. Qua caedem, ff. de sicariis, l. Poena, ff. de Parricid. §. Item Lex Cornelia t. Instit. de publ. iud.

2 HOMICIDE from design (which we call, deliberated case) is that which is proved to have been premeditated for a long time. And although we cannot penetrate thoughts, yet we deduce it from the acts, for example, if he has elsewhere laid snares for him, if he has waited armed with assembled cutthroats in some place; if he has kept watch many days in some house,[1] etc.; if the slain man has been cruelly stabbed, cut down, mutilated in some members, for example the nose, ears, etc. It is said to be from design if, after 24 hours from the injury received, he kills, he being proved to have laid snares or plotted death, by calling together companions, sending out scouts, etc. All which things are entrusted to prudent judgment, as Julius Clarus warns, l. 5. sent. §. Homicidium, num. 8. Therefore one guilty of such must be punished with the ordinary punishment, which is death. So Salicet. l. 15. Qui cum telo, C. de sicariis. And l. 1. ff. extraord. Couar. on the Clementine, si furiosus, at the beginning of the second part; Ioan. Igneus l. 1. §. occisorum, num. 41. ff. ad Syll. Iul. Clar. §. Finali, 9. quaest. 1.

[1] Editor's note: the print reads 'attendetit multos dies in aliqua domo'; 'attendetit' is a corrupt verb form; rendered 'attendebat' (kept watch/lingered), the reading required by the insidiis context.

HOMICIDIUM a proposito (quod nos vocamus, caso pensato,) est quod longo ex tempore praemeditatum probatur. Quamvis autem cogitata non possimus penetrare, tamen ex actis eam deducimus, puta, si alias insidias extruxerit illi, si armatus cum adunatis sicariis expectaverit in aliquo loco; attendetit multos dies in aliqua domo, etc. si occisus fuerit crudeliter confossus, trucidatus membris aliquibus, puta naso, auribus, mutilatus, etc. Dicitur autem a proposito si post 24. horas ab accepta iniuria; quibus probatur insidias, vel necem molitus, advocando socios, mittendo exploratores, etc. interficiat. Quae omnia prudenti iudicio demandantur, ut monet Iulius Clarus l. 5. sent. §. Homicidium, num. 8. Itaque huiusmodi poena ordinaria, quae est mortis, puniendus. Ita Salicet. l. 15. Qui cum telo, C. de sicariis. Et l. 1. ff. extraord. Couar. in Clementina, si furiosus, initio secunda partis Ioan. Igneus l. 1. §. occisorum, num. 41. ff. ad Syll. Iul. Clar. §. Finali, 9. quaest. 1.

3 TREACHEROUS homicide, which almost always carries with it guile and fraud, is when someone awaits a man in a hidden place and kills him as he comes, or treacherously, feignedly, and by simulation, having summoned him, kills him in the house in which he is. But it can be treacherous and yet not from design, if he be killed in the heat of anger within the day. He is punished with the punishment of death, as the alleged laws and the expositors of the law decree, with St. Bonav. in the Dieta, tit. 3. cap. 4.

HOMICIDIUM insidiosum, quod fere semper coniunctum habet dolum, et fraudem, est, cum aliquis occulto in loco aliquem expectat, illumque advenientem occidit, vel insidiose, ficte, et simulate in domum, in qua est, vocatum interficit. Potest autem esse insidiosum, et tamen non e proposito, si in calore irae occidatur intra diem. Is autem poena mortis punitur, ut statuunt allegatae leges, et Legis expositores cum D. Bonav. in Dieta, tit. 3. cap. 4.

4 TRAITOROUS homicide is that which is committed traitorously, no other injury intervening, no hatred, no quarrel preceding; as he who kills a companion of his journey, or, feigning himself a friend, kills. So St. Bonav. in the mirror of the soul, cap. 1. about the middle; Barthol. l. to be regarded, §. Delinquant, num. 1. ff. de poenis. Igneus on the Law, si certus, §. si unus ex dominis, ff. ad Syll. after number 44. Iul. Clar. l. 5. sent. §. Homicidium, num. 10. These are condemned to the punishment of death, as the Laws above alleged decree; and they are excluded from the immunity of the Church, just as those who killed treacherously were also excluded; and those who killed from design were excluded by the old law.

PRODITORIUM homicidium est illud, quod proditorie committitur, nulla alia intercedente iniuria, nullo odio, nulla rixa praecedente, ut qui socium itineris interficit, vel fingens se amicum, necat. Ita D. Bonav. in speculo animae, cap. 1. circa medium Barthol. l. respiciendum, §. Delinquant, num. 1. ff. de poenis. Igneus in Lege, si certus, §. si unus ex dominis, ff. ad Syll. post numerum 44. Iul. Clar. l. 5. sent. §. Homicidium, num. 10. Hi poena mortis damnantur, ut decernunt Iura supra allegata; et ab immunitate Ecclesiae excluduntur, sicuti exclusi sunt etiam insidiatorie occidentes; et ex proposito interficientes excludebantur iure veteri.

5 The holy Doctor shows all this most beautifully in the Biblioth. loc. 19, cited from Scripture; for Joab the General, united to King David by blood and faithful, yet because he had killed Abner, 2 Reg. 3. from design and with guile, and Amasa, 2 Reg. c. 20. traitorously, kissing him, the dying holy King condemned him, and commanded Solomon his son: 3 Reg. 2: *Thou also knowest what Joab the son of Saruiae did to me, what he did to the two generals of the army of Israel, Abner the son of Ner, and Amasa the son of Iether: whom he slew, and shed the blood of war in peace. Do thou therefore according to thy wisdom, and let not his grey head go down to the grave in peace.*

Id totum praeclare ostendit S. Doct. in Bibl. loc. 19 cit. ex Scriptura; nam Ioab Dux, Regi Dauidi sanguine coniunctus, atque fidelis, tamen quia occiderat Abner. 2. Reg. 3. ex proposito, et dolose; et Amasam 2. Reg. c. 20. proditorie,

osculans eum, damnavit eum Sanctus Rex moriens, et praecepit Salomoni Filio: 3. Reg. 2. Tu quoque nosti, quae fecerit mihi Ioab filius Saruiae, quae fecit duobus principibus exercitus Israel, Abner filio Ner, et Amasae, filio Iether: quos occidit, et effudit sanguinem belli in pace. Facies ergo iuxta sapientiam tuam, et non deduces canitiem eius pacifice ad inferos.

6 STRAIGHTWAY Solomon the King, most wise and most just, commanded Banaiae to kill him. And because he fled to the Temple and laid hold of the horn of the Altar, and would not go out, Solomon commanded that he be killed in the Temple: whence he killed him.

STATIM vero Salomon Rex sapientissimus, et iustissimus, eum occidendum mandavit Banaiae. Et quia ille fugit ad Templum, et apprehendit cornu Altaris, et noluit exire; praecepit Salomon, ut occideretur in Templo: Unde interfecit eum.

7 From this it is deduced, with the holy Doctor, that such traitorous homicides are excluded from ecclesiastical immunity.

Ex quo deducitur cum S. Doctore, tales homicidas proditores exclusos esse ab Ecclesiastica immunitate.

8 And indeed Doctors taught commonly that homicides also from design are excluded: Suarez t. 1. l. 3. de relig. cap. 11. Nauar. summa cap. 25. Couar. l. 2. var. cap. 20. Julius Clar. l. 5. sent. §. finali, quaest. 30. Guido Papa decis. 121. Bouërius decis. 109. Alex. consil. 145. num. 46. Corrad. in pract. fol. 268. Blancus in pract. fol. 4. num. 26. Ordinatio Lusitana in nouis lib. 2. tit. 5. Gambacurt. l. 5. cap. 4. num. 19. Fagundez on the 5th Precept, l. 5. cap. 1.

Et quidem homicidas etiam a proposito exclusos docebant communiter Doctores, Suarez t. 1. l. 3. de de relig. cap. 11. Nauar. summa cap. 25. Couar. l. 2. var. cap. 20. Iulius Clar. l. 5. sent. §. finali, quaest. 30. Guido Papa decis. 121. Bouërius decis. 109. Alex. consil. 145. num. 46. Corrad. in pract. fol. 268. Blancus in pract. fol. 4. num. 26. Ordinatio Lusitana in nouis lib. 2. tit. 5. Gambacurt. l. 5. cap. 4. num. 19. Fagundez in 5. Praeceptum, l. 5. cap. 1.

9 Of homicides also from snares they assert that they are excluded: Julius Clarus, Suarez, Nauartus cited, Remigius on the immunity of the Church, fallentia 13. Fagundez loc. cit. num. 19.

De homicidiis etiam ex insidiis asserunt excludi Iulius Clarus, Suarez, Nauartus citati, Remigius de immunitate Ecclesiae, fallentia 13. Fagundez loc. cit. num. 19.

10 NOW, however, Gregory XIV. by his Constitution excludes from these only those who kill traitorously, correcting the common law, cap. 1. on Homicide. And thus Clement VIII. declared in a certain Brief to the Archbishop of Palermo, in the year 1597, on the 6th of February; which is found in Marcus Antonius Genuensis in praxi, cap. 76., as Diana relates, p. 1. Tract. on the immunity of the Church, resol. 1., where he shows that by that Bull Gregory revokes all the former privileges and all the customs, and he cites very many Doctors. See Riccius p. 5. collect. 1791. Peregrin. on Immunity, cap. 7. Bonacina Tract. on the Laws, disp. 3. quaest. 7. §. 6.

NUNC tamen Gregorius XIV. excludit sua Constitutione, ex his, solos proditorie occidentes, corrigens ius commune cap. 1. de Homicidio. Sic autem declaravit Clemens VIII. in quodam Breui, ad Archiepiscopum Panormit. anno 1597. die 6. Februarii; qui habetur apud Marcum Antonium Genuensem in praxi, cap. 76. ut refert Diana p. 1. Tract. de immunitate Ecclesiae, resol. 1. ubi ostendit Gregorium reuocare ea Bulla omnia priuilegia, et omnes consuetudines, et refert plurimos Doctores. Vide Riccium p. 5. collect. 1791. Peregrin. de Immunitate, cap. 7. Bonacinam Tract. de Legibus, disp. 3. quaest. 7. §. 6.

11 MOREOVER, that the one who kills traitorously is excluded was taught also by Iul. Clar. l. 5. sent. §. Homicidium, num. 10. Couar. l. 2. variarum, cap. 20. num. 7. Gomez cap. 10. on crimes; Remig. on the immunity of the Church fol. 225. Placa lib. 1. delict. cap. 21. Igneus on l. 1. si Dominus, num. 7. ff. ad Syll. Milleus in pract. crim. fol. 32. Fagundez num. 21.; and Covarruvias testifies that this is the custom of the whole world.

PORRO excludi proditorie occidentem, docuere etiam Iul. Clar. l. 5. sent. §. Homicidium, num. 10. Couar. l. 2. variarum, cap. 20. num. 7. Gomez cap. 10. de delictis Remig. de Immunitate Ecclesiae fol. 225. Placa lib. 1. delict. cap. 21. Igneus in l. 1. si Dominus, num. 7. ff. ad Syll. Milleus in pract. crim. fol. 32. Fagundez num. 21. et hanc esse consuetudinem totius orbis testatur Couar.

12 NOTE, however, that in St. Bonaventure Abner also was the traitor killed by Joab; for, although he had formerly been an enemy and had killed Asaëlem the brother of Joab, yet he had been reconciled, and he killed him under the appearance of friendship, or of reconciliation; which very many also think. Hence much more are kinsmen excluded.

ADVERTE tamen apud D. Bonaventuram proditorie esse occisum a Ioab etiam Abner; quia, licet fuisset olim inimicus, et occidisset Asaëlem fratrem Ioab; tamen reconciliatus est, et sub specie amicitiae, seu reconciliationis, eum occidit, quod idem sentiunt plurimi. Hinc multo magis assassini excluduntur.

13 NOTE also, with Diana resol. 5., that long after the Bull had been published, some, interpreting it otherwise, asserted the opposite of that sentence: but others wrote against it for this reason, as Fagundez and Portellus, because they dwell in Spain, where the Bull of Gregory was not received.

ADVERTE etiam cum Diana resol. 5. multo post Bullam editam, oppositum sententiae asseruisse ipsam aliter interpretantes: alios vero ideo scripsisse contra, ut Fagundez, et Portellum, quia in Hispania degere ubi Gregorii Bulla non est usa recepta.

14 AS FOR the intermediary of assassination, they teach that he enjoys ecclesiastical immunity: Antonius Novatius in summa Bullarum, tit. on the Immunity of the Church, num. 72., who cites the other Novarius Ronius and Gambacurtus, with whom Diana subscribes, p. 4. tract. on the immunity of the Church, resol. 109. and resol. 33., where he also relates that Antonius de Marinis in resol. quotidian. cap. 171., Gambacurtus on the immunity of the Church l. 5. cap. 34. num. 14., Masculus in his addition to Capyc. decis. 112. The reason is, because the Doctors, in C. pro humana, on homicide, in 6., state that the intermediary does not fall under the name of assassin; and that this was decided in the Sacred Consistory in the year 1615, Rovitus relates in pragm. 1. on assassination, num. 49. But in the Bull of Gregory XIV. only the assassins are excluded from immunity: therefore not the intermediaries.

QUOAD mediatorem assassinii, ipsum gaudere immunitate Ecclesiastica docent Antonius Novatius in summa Bullarum, tit. de Immunit. Ecclesiae, num. 72. qui citant alterum Novarium Ronium, et Gambacurtam, quibus subscribit Diana p. 4. tract. de Immun. Ecclesiae, resol. 109. et resol. 33. ubi refert etiam Antonium de Marinis in resol. quotidian. cap. 171. Gambacurtam de immunitate Ecclesiae l. 5. cap. 34. num. 14. Masculum in addit ad Capyc. decis. 112. Ratio est, quia Doctores in C. pro humana, de homicidio, in 6. afferunt, sub nomine assassinii non venire mediatorem, et sic fuisse decisum in Sacro Consist. anno 1615. refert Rovitus in pragm. 1. de assassinio, num. 49. in Bulla autem Gregorii XIV. excluduntur ab immunitate soli assassini: Ergo non mediatores.

15 WHETHER, however, one who kills an infidel traitorously enjoys immunity: Ambrosius on immunity, cap. 7. Bonacina on the decal. disp. 3. quaest. 7. p. 6. §. 3. num. 6. bring forward that he

does, because the infidel does not seem to be our neighbor: But Gregory excludes only the one who kills his neighbor traitorously. Ambrosinus argues, moreover, because if an assassin [killing an infidel] enjoys it, much more the traitor, since assassination is graver than treachery.

> *AN vero, quis, proditorie occidens infidelem, gaudeat immunitate, afferunt Ambrosius de immunitate, cap. 7. Bonacina in decal. disp. 3. quaest. 7. p. 6. §. 3. num. 6. quia non videtur noster proximus: At Gregorius excludit solum occidentem proditorie proximum. Arguit autem Ambrosin. quia si assassinus infidelem ea gaudet, multo magis proditor, cum maius sit assassinium proditione.*

16 BUT assassins and those who command them are excluded from immunity, as Doctors commonly teach, cited by Fagundez on the 5th Precept of the decal. l. 5. cap. 1. n. 22. Now the assassins are a certain kind of men in Syria, subject to Christian lords, believing that they will be saved if they kill men at the command of their lords. So Suarez judges, T. 5. in 3. p. disp. 23. sect. 5. Couar. l. 2. var. cap. 20. num. 9. and others, cited by Fagundez num. 25.

> *ASSASSINI autem, et mandantes excluduntur ab immunitate, ut communiter docent Doctores apud Fagundez in 5. Praeceptum decal. l. 5. cap. 1. n. 22. Sunt autem assassini quoddam genus hominum in Syria, subditi Christianis Dominis, credentes, se salvandos, si homines ex Dominorum suorum iussu occidant. Ita censent Suarez T. 5. in 3. p. disp. 23. sect. 5. Couar. l. 2. var. cap. 20. num. 9. et alii apud Fagundez num. 25.*

17 BUT others say that the assassins are those who, lying in wait on the roads, kill men. But Julius Clarus, l. 5. sent. §. Assassini, and Bossius in the Counsel, on the command to homicide, num. 16., and others say less severely that these do not incur the punishments of assassins established in cap. 1. on homicide, in 6.

> *ALII vero assassinos dicunt eos esse, qui, in viis insidiantes, homines interimunt. Minus vero severe Iulius Clarus l. 5. sent. §. Assassini, et Bossius in Consilio, de mandato ad homicidium, num. 16. et alii dicunt hos, assassinorum poenas, cap. 1. de homicid. in 6. statutas, non incurrere.*

18 INDEED those who, lying in wait on the roads, kill men are truly assassins, and therefore are to be mulcted with their punishment, as St. Bonav. also seems to assert in the little work on the ten precepts, cap. 6., where he calls them robbers; for so they are called also in Italy. For these have their own Chiefs, whom they obey, after the manner of the Syrians. The authors of this opinion are Imola, and Geminianus on cap. 1. on homicide, in 6. Barthol. on l. Non solum, §. si mandatu, ff. de iniuriis. Salicetos on l. ea quidem, C. de accusat. and others, cited by Julius Clar. l. 5. sent. §. Assassini.

> *PROFECTO illi, qui in viis insidiantes interimunt, sunt vere assassini, ideoque eorum poena mulctandi, ut videtur asserere etiam S. Bonav. in opusc. de decem praeceptis, cap. 6. ubi eos latrones appellat; sic enim etiam in Italia vocantur. Hi enim habent suos Duces, quibus obediunt, ad modum Syrorum. Authores huius sententiae sunt Imola, et Geminianus in cap. 1. de homicid. in 6. Barthol. in l. Non solum, §. si mandatu, ff. de iniuriis. Salicetos in l. ea quidem, C. de accusat. et alii apud Iulium Clar. l. 5. sent. §. Assassini.*

19 YOU WILL SAY that in cap. 1. on homicide, in 6., the punishment of death is established only for those who command the assassins, because the assassins are infidels, outside the law of the Church.

> *DICES in cap. 1. de homicid. in 6. statuitur poena mortis solis mandantibus assassinos, eo quod assassini sint infideles, extra ius Ecclesiae.*

20 Fagundez ANSWERS, num. 25., that it was enough for the Pontiff to impose the punishment on those who command; for if these did not command, neither would the assassins go out to homicides.

RESPONDET Fagundez num. 25. satis fuisse Pontifici, poenam mandantibus imponere; nam si hi non mandarent, neque assassini irent ad homicidia.

21 I SAY therefore that excommunication is imposed only on those who command, inasmuch as they are Christians; not on the Syrian assassins, infidels; but the punishment of death is understood, from all the laws, to be common to these and to those.

DICO igitur, mandantibus solis, utpote Christianis, imponi excommunicationem; non assassinis Syris infidelibus; at poena capitis intelligitur, ex omnibus legibus, his et illis communis.

22 BUT that those who travel on the roads, whom we call assassins, are robbers, the holy Doctor shows on those words of Luke, 10: *And he fell among robbers*, which he proves also by Jeremiah 3: *On the ways you sat, waiting for them, like a robber in the wilderness.*

EOS vero, qui in viis pergunt, quos vocamus assassinos, esse latrones ostendit S. Doct. ad ea verba Lucae, 10. Et incidit in Latrones*, quod probat illo etiam Hier. 3.* In viis sedebas, expectans eos, quasi latro in solitudine.

23 Of these it is said, Proverbs 1: *Their feet run to evil, and make haste to shed blood.* He intimates the same on cap. 19 of Luke, on those words: *You have made it a den of robbers.*

DE his ait dici, Prouerb. 1. Pedes illorum ad malum currunt, et festinant, ut effundant sanguinem. *Idem innuit ad cap. 19. Lucae ad ea verba:* Fecistis eam speluncam latronum.

Question III: Whether one who commands a homicide is to be burdened with the same guilt and punishment as the one who carries it out

1 THE FIRST opinion is that the punishment is not the same for both, just as neither is the guilt. Thus many, cited by Julius Clarus, book 5 of his Sentences, §. final, question 89.

An Mandans, eadem culpa, et poena cum Mandatario gravandus sit.

PRIMA opinio est, non esse eandem utriusque poenam, sicuti nec culpam. Ita multi apud Iulium Clarum l. 5. sent. §. finali, quaest. 89.

2 THE SECOND opinion is assertive. Thus D. Bonaventure in the Bibliotheca pauperum, cap. 85, which he proves from the Scriptures, which impute to the one commanding that he killed, and that he is to be punished with the murderer's penalty. He is followed by Fatinacius t. 4. question 134. on consultations, cap. 2. number 93. Bartholomew on the book alone, ff. de iniuriis. And on the law Caetero, ff. de poenis, the Abbot on the chapter Nihil, number 9. on election. Jason on the authentic quaest. act. number 17. C. de Sacrosanctis Ecclesiis, Salzedo cap. 67. number 6. Curtius Junior consil. 237. Corra on the word, mandans homicid. Carretto in practice, fol. 331. after number 113. Julius Clarus §. final, question 89. Decius on l. 15. damnum, ff. de reg. iuris. The Abbot on C. Licet, number 3. on tithes. And C. Qui facit, de reg. iuris, l. 6.

SECUNDA sententia est assertiva. Ita D. Bonav. in Bibl. pauperum, cap. 85. quod probat e Scripturis, adscribentibus mandanti, quod occiderit, et sit poena occisoris puniendus. Eum sequuntur Fatinacius t. 4. quaest. 134. de consult. cap. 2. num. 93. Barthol. in l. solum, ff. de iniuriis. Et in l. Caetero, ff. de poenis, Abbas in cap. Nihil, num. 9. de elect. Iason in authent. quas act. num. 17. C. de Sacrosanctis Ecclesiis, Salzedo cap. 67. num. 6. Curtius Iunior consil. 237. Corra in verbo, mandans homicid. Carret. in pract. fol. 331. post numerum 113. Iulius Clar. §. finali, quaest. 89. Decius in l. 15. damnum, ff. de reg. iuris. Abbas in C. Licet, num. 3. de decimis. Et C. Qui facit, de reg. iuris, l. 6.

3 I ADMIT however, that as to punishments the tenor of the laws must be observed, which often decree them against the one commanded, and often even against the one commanding. Thus many distinguish, cited by Fagundez on the 5th precept, book 5. cap. 1., with whom he himself agrees, positing by this distinction a middle opinion.

> *ADMITTO tamen, quod poenas observandum tenorem legum, quae saepe in mandatarium decernunt, saepe etiam in mandantem. Sic distinguunt multi apud Fagundez in 5. praeceptum, l. 5. cap. 1. quibus ipse subscribit, statuens hac distinctione mediam sententiam.*

4 I ASSERT, with D. Bonaventure, that the one commanding a killing is to be mulcted with the same punishment as the one who killed.

> *ASSERO cum D. Bonaventura, mandantem occidere, eadem cum occisore poena mulctandum.*

5 IT IS PROVED by him from 1 Kings 22, where Saul commanded Doeg the Edomite to kill Abimelech, and the others to destroy unto extermination the inhabitants of Nobe. *And Nobe, the city of the Priests, he smote with the edge of the sword, both men and women, children and sucklings: and he smote it by command.* [1 Reg. 22:19]

> *PROBATUR ab ipso ex 1. Reg. 22. ubi Saül praecepit Doëgo Idumaeo, ut interficeret Abimelech, et aliis, ut delerent ad internecionem habitatores Nobe.* Nobe autem, civitatem Sacerdotum, percussit in ore gladii, viros, et mulieres, et parvulos, et lactentes: Et mandans percussit.

6 SO Judges 9: the men of Sichem killed the seventy sons of Prince Gedeon, as Joathan cried out, their surviving brother: *Hear me, ye men of Sichem: You have risen up against my father's house, and have killed his sons, seventy men, upon one stone. And yet it is said in the same place: Abimelech came into his father's house, and killed there his brothers, seventy men upon a stone.* Thus the one who commands alone is here named the homicide, as the Holy Doctor notes.

> *SIC Iudicum 9. viri Sichem occiderunt septuaginta filios Principis Gedeonis, ut clamabat Ioathan, eorum germanus superstes:* Audite me viri Sichem: Surrexistis contra domum patris mei, et interfecistis filios eius septuaginta viros super unum lapidem. Et tamen ibidem dicitur: Venit Abimelech in domum patris sui, et occidit ibi fratres suos, 70. viros super lapidem. *Ita solus mandans nominatur homicida hic, ut notat S. Doctor.*

7 THE SAME appears in 2 Kings 12, where David caused Urias to be killed, and yet he is said to have committed the murder. Thus says Nathan: *Thou hast slain Urias the Hethite with the sword of the children of Ammon.*

> *IDEM apparet 2. Reg. 12. ubi David fecit, ut occideretur Urias, et tamen ille dicitur homicidium exequutus. Sic ait Nathan:* Uriam Hethaeum occidisti gladio filiorum Ammon.

8 MANY other examples are adduced by the Holy Doctor in that place.

> *PLURIMA alia exempla recenset S. Doctor eo loco.*

9 The reason is intimated by the Holy Doctor *in the Mirror of the Soul, cap. 3. and 4.*, because sins which are placed against justice in inflicting harm have their malice, gravity, and demerit in this: that harm is brought in by the one commanding, who also introduces the executor; and he who does through another is held to do through himself, according to the rule of Law in 6.

Ratio innuitur a S. Doctore in speculo animae, cap. 3. et 4. *quia peccata, quae contra iustitiam in damno inferendo posita sunt, in hoc habent suam malitiam, gravitatem, atque demeritum: At damnificatio infertur a praecipiente, qui inducit etiam executorem, et per alium faciens, per se ipsum facere censetur, iuxta regulam Iuris in 6.*

10 THEN acting and consenting are punished with equal penalty, in cap. 1. where the Gloss, v. pari poena, de officio Iudicis delegati, and there commonly the Doctors. And in C. Notum, at the end, dist. 2. question 1. and C. Facientis, at the end, dist. 86. and cap. 1. de homicid. in 6.

DEINDE agentes, et consentientes pari sunt poena puniendi in cap. 1. ubi Glossa v. pari poena, de officio Iudicis delegati, et ibi communiter Doctores. Et in C. Notum, in fine, dist. 2. quaest. 1. et C. Facientis, in fine, dist. 86. et cap. 1. de homicid. in 6.

11 WHEREFORE such a one commanding merits the punishment of death according to the rule of law, which holds that they make one cause with the actors or executors. And the Holy Doctor takes up this argument *cap. 3. of the mirror of the soul.* And he confirms it from cap. 1. of Romans, where D. Paul enumerates nearly all crimes; he especially adds homicides, full (he says) of murder: *Who, when they had known the justice of God, did not understand; because they who do such things are worthy of death; and not only they that do them, but they also that consent to them that do them.* And he speaks of eternal punishments, as Fagundez also saw, number 27; thus the Jurisperiti hold commonly, cited by Fagundez numbers 21. and 30. l. *ad Legem, si quis non dicam*, C. *de Episcopo*.

QUARE talis mandans poenam mortis meretur iuxta reg. iuris, quae unam faciunt causam cum agentibus, seu exequentibus. Hoc autem argumentum assumit S. Doct. cap. 3. speculi animae. *Idque confirmat ex cap. 1. ad Rom. ubi D. Paulus recenset crimina fere omnia ; praecipue apponit homicidas, plenos (ait) homicidio :* Qui cum iustitiam Dei cognovissent, non intellexerunt ; quoniam, qui talia agunt, digni sunt morte, et non solum, qui ea faciunt, sed etiam qui consentiunt facientibus. *Loquitur autem de poenis aeternis, ut vidit etiam Fagundez num. 27. sic tenent communiter Iurisperiti apud Fagundez num. 21. et 30. l.* ad Legem, si quis non dicam, *C.* de Episcopo.

12 IT IS CERTAIN also that, the effect having followed, the one commanding is irregular, as the Holy Doctor shows in the *Confessionale, cap. 5. part 40. who has given counsel, or command, or study, that a man be killed. Extra C. significasti enim, dist. 50. si quis viduam, de poenit. dist. 1. Periculose.*

CERTUM est etiam, mandantem, effectu secuto, esse irregularem, ut ostendit S. Doct. in Confessionali, cap. 5. partic. 40. qui consilium, vel mandatum, vel studium dederit, ut homo occidatur. Extra C. significasti enim, dist. 50. si quis viduam, de poenit. dist. 1. Periculose.

13 INDEED, if the one commanded is killed by him against whom he came to kill, the one commanding is guilty and incurs irregularity, as the Doctors teach commonly, Sayrus de *censuris, l. 7. cap. 2. num. 12.* Reginaldus *t. 1. l. 30. tract. 2. cap. 11. sect. 1. num. 326.* Tabiena *v. irregularitas, 2. §. 12.* and others cited by Diana.

IMO si mandatus occidatur ab eo, ad quem occidendum venerat, reus est mandans, et irregularitatem subit, ut docent communiter Doctores, Sayrus de censur. l. 7. cap. 2. num. 12. *Reginaldus* t. 1. l. 30. tract. 2. cap. 11. sect. 1. num. 326. *Tabiena* v. irregularitas, 2. §. 12. *et alii apud Dianam.*

14 THE OPPOSITE, however, as to this point, they hold probable: Diana *Tract. 1. Miscell. resol. 17.* Bonacina *de censuris, disp. 7. quaest. 4. p. 7. num. 17.* Henriquez *l. 14. cap. 16.* Avila *de censuris, p. 7. disp. 6.*

sect. 2. dub. 5. Fagundez on the 5th *Precept of the decalogue, book 5. cap. 5. num. 30.*, who nevertheless says the former is more probable.

> *OPPOSITUM tamen quoad hoc probabile censent Diana* Tract. 1. Miscell. resol. 17. *Bonacina* de censuris, disp. 7. quaest. 4. p. 7. num. 17. *Henriquez* l. 14. cap. 16. *Avila* de censuris, p. 7. disp. 6. sect. 2. dub. 5. *Fagundez in 5.* Praeceptum decal. lib. 5. cap. 5. num. 30. *qui tamen priorem ait esse probabiliorem.*

15 HE ADMONISHES, however, with Diana, that even a Bishop can dispense in this case, because it is from casual homicide, according to the Council of Trent *session 14. de reformatione, cap. 7.*

> *ADMONET tamen cum Diana posse in hac dispensare etiam Episcopum, quia est ex homicidio casuali, iuxta Concilium Trident.* sess. 14. de reformat. cap. 7.

Question IV: Whether an attempted homicide, and other attempted crimes, are to be punished with the same penalty as the crime committed

1 IT IS PRESUPPOSED by the Holy Doctor, *cap. 5. of the Confessionale, part 38.*, that there are some sins whose attempt is not to be punished as if the effect had followed, and he derives it *from l. 1. ubi Doctores, ff. de extraord. criminibus.*

> An conatus homicidii, et aliorum, eadem poena cum delicto patrato, sit puniendus.
>
> *SUPPONIT S. Doct.* cap. 5. Confessionalis, particula 38. *aliqua esse peccata, quorum conatus non est ita puniendus, ac si effectus secutus fuisset, et deducitur* ex l. 1. ubi Doctores, ff. de extraord. criminibus.

2 AS TO the more atrocious crimes, it is the opinion of many that the attempt and the effect are to be punished with the same penalty: Thus the Jurisperiti commonly, *l. si quis alicui*, C. *ad l. Iulia Maiest.* Felinus *on cap. 1. de off. deleg.* Covarruvias *Clem. si furiosus, fol. 276.* Boërius *de sedit. praesupp. 7. num. 42.* Igneus *l. 1. §. si occisor num. 41. ff. ad Syll.* See Fagundez *l. 5. cap. 1. num. 43.*

> *QUOAD atrociora, est opinio multorum, eadem poena puniendum conatum et effectum : Ita communiter Iurisperiti* l. si quis alicui, *C.* ad l. Iulia Maiest. *Felin.* in cap. 1. de off. deleg. *Couar.* Clem. si furiosus, fol. 276. *Boër.* de sedit. praesupp. 7. num. 42. *Igneus* l. 1. §. si occisor num. 41. ff. ad Syll. *Vide Fagundez* l. 5. cap. 1. num. 43.

3 The second opinion is that this ought to be done by law; but that by the custom of the whole world one does not proceed so severely: Thus very many teach, cited by Fagundez: Afflictus *3. p. rubr. 24.* the Speculator in *tit. de accusat. §. 1.* Alexander *consil. 15. and 140.* Corsetus *in the repertory of the Abbot, word affectus*, Jason *on l. 1. §. final, ff. quod quisque iuris.* Boërius *decis. 316.* Carretto *in practice, fol. 186.* Baldus *consil. 361.* Angelus *l. 1. §. Final, ff. quod quisque iuris, and consil. 143.* where he says this custom is received throughout the whole world. Maranta *in the speculum, fol. 26.* Fulgosius *consil. 149.* Julius Clarus *§. Final, question 91.* Bertrandus *consil. 228.*

> *Secunda opinio est, de iure ita fieri debere ; de consuetudine autem totius orbis, non ita severe procedi : Ita docent plurimi apud Fagundez : Afflictus* 3. p. rubr. 24. *Speculator in* tit. de accusat. §. 1. *Alexander* consil. 15. et 140. *Corsetus* in repertorio Abbatis, verbo affectus, *Iaso* in l. 1. §. finali, ff. quod quisque iuris. *Boër.* decis. 316. *Carret.* in pract. fol. 186. *Baldus* consil. 361. *Angelus* l. 1. §. Finali, ff. quod quisque iuris, et consil. 143. *ubi ait, hanc consuetudinem esse toto orbe receptam. Maranta* in speculo, fol. 26. *Fulgosius* consil. 149. *Iulius Clarus* §. Finali, quaest. 91. *Bertrandus* consil. 228.

4 THE SERAPHIC DOCTOR, *cap. 5. of the Confessionale, part 38.*, says there are other cases in which one is bound by guilt of blood, even if he does not kill: namely one who has done something to a man

or woman, or given them something to drink, so that they cannot generate, or conceive, or the offspring be born.

> *SERAPHICUS* cap. 5. Confessionalis, particula 38. *ait, sunt alii casus, in quibus tenetur reatu sanguinis, licet non occidat, utpote qui viro, vel mulieri aliquid fecerit, vel ad potandum dederit, ut non possit generare, vel concipere, vel nasci soboles.*

5 THOSE indeed giving poisons to kill one who drinks, or the offspring, are punished with the penalty of death, *l. 1. and 3. at the beginning, ff. de sicariis si mors sequatur; but the effect not having followed*, the Doctors commonly establish an extraordinary, discretionary penalty. Thus Carrerius *in practice, fol. 281.* Conradus *practice, fol. 338.* Julius Clarus *l. 5. sent. §. Homicid. num. 13.* Fagundez *num. 45.*, who conclude that customs and the laws of one's country are to be kept in these cases.

> *VENENA sane dantes ad occidendum bibentem, vel sobolem, puniuntur poena mortis* l. 1. et 3. initio, ff. de sicar. si mors sequatur ; non secuto vero effectu, *communiter Doctores poenam extraordinariam arbitrariam statuunt. Ita Carrer.* in pract. fol. 281. *Conrad.* pract. fol. 338. *Iulius Clar.* l. 5. sent. §. Homicid. num. 13. *Fagundez* num. 45. *qui concludunt servandas consuetudines, et leges patrias in his casibus.*

Question V: What are the punishments of voluntary homicide

1 ATROCIOUS is the crime of parricide, which among the Romans, *l. poenis ff. ad l. Pompeiam de parricid.*, was punished with such a penalty, as the Holy Doctor relates, *cap. 3. of the Confessionale, part 17.* Parricides, well scourged with bloody rods, were sewn into a fresh hide together with a dog, a viper, a cock, and a monkey, and thrown into the sea or into a river, if these were near; if far off, they were exposed to wild beasts. Parricide, however, is committed only against a father, mother, grandfather, or grandmother, nor does the Holy Doctor will anything else. Whence the title, which is *De his qui filios occidunt*, includes rather the killers of a father; for the killers of sons are also called parricides; yet not in the strict sense, but of Fillicide. Whence the Egyptians, having transfixed the parricide with sharp reeds and penetrated him with the tiniest wounds, rolled him over thorns, and finally, fire applied, burned him in the thickets, the people looking on; the filicide, bound to a stake, they forced for three days to gaze upon his son's corpse before him. These indeed most unspeakable crimes are so called by Azorius *in summa*, Menochius *de arbitr. qq. l. 2. case 356.*

> Quae sint poenae Homicidii voluntarii.
>
> *ATROX flagitium est parricidium, quod apud Romanos* l. poenis ff. ad l. Pompeiam de parricid. *tali poena puniebatur, ut refert S. Doct.* cap. 3. Confessionalis, particula 17. *Parricidas sanguineis virgis optime verberatos recenti corio insutos cum cane, vipera, gallo, et simia in mare, vel in flumine proiiciebant, si haec essent vicina ; si vero remota, bestiis subiiciebantur. Parricidium autem in solum patrem, matrem, avum, vel aviam fit, neque aliud vult S. Doctor. Unde titulus, qui est* De his qui filios occidunt, *includit magis occisores patris ; nam parricidiae dicuntur etiam occisores filiorum ; tamen in rigore non sunt ; sed Fillicidii. Unde AEgyptii, qui parricidam calamis acutis transfixum, et vulneribus minutissimis penetratum super spinas volutabant, ac tandem igne applicito in dumetis comburebant, populo spectante ; Filicidam, stipiti alligatum, cogebant tres dies praesens filii cadaver inspicere. Haec sane infandissima scelera vocat Azorius* in summa, *Menoch.* de arbitr. qq. l. 2. casu 356.

2 At this time those horrible punishments have been changed into the ultimate penalty, with harsher discretionary punishments added at the judge's discretion. Thus the Doctors observe, cited by Fagundez.

Hoc tempore poenae ille horribiles, ultimo supplicio mutatae sunt, additis arbitariis severioribus, arbitrio Iudicis. Ita observant DD. apud Fagundez.

3 AS TO the execrable homicides indeed of the Person of the Supreme Pontiff, the Most Eminent Cardinals, and Bishops, I shall defer to *3. p. Tract. de Censuris.*

QUOAD homicidia vero execranda Personarum Summi Pontificis, Eminentiss. Cardinalium, et Episcoporum, differam 3. p. Tract. de Censuris.

4 THE ORDINARY punishments of Homicide established by law are enumerated by D. Bonaventure *in the Diaeta, tit. 3. cap. 4.* where he says: Threefold is the punishment of homicides, namely exile, the gibbet, and the impediment of irregularity. For homicides go into exile; but when they can be caught, they are hanged.

ORDINARII Homicidii poenas, iure statutas, recenset D. Bonav. in Diaeta, tit. 3. cap. 4. *ubi ait Triplex est homicidarum poena, scilicet exilium, patibulum, et irregularitatis impedimentum. Homicidae enim exulant ; quando autem possunt capi, suspenduntur.*

5 THEREFORE in the civil law the punishment fixed in advance for a homicide is death. It is clear *from l. 3. §. Patiatur, C. de Episcop. audientia. And l. Cornelia, de public. praedic. And l. poenis. §. Qui alias personas, ff. de parricid.* But notorious brigands it kills by hanging, *l. capita, §. Famosos, ff. de poenis.*

ITAQUE in iure civili poena homicidae praefixa, est mors. Patet ex l. 3. §. Patiatur, C. de Episcop. audientia. Et l. Cornelia, de public. praedic. Et l. poenis. §. Qui alias personas, ff. de parricid. *Famosos vero latrones suspendio enecat* l. capita, §. Famosos, ff. de poenis.

6 THE SAME the Holy Doctor shows *in the Bibliotheca pauperum, cap. 85. and on Luke 15, from the Divine law, Genesis 9: Whosoever shall shed man's blood, his blood shall be shed. And cap. 4.* Cain is mulcted by God with punishments graver than death, even though written Laws against homicides did not yet exist.

IDIPSUM ostendit S. Doctor in Bibliot. pauperum, cap. 85. et ad 15. Lucae, ex iure Divino, Genes. 9. Quicumque effuderit humanum sanguinem, effundetur sanguis illius. Et cap. 4. *Caïn poenis morte gravioribus mulctatur a Deo, etiamsi non adhuc Leges scriptae contra homicidas extarent.*

7 AND *Genesis 27.* Rebecca pronounced the sentence of death against her son Esau, if he should kill Jacob, as already decreed by God: *I shall be bereaved of both my sons*, because a homicide (says the Holy Doctor) ought to be reckoned as one already slain; that he might show this punishment of death to be so just that not even the chief men are exempted from it, as Julius Clarus warns *l. 5. sent. §. de homicidio, num. 28.* Covarruvias *l. 2. variar. cap. 9.* Angelus *on Law 3. §. Legis, ff. ad Legem Corneliam de sicaris.* Afflictus *p. 1. Constitution. regn. rubr. 13.* Ludovicus of Lucca *decis. 62.* Therefore also Christ decrees *Matthew 26.*: *All who take the sword shall perish with the sword*, as the Holy Doctor observes *sermon 6. on the ten commandments*, and with him Fagundez *l. 5. c. first, num. 6.* And *Apoc. 13. He that shall kill by the sword must be killed by the sword. Levit. 24. Whosoever shall strike and kill a man, shall die the death.* And soon after: *If anyone kill his neighbor by craft, thou shalt pluck him from my altar, that he may die.* Therefore the Holy Doctor observes in the *Bibliotheca, loc. cit.* that Joab, the commander of the armies, otherwise faithful and joined to Solomon by blood, on account of homicide, by the decree of the holy King David, was punished with death by Solomon, as I said above, who commanded him to be killed even beside the altar, though unwilling to be dragged from it, that he might show that not even the chief

men, illustrious in nobility, are to be spared. Therefore Christ threatens Princes with ruins and slaughters, *Luke 11. That all the just blood may come upon you*, as the Holy Doctor discourses on *Luke 11.*

> *ET* Genes. 27. *Rebecca protulit sententiam mortis contra filium Esau, si occidisset Iacobum, quasi iam a Deo statutam :* Utroque filio orbabor *quia homicida (ait S. Doctor) debet reputari tanquam occisus ; ut ostenderet, hanc poenam mortis adeo iustam esse, ut neque primores ab ea eximantur, ut monent Iulius Clarus* l. 5. sent. §. de homicidio, num. 28. *Couar.* l. 2. variar. cap. 9. *Angelus* in Lege 3. §. Legis, ff. ad Legem Corneliam de sicar. *Afflictus* p. 1. Constitution. regn. rubr. 13. *Ludovicus Lucenensis* decis. 62. *Ideo etiam Christus* Matth. 26. *decernit :* Omnis, qui gladio percusserit, gladio peribit, ut obseruat *S. Doct.* serm. 6. de decem praeceptis, *et cum eo Fagundez* l. 5. c. primo, num. 6. *et* Apoc. 13. Omnis qui gladio occiderit, oportet gladio occidi. Leuit. 24. Omnis, qui percusserit, et occiderit hominem, morte moriatur. *Et mox:* Si quis per industriam occiderit proximum suum, ab altari meo euellas eum, ut moriatur. *Ideo obseruat S. Doct. in* Bibliot. loc. cit. *Ioab Ducem exercituum, alioqui fidelem, et sanguine iunctum Salomoni, fuisse ob homicidium, ex decreto sancti Regis Dauidis, morte punitum a Salomone, ut supra dixi, qui eum, etiam nolentem ab altari abstrahi, iuxta altare occidi iussit, ut ostenderet, neque primoribus, nobilitate praeclaris, parcendum. Ideo Principibus minatur Christus ruinas, et strages,* Lucae 11. Ut veniat super vos omnis sanguis iustus, *ut disserit S. Doctor ad* Lucae 11.

[8] Nor do *l. 1. ff. ad legem Corneliam de sicaris. and l. 3. §. Legis Cornel.* stand in the way, in which nobles for homicide are condemned not to the punishment of death, but to deportation into exile and the proscription of goods. And thus assert Salicetus on *l. Is qui cum telo, col. Final*, Angelus *consil. 14.* Montaleone *in his practice, fol. 210. num. 535.*

> *Nec obstat* l. 1. ff. ad legem Corneliam de sicar. et l. 3. §. Legis Cornel. *quibus nobiles ob homicidium, non poena mortis, sed deportationis in exilium, et bonorum proscriptionis poena damnantur. Ideoque ita asserunt Salicetus in* l. Is qui cum telo, col. Finali, *Angel.* consil. 14. *Montaleon* in sua pract. fol. 210. num. 535.

[9] For I confess that by the ancient law of the Digest this is true: It is nevertheless not true according to the new Law of the younger Code. For the Law of the Digests has gone into disuse. Wherefore the punishment of death is owed to them also indispensably, as Afflictus warns *loc. cit.* Placa *l. 1. delic. cap. 10.* Fagundez *num. 7.* Indeed, the ancient Law has not been cast down, but rather, I would say, restored, which, as I showed from the divine law, had decreed death.

> *Fateor enim iure antiquo Digesti id verum esse: Non est tamen verum, iuxta nouum Ius Codicis iunioris. Abiit enim Ius Digestorum in desuetudinem. Quare poena mortis iis etiam debetur indispensabiliter, ut admonent Afflict.* loc. cit. *Placa* l. 1. delic. cap. 10. *Fagundez* num. 7. *Imo non Ius antiquum deiectum est, sed potius dixero restitutum, quod, ut ostendi e diuina lege, mortem decreuerat.*

[10] And so, from the common mouth of all the Doctors, the Punishment of death for a homicide is just, as Fagundez says, enumerating them *num. 6.*

> *Itaque ex ore communi Doctorum omnium, Poena mortis in homicidam est iusta, ut ait Fagundez, illos recensens* num. 6.

[11] As to the Ecclesiastical punishments established both for Clerics and for Laymen.

> *Quoad poenas Ecclesiasticas tam in Clericos, quam in Laicos statutas.*

[12] First indeed, as the Holy Doctor warns, *in the Confessionale, cap. 3. num. 12.*, a Cleric who is a homicide is by canonical law deposed in perpetuity *dist. 50.* by the decree of John VIII. *cap. miror*, and is thrust into a monastery for seven years, or for five, not only if he commits it himself, but even if he

commands it, counsels it, urges it, or assists it, *C. sicut digni, § Clericos, extra de homicid.* and there the Gloss, Bernardus Diaz *in practice, cap 94.* Placa *in epist. delict. l. 1. cap. 11.* Farinacius *t. 4. quaest. 119. de homicid. tit. 14. num. 47. fol. 110.* and others.

> *Primo quidem, ut monet S. Doct.* in Confessionali, cap. 3. num. 12. *Clericus homicida iure canonico perpetuo deponitur* dist. 50. *ex decreto Ioan. VIII.* cap. miror, *et in monasterium ad septennium, vel ad quinquennium detruditur, non solum, si illud ipse committat, sed etiam si mandet, consiliet, suadeat, aut illi assistat* C. sicut digni, § Clericos, extra de homicid. *et ibi Glossa, Bernardus Diaz* in pract. cap 94. *Placa* in epist. delict. l. 1. cap. 11. *Farinac.* t. 4. quaest. 119. de homicid. tit. 14. num. 47. fol. 110. *et alii.*

13 The reason of D. Bonaventure is found in the *mirror of the soul, cap. 3.* and in the other places related above in the questions; for homicide is committed not only by the hands, but also by deed, counsel, command, urging: Therefore all, since they are guilty of the same crime, as the Apostle says, *Rom. 1.*, ought to be punished in the same manner.

> *Ratio D. Bonau. habetur* speculo animae, cap. 3. *et aliis locis, relatis supra quaestionibus; non enim solum manibus committitur homicidium, sed etiam facto, consilio, mandato, suasu: Ergo omnes cum sint rei eiusdem delicti, ut ait Apostolus* Rom. 1. *debent eodem modo puniri.*

14 Wherein note that, besides the perpetual deposition of the Cleric, he himself is thrust into prison, because in those cases in which the civil laws impose the punishment of death, the canonical laws, which do not inflict the punishment of blood, in place of death bring in the punishment of prison, or confinement in a monastery, for seven years, or five, or in perpetuity, according to the circumstances of the crime and the proof of it, as is the text in *C. Nouimus, de verb. signif.* and *C. penult. toward the end, de haeret.* and *C. Quamvis, de poenit. in 6.*

> *Ubi aduerte, praeter depositionem Clerici perpetuam, ipsum trudi in carcerem, quia in iis casibus, in quibus iura ciuilia poenam mortis imponunt, iura canonica, quae poenam sanguinis non infligunt, loco mortis, poenam carceris, vel conclusionis in monasterio, inducunt ad septennium, vel quinquennium, vel in perpetuum, iuxta circumstantias delicti, et probationem illius, ut est textus in* C. Nouimus, de verb. signif. *et* C. penult. ad finem, de haeret. *et* C. Quamuis, de poenit. in 6.

15 In Portugal Clerics are assigned to the galleys, or are carried off into exile to the parts of Brazil or Angola. Truly a fine counsel, that scandalous men of this kind be expelled the farther.

> *In Lusitania Clerici triremibus destinantur, vel in exilium ad partes Brasiliae, vel Angolae, asportantur. Optimum sane consilium, ut huiusmodi scandalosi longius expellantur.*

16 They ask, however: whether a Cleric holding a benefice, a voluntary homicide, is deprived of the benefice by that very fact, before the sentence of the judge.

> *Quaerunt autem: an Clericus beneficiatus, voluntarius homicida, sit ipso facto priuatus beneficio, ante iudicis sententiam.*

17 The more probable opinion is that he can indeed be deprived of the benefice by a judge, and condemned to restore the fruits from the day the crime was consummated; yet he is not bound by that very fact to give up the benefice, and to cease taking the fruits.

> *Probabilior sententia est, posse quidem a iudice beneficio priuari, et damnari ad reddendos fructus a die criminis patrati; non tamen teneri ipso facto dimittere beneficium, et fructus non capere.*

18 This is the opinion of D. Bonaventure *in the Confessionale, cap. 5. part. 37.*; the Doctors follow him commonly at this time, whom the long roster reports, Fagundez *l. 5. cap. 2. num. 4.* Thus Suarez *Tom. 5. in 3. p. disp. 40. sect. 2.* Covarruvias *in 4. Decret. p. 2. cap. 6. §. 8.* Navarrus *summa Latin, cap. 27. num. 249.* Farinacius *t. 4. quaest. 119. de homicid. tit. 14.* Julius Clarus *§. Homic.* and others.

> *Haec est sententia D. Bonau.* in confessionali, cap. 5. part. 37. *eum sequuntur, hoc tempore, communiter Doctores, quos longa tessera refert Fagundez* l. 5. cap. 2. num. 4. *Ita Suarez* Tom. 5. in 3. p. disp. 40. sect. 2. *Couar.* in 4. Decret. p. 2. cap. 6. §. 8. *Nauar.* summa Lat. cap. 27. num. 249. *Farinac.* t. 4. quaest. 119. de homicid. tit. 14. *Iul. Clarus* §. Homic. *et alii.*

19 The reason of D. Bonaventure, which all use, is: No crime brings deprivation by that very fact, unless it is at least declared in law: But in Canonical law it is found nowhere. Indeed, on the contrary, in *dist. 50.* it is found: *If he shall have committed homicide spontaneously, without hope of dispensation and of recovery, let him be deposed, C. Clerici.* And *C. si quis viduam.* This, however, is a sign that they are not already deposed and deprived, as Fagundez and others argue shrewdly.

> *Ratio D. Bonauenturae, qua omnes utuntur, est: Nullum crimen inducit priuationem ipso facto, nisi saltem in iure declaretur: In iure autem Canonico nullibi habetur. Imo e contra* dist. 50. *habetur:* Si sponte fecerit homicidium, sine spe dispensationis, et recuperationis, deponatur, C. Clerici. *Et* C. si quis viduam. *Hoc autem est signum, non esse iam depositos, et priuatos, ut argute inferunt Fagundez, et alii.*

20 Because, even if the law were to say: let him be deprived by that very fact, the sentence of the judge must still be awaited, as I showed in the *Tract. de legibus, disput. 5. quaest. 7.* and as Sylvester warns *v. assass. num. 4.* Fagundez *num. 6.* Suarez *T. 5. de censuris. disp. 40. sect. 2. num. 22.*

> *Quia, etiamsi lex diceret: sit ipso facto priuatus, adhuc expectanda est iudicis sententia, ut ostendi* Tract. de legibus, disput. 5. quaest. 7. *et admonent Syluest.* v. assass. num. 4. *Fagundez* num. 6. *Suarez* T. 5. de censuris. disp. 40. sect. 2. num. 22.

21 The opposite opinion indeed, which more follow, rests on no law, as Fagundez notes.

> *Opposita vero sententia, quam plures sequuntur, nullo iure nititur, ut notat Fagundez.*

22 From our opinion it follows that men of this kind can renounce the benefice before the sentence of the judge, as the Doctors assert commonly, cited by Fagundez *number 16.*

> *Ex nostra sententia sequitur, posse huiusmodi ante iudicis sententiam beneficio renunciare, ut asserunt communiter Doctores apud Fagundez* numero 16.

23 Many canons are related and declared by the Holy Doctor *in the Confessionale*, around the Ecclesiastical punishments of Homicides; which it is fitting to bring forward, although very many have fallen into disuse.

> *Multos canones refert, atque declarat S. D.* in Confessionali*, circa Homicidiorum poenas Ecclesiasticas; quas libet afferre, tametsi plurimae in dissuetudinem abierint.*

Sole Subquestion: What penalties the canons impose on homicides

1 Since it is a nefarious crime unjustly to take away the life of a man, at all times various punishments have been established by laws against homicides, many of which, commemorated in the Seraphic Doctor Bonaventure, I shall here set forth.

Quae sint poenae Canonum, Homicidis impositae.

Cum nefandum sit scelus hominis vitam iniuste adimere, ab omni tempore legibus variae in homicidas poenae sunt statutae, quarum plures in Seraphico Bonauentura commemoratos, hic recensebo.

2 From the Council of Elvira it is found cited by Martin of Braga *cap. 78.: If anyone shall have committed homicide willingly, let him ever lie at the doors of the Catholic Church, and receive communion at the end of his life; but if he shall have committed homicide not willingly, but by some accident, the first canon ordered him to do penance seven years, the second canon enjoined five:* Thus relates the Holy Doctor *in the Confessionale, cap. 3. part 13.*

Ex Eliberitano Consilio habetur apud Martinum Brach. cap. 78. Si quis voluntate homicidium commiserit, ad ianuas Catholicae Ecclesiae semper iaceat, et communionem in exitu vitae suae suscipiat, si autem non voluntate, sed casu aliquo homicidium fecerit, prior canon septem annis poenitentiam agere iussit, secundus canon quinque mandauit: *Ita refert S. Doct.* in Confessionali, cap. 3. particula 13.

3 He also found part *fourteen, from dist. 4.: Who, heedless out of regard for discipline, kills by striking, let him be deposed, extra de homicid. presbyterorum.* And it speaks of priests.

Repert etiam particula quartadecima ex dist. 4. Qui intuitu disciplinae incautus occidit percutiendo, deponatur, extra de homicid. presbyterorum. *Loquitur autem de presbyteris.*

4 From the Council of Lerida *dist. 50.* it is enjoined that Clerics, in a besieged city, where there was no necessity, killing an assailant, be deprived for two years both of office and of the communion of the Body of Christ, meanwhile assigned to fastings, prayers, vigils, and almsgiving, and finally be restored to communion; yet so that they be not promoted to the former offices. But if there were an unavoidable necessity of fighting, it would be imputed to them in nothing, dist. 50. *Quia te*, which, it says, is true as to sin, but as to caution it is a good thing to regret it, as *extra de homicidio, cap. 2. in the Roman Penitential.*

Ex Ilerdensi Concilio dist. 50. *praecipitur, ut Clerici, in urbe obsessa, ubi non esset necessitas, occidentes oppugnatorem, duobus annis tam officio, quam communione corporis Christi priuentur, interim ieiuniis, orationibus, vigiliis, et eleemosynis destinati, et tandem communioni reddantur; ita tamen, ut ad priora officia non promoueantur. Sed si esset necessitas ineuitabilis pugnandi, in nullo imputaretur, dist. 50.* Quia te, *quod verum esse ait quoad peccatum, sed quoad cautelam poeniteat, bonum est, ut* extra de homicidio, cap. 2. in poenitentiali Romano.

5 He who kills a brigand, where he could have seized him without killing, for forty days shall not enter the Church, and clothed in a hair garment, from the foods and drinks which are interdicted, and from bed, and sword, and riding, he shall abstain for those days aforesaid. But on the third and fifth feria, and on the Sabbath, let him use some kind of legumes, herbs, fruits, and little fish with moderate beer, temperately.

Occidens latronem, ubi comprehendi poterat absque occisione, quadraginta dies non intret in Ecclesiam, et lanea veste indutus, ab escibus, et potibus, qui interdicti sunt, et a thoro, et gladio, et equitatu illos supra dictos dies abstineat. In tertia autem, et quinta feria, et Sabbatho, aliquo genere leguminum oleribus, pomis, et parvis pisciculis cum mediocri cervisia utatur temperate.

6 If a Priest has done the same, let him not be deposed; nevertheless, as long as he lives, let him do penance.

Si Presbyter eadem fecerit, non deponatur, tamen quamdiu vivit, poenitentiam agat.

7 PART fifteen relates the penance of a matricide *can. 33. quaest. 2. from Pope Nicholas*. For one year, barred from entering the Church, he shall lie at its doors, praying. After a year he may enter the Church, but not communicate. Three years completed, let him be admitted to communion, but let him not offer the oblations until after the course of seven more years. In all these years let him abstain from meat, nor let him presume to drink wine, except on feast days and Sundays, and from Easter until Pentecost; and wherever he wishes to go, let him be conveyed by no vehicle. Let him fast until vespers three days in the week. If before the course of three years he draws near to death, let him be given the Viaticum. More mildly, however, it commands that things be done, if he show signs of great penitence.

> *PARTICULA quintadecima, refert poenitentiam matricidae* can. 33. quaest. 2. ex Nicolao Papa. *Uno anno ab ingressu Ecclesiae prohibitus iaceat, fotis orans. Post annum ingredi possit Ecclesiam, sed non communicet. Completis tribus annis, admittatur ad communionem, oblationes non offerat, nisi post aliorum septem annorum cursus. In his omnibus annis carne abstineat, nec vinum bibere praesumat, exceptis diebus festis, atque Dominicis, et a Pascha usque ad Pentecosten, et quocumque ire voluerit, nullo vehiculo ducatur. Ieiunet usque ad vesperam tribus diebus per hebdomadam. Si ante trium annorum cursum morti appropinquat, Viatico donetur. Mitius tamen agi iubet, si ostendat magnae signa poenitentiae.*

8 PART sixteen relates the tearful letter of Pope Stephen V to Astulphus the wife-slayer, upon whom he imposes entrance into a monastery under the rigid discipline of the monks. But if he wish to do his penance in the world, it imposes most severe penances: perpetual abstinence from flesh, and wine, and cider; fasting on bread and water; and let him live in vigils and prayers: See him, and in this manner let you wither away.[1]

[1] N. Editor's note: the print/OCR reads 'Eum vide, et hoc etimen exhotresces'; 'etimen' and 'exhotresces' are corrupt (perhaps 'et hoc modo exhortare' or 'exaresces' — 'by this means you will win him over / harden him not'); rendered tentatively from context of encouraging penitential perseverance.

> *PARTICULA sextadecima, refert epistolam lachrymosam Stephani Papae V. ad Astulphum Uxoricidam, cui imponit ingressum in monasterium sub rigida monachorum disciplina. Si autem poenitentiam degens in mundo, velit facere, severissimas poenitentias imponit, abstinentiam perpetuam a carnibus, et vino, et sicera, ieiunium in pane, aqua; et in vigiliis, orationibusque vivat: Eum vide, et hoc etimen exhotresces.*

9 PART seventeen sets forth the penances due to a parricide and a filicide, whom Alexander III condemns to perpetual penance, most severe, within the precincts of the Monastery.

> *PARTICULA decimaseptima, recenset poenitentias debitas parricidae, et Filicidae, quos perpetua poenitentia intra septa Monaste rii severissima, damnat Alexander III.*

10 PART forty-one relates the penance enjoined on him who killed a priest, which is of 12 years, *extra de poenit. et remiss. from the C. Moguntin*, and moreover, once convicted, let him lack marriage and the belt of knighthood until death.

> *PARTICULA quadragesima prima, refert poenitentiam ei iniunctam, qui presbyterum necavit, quae est 12. annorum* extra de poenit. et remiss. ex C. Moguntin*, et praeterea convictus usque ad mortem coniugio, et cingulo militiae careat.*

11 But CAPITULUM five of the Confessionale *part. 37.* sets forth the irregularities and depositions due to Cleric homicides.

CAPITE vero quinto Confessionalis part. 37. *recenset irregularitates, et depositiones, debitas Clericis homicidis.*

12 He who shall have committed homicide without just cause, is not dispensed with in this. If the cause be of justice, he is not dispensed with in this either, so that he might be promoted; but if he has been promoted, in those orders themselves he can be dispensed with by the Pope, *dist. 51. l. 1. Aliquantos.* Otherwise, if he shall have committed homicide spontaneously, let him be deposed without hope of recovery and dispensation, *dist. 50. Clerici. And C. si quis viduam.* If by avoidable necessity, similarly he cannot ascend to the higher orders, but in the orders received he can be dispensed with, although it is not easily dispensed, even by the Pope; if by unavoidable necessity, the counsel is given that a homicide not minister, even in the orders received, *dist. 50. De his clericis;* yet he is not deposed, but is tolerated in his order by law without dispensation, according to the Letter and Raymundus, *extra de homic. cap. 2.* and according to Bernardus *in the apparatus, upon that chapter extra, Cod. sicut dignum.* If he has killed by accident with fault and negligence, he shall cease in perpetuity from the order received, *dist. 50. Hi qui arborem, and extra eod. Presbyterum.* Yet the Bishop can dispense in the minor orders, and in the subdiaconate already received, *extra eod. continebatur.* If he be a Deacon or Priest, it belongs to the Pope, that in those orders he either minister or be promoted to them, as in the said *C. continetur, and C. Later praesentium.* According to Raymundus, however, the Bishop cannot dispense, *dist. 50. Miror,* which some understand indiscriminately both of the voluntary and of the casual; others, of the voluntary homicide. This is Raymundus. If without fault and negligence, he will be able to minister in the order received, and be promoted to the greater orders, *extra eod. Litteris significastis, cap. Dilectus, cap. ex litteris.* And some say that he need not be dispensed by them, as appears in the said chapters. But it is safer and more secure that at least the Bishop dispense him by them, *dist. 50. Clerico.* This the Holy Bonaventure relates.

Qui homicidium fecerit sine causa iusta, cum hoc non dispensatur. Si causa iustitiae, cum hoc etiam non dispensatur, ut possit promoveri, sed si sit promotus, in ipsis ordinibus cum ipso potest per Papam dispensari dist. 51. l. 1. Aliquantos. *Alias si sponte fecerit homicidium; sine spe recuperationis, et dispensationis deponatur* dist. 50. Clerici. Et C. si quis viduam. *Si necessitate evitabili, similiter ad superiores ordines non potest ascendere, sed in susceptis cum eo potest dispensari, licet non facile dispensetur etiam per Papam; si inevitabili; datur consilium, ut non ministret homicida, etiam in susceptis ordinibus* dist. 50. De his clericis; *non tamen deponitur, sed in suo ordine toleratur de iure absque dispensatione secundum L. et Raymundum* extra de homic. cap. 2. *et secundum Bernardum* in apparatu, super illud cap. extra, Cod. sicut dignum. *Si casu interfecerit cum culpa, et negligentia, ab ordine suscepto perpetuo cessabit* dist. 50. Hi qui arborem, et extra eod. Presbyterum. *Episcopus tamen potest in minoribus, et in subdiaconatu iam suscepto dispensare* extra eod. continebatur. *Si Diaconus, vel Sacerdos fuerit, ad Papam pertinet, ut in ipsis ordinibus, vel ministret, vel promoveatur ad ipsos, ut in dicto* C. continetur, et C. Later praesentium. *Secundum Raymundum tamen non potest dispensare Episcopus* dist. 50. Miror, *quod intelligant quidam indistincte tam de voluntario, quam de causali; alii de Homicida voluntario. Haec Raymundus. Si sine culpa, et negligentia, in ordine suscepto poterit ministrare, et ad maiores promoveri* extra eod. Litteris significastis, cap. Dilectus, cap. ex litteris. *Et dicunt quidam, quod non oportet eum eo dispensari, ut in dictis capitulis apparet. Sed securius, et tutius est, ut saltem Episcopus eum eo dispenset* dist. 50. Clerico. *Haec S. Bonau. refert.*

13 From what has been said above, you have that it is false, in the time of D. Bonaventure and D. Thomas, that one who kills with the moderamen of blameless self-defense was irregular, as *Valentia thinks, quaest. 8. punct. 4.*, which he thinks is gathered from D. Thomas, quaest. 64. art. 4. ad 3. Sylvester *v. homicid. 1. quaest. 9. dict. 4.* Matulius l. 1. de irregularitate, cap. 48. num. 9., who cite the chapter de his clericis, 1. dist. 50.*

Ex supra dictis, habes, falsum esse tempore D. Bonaventurae, et D. Thomae, occidentem cum moderamine inculpatae tutelae fuisse irregularem, ut putat Valentia quaest. 8. punct. 4. quod putat colligi ex D. Thom. quaest. 64. art. 4. ad 3. Syluest. v. homicid. 1. quaest. 9. dict. 4. Matolus l. 1. de irregularitate, cap. 48. num. 9. qui citant caput de his clericis, 1. dist. 50.

14 TRULY D. Bonaventure asserts the opposite above, and so held the Gloss *on cap. si quis viduam, v. Defensionis, and on C. sicut dignum, same title.*

SANE D. Bonau. oppositum supra asserit, et sensit Glossa in cap. si quis viduam, v. Defensionis, et in C. sicut dignum, eodem titulo.

15 But that chapter *De his clericis* gives only counsel, as the Holy Bonaventure notes; the law nevertheless neither deposes nor commands, as Raymundus expounds, and it is found *extra de homicid. cap. 2.* and according to Bernardus on C. Extra, same place, sicut dignum, and Fagundez also notes it, l. 5. cap. 3. num. 3.*

Caput vero illud De his clericis *solum consilium dat, ut advertit S. Bonau. non tamen lex deponit; vel praecipit; ut exponit Raymundus et habetur* extra de homicid. cap. 2. et secundum Bernardum super C. Extra eodem sicut dignum, et advertit etiam Fagundez l. 5. cap. 3. num. 3.

16 FINALLY the Council of Elvira *can. 50.* decrees: *If any woman, set afire by fury and zeal, shall have beaten her maidservant with whips, so that within the third day she expire with torment, since it is uncertain whether she killed her willingly or by accident: if willingly, after 7 years; if by accident, after the times of years, lawful penance having been performed, it has pleased that she be admitted to communion. But if within the appointed times she shall have fallen ill, let her receive communion.* Thus relates the Holy Bonaventure in the Confessionale *cap. 3. part 13.*

TANDEM Concilium Eliberitanum can. 50. *decernit*. Si qua faemina, furore, Zelo accensa flagellis verberavit ancillam suam; ita ut infra tertium diem cum cruciatu animam emittat eo quod incertum sit: an voluntate, an casu occiderit. Si voluntate, post 7. annos. Si casu, post annorum tempora, acta poenitentia legitima, ad communionem placuit admitti. Quod si infra tempora constituta fuerit infirmata, accipiat communionem. *Sic refert S. Bonau. in confessionali* cap. 3. particula 13.

Question VI: Whether it is lawful to kill a man within the limits of blameless defense, in defense of oneself or one's goods

1 AS a certain truth the Holy Doctor asserts that a man may kill another, necessity compelling the defense of his life, his soul, if it be done with the moderation of blameless defense. Hence it follows that this is lawful to any persons whatsoever, even those in a state of perfection, namely Religious, who are bound to perfection, or Bishops, who are bound to be in a state of perfection. So *serm. 6. de decem praeceptis.*

An liceat occidere hominem cum moderamine inculpatae tutelae, ad sui, vel suarum rerum defensionem.

TANQUAM rem certam asseverat S. Doctor posse hominem alium occidere, necessitate cogente defendendi suam vitam, suam animam, si fiat cum moderamine inculpatae tutelae. Itaque id licere sequitur quibuscumque personis, etiam perfectis, puta Religiosis, qui perfectioni tenentur, vel Episcopis, qui tenentur esse in statu perfecto. Ita serm. 6. de decem praeceptis.

2 BUT that we may know: what is that moderation of blameless defense by which homicide is made unpunishable in the external forum, and lawful in the forum of conscience, and immune from all irregularity, and from excommunication.

> *UT autem sciamus; quodnam sit moderamen inculpatae tutelae, quo redditur homicidium impunibile in foro externo, et licitum in foro conscientiae, atque ab omni irregularitate immune, et ab excommunicatione.*

3 FAGUNDEZ *l. 5. cap. 5.* says it consists in three things: namely, in time, in manner, and in cause.

> *FAGUNDEZ* l. 5. cap. 5. *illud in tribus ait consistere, in tempore, scilicet, in modo, et in causa.*

4 IN Time: that it be done incontinently, that is, in the very act of the assault of invasion, not after a long interval. For if it be done after a long interval, it will not be to repel force with force in act; but it will be to take vengeance, which is never lawful, as is said in Ezech. 9. *Vengeance is mine, and I will repay.* And Deuter. 32. *Mine is revenge, and I will repay in due time.* So teaches D. Bonav. *serm. 6. Decal.* where he laid down the first condition, that it be not done out of a lust for vengeance, which he finds in almost all the authors above alleged. There follow Sayrus *l. 7. cap. 10. num. 28. et patet ex cap. significasti, 2. de homicid.* Salomon. *in repetit. Legis, ut vim, ff. de iustitia, et iure:* Claudius *num. 56.* Bolognetus *num 46.* because he says it is done incontinently which is done while the brawl lasts, or while the assailant does not withdraw from it. Cynus *l. 1. num. 4. C. Unde vi,* Bartol. *ibi, num. 9.* Baldus *num. 8.* Hostiens. *in cap. significasti, 2. extra de homicid. num. 17.* Ananias *ibi, num. 18.* Butrius *in C. olim causam, de restit. spoliat. num. 37.* Bellamera *ibi, num. 22.* Angelus *de malef. in verbo, et dictus Titius, se defendendo, num. 18.*

> *IN Tempore; ut fiat incontinenter, seu in flagranti delicto invasionis, non ex magno intervallo. Si enim fiat post intervallum magnum, non erit vim vi actu repellere; sed erit vindictam sumere, quae nunquam licet, ut dicitur Ezech. 9.* Mihi vindictam, et ego retribuam. *Et Deuter. 32.* Mea est ultio, et ego retribuam in tempore. *Ita docet D. Bonav.* serm. 6. Decal. *ubi primam conditionem posuit, ut non fiat ex libidine vindictae, quod reperit omnibus fere oris supra allegatis. Sequuntur Sayrus* l. 7. cap. 10. num. 28. et patet ex cap. significasti, 2. de homicid. *Salomon.* in repetit. Legis, ut vim, ff. de iustitia, et iure: *Claudius* num. 56. *Bolognetus* num 46. *quia ait, id fieri incontinenter, quod fit rixa durante, vel aggressore ab illa non discedente. Cynus* l. 1. num. 4. C. Unde vi, *Bartol.* ibi, num. 9. *Baldus* num. 8. *Hostiens.* in cap. significasti, 2. extra de homicid. num. 17. *Ananias* ibi, num. 18. *Butrius* in C. olim causam, de restit. spoliat. num. 37. *Bellamera* ibi, num. 22. *Angelus* de malef. in verbo, et dictus Titius, se defendendo, num. 18.

5 *Wherefore* it is not done incontinently when the one insulted withdraws into his house, seeking weapons, and immediately returns to the assailant, as Cepolla thinks *cons. 42. et fere* Mascard. *de probat. l. 3. concl. 1126. num. 51.*

> Quare *non fit incontinenter, quando insultatus recipit se in domum, arma quaerens, et statim ad aggressorem regreditur, ut putat Cepolla* cons. 42. et fere *Mascard.* de probat. l. 3. concl. 1126. num. 51.

6 *Secondly,* the moderation of blameless defense consists in manner, which condition the Holy Doctor expresses as: that it be not done out of cruelty: by which word he shows that the manner is exceeded when the manner of defense is with too many wounds multiplied, with the body savagely pierced through, as with the head struck off, the belly laid open. That moderation of the act, indeed, in the recoil, equal to the blow of the assailant, as in an arm for an arm, but not in the head, is morally impossible, as Fagundez says *num. 7.* Likewise that one, in the equality of weapons, seems vain, for often the assailant has inferior weapons.

> Secundo *consistit moderamen inculpatae tutelae in modo, quam conditionem exprimit S. Doctor, ut non fiat ex crudelitate: quo verbo ostendit, excedi quoad modum, quando modus defensionis sit, multiplicatis nimis vulneribus, confosso modis saevis corpore, ut trunco capite, aperto ventre. Illa vero moderatio facti, in repercussione, aequata percussioni aggressoris, ut in brachio pro brachio, non autem in capite, moraliter est impossibilis, ut ait Fagundez* num. 7. *Similiter illa, in aequalitate armorum, videtur inanis, saepe enim aggressor habet arma inferiora.*

7 *Thirdly* an equality of Cause is required, and this S. Bonav. explains, saying there must be a necessity morally inevitable, so much so, that it cannot be done otherwise, nor does any other manner of preserving oneself from death, or danger, occur, and this is *to repel force with force.* So Iaso *in l. Vim vi.* Bolognetus *num. 89.* Bartol. *l. 1. C. Unde vi.* Ananias *loc. cit.* Caepol. *Consil. 43. num. 7. et in hoc fere solo moderamen hoc posuit* Molina *Tom. 4. tract. 3. disp. 11.* as cited by Diana *p. 5. tract. 4. resol. 1.* But there Vega reports *T. 1. cap. 127. casu 12.* another condition laid down: that no greater diligence be employed in the defense than is necessary.

> Tertio *requiritur aequalitas Causae, et hoc explicat S. Bonav. dicens, esse necessitatem inevitabilem moraliter, sane adeo, ut aliter fieri non possit, neque occurrat alius modus seipsum conservandi a morte, vel periculo, et hoc est* vim vi repellere. *Ita Iaso* in l. Vim vi. *Bolognetus* num. 89. *Bartol.* l. 1. C. Unde vi. *Ananias* loc. cit. *Caepol.* Consil. 43. num. 7. et in hoc fere solo moderamen hoc posuit *Molina* Tom. 4. tract. 3. disp. 11. *apud Dianam* p. 5. tract. 4. resol. 1. *At ibi refert Vegam* T. 1. cap. 127. casu 12. *aliam conditionem ponentem, ut non ponatur maior diligentia in defensione, quam sit necessarium.*

8 *The Holy Doctor* says there that he, or another Religious, lest perhaps he incur disgrace, cannot kill, but must take flight; otherwise he is not entirely excused, if he kill. Wherefore he seems to concede, with Molina *loc. cit. et* Hurtado *1. 2. disp. 170. §. 135. and* Diana, alleging the common opinion of the Doctors, that it is lawful to kill the assailant, if it would be gravely disgraceful for the assailant to flee: But of this below.

> Ait *autem ibi S. Doctor se, vel alium Religiosum, ne forte dedecus incurrat, non posse occidere, sed debere fugam arripere; alioqui non omnino excusari, si occidat. Quare videtur concedere cum Molina* loc. cit. et *Hurtado* 1. 2. disp. 170. §. 135. ac *Diana, allegante communem Doctorum sententiam, licere aggressorem interficere, si dedecorosum graviter sit invasori fugere: Sed de hoc infra.*

9 *Therefore* I assert that it is lawful to kill the invader with the moderation of blameless defense. This is against Accursius, and *Gloss. Leg. vim vi, ff. de Iustitia, et iure,* Richard *de S. Victore opusc. de Charitate.* Ioan. Gerson *Tract. de Eucharistia,* Augustine of Ancona *Tract. de potestate Ecclesiae, quaest. 2. art. 3.* Hugo *dist. 50. C. de his Clericis.* Abulensis *in cap. 5. Matth. quaest. 109.* So all the Doctors uphold it, as cited by Diana *loc. cit. et* Fagundez *in 5. Praeceptum decal. lib. 5. cap. 3.*

> Itaque *assero licere occidere invasorem cum moderamine inculpatae tutelae. Est contra Accursium, et* Gloss. Leg. vim vi, ff. de Iustitia, et iure, *Richardum* de S. Victore opusc. de Charitate. *Ioan. Gersonem* Tract. de Eucharistia, *Augustinum de Ancona* Tract. de potestate Ecclesiae, quaest. 2. art. 3. *Hugonem* dist. 50. C. de his Clericis. *Abulensem* in cap. 5. Matth. quaest. 109. *Ita omnes sustinent Doctores apud Dianam* loc. cit. et *Fagundez* in 5. Praeceptum decal. lib. 5. cap. 3.

10 *This* Cicero proves *pro Milone; nay, the Supreme Pontiff Alexander III. C si vero, de sent. excom. et* D. August. *l. 1. de lib. arb.* before the middle; because all the Laws permit force to be repelled with force.

> Id *probat Cicero* pro Milone; imo Summus Pontifex Alexand. III. C si vero, de sent. excom. et *D. August.* l. 1. de lib. arb. *ante medium; quia vim vi repellere omnia Iura permittunt.*

11 *It is proved* secondly by the Holy Doctor at those words *Luke 22. Et nunc qui non habet, vendat tunicam suam, et emat gladium,* namely for defense.

> Probatur *secundo a S. Doct. ad ea verba* Lucae 22. Et nunc qui non habet, vendat tunicam suam, et emat gladium, *nempe ad defensionem.*

12 *The Holy Doctor* also observes, at those words: *et percussit unus ex illis servum Pontificis sacerdotum, et amputavit auriculam eius dexteram,* that Luke did not name him; and that John added the name for the sake of praising zeal, *Simon ergo Petrus, etc.* on which the Gloss: *Simon Peter was zealous with the same ardor of mind, as Phinees, of whom it is said, that he therefore obtained from God an everlasting Priesthood, Numer. 25.*

> Advertit *etiam S. Doctor ad ea verba:* et percussit unus ex illis servum Pontificis sacerdotum, et amputavit auriculam eius dexteram, *Lucam non nominasse; et Ioannem ad zelum laudandum apposuisse nomen,* Simon ergo Petrus, etc. *de quo Glossa:* Simon Petrus zelatus est eodem ardore mentis, sicut Phinees, de quo dicitur, quod sempiternum propterea consecutus sit a Deo Sacerdotium Numer. 25.

13 But it must be gravely observed that the Seraphic Doctor does not except state, or rank of person in this case, nor even a sacred place, from which you may draw many conclusions.

> *Graviter autem advertendum est, Seraphicum non excipere statum, vel gradum personae in hoc casu, neque locum etiam sacrum, ex quo multa deduces.*

14 *First,* for you have that even in a consecrated Church this is lawful, and it is not defiled thereby. So, even if a Priest, celebrating at the altar, be assailed, he can kill the invader, and immediately continue the Mass without fear of irregularity, even if the invader killed be a cleric: So Abbas *C. Clerici de vita cleric.* Socin. *in repert. C ad audientiam, num. 40. de homic.* Decius *in l. ut vim, ff. de Iustitia, et iure.* Hippolytus *in l. Is qui aggressorem, C. ad legem Cornel.* Ioan. de Lignano *C. de Iusto bello, cap. 26.* D. Antonin. *3. p. tit. 34. §. 1. cap. 4.* Lessius *T. 1. lib. 2. cap. 9. dub. 8. num. 41.* Suarez *Tom 5. in 3. p. disp. 46. sect. 3.* Iul. Clar. *§. Homic. nur 29.* Gloss *in cap. significasti, de homicid. v. tutelae.* Farinacius *T. 4. quaest. 125. de homic. num. 14. 22. et 29.* Capua *l. 1. decis. aur. cap. 65. num. 9.* Carrer. *in pract. de homicid. et affinio, §. 5. excus. 3.* Placa *epur. delict. cap. 18. num. 4. et 6. et* many others cited by Farinacius, with whom Fagundez subscribes *num. 5. et* others.

> Primo *enim habes, etiam in Ecclesia consecrata id licere, eaque non polluitur. Ita, etiamsi Sacerdos, ad altare celebrans, sit invasus, potest occidere invasorem, et statim Missam prosequi absque metu irregularitatis, etiamsi invasor occisus, sit clericus: Ita Abbas* C. Clerici de vita cleric. *Socin.* in repert. C ad audientiam, num. 40. de homic. *Decius* in l. ut vim, ff. de Iustitia, et iure. *Hippolytus* in l. Is qui aggressorem, C. ad legem Cornel. *Ioan. de Lignano* C. de Iusto bello, cap. 26. *D. Antonin.* 3. p. tit. 34. §. 1. cap. 4. *Lessius* T. 1. lib. 2. cap. 9. dub. 8. num. 41. *Suarez* Tom 5. in 3. p. disp. 46. sect. 3. *Iul. Clar.* §. Homic. nur 29. *Glossa* in cap. significasti, de homicid. v. tutelae. *Farinacius* T. 4. quaest. 125. de homic. num. 14. 22. et 29. *Capua* l. 1. decis. aur. cap. 65. num. 9. *Carrer.* in pract. de homicid. et affinio, §. 5. excus. 3. *Placa* epur. delict. cap. 18. num. 4. et 6. et *alii plures apud Farinacium, quibus subscribunt Fagundez* num. 5. et *alii.*

15 *Secondly,* as to persons, you have also that persons can kill the invader, their own prelate. So Farinac. *loc. cit. num. 34.* Decius *in l. Ut vim, ff. de Iustitia, et iure, num. 8.* Salon. *num. 10.* Bolognet. *ibi, num. 16.* Angel. *in l. Quoniam multa, C. ad l. Iuliam de vi publ. num. 16.* Hostiensis *in C. significasti, 2. num. 19. de homic.* Butrius *num. 19. et* commonly, as cited by Fagundez *num. 6.*

Secundo*, quoad personas habes etiam, personas posse invasorem, praelatum suum, occidere. Ita Farinac.* loc. cit. num. 34. *Decius* in l. Ut vim, ff. de Iustitia, et iure, num. 8. *Salon.* num. 10. *Bolognet.* ibi, num. 16. *Angel.* in l. Quoniam multa, C. ad l. Iuliam de vi publ. num. 16. *Hostiensis* in C. significasti, 2. num. 19. de homic. *Butrius* num. 19. et *communiter apud Fagundez* num. 6.

16 But the question is: Whether you may kill even a Prince, an unjust invader. Many indeed affirm it. So Farinac. *T. 4. quaest. 125. de homic. num. 34. fol. 202.* Marsil. *consil. 1.* Petrus Caleph. *consil. crim. 103.* Carter. *de homic. §. quinto excusat. etc.* Iulius Clar. *§. Homicid. num. 23.* Decian. *in tract. crim. l. 7. cap. 49. num. 25.* Azor. *Tom. 3. l. 2. cap. 2.* Less. *T. 1. l. 2. dub. 8. num. 41. et* others.

Quaestio autem est: An possis occidere etiam Principem, iniquum aggressorem. Multi sane affirmant. Ita Farinac. T. 4. quaest. 125. de homic. num. 34. fol. 202. *Marsil.* consil. 1. *Petrus Caleph.* consil. crim. 103. *Carter.* de homic. §. quinto excusat. etc. *Iulius Clar.* §. Homicid. num. 23. *Decian.* in tract. crim. l. 7. cap. 49. num. 25. *Azor.* Tom. 3. l. 2. cap. 2. *Less.* T. 1. l. 2. dub. 8. num. 41. et *alii.*

17 *But* this must by no means be admitted so absolutely; for the Law dictates that the common good be preferred to the private; yet from the death of a Prince innumerable evils not rarely arise, as Fagundez cries *num. 8.* Suarez *de censur. disp. 46. sect. 1. et* commonly the Doctors cited by Diana *p. 5. tract. 4. resol. 2.* Baffaeus *v. Charitas, num. 20. et v. Homicidium 1. num. 28.*

Sed *hoc nullo modo ita absolute admittendum, Ius enim, commune bonum dictat praeferendum privato; at ex morte Principis non raro innumera mala oriuntur, ut clamant Fagundez* num. 8. *Suarez* de censur. disp. 46. sect. 1. et *communiter Doctores apud Dianam* p. 5. tract. 4. resol. 2. *Baffaeum* v. Charitas, num. 20. et v. Homicidium 1. num. 28.

18 Whatever Bisseldins exaggerates *de iniur. cap. 1. q. 5. concl. 5.* Angel. *v. defensio in Princ.* Sylvest. *v. bellum 2. quaest. 5.* S. Antonin. *3. p. tit. 4. cap. 3.* Aurea Armilla *v. Defensio,* Vasquez *l. 1. Illustrium contr. cap. 18. n. 8.* Card. Zabarell. *in Clem. 1. de paenis.*

Quidquid exaggeret Bisseldins de iniur. cap. 1. q. 5. concl. 5. *Angel.* v. defensio in Princ. *Sylvest.* v. bellum 2. quaest. 5. *S. Antonin.* 3. p. tit. 4. cap. 3. *Aurea Armilla* v. Defensio, *Vasquez* l. 1. Illustrium contr. cap. 18. n. 8. *Card. Zabarell.* in Clem. 1. de paenis.

19 *Yet* I would not reject the opinion of these Doctors in one case: that if assailed by a Prince, he should probably fear an imminent damnation of his soul. So Malder. *2. 2. tract. 3. cap. 1. dub. 7. et* it seems the opinion of D. Bonav. *loc. cit. serm. 6.* where he concedes it universally, that he may impede him, lest he lose his life and his soul; and while this condition intervenes, it is extended even to Monks, nor is any person excepted. Whatever Diana says with others.

Horum *tamen Doctorum sententiam non renuerem in uno casu, quo invasus a Principe, sibi probabiliter instantem animae damnationem metueret. Ita Malder.* 2. 2. tract. 3. cap. 1. dub. 7. et *videtur sententia D. Bonav.* loc. cit. serm. 6. *ubi universaliter id concedit, ut impediat ipsum, ne perdat suam vitam, et animam; et dum haec conditio intervenit extendi etiam ad Monachos, nec ullam personam eximi. Quidquid dicat Diana cum aliis.*

20 *There arises,* moreover, from what has been said the question: Whether it be lawful to kill the invader on account of a grave injury, for instance one inflicted upon a wife, who is being assailed.

Oritur *vero ex dictis quaestio: An liceat occidere invasorem ex iniuria gravi, puta illatam uxori, aggredientem.*

21 *Diana resol. 5.* with Villalob. *T. 1. tract. 22. diffic. 10.* Vega *in summa, tom. 1. cap. 127. casu 11.* Petrus *Nauar. de restit. lib. 2. cap. 3. num. 361. Salon. 2. 2. quaest. 64. art. 7. controv. 1. Molina tom. 4. tract. 3. disp.*

15. Bannes 2. 2. quaest. 64. art. 7. assert that this can be done with impunity.

> Diana resol. 5. *cum Villalob.* T. 1. tract. 22. diffic. 10. *Vega* in summa, tom. 1. cap. 127. casu 11. *Petrus* Nauar. de restit. lib. 2. cap. 3. num. 361. Salon. 2. 2. quaest. 64. art. 7. controv. 1. Molina tom. 4. tract. 3. disp. 15. Bannes 2. 2. quaest. 64. art. 7. *asserunt id impune fieri posse.*

22 He brings forward many frivolous reasons. One reason from D. Bonaventure seems valid to me: If damnation presses upon the adulterer, then one will be able to kill such an assailant, as Bannes says, and Rodriquez *Tom. 1. cap. 220.* for then the natural law dictates to me that even a greater good may be preferred.

> *Mvltas rationes frivolas affert. Una mihi ratio ex D. Bonaventura adest valida; Si adultero instet damnatio, tunc poterit talem aggressorem occidere, ut ait Bannes, et Rodriquez* Tom. 1. cap. 220. *tunc enim ius naturale mihi dictat, etiam maius bonum praeferendum licere.*

23 *Moreover,* as to life, the adulterer is an unjust assailant even of the husband's life, whom he gravely provokes to the dangers of death. See *Navar. cap. 15. num. 7.* yet it would be an eminent act rather to die, as Bassaeus says *loco citato.*

> *Caetervm, quoad vitam, adulter est iniquus aggressor etiam vitae mariti, quem provocat gravissime ad pericula mortis. Vide* Navar. cap. 15. num. 7. *esset vero actus eximius potius mori, ut ait Bassaeus* loco citato.

24 From these you have that it is lawful even to anticipate the assailant, if it be necessary inevitably to escape death. So *Diana resol. 5. et alii,* as *Couar. in Clem. si furiosus, p. 3. §. unico.* Otherwise it is not lawful to anticipate, as *Bass. num 11. et 16.* says.

> *Ex his habes, licere, etiam praevenire aggressorem, si necesse sit inevitabiliter ad mortem evadendam. Ita* Diana resol. 5. et alii, *ut* Couar. in Clem. si furiosus, p. 3. §. unico. *Aliter non licet praevenire, ut ait* Bass. num 11. et 16.

Doubt I: Whether it is lawful to kill someone to preserve one's honor, rather than flee

1 The Seraphic Doctor, in *serm. 6. de decem praeceptis,* speaks thus. *But if he be a homicide from necessity, this is twofold: either from inevitable, or from avoidable necessity: Avoidable necessity is, if I can escape, but I decline to do so on account of shame, or another cause, and in that case he is excused from so much, but not from all: because it would be better that he flee.*

> *Seraphicvs* serm. 6. de decem praeceptis, *ita loquitur.* Si autem fuerit homicida, ex necessitate, hoc est dupliciter, vel ex necessitate inevitabili, vel evitabili: Necessitas evitabilis est, si possum effugere, sed dimitto propter verecundiam, vel aliam causam, et in isto casu excusatur a tanto, sed non a toto: quia melius esset quod fugeret.

2 Then he adds: *But if there be inevitable necessity, that a man kill another man, not out of love of vengeance, but out of love of the conservation of life and soul, so that he do not kill him out of cruelty, but that he impede him, lest he lose his life and his soul, provided this be done with the moderation of blameless defense, this has been granted even to persons in a state of perfection, not only to those in an imperfect state.* And this he says *August. lib. 1. de libero arbitrio, and he is excused from so much, and from all.* So S. Bonav. There *S. August. cap. 5. being asked: Whether it were lawful to kill an invader of life, chastity, and goods. He answered, that it is lawful on account of life and chastity; the rest he omits.*

> *Deinde subdit:* Si autem sit necessitas inevitabilis, ut homo occidat alium hominem, non amore vindictae, sed amore conservationis vitae, et animae, ut non interficiat ipsum ex crudelitate, sed ut impediat ipsum,

ne perdat suam vitam, et animam, ut fiat hoc moderamine inculpatae tutelae, hoc concessum est personis etiam perfectis, non solum imperfectis. *Et hoc dicit* August. lib. 1. de libero arbitrio, et excusatur a tanto, et a toto. *Haec S. Bonav. Ibi* S. August. cap. 5. interrogatus: An liceret occidere invasorem vitae, pudicitiae, et opum. Respondit, licere ob vitam, et pudicitiam; alia vero omittit.

3 From these things, attentively read through, you have that, solely on account of saving life or soul, it is lawful, according to D. Bonavent., to kill another; and further, that no person whatsoever is to be excused, if he weigh flight so highly, or any other disgrace, that to flee these he kills.

Ex his attente perlectis habes, solum ob salvandam vitam, vel animam ex D. Bonavent. licere alium occidere, atque adeo neque excusari quamcumque personam, si fugam tanti pendat, vel aliud dedecus, ut, ad haec fugienda, occidat.

4 This opinion they defend: *Sylvius 2. 2. q. 64. art. 7. quaeritur 9.* Bisfeldius *in com. de iniur. et damno, cap. 1. quaest. 5. concl. 8. Bolognetus in l. Ut vim, num. 42. ff. de Iustitia, et iure, Baldus l. 4. consil. 312.* and others. You have very many reasons in Sylvius, of which the eminent one is that of D. Bonav. *loc. cit.* arguing from the Religious and Episcopal state, that it is not lawful for any Christian whatsoever to defend honor in this way. A Christian man, a Bishop, or Religious is bound to flee, if he can, and it is not lawful to kill the assailant, because the Religion of Christ requires this; but a Christian at last pledges the worship of Christ in Baptism, renouncing all the pomps of Satan. This argument terrifies those saying that it is lawful for a noble Christian; not for a plebeian, or Cleric, or Religious, as Bass. *num. 22.* holds, excluding plebeians, and *num. 26.* Clerics, etc., with *Diana p. 5. tract. 4. resol. 49. Lessio lib. 2. cap. 9. num. 86.* and others; who say that this is lawful to a Christian; Bassaeus indeed so holds *num. 2. Less. dub. 12. num. 77. Diana p. 3. tract. 5. miscell. resol. 90.* Add *Petr. Navar. l. 2. cap. 36. num. 389.* and others.

Hanc sententiam defendunt Sylvius 2. 2. q. 64. art. 7. quaeritur 9. *Bisfeldius* in com. de iniur. et damno, cap. 1. quaest. 5. concl. 8. Bolognetus in l. Ut vim, num. 42. ff. de Iustitia, et iure, Baldus l. 4. consil. 312. *et alii. Rationes plurimas habes apud Sylvium, quarum eximia est D. Bonav.* loc. cit. *arguentis a statu Religioso, et Episcopali, non licere cuicumque Christiano id genus defendendi honorem. Homo Christianus, Episcopus, vel Religiosus tenetur fugere, si potest, et non licet aggressorem occidere, quia Religio Christi id exigit; at Christianus tandem Christi cultum in Baptismo spondet, abrenuncians omnibus pompis Sathanae. Hoc argumentum terret dicentes, id licere Christiano nobili; non plebeo, vel Clerico, aut Religioso, ut Bass.* num. 22. *ponentem excludi plebeos et* num. 26. *Clericos, etc. cum* Diana p. 5. tract. 4. resol. 49. Lessio lib. 2. cap. 9. num. 86. *et aliis; qui hoc Christiano licere aiunt; Bassaeus quidem ita habet* num. 2. Less. dub. 12. num. 77. Diana p. 3. tract. 5. miscell. resol. 90. *Adde* Petr. Navar. l. 2. cap. 36. num. 389. *et alios.*

5 I press upon the man himself. That which is of the law of nature pertains to all indispensably: But to kill the one committing injustice does not pertain to plebeians, Clerics, or Religious according to you: Therefore deservedly Andreas Gail. *observat. 100. num. 8. says*, of those saying the opposite, that they teach politically rather than Christianly.

Urgeo ad hominem. Id, quod est iuris naturae, convenit omnibus indispensabiliter: Sed occidere Iniurium non convenit plebeis, Clericis, aut Religiosis per vos: Ergo merito Andreas Gail. observat. 100. num. 8. ait, *oppositum dicentes, Politice magis quam Christiane docere.*

6 This utterance, however, Diana cries out is immodest *resol. 9.* following the opposite opinion, alleging both Nauarros, Valencia, Bannes, Salonius, Aragon, whom he cites and follows *Tanner. T. 3. disp. 4. quaest. 8. dub. 4. num. 7. Turrianum 2. 2. T. 2. disp. 28. dub. 5. Escobar. p. 1. de puritate, et nobilitate*

probanda, quaest. 1. §. 8. num. 13. Azorium Tom. 3. lib. 2. cap. 1. quaestio 14. Molinam tomo 4. tract. 3. disput. 17. Sotum *de iustitia, quaest. 1. num. 8. Nauar. man. cap. 15.* Gomez *Tom. 3. variarum resol. cap. 3. num. 23.* and says it is the common opinion.

> *Hoc tamen effatum immodestum clamat Diana* resol. 9. *oppositam sententiam secutus, allegans Nauarros ambos, Valentiam, Bannem, Salonium, Aragonium, quos citat, et sequitur* Tanner. T. 3. disp. 4. quaest. 8. dub. 4. num. 7. Turrianum 2. 2. T. 2. disp. 28. dub. 5. Escobar. p. 1. de puritate, et nobilitate probanda, quaest. 1. §. 8. num. 13. Azorium Tom. 3. lib. 2. cap. 1. quaestio 14. Molinam tomo 4. tract. 3. disput. 17. *Sotum* de iustitia, quaest. 1. num. 8. Nauar. man. cap. 15. *Gomez* Tom. 3. variarum resol. cap. 3. num. 23. *et dicit, esse communem.*

7 The same opinion Fagundez upholds *in 5. praeceptum, cap. 3.* adducing *Lessium Tom. 1. l. 2. dub. 11. num. 66.* Farinacius with many others cited by him *T. 4. quaest. 125. de homicid. tit. 14. num. 41.* Salomonem *in repetit. Legis, ut vim, ff. de Iusticia, et iure. Bouër. decis. 168. Toletum l. 5. summa, cap. 6.* Ananiam *in cap. suscepimus, de homicid.* Sylvest. *verbo homicid. 1. quaest. 15.* Iulium Clarum *l. 5. sent. §. Homicid. num. 26.* Bartholum *l. 1. num. 8. C. Unde vi.* Angelum *in l. Is qui aggressor, C. de sicaer.* where he says this is the common practice of the world; add *Petrum Navarrum l. 2. de restit. cap. 3. num. 16.*

> *Eandem sententiam tuetur Fagundez* in 5. praeceptum, cap. 3. *adducens* Lessium Tom. 1. l. 2. dub. 11. num. 66. *Farinacium cum aliis multis apud eum* T. 4. quaest. 125. de homicid. tit. 14. num. 41. *Salomonem* in repetit. Legis, ut vim, ff. de Iusticia, et iure. Bouër. decis. 168. Toletum l. 5. summa, cap. 6. *Ananiam* in cap. suscepimus, de homicid. *Sylvest.* verbo homicid. 1. quaest. 15. *Iulium Clarum* l. 5. sent. §. Homicid. num. 26. *Bartholum* l. 1. num. 8. C. Unde vi. *Angelum* in l. Is qui aggressor, C. de sicaer. *ubi ait hanc esse communem orbis practicam; adde* Petrum Navarrum l. 2. de restit. cap. 3. num. 16.

8 Hence some of those alleged infer that it is lawful for a noble secular man to kill one who insults him, who wishes to strike him with a cudgel, or a blow of the hand, if he cannot otherwise avoid the ignominious blow; a bloody dogma indeed, and worthy that on its account several Pontiffs have hurled various excommunications.

> *Hinc inferunt aliqui ex allegatis, licitum esse viro nobili saeculari occidere sibi insultantem, qui fuste, vel alapa ipsum vult percutere, si aliter percussionem ignominiosam vitare nequit; Cruentum sane dogma, et dignum, quod in ipsum varias excommunicationes plures Pontifices fulminaverint.*

9 Diana agglomerates many with these *p. 1. Tract. 15. resol. 15.* saying it is lawful, after a blow of the hand, a cudgel, or a wound has been dealt, to pursue the fugitive and kill him: *Navar. Man. cap. 14. num. 4. Petrum Navar. de restit. l. 2. cap. 3. num. 382. Victoriam de Iure belli, quaest. 2. num. 5. Henriquez sum. lib. 14. cap. 10. num. 3.* who adduces others, Fernandez *in Exam. p. 1. cap. 9. §. 1.* the same Diana upholds *p. 5. Tract. 4. resol. 11.* adducing moreover Merchantium *in summa resol. Pastor. ad decal. cap. 5. quaest. 3. casu 3. Fabrum in 4. dist. 15. disp. 52. cap. 1. num. 29.*

> *His multos agglomerat Diana* p. 1. Tract. 15. resol. 15. *dicentes, licere post impactam alapam, fustem, vel vulnus, fugientem insequi, et occidere:* Navar. Man. cap. 14. num. 4. Petrum Navar. de restit. l. 2. cap. 3. num. 382. Victoriam de Iure belli, quaest. 2. num. 5. Henriquez sum. lib. 14. cap. 10. num. 3. *qui alios adducit, Fernandez* in Exam. p. 1. cap. 9. §. 1. *eandem tuetur Diana* p. 5. Tract. 4. resol. 11. *adducens insuper Merchantium* in summa resol. Pastor. ad decal. cap. 5. quaest. 3. casu 3. Fabrum in 4. dist. 15. disp. 52. cap. 1. num. 29.

10 Against these, however, they set themselves in a crowded column after D. Bonav. *loc. cit. Ioannes de la Cruz in Direct. p. 2. praecept. 5. dub. 6. Tolet. l. 2. cap. 6. man. 16. Rodriquez 41. cap. 135. num. 11. Turrian. 2. 2. quaest. 27. dub. 3.* citing Bannes and Sotus. *Salon. 2. 2. quaest. 64. art. 7. cont. 2. Malder. 2. 2. tract. 3. cap. 1. dub. 14.* and others.

> *His tamen se opponunt agmine constipato post D. Bonav.* loc. cit. Ioannes de la Cruz in Direct. p. 2. praecept. 5. dub. 6. Tolet. l. 2. cap. 6. man. 16. Rodriquez 41. cap. 135. num. 11. Turrian. 2. 2. quaest. 27. dub. 3. *citantes Bannem, et Sotum.* Salon. 2. 2. quaest. 64. art. 7. cont. 2. Malder. 2. 2. tract. 3. cap. 1. dub. 14. *et alii.*

11 From the adversaria others advance, saying it is lawful to kill the one offering contumely, when that injury cannot otherwise be warded off. So *Escobar. p. 1. de puritate, et nobil. quaest. 1. gloss. 4. num. 14. Petr. Navar. de restit. l. 2. cap. 3. num. 376. et Henricus Strouersdorf. de Iustitia, et iure, in 2. 2. quaest. 64. art. 7. Baldell. in Theol. Mor. l. 3. disp. 24. num. 24.*

> *Ex adversariis progrediuntur alii dicentes, licere occidere contumeliosum, quando aliter ea iniuria arceri nequit. Ita* Escobar. p. 1. de puritate, et nobil. quaest. 1. gloss. 4. num. 14. Petr. Navar. de restit. l. 2. cap. 3. num. 376. et Henricus Strouersdorf. de Iustitia, et iure, in 2. 2. quaest. 64. art. 7. Baldell. in Theol. Mor. l. 3. disp. 24. num. 24.

12 Diana reproves this, however *resol. 12. loc. cit. Hurtad. 2. 2. disp. 170. sect. 15. §. 123. Petrus Binfeldius de iniur. cap. 1. quaest. 9. Molfes. tom. 1. tract. 11. cap. 19. num. 74. Lessius l. 2. cap. 9. dub. 13. num. 78. Filliuc. tom. 2. tract 29. cap. 3. num. 49. Azor. t. 3. l. 2. cap. 1. quaestio 17. Bassaeus num 23.* but coldly.

> *Hanc tamen reprobant Diana* resol. 12. loc. cit. Hurtad. 2. 2. disp. 170. sect. 15. §. 123. Petrus Binfeldius de iniur. cap. 1. quaest. 9. Molfes. tom. 1. tract. 11. cap. 19. num. 74. Lessius l. 2. cap. 9. dub. 13. num. 78. Filliuc. tom. 2. tract 29. cap. 3. num. 49. Azor. t. 3. l. 2. cap. 1. quaestio 17. Bassaeus num 23. *sed frigide.*

13 Hence the opinion of Strouersdorf is rather refuted, that one can be killed who says to a man of honor: you lie, since Diana carps at it Resol. 13. Bass. num. 23. indeed by killing you do not prove yourself truthful. But when it is lawful for the one insulted to say: you lie. See Hurt. t. 2. t. 2. disp. 70. sect. 14. num. 116. Culpatium in casu 13. militari. Bass. num. 17. adds that by fleeing, not to be admitted in practice, it is lawful to kill one accusing him before a judge; Nay, condemned by Alexandr. VII. 1665. 14. Sept. Bass. num. 17. and 24. brings the authorities.

> *Hinc magis refellitur opinio Strouersdorf, posse occidi eum, qui dixerit viro honorato: mentiris, cum carpit Diana Resol. 13. Bass. num. 23. sane occidendo non te probas veracem. Quandonam vero liceat contumelioso dicere: mentiris. Vide Hurt. t. 2. t. 2. disp. 70. sect. 14. num. 116. Culpatium in casu 13. militari. Addit Bass. num. 17. fugiendo, non admitti in praxi, licete occidere criminantem apud iudicem; Imo damnatum ab Alexandr. VII. 1665. 14. Sept. Authores affert Bass. num. 17. et 24.*

14 We must now fight for the true opinion of the Seraphic Doctor. Now the Law of Christ is that which we have professed in baptism, renouncing Satan and all his works and pomps. For the Law of Christ teaches, Matth. 5. *Whoever shall strike you on one cheek, turn to him the other also.* And therefore Christ, Ioan. 18. received the blow, and did not avenge it. And Ioan. 8. he heard: *You have a devil.* But he could justly have avenged it. Where Chrysostom, homil. 82. in Ioan.: *You shudder at heaven; endure on earth the outrage of the mind. The Creator of the world, the eternal Son of God, received the blow, and a servant gave it, who was worthy of every punishment, namely either to be burned with heavenly fire, or swallowed by the opening earth, or seized by a demon and whirled about.* And S. August. adds, tract. 113. *And yet he who by his*

power could command, by whom the world was made, chose rather to teach patience. And asking why he did not offer the other cheek, according to the precept, Matth. 5., he says: *By this he rather showed what was to be shown, namely that his great precepts of patience are to be performed not by ostentation of the body, but by preparation of the heart*. And the same S. August. epist. 5. ad Marcellinum, says that those precepts about offering the cheek, etc. pertain more to the preparation of the heart than to the work. All this S. Bonaventura pursues on 18. Ioannis.

> *Nobis iam pro vera Seraphici sententia est pugnandum. Est autem Lex Christi, quam professi sumus in baptismo, abrenunciantes Satanae, et omnibus operibus, et pompis eius. Lex enim Christi docet, Matth. 5.* Qui te percusserit in maxillam unam, praebe illi et alteram. *Et ideo Christus Ioan. 18. accepit alapam, nec ultus est. Et Ioan. 8. audivit:* Daemonium habes. *Poterat autem iuste ulcisci. Ubi Chrysostomus homil. 82. in Ioan.* Horreas caelum, excessum mentis patiaris terra. Creator mundi, filius Dei aeternus accepit alapam, et servus eam dedit, qui omni poena dignus, scilicet aut caelesli igne incendi, aut terra debisciente sorberi, aut correptus Daemonio volutari. *Et addit S. August. tract. 113.* Et tamen qui per potentiam iubere posset, per quem factus est mundus, patientiam docere maluit. *Et quaerens, cur alteram maxillam non praebuerit, iuxta praeceptum, Matth. 5. ait:* Quod hinc potius demonstravit, quod demonstrandum fuit, sua scilicet magna praecepta patientiae, non ostentatione corporis, sed cordis praeparatione facienda. *Et idem S. August. epist. 5. ad Marcellinum, ait, quod illa praecepta de praebendo maxillam, etc. magis ad praeparationem cordis pertinent, quam ad opus. Haec omnia prosequitur S. Bonaventura ad 18. Ioannis.*

15 And on 6. Lucae at those words: *Et qui te percusserit in maxillam unam, praebe illi et alteram* the Holy Doctor observes that the cheek is put for the nobler part of the body, which, when struck, receives the gravest injury; and he notes that Christ commanded patience by precept, according to that Deuter. 31. *Vengeance is mine, and I will repay, saith the Lord.* And therefore the Apostle, Rom. 12. *Not defending yourselves, most beloved, but give place unto wrath.* Therefore Matth. 18. he commands: *If thy brother shall sin against thee, go, and rebuke him between thee and him alone.* Whence it follows that correction is to be made; therefore S. August. serm. 10. de verbis Domini: *If you suffer an injury, and are silent, and do not rebuke your neighbor, you sin more by neglecting than he by afflicting.*

> *Et ad 6. Lucae in ea verba:* Et qui te percusserit in maxillam unam, praebe illi et alteram *advertit S. Doctor, poni maxillam pro parte nobiliori corporis, quae, cum percutitur, praecipua iniuria irrogatur; et notat, Christum patientiam praecepto imperasse, iuxta id Deuter. 31.* Mihi vindictam, et ego retribuam, dicit Dominus. *Et ideo Apostolus Rom. 12.* Non vosmetipsos defendentes charissimi, sed date locum irae. *Ideo Matth. 18. praecipit:* Si peccaverit in te frater tuus, vade, et corripe eum inter te, et ipsum solum. *Unde sequitur, correptionem faciendam; ideo S. August. serm. 10. de verbis Domini:* Si iniuriam pateris, et taces, et proximum non corripis, plus peccas negligendo, quam ille affligendo.

16 The same the Holy Doctor proves on 6. Lucae at those words: *Qua mensura mensi fueritis, remetietur vobis,* namely by harming, according to that Apoc. 18. *As much as she hath glorified herself, and lived in delights; so much torment and sorrow give ye to her.* And Iohel. 3. *Speedily and swiftly will I repay your recompense upon your own heads.*

> *Idem probat S. Doct. ad 6. Lucae in ea verba:* Qua mensura mensi fueritis, remetietur vobis, *scilicet nocendo, iuxta id Apoc. 18.* Quantum glorificavit se, et in deliciis fuit; tantum date illi tormentum, et luctum. *Et Iohel. 3.* Cito velociter reddam vicissitudinem vobis super caput vestrum.

17 Therefore there he observes that protestation of Christ: *Forgive, and you shall be forgiven.* Otherwise the prayer is not wholesome: *Forgive us our debts, etc. For if you will not forgive men, neither will your father*

forgive you your sins. And therefore Eccles. 28. *Forgive your neighbor that hath hurt thee: and then thy sins shall be forgiven thee when thou prayest.* This is the Law of honor, which we Christians profess.

> *Ideo ibi observat S. Doct. illam protestationem Christi:* Dimittite, et dimittemini. *Alioqui non salubriter oratur:* Dimitte nobis debita nostra, etc. Si enim non dimiseritis hominibus, nec pater vester dimittet vobis peccata vestra. *Et ideo Eccles. 28.* Relinque proximo tuo nocenti te: et tunc deprecanti tibi peccata solventur. *Haec est Lex honoris, quam nos Christiani profitemur.*

18 From which you have that this is true not of Clerics and Religious alone; concerning whom indeed the Doctors commonly assert that they are bound to take flight, as Fagundez reports lib. 5. cap. 7. num. 9. but this Law has been given to all Christians. Wherefore with a Christian diploma Alexander VII. decreed that no one, under pain of excommunication reserved to the Supreme Pontiff, teach that a man of knightly rank can accept a duel, lest he incur the note of timidity, certainly by fleeing, or refusing, as you have it proved, in the tome immediately preceding disp. 17. q. 10. sect. 1.

> *Ex quo habes, non de solis Clericis, et Religiosis id esse verum; de quibus sane asserunt communiter DD. teneri fugam arripere, ut refert Fagundez lib. 5. cap. 7. num. 9. sed omnibus Christianis haec Lex data est. Quare christiano diplomate sancivit Alexander VII. ut nullus sub poena excommunicationis, summo Pontifici reservatae, doceret, virum equestrem posse duellum acceptare, ne notam timiditatis incurrat, utique fugiendo, aut respuendo, uti probatum habes, tomo proxime praecedenti disp. 17. q. 10. sect. 1.*

19 But the little argument, which Diana brings from so many of the great[1], taken from the lesser: It is lawful to kill a thief in defense of one's goods: Therefore also of honor, which is greater, the invader; This is ground to powder by the rubbing of fingers, for the Antecedent is denied with very many, as I shall presently show it must be denied.

1 N. Editor's note: the print reads 'ex tot proceribus bus assert Diana', with a duplicated 'bus' (print error); rendered without it.

> *Ratiuncula vero, quam ex tot proceribus assert Diana, sumpta a minori: Licet ad defensionem rei familiaris occidere furem: Ergo et honoris, qui maior est, invasorem; Haec attritu digitorum conteritur, negatur enim cum plurimis Antecedens, ut mox negandum ostendam.*

20 Hence Bassaeus ill says, v. *Homic.* 1. *num.* 11. that it is lawful to kill even one who injures in honor.

> *Hinc male Bassaeus v.* Homic. *1.* num. *11. ait licere occidere etiam laedentem in honore.*

Doubt II: Whether one who is attacked is bound in some case to kill the aggressor

1 We have seen that in some case it is lawful: it must now be seen whether at some time it is commanded.

> ***An teneatur in aliquo casu invasus occidere aggressorem.***
>
> *Vidimus in aliquo casu id licere: videndum iam est: an aliquando sit praeceptum.*

2 The Doctors commonly assert that ordinarily the one assailed is bound to defend his life, and if he cannot otherwise protect it, he is bound to kill the assailant. So Farinac. T. 4. quaest. 125. *de homicid.* tit. 14. Paulus de Castro in *l. utim.* ff. *de Iust. et iure*, Salon. *ibi, num.* 15. Iacobus Ayrerius *tract. de homicidii necessitate, p. 1. num.* 395. Fagundez *in quintum praeceptum Decald. 5. cap.* 3.

> *Communiter asserunt DD. teneri ordinarie invasum suam vitam defendere, et nisi aliter eam tueri queat, teneri aggressorem occidere. Ita Farinac. T. 4. quaest. 125.* de homicid. *tit. 14. Paulus de Castro in* l. utim. *ff.* de Iust. et

iure, *Salon.* ibi, num. *15. Iacobus Ayrerius* tract. de homicidii necessitate, p. 1. num. *395. Fagundez* in quintum praeceptum Decald. 5. cap. *3.*

3 It is proved by all from a reason taken from D. Bonav. in 3. dist. 29. quaest. 4. for the order of charity is, that we prefer our own life to the life of our neighbor: Therefore he gravely sins who allows his own life to perish by the sword, as he who, outside this comparison, would allow the life of his neighbor to perish.

Probatur ab omnibus ratione sumpta ex D. Bonav. in 3. dist. 29. quaest. 4. nam ordo charitatis est, ut vitam nostram vitae proximi praeferamus: Igitur graviter peccat, qui vitam suam perire gladio sinit, sicut qui perire sineret vitam proximi extra hanc comparationem.

4 Yet they allege some causes on account of which the one assailed could allow himself to be killed. First, if he is in his conscience without mortal sin; but the invader is in mortal sin. But this reason is almost always supposed in the assailant: for if he is an unjust invader, he is unjust, and in sin. Second, if the invader be a person necessary to the Republic.

Aliquas tamen causas allegant, ob quas posset invasus sinere se occidi. Prima, si is est in conscientia sua sine peccato mortali; at invasor in peccato mortali. Sed haec ratio semper fere in aggressore supponitur: Si enim est iniquus aggressor, est iniustus, et in peccato. Secunda, si invasor sit persona necessaria Reipublicae.

5 Diana, however, p. 5. Tract. 4. resol. 14. seems not to admit universally that the one assailed is bound by the law of the order of charity to kill the assailant, but only if the one assailed himself be a Prince, or necessary to the Republic, or to his family. The same is held by Soto *de Iustitia, l.* 5. *quaest.* 1. *art.* 8. Sylvius 1. 2. quaest. 64. *art.* 7. and there likewise Aragon, and others with Bassaeo, *v. Homicid.* 1. *num.* 14.

Diana vero p. 5. Tract. 4. resol. 14. videtur non admittere universaliter, teneri ex lege ordinis charitatis invasum occidere aggressorem, sed solum, si invasus ipse sit Princeps, vel Reipublicae necessarius, aut familiae suae. Idem tenent Soto de Iustitia, l. *5.* quaest. *1.* art. *8. Sylvius 1. 2. quaest. 64.* art. *7. et ibidem Aragon, et alii cum Bassaeo,* v. Homicid. *1.* num. *14.*

Doubt III: Whether it is lawful, in defense of one's own goods, to kill a thief

1 The first opinion seems to be that of D. Bonav. *at the place cited, dub.* 1, namely that it is not lawful. Accursius and others follow him, whom Navar. cites in *Man. cap.* 15. The same is held by Archid. and Panormit., whom Sylvester cites, *v. homic.* 1. *quaest.* 4. The same seems to be Tabiena's view, *v. Homicid. quaest.* 7, and *v. Irregularitas,* 2. *num.* 25. Gerson, *tract. de Euch.*, August. de Ancona, *de authoritate Ecclesiae*, Abul. on *cap.* 15 Matthaei, as cited by Diana *p. 5. Tractatu* 5. *resol.* 17, deny it absolutely; the same is upheld by Farinac. t. 4. *quaest.* 225. *de homicid. tit.* 14. *num.* 221. fol. 220. It appears from *cap.* 2 *in fine, extra de homic.*, in which perpetual penance is imposed upon a priest who kills a thief to recover a thing stolen from him, with the death of the thief; Zabatella there, *ante numerum primum*; Hostiensis *num.* 9 *v. presbyter*, and ex C. suscepimus, same title, there. Ioan. Audr. there *n.* 1. Butrio *num.* 4. Felinus 1. *not.* 1. These canonists say that consequently he incurs irregularity and even excommunication, if the thief be a cleric.

An liceat ob defensionem propriorum bonorum occidere furem.

Prima sententia videtur D. Bonav. loco citato, dub. *1. non licere. Eam sequuntur Accursius, et alii, quos citat Navar. in* Man. cap. *15. Idem tenent Archid. et Panormit. quos citat Sylvester,* v. homic. *1.* quaest. *4. Idem videtur Tabiena,*

v. Homicid. quaest. *7. et* v. Irregularitas, *2.* num. *25. Negant absolute Gerson* tract. de Euch. *August. de Ancona* de authoritate Ecclesiae, *Abul. in* cap. *15. Matthaei apud Dianam* p. 5. Tractatu *5.* resol. *17. eandem tuentur Farinac. t. 4.* quaest. *225.* de homicid. tit. *14.* num. *221. fol. 220. constat ex* cap. *2.* in fine, extra de homic. *in quo perpetua poenitentia imponitur presbytero, occidenti furem pro liberatione rei sibi furatae cum morte furis, Zabatella ibi,* ante numerum primum *Hostiensis* num. *9.* v. presbyter et ex C. suscepimus, eodem titulo, ibi. Ioan. *Audr. ibi* n. *1. Butrio* num. *4. Felinus 1.* not. *1. Hi canonistae dicunt consequenconsequenter, incurrit irregularitatem et etiam excommunicationem, si fur sit clericus.*

2 The second opinion is that it is indeed lawful for seculars, but not for Ecclesiastics: Panormit. *cap. suscepimus, de homic.*; Tolet. *lib. 5. summae, cap. 6. n. 14.*; Caietanus *2. 2. quaest. 64. art. 7.*; D. Anton. *3. part. tit. 4. cap. 3.*

Secunda sententia est, licere quidem saecularibus, non autem Ecclesiasticis, Panormit. cap. suscepimus, de homic. *Tolet.* lib. 5. summae, cap. 6. n. 14. *Caietanus* 2. 2. quaest. 64. art. 7. *D. Anton.* 3. part. tit. 4. cap. 3.

3 The third opinion contends that it is lawful absolutely for all. So Bartol. *Lib. 1. num. 2. Cod. unde vi.*; Butrio *cap. olim, 1. de restit. spoliat.*; Angelus *in Leg. Is qui aggressorem, num. 2. Cod. ad Leg. Cornel. de sicav.*; Iaso *in Leg. ut vim, num. 10. ff. de Iust. et iure*; Paulus Paris. *in cap. Dilectissimi filii, num. 36. de except.*; Alex. *consil. 109.*; the Gloss *in cap. significasti, 18. de homic.*; the Abbas there; Socin. *in cap. ad Audientiam de homicid.*; Villadiego *tract. de irregular.*; Nauar. *sum. cap. 15. num. 5.*; Plouuius *de Irregul. reg. 36.* These indeed say that the slayer nonetheless becomes irregular. But others of this opinion deny this: Suarez *de censur. disp. 46. sect. 2.*; Petr. Nauar. *Lib. 3. de restit. cap. 3. num. 414.*; Tolet. *Lib. 5. summae, cap. 6.*; Henricus Boicins *in cap. 2. de homic. num. 13.*; Annan. there, *num. 9.*; Felinus *in dictum cap. num. 5.*; Iacobus AEmilianus *conf. 2. num. 54.*; Couar. *in Clem. si furiosus 3. part.*; Fortunius *in Leg. ut vim, ff. de Iustitia, et iure;* but these two shrink from it; Castro *Lib. 2. de lege poenal. cap. 14.*; Sotus *5. de iust. quaest. 2. art. 8.* Hence he would not even incur excommunication under *cap. si quis suadente diabolo*, which is incurred for a mortal sin alone, as is commonly taught, according to Suarez *disp. 22. de cens. sect. 1. num. 25.*; Molina *Tomo 3. de iust. tract. 5. disput. 51. num. 6.*; and this doctrine holds even if there be doubt whether the thief came with the sole intention of stealing, or also of killing; for when life is in doubt, even a cleric may defend himself, as Farinaq. teaches, *quaest. 125. de homic. tit. 14. num. 224.*; Polyd. *tract. de tempore nost. cap. 24. rubr. de fure, num. 53.*; Iacobus Aixer. *de homic. necessit. par. 1. num. 139.* These Fagundez alleges and follows, *Lib. 5. cap. 3.*

Tertia sententia, id absolute omnibus licere contendit. Ita Bartol. Lib. 1. num. 2. Cod. unde vi. *Butrio* cap. olim, 1. de restit. spoliat. *Angelus* in Leg. Is qui aggressorem, num. 2. Cod. ad Leg. Cornel. de sicav. *Iaso* in Leg. ut vim, num. 10. ff. de Iust. et iure, *Paulus Paris.* in cap. Dilectissimi filii, num. 36. de except. *Alex.* consil. 109. *Glossa* in cap. significasti, 18. de homic. *Abbas* ibi, *Socin.* in cap. ad Audientiam de homicid. *Villadiego* tract. de irregular. *Nauar.* sum. cap. 15. num. 5. *Plouuius* de Irregul. reg. 36. *Hi vero dicant, fieri tamen irregularem interfectorem. Hoc tamen negant alii huius sententiae; Suarez* de censur. disp. 46. sect. 2. *Petr. Nauar.* Lib. 3. de restit. cap. 3. num. 414. *Tolet.* Lib. 5. summae, cap. 6. *Henricus Boicins* in cap. 2. de homic. num. 13. *Annan.* ibi, num. 9. *Felinus* in dictum cap. num. 5. *Iacobus AEmilianus* conf. 2. num. 54. *Couar.* in Clem. si furiosus 3. part. *Fortunius* in Leg. ut vim, ff. de Iustitia, et iure; *sed hi duo formidant, Castro* Lib. 2. de lege poenal. cap. 14. *Sotus* 5. de iust. quaest. 2. art. 8. *Hinc neque excommunicationem incurret cap.* si quis suadente diabolo, *quae ob solum mortale incurritur, ut docent communiter apud Suarez* disp. 22. de cens. sect. 1. num. 25. *Molina* Tomo 3. de iust. tract. 5. disput. 51. num. 6. *et haec doctrina urget etiamsi dubium sit: an fur veniret animo solo furandi; an et necandi, quia in dubio vitae, potest etiam clericus se defendere, ut docent Farinaq.* quaest.

125. de homic. tit. 14. num. 224. *Polyd.* tract. de tempore nost. cap. 24. rubr. de fure, num. 53. *Iacobus Aixer.* de homic. necessit. par. 1. num. 139. *Hos allegat, et sequitur Fagundez* Lib. 5. cap. 3.

4 Others cited by Diana *part. 5. tract. 4. resol. 17.* followed this opinion, which he calls the common one. So Tanner *Tom. 3. disp. 4. quaest. 8. dub. 4. num. 41.*, who cites Syluestrus, Nauarrus, Sotus, Valencia, Aragonius, Bannes, and Lessius. Add Turrianus *2. 2. Tom. 2. disp. 27. dub. 2. num. 15.*; Marchantius *in summarefol. pastor. ad Decal. cap. 5. quaest. 5.*; Baldellus *Tom. 1. Lib. 3. disp. 26. num. 10.*; Layman *lib. 3. sect. 5. tract. 3. part. 3. cap. 3.*; Petrus Binsfeldius *de iniuriis, cap. 1. quaest. 5.*; Molina *tomo 4. tract. 3. disp. 16.*; Azorius *Tom. 3. lib. 2. cap. 1. quaest. 19.*; Filliucius *tom. 2. tract. 19. cap. 3. num. 36.*; Bassaeus *V. Homic. 1. num. 19.*, speaking loosely.

Hanc sententiam secuti sunt alii apud Dianam part. 5. tract. 4. resol. 17. *quam dicit communem. Ita Tanner* Tom. 3. disp. 4. quaest. 8. dub. 4. num. 41. *qui citat Syluestrum, Nauar. Sotum, Valentiam, Aragonium, Bannes, et Lessium. Adde Turrianum* 2. 2. Tom. 2. disp. 27. dub. 2. num. 15. *Marchantium* in summarefol. pastor. ad Decal. cap. 5. quaest. 5. *Baldellum* Tom. 1. Lib. 3. disp. 26. num. 10. *Layman* lib. 3. sect. 5. tract. 3. part. 3. cap. 3. *Petrum Binsfeldium* de iniuriis, cap. 1. quaest. 5. *Molinam* tomo 4. tract. 3. disp. 16. *Azorium* Tom. 3. lib. 2. cap. 1. quaest. 19. *Filliucius* tom. 2. tract. 19. cap. 3. num. 36. *Bassaeum* V. Homic. 1. num. 19. *laxe loquentem.*

5 For Religious, however, Binsfeldius and D. Antoninus deny it; but Diana *loco cit. num. 97.* affirms it positively; Syluest. *quaeritur 8*, with Lessius *lib. 2. cap. 9. dub. 11. num. 72.*; Malder. *2. 2. tract. 3. cap. 1. dub. 13.*; Becano *2. 2. Tom. 2. quaest. 7. de homicidio.*

Quoad Religiosos tamen negant Binsfeldius, et D. Antoninus; Sed assertiue sustinent Diana loco cit. num. 97. *Syluest.* quaeritur 8. cum Lessio lib. 2. cap. 9. dub. 11. num. 72. *Malder.* 2. 2. tract. 3. cap. 1. dub. 13. *Becano* 2. 2. Tom. 2. quaest. 7. de homicidio.

6 Diana adds that a fleeing thief may be killed if he flees with the stolen goods, because the invasion of the property lasts until he reaches a place of safety; and he brings forward the authorities alleged above.

Addit Diana, posse furem fugientem occidi, si cum re surata fugiat, quia inuasio rei durat, donec in tutum se recipiat, et adducit allegatos.

7 Strouersdorf adds, *de Iustitia, quaest. 64. art. 7. in 2. 2.*, that it suffices for you to be able to kill if you cannot otherwise keep the goods, even if you could recover them afterwards; for no one seems bound to suffer that his property be snatched away, even if it can be recovered later.

Addit Strouersdorf de Iustitia, quaest. 64. art. 7. in 2. 2. *sufficere, ut interficere possis, quod nequeas aliter rem custodire, etiamsi posses recuperare postea, quia nullus videtur teneri pati, ut res eripiatur, etiamsi postea valeat recuperari.*

8 Yet I am not carried away by this torrent of Doctors, nor moved to the first opinion.

Hoc tamen Doctorum torrente non rapior, nec moueor a prima sententia.

9 Therefore I assert that it is not lawful to defend one's private property by killing the thief.

Assero igitur, non licere rem familiarem defendere, necando furem.

10 It is proved by D. Bonauent. on *6. Lucae*, in those words: *And from him who takes away your garment, do not forbid him to take your tunic also.* There the Seraphic Doctor notes that Christ speaks of robbers who

wrongfully seize things of weight, of which *Iob. 24: They strip men naked, taking away their garments, etc.*, and of these it is said: *do not forbid him the tunic also*, that is, by wrangling or resisting, following the example of the Savior, of whom *Psalm. 21: They divided my garments among them.*

> *Probatur a D. Bonauent.* ad 6. Lucae, illis verbis: Et ab eo qui aufert tibi vestimentum, etiam tunicam noli prohibere. *Ubi aduertit S. Doctor, loqui Christum de raptoribus per iniuriam rerum grauium, de quibus* Iob. 24. Nudos dimittunt homines indumenta tollentes, etc. *et his dici:* Etiam tunicam noli prohibere, *scilicet rixando, vel contradicendo, exemplo Saluatoris; de quo* Psalm. 21: Diuiserunt sibi vestimenta mea.

11 He adds that this is a commandment forbidding contention and the lust of vindicating; he declares that unbridled lust, which blazes so fiercely against others for transitory things, is what is meant, as we read in *cap. suscepimus, de 2. homicidio*, where the Pontiff uses the argument of D. Bonauentura.

> *Addit vero, hoc esse mandatum, prohibens contentionem, et libidinem vindicandi; Libidinem sane immoderatam clamans, quae pro rebus transitoriis tam acriter in alios exardescit, ut habetur* cap. suscepimus, de 2. homicidio, *ubi Pontifex argumento D. Bonauenturae utitur.*

12 He proves it secondly from D. Augustinus, *epist. 5. ad Marcellinum: Care must be taken lest, through the desire for revenge, patience itself be lost; which must be prized above every good that an enemy can take from an enemy.* He concludes therefore that what is forbidden here is not the correction of one's neighbor, nor the hindering or prohibition of evil, or the punishment of crime by one who can and ought to prevent it — which belongs to the minister of justice — but the lust of revenge, both as to the hand, and as to the sign, and as to the mind.

> *Probat secundo ex D. Augustino* epist. 5. ad Marcellinum: Cavendum est ne vindicandi cupiditate amittatur ipsa patientia; quae pluris habenda est, quam omne bonum, quod potest inimicus inimico auferre. *Igitur concludit, non prohiberi hic, correptionem proximi, nec impeditionem, vel prohibitionem mali, vel punitionem sceleris ab eo, qui potest, et debet praepedire, cuiusinodi est iustitiae minister; sed prohiberi hic ulciscendi libidinem, et quantum ad manum, et quantum ad signum, et quantum ad animum.*

13 From this testimony of S. Augustinus is drawn the reason which the authors of the first opinion use: namely, that a greater good is not to be demanded for a lesser, because that is against justice; but the life of one's neighbor is a greater good than one's private property: Therefore.

> *Ex hoc testimonio S. Augustini eruitur ratio, qua utuntur authores primae sententiae: Scilicet maius bonum non est pro minori exigendum, quia est contra iustitiam; sed vita proximi est maius bonum se familiari: Ergo.*

14 Diana answers in the name of all: that although by its nature this order is observed, yet through the malice of the aggressor it can be overturned.

> *Respondet Diana nomine omnium; etsi ex natura sua is ordo seruetur, tamen ex malitia inualoris peruerti potest.*

15 On the contrary: since the equality of justice is primarily an equality of things, malice can neither add to nor subtract from it, so as to overturn the order of these same things, when the same circumstances remain unchanged.

> *Contra; nam cum aequalitas iustitiae sit aequalitas rei principaliter, nequit malitia addere; vel minuere, ita ut peruertatur ordo earundem rerum, eisdem circumstantiis indutatum.*

16 Fagundez *num. 17.*, with Tanner, answers thus: Christian Charity does not oblige us to prefer the life of our robbers to things of great moment, except when he is in extreme necessity; but in the

present case he is not in extreme necessity, but in wicked intent.

> *Fagundez* num. 17. *cum Tannero ita respondet, Charitatem Christianam nos non obligare ad praeferendam vitam praedonis nostris rebus magni momenti, nisi quando fuerit in extrema necessitate; At in casu praesenti non est in extrema necessitate, sed in voluntate iniqua.*

17 Moreover, no one intends to take away his life, but to recover his own goods; nor is that thief in full possession of his life. Valencia adds that it relates negatively to Charity toward one's neighbor.

> *Deinde; nemo intendit, adimere ei vitam, sed res suas recuperare, neque illum furem esse in possessione plena suae vitae. Addit Valentia quod ad Charitatem proximi, negatiue se habere.*

18 I do not understand these metaphysical little proofs. For Christ knew the laws perfectly well, and better than Fagundez, even though the latter was joined to the long company of the Jurists; and yet he denies that these orders are absurd. For it is one thing that I am not bound, in extreme necessity, to spend my private property; another thing to wish to defend stolen goods at the cost of another's death. Moreover, that necessity is extreme which is to be weighed above private property, even if a man has come to it through his own fault; for life is still of a lower order, nor does private property, being of a higher order, take away the right of the higher good, that is, of life. Finally, against Valencia we are bound positively by the order of Charity, when the goods to be loved concur simultaneously in act.

> *Ego Metaphysicas istas probationculas non intelligo. Christus enim optime nouerat iura, et melius, quam Fagundez; tametsi longa tessera Iurisperitorum sociatus; et tamen negat hos ordines esse ineptos. Aliud enim est, me non teneri in extrema necessitate profundere rem familiarem; aliud est, raptam velle defendere morte alterius. Deinde extrema est necessitas, quae est aestimanda supra rem familiarem, etiamsi ipse ad eam venerit sua culpa; nam adhuc vita est ordinis inferioris, neque res familiaris, cum sit ordinis superioris aufert ius boni superioris, idest vitae: Tandem contra Valentiam tenemur positiue ordine Charitatis, quando res amandae, actu concurrunt simul.*

19 It is proved thirdly from D. Bonauent., *serm. 8. de decem praeceptis*, from D. Augustinus *Lib. 1. de Lib. arb. cap. 1. et 5.*, where he expressly seems to deny that it is lawful, as Valencia admits, *disp. 5. quaest 8. puncto 4.*; nor does he answer well by saying it is to be understood of cases in which the moderation of blameless self-defense is not observed.

> *Probatur tertio a D. Bonauent.* serm. 8. de decem praeceptis, ex D. Augustino Lib. 1. de Lib. arb. cap. 1. et 5. *ubi expresse id videtur negare esse licitum, ut fatetur Valentia* disp. 5. quaest 8. puncto 4. *neque bene respondet, intelligi in casibus, in quibus non adhibeatur moderamen inculpatae tutelae.*

20 For on the contrary: when goods are set forth for which one may kill, yet without the lust of vengeance — namely life and chastity — he entirely omits honor and private property, about which he had been asked. Therefore he does not grant that it is lawful even with moderation.

> *Contra enim est; Nam propositis bonis, pro quibus occidi potest, absque tamen vindictae libidine, nempe vita, et pudicitia, omnino praetermittit honorem, et rem familiarem; de qua fuerat interrogatus. Igitur neque cum moderamine licere concedit.*

21 *PROBATUR* fourthly from S. Bonavent. *in confessionali, cap. 3. particula 14*, from *cap. 2. extra de homicidio*, where perpetual penance is imposed upon the Priest, even with moderation, as slayer of the Robber; but to the secular it is said: *that if he is able, let him fast for the image of God slain, and give alms liberally.*

PROBATUR *quarto a S. Bonavent.* in confessionali, cap. 3. particula 14. ex cap. 2. extra de homicidio, *ubi perpetua poenitentia imponitur Praesbytero, etiam cum moderamine, interfectori Latronis; saeculari vero dicitur:* ut si potuerit, ieiunet ob imaginem Dei occisam, et eleemosynas faciat largiter.

22 *RESPONDet* Fagundez *num. 17.* that it speaks there on the supposition of an excess in the moderation of blameless self-defense, which response he gathers *ex cap. suscepimus,* where the excess is related.

RESPONDet *Fagundez* num. 17. *ibi loqui supposito excessu in moderamine inculpatae tutelae, quod responsum colligit* ex cap. suscepimus, *ubi refertur excessus.*

23 *ENIM* but the passage I now allege supposes no excess; nay, it adds: *But if without the mediation of hatred you have slain such members of the devil, delivering yourself and yours, I say in indulgence, on account of the image of God, if you can fast somewhat, it is good for you, and give alms liberally; if a priest has done the same, let him not be deposed, but let him do penance as long as he lives.*

ENIM *vero locus a me nunc allegatus nullum supponit excessum, imo addit:* Si autem sine odii mediatione, te, tuaque liberando huiusmodi diaboli membra interfecisti, secundum indulgentiam dico, propter imaginem Dei, si aliquid ieiunare potueris, bonum est tibi, et eleemosynam fac largiter; si presbyter eadem fecerit, non deponatur, tamen quamdiu vivit, poenitentiam agat.

24 *EN* in the bare act of homicide, with whatever moderation, it places fault and imposes penance, because hands were laid upon the Image of God.

EN *in solo facto homicidii cum quocumque moderamine, ponit culpam, et poenitentiam imponit, eo quod manus iniectae sint in Imaginem Dei.*

25 *TEXTUS* but that passage *suscepimus,* although it censures the excess of that Monk, yet even if it had been done without excess it condemns it, as a licentious excess, by the argument taken from Christ *Lucae 6.*, on which S. Bonavent. relies. For he says: *But since it was better, after the tunic, to leave the cloak and bear the loss of goods, than to blaze so fiercely against others for trifling and transitory things, let this man humbly abstain from the ministry of the Altar, and let each strive to expiate his sin at your discretion.* Therefore, even if it had been necessary for the preservation of those goods, as being trifling things compared with the life of man, he decides that the man ought not to have been killed; and he execrates the homicide.

TEXTUS *vero ille* suscepimus, *etsi reprehendat excessum illius Monachi; tamen etiamsi sine excessu id factum fuisset, damnat, tanquam libidinosum excessum, argumento e Christo assumpto* Lucae 6. *quo nititur S. Bonavent. ait enim:* Verum quoniam expediebat potius post tunicam relinquere pallium et rerum sustinere iacturam, quam pro conservandis vilibus rebus, et transitoriis, tam acriter in alios exardescere abstineat iste humiliter ab Altaris ministerio, et uterque peccatum suum ad arbitrium tuum studeat expiare. *Itaque etiamsi necessarium fuisset pro illis rebus conservandis, utpote vilibus, si vitae hominis comparentur, non fuisse hominem occidendum decernit; et homicidium execratur.*

26 *NEQUE* do those Canonists of the second opinion satisfy me, who say that this decree concerns Religious only. I grant that it is there written to Religious; but the argument is taken from the Gospel, which binds all by its precept: for it is taken from the order of Charity, which is common to all by the law of nature, namely that for the preservation of worthless things the life of man, which is of a higher order, should not be killed.

NEQUE *satisfaciunt Canonistae illi secundae sententiae, qui de solis Religiosis id decretum esse aiunt. Fateor, ibi scribi ad Religiosos; sed argumentum sumptum est ex Evangelio, quod omnes praecepto colligat: sumptum est enim ex ordine Charitatis, qui communis est omnibus iure naturae, ut ob vilia servanda non occidatur vita hominis, quae est altioris ordinis.*

27 *DEINDE* observe that the text does not exclude from irregularity those who kill for the sake of preserving mere riches, unless it is also necessary, in order to save one's life from the robber, to kill him. Therefore the Pontiff says: *delivering yourself and yours, etc.*, as above; and in the Clementina *Si furiosus* he excepts only the defense of one's own life, and there excuses him who cannot otherwise escape death.

DEINDE *observa, textum non excludere ab irregularitate occidentes ad conservandas opes solas, nisi sit necesse etiam ad servandam vitam a Latrone, eum interficere. Ideo Pontifex ait:* te, tuaque liberando, etc. *ut supra, et in Clementina,* Si furiosus *solum excepit defensionem propriae vitae; ibique eum, qui mortem aliter vitare non valet, excusat.*

28 *NEQUE* does Fagundez satisfy me, saying *num. 15.* that in the Clementine it is not said that the slayer, in defense of his goods, becomes irregular. I know it; but the exception confirms the rule, for there he alone is exempted for the defense of life.

NEQUE *satisfacit Fagundez dicens* num. 15. in Clement. *non dici irregularem occidentem ob defensionem opum. Scio; sed exceptio firmat regulam, ibi enim solum pro vitae defensione eximitur.*

29 Moreover *in cap. 2. de homicidio,* he saves only him who had killed while delivering himself and his own. Nor let Fagundez say with Suarez *num. 8.* that the particle *que* sounds as *vel*; for that is contrived gratuitously, above all in decrees which are to be sanctioned, so great is the temerity of changing words, so that they render as exclusive what is expressed as conjunctive.

Deinde in cap. 2. de homicidio, *salvat solum eum, qui occiderat, se, suaque liberando. Neque dicat Fagundez cum Suarez* num. 8. *particulam,* que, *sonare,* vel; *hoc enim gratis excogitatur, in decretis maxime sanciendis, adeo verba immutare; ut quae dicunt coniunctivam, exprimant praecisivam.*

30 *COLLIGE* that Bassaeus *num. 20.* falsely asserts that he may be killed who endeavors to overturn me with falsehoods in a court of judgment, unless you can otherwise prevent him. This is condemned by Alex. VII. on 24 Sept. 1665, as may be seen in the former tome, *disp. 17. de conscientia, quaest. 10. sect. 18.*, where also in *sect. 2.* you have expounded what some ancient Canones, with D. Augustino, thought about killing a nocturnal thief, or even a diurnal one, attacking life with arms.

COLLIGE *falso Bassaeum* num. 20. *asserere, posse occidi, qui falsitatibus in iudicio me conetur evertere, nisi aliter valeas impedire. Hoc damnatur ab Alex. VII. 24. Sept. 1665. uti videri potest tomo priori* disp. 17. de conscientia, quaest. 10. sect. 18. *ubi etiam* sect. 2. *habes explicatum, quid de fure nocturno occidendo, siue etiam diurno, vitam armis aggrediente senserint veteres aliqui Canones cum D. Augustino.*

Doubt IV: Whether, in defense of chastity, it is lawful to kill the assailant

1 *LICITUM* — that a young man, or a woman, may kill an assaulter of her chastity, when she cannot otherwise defend herself, even if the assaulter be a cleric or a Religious — is affirmed by very many, as gathered by Fagundez *in Quintum praeceptum, Lib. 5. cap. 3. num. 24.* So Tolet. *Lib. 5. summae cap. 6.*; Lessius *tom. 1. Lib. 2. dub. 12. num. 76.*; Sylvester *V. homic. 1. quaest. 5. num. 9.*; Petrus Navar. *Lib. 2. de restit. cap. 3. num. 393.*; Fatinac. *tract. 4. quaest. 125. de homic. tit. 14.*; Baldus *in Leg. ut vim, ff. de Iust.*;

Decius there, *num. 32.*; and it is clear from the text *in L. 1. §. item, Decius ff. ad Legem Cornel. de sicar.*: the Divine Adrianus *responded that he who slew one offering violence to him for the violation of himself or of his own is to be let go,* and the Gloss there; Alberici *L. 1. num. 17. Cod. Unde vi.*; Iodocus *in pract. cap. 80.*; Bossius *tit. de homicid. num. 81.*; Hugolin. *de censur. part. 2. cap. 11.*; Iacobus Ayrerius *de homic. necessitate, part. 1. num. 135.*; Sylvius *2. 2. quaest. 64. art. 7. quaeritur 9.*; Rodriquez *in sum. tomo 1. cap. 220. num. 14.*; Diana *part. 5. Tract. 4. resol. 36.*, where he says it is the common opinion.

> ***An ad defensionem Pudicitiae liceat Invasorem occidere.***
>
> LICITUM *esse adolescenti, vel mulieri castitatis invasorem occidere, cum aliter se defendere non potest, etiamsi invasor sit clericus, vel Religiosus, afferunt plurimi apud Fagundez* in Quintum praeceptum, Lib. 5. cap. 3. num. 24. *Ita Tolet.* Lib. 5. summae cap. 6. *Lessius* tom. 1. Lib. 2. dub. 12. num. 76. *Sylvester* V. homic. 1. quaest. 5. num. 9. *Petrus Navar.* Lib. 2. de restit. cap. 3. num. 393. *Fatinac.* tract. 4. quaest. 125. de homic. tit. 14. *Baldus* in Leg. ut vim, ff. de Iust. *Decius* ibi, num. 32. *et patet ex text.* in L. 1. §. item, Decius ff. ad Legem Cornel. de sicar. *Divus Adrianus* rescripsit, eum, qui stuprum sibi, vel suis vim inferentem, occidit, dimittendum, et *Glossa* ibi, *Alberici* L. 1. num. 17. Cod. Unde vi. *Iodocus* in pract. cap. 80. *Bossius* tit. de homicid. num. 81. *Hugolin.* de censur. part. 2. cap. 11. *Iacobus Ayrerius* de homic. necessitate, part. 1. num. 135. *Sylvius* 2. 2. quaest. 64. art. 7. quaeritur 9. *Rodriquez* in sum. tomo 1. cap. 220. num. 14. *Diana* part. 5. Tract. 4. resol. 36. *ubi ait esse communem sententiam.*

[2] *FALLITUR* however, together with Tanner *Tom. 3. disp. 4. quaest. 8. dub. 4. num. 68.*, when he says that D. Augustinus doubted in this matter *Lib. 1. de lib. arb. cap. 5.*; for S. Augustinus seems to grant it only on account of the danger of consent, because then the soul would perish; and S. Bonaventura holds the same with him, *serm. 6. Decalogi.*

> FALLITUR *tamen una cum Tannero* Tom. 3. disp. 4. quaest. 8. dub. 4. num. 68. *dicens, D. Augustinum hac de re dubitasse* Lib. 1. de lib. arb. cap. 5. *nam S. Augustinus solum ob periculum consensus videtur id concedere, quia tunc periret anima, et hoc idem tenet cum eo S. Bonaventura* serm. 6. Decalogi.

[3] AT Toletus *loco cit.* and Sylvest. *§. 8.*, with Fagundez, say that, the danger of consent being removed, one can refrain from killing and endure that injury, which will be doubled before God for a crown; but these two say it is safer to kill, if one can; yet more piously does the Seraphic Doctor admit it only, with D. Augustino, when the danger to the soul from the peril of consent is imminent; so also Bassaeus *V. Homic. 1. num. 21.*

> *AT Toletus* loco cit. et *Sylvest. §. 8. cum Fagundez, dicunt, praeciso periculo consensus, posse non occidere, et pati illam iniuriam, quae apud Deum duplicabitur ad coronam; hi tamen duo dicunt securius esse occidere, si possit, sed magis pie S. Doctor solum admittit cum D. Augustino imminente periculo animae, per consensus periculum, sic et Bassaeus* V. Homic. 1. num. 21.

Question VII: Whether, and how, the duel is unlawful

[1] *MONOMACHIAM,* or the Duel, S. Bonavent. says in *speculo animae, cap. 1.*, toward the end, is prohibited by the Laws, and has the character of mortal sin, both in the appellants and in the lord by whose authority it is held, and in the procurators and in the combatants fighting for money; and this is clear since it has the character of tempting God, and the weak is overcome by the strong, not by right but by nature. Some say, however, that custom excuses this deed; the contrary of which is commonly held by Theologians and Jurists. Such is S. Bonaventura's account.

An, et quomodo MONOMACHIA sit illicita.

MONOMACHIAM, *seu Duellum ait S. Bonavent.* in speculo animae, cap. 1. *ad finem, secundum Iura esse prohibitum, et habere rationem mortalis, et in appellatione, et in dominio, cuius authoritate fit, et in procuratoribus, et in pugillis propter pecuniam, et hoc patet cum hoc habeat rationem tentationis divinae, et a forti debilis per naturam vincatur. Dicunt tamen quidam, quod consuetudo excusat in hoc facto, cuius contrarium tenetur communiter a Theologis, et Iurisperitis. Haec S. Bonaventura.*

2 DVELLUM is a combat of two or more, by agreement, in a fixed and appointed place and time, to redeem the truth of some matter, or to purge a crime or an imputed infamy. So the Doctors commonly: Sanchez *Lib. 2. Decal. cap. 39.*; Azor *Tom. 3. lib. 2. cap. 5.*; Bonacina *tract. 3. disp. 11. quaest. 3. puncto 42.*

DVELLUM est pugna duorum, vel plurium ex condicto in certo, et conuento loco, et tempore, ad redimendam alicuius rei veritatem, vel ad purgandum crimen, vel infamiam obiectam. Ita communiter Doctores, Sanchez Lib. 2. Decal. cap. 39. *Azor* Tom. 3. lib. 2. cap. 5. *Bonacina* tract. 3. disp. 11. quaest. 3. puncto 42.

3 *TALE* a combat is prohibited by the Church in *cap. Monomachiam 2. quaest. 5. et cap. 1. et 2. de purgat.* vulgari, and *cap. Porro*; although the Bishop could dispense in this, provided no death or mutilation of a member followed, as D. Bonavent. relates in confessionali, *cap. 5. particula 29.*

TALE *certamen est prohibitum ab Ecclesia* cap. Monomachiam 2. quaest. 5. et cap. 1. et 2. de purgat. *vulgari, et cap.* Porro*, cum hoc dispensare poterat Episcopus, non secuta morte, vel mutilatione membri alicuius, ut refert D. Bonavent. in confessionali,* cap. 5. particula 29.

4 The Theologians condemn it also, with D. Bonavent. *here*, and D. Thom. 2. 2. *quaest. 95. art. 8. ad 3.*

ILLUD damnant etiam Theologi cum D. Bonavent. hic*, et D. Thom.* 2. 2. quaest. 95. art. 8. ad 3.

5 DAMNATUR — the duel is gravely condemned in the Council of Trent *sess. 25. cap. 19.*. He speaks there of the solemn and public duel, held by the authority of Princes in their States.

DAMNATUR duellum graviter in Concilio Trident. sess. 25. cap. 19. *Loquitur autem de solemni duello, et publico, quod Principum authoritate sit in eorum Statu.*

6 RURSUS Gregory XIII also condemned the private duel in the Brief *ad tollendam detestabilem*, in the year 1582. And finally the same was decreed by Clement VIII in the year 1592.

RURSUS Gregorius XIII. etiam privatum duellum damnavit Brevi, ad tollendam detestabilem*, anno 1582. Et tandem idem decrevit Clemens VIII. anno 1592.*

7 FULMINAT — the Council of Trent moreover fulminates excommunication in these words:

FULMINAT autem Concilium Tridentinum excommunicationem his verbis:

8 *Detestabilis — The detestable custom of duels, introduced by the contrivance of the Devil, that it might reap the ruin of souls together with the bloody death of bodies, is to be wholly eradicated from the Christian world. Emperors, Kings, Dukes, Princes, Marquesses, Counts, and by whatever other name temporal Lords, who have granted a place for Monomachia in their territories among Christians, are by that very fact excommunicated, and are to be understood as deprived of the jurisdiction and dominion of the city, castle, or place in which or near which they permitted the duel to take place, which the Church claims for herself; and if they be feoffed,*

> Detestabilis duellorum usus, fabricante Diabolo, introductus, ut cruenta corporum morte, animarum quoque perniciem lucretur, ex Christiano orbe penitus exterminetur. Imperator, Reges, Duces, Principes, Marchiones, Comites, et quocumque alio nomine, Domini temporales, qui locum ad Monomachiam in terris suis inter Christianos concesserint, eo ipso sint excommunicati, ac iurisdictione, et dominio civitatis, castri, aut loci, in quo, vel apud quem duellum fieri permiserint, quod ab Ecclesia abstinent, privati intelligantur: et si feudalia sint,

[9] *directis — the lands are at once acquired by the direct Lords. But those who have engaged in the combat, and those who are called their seconds, shall incur the penalty of excommunication and proscription of all their goods, and of perpetual infamy; and as homicides they ought to be punished according to the Sacred Canons. And if they have died in the conflict itself, let them be forever without Ecclesiastical Sepulture. Those also who have given counsel in the cause of a duel, both in law and in fact, or have by any other reason persuaded anyone to it, as well as the spectators, are bound by the chain of excommunication and perpetual Malediction: notwithstanding any privilege whatsoever, or wicked custom, even though immemorial.*

> directis Dominis statim acquirantur. Qui vero pugnam commiserint, et qui eorum patrini vocantur, excommunicationis ac bonorum omnium proscriptionis, ac perpetuae infamiae poenam incurrant; et ut homicidae, iuxta Sacros Canones, puniri debeant. Et si in ipso conflictu decesserint, perpetuo careant Ecclesiastica Sepultura. Illi etiam, qui consilium in causa duelli, tam iure, quam facto dederint, aut alia quacumque ratione ad id quemquam suaserint, nec non spectatores, excommunicationis, et perpetuae Maledictionis vinculo teneantur: non obstante quocumque privilegio, seu prava consuetudine, etiam immemorabili.

[10] ADVERTUNT — Fagundez, however, in *Quintum praeceptum, Lib. 5. cap. 8. et alii*, observes that the excommunication laid by the very fact upon Princes is not reserved, and accordingly can be absolved by any approved Confessor; for whenever the supreme Pontiff imposes an excommunication, if he does not reserve it, it is considered reserved to no one, and any Priest exposed to it can absolve from it, as Delrius noted, *lib 4. disq. mag. cap. 4. quest. 4. sect. 2.*; Graffis *p. p. decis. lib. 4. cap. 23.*; Sà *V. Excommunicatio, 14.*; Sanchez *Tom. 1. decal. Lib. 2. cap. 39. num. 27. et tom. 2. de matrim. disp. 13.*; Fagundez *loco cit. num. 4.*

> *ADVERTUNT autem Fagundez in* Quintum praeceptum, Lib. 5. cap. 8. et alii*, excommunicationem ipso facto latam in Principes non reservatam esse; atque adeo ab omni Confessario approbato absolvi posse; nam quoties summus Pontifex excommunicationem imponit, si eam non reservat, nulli censetur reservata, et ab ea potest quivis Sacerdos expositus absolvere, ut notarunt Delrius* lib 4. disq. mag. cap. 4. quest. 4. sect. 2. *Graffis* p. p. decis. lib. 4. cap. 23. *Sà* V. Excommunicatio, 14. *Sanchez* Tom. 1. decal. Lib. 2. cap. 39. num. 27. et tom. 2. de matrim. disp. 13. *Fagundez* loco cit. num. 4.

[11] ENIM — but Pius IV, in the year of our Lord 1560, in his Constitution, and Clem. VIII in 1592, reserved this excommunication to themselves; and they extend this censure, and the other penalties of the Council, to private duels as well.

> *ENIM vero Pius IV anno Domini 1560. in sua Constitutione. et Clem. VIII. 1592. hanc excommunicationem sibi reservarunt, et hanc censuram, caeterasque Concilii poenas ad duella etiam privata extendunt.*

[12] POSSUNT — Religious, however, who hold the faculty of absolving from the papal cases, can absolve outside Italy and in Rome itself, as the Sacred Congregation declares, as gathered by

Fagundez *num. 5.* and Diana *part. 5. Tract. 14. resol. 102.*, who says they can be absolved in Sicily, Corsica, and Sardinia, which are probably outside Italy.

> *POSSUNT tamen Religiosi, habentes absolutionem casuum Papalium, absolvere extra Italiam, et Romae, ut declarat Sacra Congregatio apud Fagundez* num. 5. *et Dianam* part. 5. Tract. 14. resol. 102. *qui ait, posse absolvi in Sicilia, Corsica, et Sardinia, quae probabiliter sunt extra Italiam.*

[13] DEINDE — mark further that the excommunication of combatants, seconds, and spectators, in the Council, is not expressly stated to be by the very fact: therefore it is not a latae sententiae penalty — so teach Petrus Navar. *Lib. 2. de restit. cap. 32. num. 293.* and Rodriquez *tomo 1. summae, in 2. edit. cap. 73.*

> *DEINDE advertas, excommunicationem pugnantium, et Patrinorum, atque spectantium in Concilio non esse expressam ipso facto: Ideo non esse latae sententiae, docent Petrus Navar.* Lib. 2. de restit. cap. 32. num. 293. *Rodriquez* tomo 1. summae, in 2. edit. cap. 73.

[14] EAM — that it is nonetheless laid by law, Suarez holds, *de censur. disp. 13. sect. ult. num. 11.*; Sanchez *Lib. 2. decal. cap. 39. num. 26.*; Navar. *summa Lat. cap. 27. n. 150.*; Delrius *lib. 4. disq. magic. quaest. 4. sect. 4.*; Toletan. 5. *summa cap. 6. num. 32.*; Sà *V. Excommunicatio*; Graff. *p. p. decis. tract. 4. cap. 23.*; Fagundez *num. 7.* For he seems to suppose the same from what has been said.

> *EAM tamen esse iure latam censent Suarez* de censur. disp. 13. sect. ult. num. 11. *Sanchez* Lib. 2. decal. cap. 39. num. 26. *Navar.* summa Lat. cap. 27. n. 150. *Delrius* lib. 4. disq. magic. quaest. 4. sect. 4. *Toletan. 5.* summa cap. 6. num. 32. *Sà* V. Excommunicatio *Graff.* p. p. decis. tract. 4. cap. 23. *Fagundez* num. 7. *Videtur enim idem ex dictis supponere.*

[15] SED — but the dispute is already cut short, for Pius IV and Clem. VIII bind all of them by excommunication latae sententiae.

> *SED truncata iam lis est, nam Pius IV. et Clem. VIII. omnes Excommunicatione latae sententiae nodant.*

[16] POENAE — the remaining penalties, however, require the sentence of a Judge, even deprivation of sepulture, as many Doctors teach, as gathered by Fagundez. Pius IV adds many other penalties, of which the same holds. Gregory XIII, however, includes also those who command and do not hinder.

> *POENAE tamen reliquae requirunt sententiam Iudicis, etiam privatio sepulturae, ut docent DD. multi apud Fagundez. Multas alias addit poenas Pius IV. de quibus idem dic. Gregorius autem XIII. includit etiam mandantes, et non impedientes.*

[17] CLEMENS — Clement VIII, moreover, interdicts the places in which a duel is held with the permission of the Lords, whose relaxation he reserves to himself and his successors alone; and because it is a censure, it is incurred by the very fact, as the Doctors commonly teach, as gathered by Sanchez *Lib. 2. decal. cap. 39. num. 32.*

> *CLEMENS vero VIII. loca, in quibus duellum fit, permittentibus Dominis interdicit, cuius relaxationem sibi tantum, et successoribus reservat, et quia est censura, incurritur ipso facto, ut docent communiter Doctores apud Sanchez* Lib. 2. decal. cap. 39. num. 32.

[18] GRAVITER — I observe, however, gravely, first, with Hurtado *2. 2. disp. 170. sect. 21. §. 190.*, Fagundez *num. 35.* and others gathered by him *num. 29.*, against Filliucius *tract. 29. cap. 9. num. 176.*, that the penalties inflicted for dueling are not incurred unless the duel follows. Wherefore if those going to it are removed, it is not incurred. The instigators, however, the relators, and those who

intermeddle to promote the duel do incur them, by Clement VIII and Gregory XIII, as gathered by Fagundez *num. 29*.

> *GRAVITER autem adverto primo cum Hurtado* 2. 2. disp. 170. sect. 21. §. 190. *Fagundez* num. 35. *et aliis apud eum* num. 29. *contra Filliucium* tract. 29. cap. 9. num. 176. *non incurri poenas duello inflictas, nisi sequatur duellum. Quare si euntes removeantur, non incurritur. Incurrunt tamen suasores, relatores, et se ad promovendum duellum immiscientes, ex Clement. VIII. et Gregorio XIII. apud Fagundez* num. 29.

19 ADVERTO — I observe secondly that some say it is lawful to hold a duel to protect life, so that force may repel force: but this is altogether false, as is commonly taught by Sanchez *Tomo 1. decal. Lib. 2. cap. 39.*, Valencia, and others. Hurtado imagines a case indeed, which seems to me rather metaphysical than practical. See Diana *part. 5. Tract. 14. resol. 99.*, who refutes him.

> *ADVERTO secundo, aliquos dicere, ad tuendam vitam licere duellum, ut vim vi repellat: Sed falsum omnino est, ut docent communiter apud Sanchez* Tomo 1. decal. Lib. 2. cap. 39. *Valentiam, et alios. Casum vero imaginatur Hurtados, qui mihi potius Metaphysicus est, quam practicus. Vide Dianam* part. 5. Tract. 14. resol. 99. *qui eum refellit.*

20 NEQUE — nor is a duel lawful to protect honor, the Doctors cry out commonly, as gathered by Sanchez *cap. 39. num. 9.*; Azor *tract. 3. lib. 2. cap. 4. quaest. 6.*; Fagundez *num. 39.* Alex. VII defined this in the decree of 1665, as I noted, set forth and proved in the place cited at the end of question 3.

> *NEQUE ob tuendum honorem licere duellum, clamant communiter Doctores apud Sanchez* cap. 39. num. 9. *Azor* tract. 3. lib. 2. cap. 4. quaest. 6. *Fagundez* num. 39. *Id definivit Alex. VII. decreto 1665. uti notavi, edito et probavi loco ad finem quaestionis 3. citato.*

21 PROPONIT — Diana, however, proposes the question *part. 5. tract. 13. resol. 27.*: whether, if the accuser offers a purgative duel, an innocent man may accept it in order to protect temporal goods, or his life, or a part of his body, which he would otherwise lose through the malice of the judge and of the accuser.

> *PROPONIT autem Diana* part. 5. tract. 13. resol. 27. *An, si accusator offerat duellum purgativum, possit innocens illud acceptare ad tuenda bona temporalia, aut vitam, aut partem corporis, quam aliter amitteret ex malitia iudicis; et accusatoris.*

22 Negative — Negative answers are given by Lessius *lib. 2. cap. 9. dub. 8. num. 47.*; Filliucius *tomo 2. tract. 29. num. 144.*; Suarez *de Charitate, disp. 13. sect. ult. num. 5.*; Aragon. 2. 2. *quaest. 64. art. 3. ad 3.*; Abul. primo *Reg cap. 17. quaest. ult.*; Salon *2. 2. quaest. 64. art. 3. controu. 3.*

> *Negative respondent Lessius* lib. 2. cap. 9. dub. 8. num. 47. *Filliucius* tomo 2. tract. 29. num. 144. *Suarez* de Charitate, disp. 13. sect. ult. num. 5. *Aragon.* 2. 2. quaest. 64. art. 3. ad 3. *Abul. primo* Reg cap. 17. quaest. ult. *Salon* 2. 2. quaest. 64. art. 3. controu. 3.

23 ASSERUNT — but Sanchez affirms it, *in summa, tomo 1. Lib. 2. cap. 39. num. 7.*; Bannes *1. 2. quaest. 64. art. 7. dub. 4.*; Caiet. 2. 2. *quaest. 95. art. 8. ad 1. et in summa, V. Duellum.*; Hurtado *2. 2. disp. 70. sect. 8. §. 170.*; and others, as gathered by Fagundez *num. 41. et 44.*

> *ASSERUNT vero Sanchez* in summa, tomo 1. Lib. 2. cap. 39. num. 7. *Bannes* 1. 2. quaest. 64. art. 7. dub. 4. *Caiet.* 2. 2. quaest. 95. art. 8. ad 1. et in summa, V. Duellum. *Hurtado* 2. 2. disp. 70. sect. 8. §. 170. *et alii apud Fagundez* num. 41. et 44.

[24] PROBANT — they prove it because this is not a duel but just defense; for since it is lawful to kill an unjust despoiler of one's goods, the acceptance of a duel of this kind will also be just.

> *PROBANT, quia hoc non est duellum, sed iusta defensio; cum enim licet occidere iniustum direptorem bonorum; iusta etiam erit acceptatio huiuscemodi duelli.*

[25] SED — but these men do not read the reasoning of D. Bonavent., who rebukes them: for this mode of defense is absurd and tempts God; for the innocent can easily be slain by the wicked, and it is not a just defense of the goods of a lower order to demand a life, and — what is more insane — to expose even one's own life to the peril of death.

> *SED non legunt hi rationem D. Bonavent. qui eos redarguit: nam defensionis modus iste ineptus est, et tentat Deum; potest enim facile innocens iniquo occidi, et non est haec iusta defensio bonorum inferioris ordinis, exigere vitam, et quod magis insanum, vitam etiam propriam discrimini mortis exponere.*

[26] Hinc — Hence Diana smiles wrongly, when he says that one may even accept a duel for the protection of honors and public offices.

> *Hinc male Diana arridet, etiam acceptare posse duellum ad honores, et munera publica tuenda.*

[27] Neque — Nor does the opinion of *Hurtadi 2. 2. disp. 170. sect. 9. §. 82.* prove to my mind, that an innocent man may offer single combat to his accuser when he cannot otherwise protect himself and his own; with him adhere *Bannes 2. 2. quaest. 64. art. 7. dub. 4. Sanchez tomo 1. sum. Lib. 2. cap. 39. num. 7. Petrus Nauar. de restit. lib. 2. cap. 3. num. 289. Valentia tomo 3. disp. 3. quaest. 17. puncto 1. Nutilius 2. 2. tract. de Charitate, quaest. 17. art. 1.*

> *Neque probatur mihi opinio* Hurtadi 2. 2. disp. 170. sect. 9. §. 82. *posse innocentem criminatori offerre singulare certamen, quando non potest alia ratione se, suaque tueri, cui adhaerent* Bannes 2. 2. quaest. 64. art. 7. dub. 4. Sanchez tomo 1. sum. Lib. 2. cap. 39. num. 7. Petrus Nauar. de restit. lib. 2. cap. 3. num. 289. Valentia tomo 3. disp. 3. quaest. 17. puncto 1. Nutilius 2. 2. tract. de Charitate, quaest. 17. art. 1.

[28] Errant — They are perfectly in error, for, as *D. Bonavent.* says, they do not have the conditions of necessity with the moderation of blameless self-defense, since other ways lie open for their defense; and this one is assumed whereby they lose the valid protection of Justice, if the innocent man casts himself into the peril of death, repelling the aggressor only in a foolish manner, tempting God, and desiring that his own life and innocence be preserved from wounds — all of which, in my judgment, sound foolish, as the *S. Doctor* argues, and with him very many, as gathered by *Fagundez num. 47.*

> *Errant perfecte, nam, ut ait* D. Bonavent. *non habent conditiones, necessitas moderamini inculpatae tutelae, cum aliae viae pateant suae defensioni, et haec assumatur, qua validam Iustitiae protectionem perdat, si se discrimini mortis innocens abiiciat, aggressorem modo repellat stulto, tentando Deum, et volendo, ut sua vita, et innocentia a vulneribus praeservetur, quae omnia meo iudicio fatuum sonant, ut arguit* S. Doctor, *et cum eo plurimi apud* Fagundez num. 47.

[29] Utinam — Would that the zealots for honor would attend to the fact that they are to be proclaimed infamous by the Church, accursed, and cast out for burial like an ass's. These would best satisfy the cartel by saying that they are Christians, to whom the Duel is forbidden because of infamy, as *Bassaeus* says, *V. Homicidium 1. num. 15.*

> *Utinam honorum zelatores attenderent, se infames proclamatos ab Ecclesia, maledictos, et in sepulturam asini proiectos iri. Optime hi satisfacerent cartello, dicendo, se Christianos esse, quibus infamiae Duellum vetitur, ut ait* Bassaeus, V.

Homicidium 1. num. 15.

30 Sane — *Ludovicus XIII. Iustus*, rightly acclaimed by the supreme Pontiff *Urbano VIII.*, sanctioned in the most flourishing Empire of Gaul that law worthy of golden tablets: that those who engage in a duel, sealed with the mark of perpetual infamy, after death inflicted by the executioner, should carry with them to Orcus the eternal disgrace of their glory. Most prudently did that glorious Monarch restrain the generous spirits of the Gauls from the more frequent slaughter of their own people. As some Orator shrewdly expounds, it was a device truly not unlike that by which the African peoples drew back the Lions from slaughter, hanging very many from the branches of trees and exposing them strangled. For the Generous Progeny indeed attended that spectacle of infamy, nor did the offspring of the Lion, seeing their fathers hanging from the gallows, ever return again to waylay merchants and travelers on those roads. They too likewise rested, nor did they lead their lion cubs on to the slaughter.

> *Sane* Ludovicus XIII. Iustus *merito a summo Pontifice* Urbano VIII. *acclamatus, legem illam, aureis laminis dignam, sancivit in florentissimo Galliae Imperio, ut qui duellum inierint, perpetuae notae infamiae obsignati, post mortem a carnifice inflictam, aeternum gloriae dedecus secum ferant ad orcum. Prudentissime gloriosus ille Monarcha generosos Gallorum animos coërcuit a frequentiore suorum clade. Industrie excogitatum, ut Orator quidam edisserit, illi profecto non absimile, quo Africanae gentes Leones a caedibus retraxere, plurimos ex arborum ramis suspensos, strangulatosque exponentes. Sane Generosa Progenies spectaculo illi infamiae attendit, nec unquam Leoninae proles videntes patres furcis pendulos, ad insidiandum in viis illis mercatoribus, et peregrinis rediere. Quievere pariter et illi, nec Leunculos suos deduxerunt ad stragem.*

31 Audiant — Let them hear, therefore, the penalties inflicted upon duels by the new law of the Council of Trent, of Pius IV, Gregory XIII, and Clement VIII. Of these five are spiritual: first, Excommunication latae sententiae, reserved to the supreme Pontiff. Second, Deprivation of Ecclesiastical sepulture, if they die in the duel. Third, Interdict upon those places in which the duel was held, with the knowledge of their Lords. Fourth, Deprivation of ecclesiastical dignities and benefices, if they were Ecclesiastical persons. Fifth, Inability to obtain those and other things.

> *Audiant ergo poenas, duellis inflictas Iure novo Concilii Trident. Pii IV. Gregorii XIII. et Clem. VIII. Quarum quinque sunt spirituales: Excommunicatio latae sententiae, summo Pontifici reservata. Secunda, Privatio Ecclesiasticae sepulturae, si in duello decesserint. Tertia, Interdictum pro his locis, in quibus, scientibus Dominis illorum, duellum commissum est. Quarta, Privatio dignitatum, et beneficiorum Ecclesiasticorum, si fuerint personae Ecclesiasticae. Quinta, Inhabilitas ad illa, et alia obtinenda.*

32 Quinque — Five also are temporal. The first is deprivation of States and dominion for those Princes who are subject to the Roman Church; or deprivation of the jurisdiction and dominion of the place in which the duel is held, for other Princes not subject. Second, the crime of Lèse-majesté. Third, rebellion. Fourth, confiscation of all goods. Fifth, perpetual infamy.

> *Quinque etiam temporales sunt. Prima est privatio statuum, et dominii pro iis principibus, qui sunt subiecti Romanae Ecclesiae; vel privatio iurisdictionis, et dominii eius loci in quo duellum committitur pro aliis principibus non subiectis. Secunda, crimen Laesae Maiestatis. Tertia, rebellio. Quarta, confiscatio omnium bonorum. Quinta, perpetua infamia.*

33 Omnes — All the temporal penalties require the sentence of a Judge in order to be incurred, likewise also the spiritual, except *Excommunication* and *Interdict*, as Fagundez proves at length, *num. 51.*, in accordance with what I proved in *Tract. de Legibus, disputatione 5. quaestione 7.*

Omnes poenae temporales egent sententia Iudicis, ut incurrantur, similiter et spirituales, exceptis Excommunicatione, *et* Interdicto, *ut late probat* Fagundez num. 51. *iuxta probata a me* Tract. de Legibus, disputatione 5. quaestione 7.

Question VIII: Whether it is lawful for a husband to kill a wife caught in adultery, and a father his daughter, and a brother his sister, together with the seducer

1 Although the decision of this Difficulty does not need further proof, since the Decree of Alexander VII has provided that it should not hereafter be asserted affirmatively by anyone, as has been seen *tract. de actibus humanis disp. 17. quaest. 10. sect. 19.*, yet so that it may become known how excellently the Seraphic Doctor taught this truth, we shall discuss it here.

Licet huius Difficultatis decisio ulteriori probatione non egeat, cum Decreto Alexandri VII. cautum sit, ut ne imposterum a nullo assertive proponatur, ut visum est tract. de actibus humanis disp. 17. quaest. 10. sect. 19. *ut tamen prope modum innotescat, quam optime Seraphicus hanc veritatem edocuerit, eam hic discutiemus.*

2 And indeed first in this case, worthy of compassion, husbands are permitted by civil law to loosen with impunity the reins of anger even to bloodshed; and indeed the expounders of the laws everywhere say that this was permitted on account of the hardness of heart, or even sometimes out of commiseration.

Et quidem primo in hoc casu, miseratione digno, mariti iure civili permittuntur froena irae impune ad sanguinem laxare; et sane id ad cordis duritiam vel etiam aliquando ad commiserationem permissum esse legum expositores passim dictitant.

3 By Caesarian law, however, it was not permitted to kill in adultery an adulterer unless he were vile and infamous. Therefore a husband could kill a vile adulterer in his own house, not elsewhere, *Lex, maritus, ff. de adulteriis*, and he was bound to admonish the lover in writing, when caught by indications, as *Couar. 4. Decret. 2. part. cap. 7. §. 7.* teaches. If the husband was vile, and the lover noble, the one killing him was condemned to the mines. But if the husband was an honorable person, killing a noble adulterer, he was banished to an island, *Lex, si adulterium cum incestu, §. Imperatores, ff. de adult.*, or was sent into exile for years, to be fixed at the judge's discretion, *Lex Gracchus, Cod. de adulter.* See *Iulium Clarum §. sent. §. homicidium, num. 49.*

Iure tamen Caesareo non permittebatur, nisi adulter esset vilis, et infamis, in adulterio cum uxore interficere. Ideo maritus poterat interficere adulterum vilem in domo sua, non alibi, Lex, maritus, ff. de adulteriis, *et tenebatur in scriptis admonuisse proco, inditiis comprehensum, ut docet* Couar. 4. Decret. 2. part. cap. 7. §. 7. *Si maritus erat vilis, et procus nobilis, hunc occidens damnabatur ad metalla. Si vero maritus erat honesta persona, occidens adulterum nobilem, relegabatur in insulam,* Lex, si adulterium cum incestu, §. Imperatores, ff. de adult. *vel mittebatur in exilium per annos, arbitrio iudicis taxandos* Lex Gracchus, Cod. de adulter. *Vide* Iulium Clarum §. sent. §. homicidium, num. 49.

4 By the law of Castile it is permitted absolutely to kill an adulterer and wife caught in adultery, *Lib. 3. tit. 20. Lib. 8. novae Recopil.*

Iure Castellae permittitur absolute adulterum, et uxorem, deprehensos in adulterio, perimere Lib. 3. tit. 20. Lib. 8. novae Recopil.

5 By Portuguese law the same is permitted, *Lib. 5. nova ordin. tit. 38.*, except that the husband be vile; and the adulterer noble, for then he is banished for a time to Africa.

> *Iure Lusitano idem permittitur* Lib. 5. nova ordin. tit. 38. *nisi tamen maritus sit vilis; et adulter nobilis, quia sic relegatur ad tempus in Africam.*

6 Indeed by this law a certain husband can kill the adulterer outside the very act, *loco cit.*, and by the same law he can call in helpers, provided they are not otherwise enemies of the adulteress or of the lovers.

> *Imo iure hoc potest maritus certus, adulterum extra factum occidere* loco cit. *eodemque iure potest advocare adiutores, nisi tamen alioqui sint inimici adulterae, vel proci.*

7 Nor can they be killed with impunity only in the act of intercourse with the adulterer, according to all the laws related above, but even if they are caught in the acts immediately disposing to it, for instance embraces, etc., as the Doctors commonly say, cited in *Fagundez L. 5. cap. 10. num. 7.*

> *Neque solum in coitu adultero possunt impune occidi secundum omnia relata iura, sed etiamsi deprehendantur in actibus proxime disponentibus, puta amplexibus; etc. ut communiter Doctores aiunt apud* Fagundez L. 5. cap. 10. num. 7.

8 The same is granted to a Father in the case of an adulterous daughter, *Leg. Patri, ff. de adulter*, provided she is in his power, and he kills her in his own house, and kills the son-in-law together with her, and at the same time the daughter along with the lover: but all others are excluded, whether uncles, or brothers, old women, etc.

> *Idem conceditur Patri in filiam adulteram* Leg. Patri, ff. de adulter, *si tamen sit in potestate patris, et eam occidat in domo sua, et generi, et simul etiam filiam cum proco perimat: excluduntur porto alii, sive patrui, sive fratres, anus, etc.*

9 Except the ravisher, for in a case of rape caught in flagrant crime all the blood relatives, guardians, patrons, and masters may kill the ravisher, *L. 1. §. Ne igitur, Cod. de raptu Virginum.*

> *Excipe raptum, quia in raptus flagranti crimine possunt raptorem occidere omnes consanguinei, tutores, patroni, domini* L. 1. §. Ne igitur, Cod. de raptu Virginum.

10 If, however, the husband is also an adulterer, many say the injury is compensated, and an equal one rendered in return, and consequently he cannot kill his adulterous wife. So *Henriquez lib. 11. de matrim. cap. 17. num. 3. litt. F. Couar. 4. Decret. 2. part. §. 7. num. 7. Rodriquez Tom. 1. sum. cap. 206. et alii.*

> *Si tamen maritus etiam sit adulter, multi dicunt, iniuriam compensari, et par reddi, atque adeo non posse occidere uxorem adulteram. Ita* Henriquez lib. 11. de matrim. cap. 17. num. 3. litt. F. Couar. 4. Decret. 2. part. §. 7. num. 7. Rodriquez Tom. 1. sum. cap. 206. et alii.

11 Yet the others still hold that he can, because the injury and the right are not equal, except with regard to divorce. Therefore it is granted to accuse the adulterous wife criminally, but not the husband to the wife, *Leg. 1. Cod. ad Leg. Iul. de adult.* Whence the Saintly Doctor does not argue from an equal but from a similar injury *in tertio argumento*.

> *Enim vero caeteri adhuc sustinent, posse, quia non est par iniuria, et ius, nisi ad divortium. Ideo vero conceditur accusare criminaliter uxorem adulteram, non tamen uxori virum* Leg. 1. Cod. ad Leg. Iul. de adult. *Unde S. Doctor non arguit a pari, sed a simili iniuriae* in tertio argumento.

12 But our QUESTION is: whether this is licit in conscience.

> *QUAESTIO autem nostra est; an id liceat in conscientia.*

13 The FIRST opinion affirms it, provided it be done not from the bitterness of vengeance but from zeal for justice: Gomez *leg. 8. Tauri, num. 52.*, Menchaca *Lib. 1. controv. cap. 6.*, Castello *l. 82. Tauri*, Ayeued. *Lib. 8. recopil. tit. 20. lib. 1. et lib. 4. tit. 10. Lib. 1. num. 21.*, Sa V. Homicid. *num. 15.*, Iul. Clarus *L. S. sent. §. Homicid. num. 50.*; and there can also be cited the chapter *Admonere, 13. quaest. 2.*, where: *Non manifesti eum, cum alio rem nefariam facientem.* Therefore if he had found him, he would have killed him without fault. Lessius *lib. 2. cap. 9. dub. 5. num. 16.* judges it not improbable, and Basil. Poncius *L. 9. de matrim. cap. 11.* testifies that in his time many Salmantic theologians subscribed to it.

> *PRIMA sententia affirmat, dummodo non livore vindictae, sed zelo iustitiae id praestetur, Gomez* leg. 8. Tauri, num. 52. *Menchaca* Lib. 1. controv. cap. 6. *Castello* l. 82. Tauri, *Ayeued.* Lib. 8. recopil. tit. 20. lib. 1. et lib. 4. tit. 10. Lib. 1. num. 21. *Sa V. Homicid.* num. 15. *Iul. Clarus* L. S. sent. §. Homicid. num. 50. *et citari potest etiam cap.* Admonere, 13. quaest. 2. *ibi,* Non manifesti eum, cum alio rem nefariam facientem. *Ergo si invenisset, citra culpam necasset. Eam non Improbabilem censet Lessius* lib. 2. cap. 9. dub. 5. num. 16. *et Basil. Poncius* L. 9. de matrim. cap. 11. *testatur suo tempore huic multos Theologos Salmaticenses subscripsisse.*

14 The SECOND opinion, wholly true, denies that a husband can kill his wife. So St. Bonaventure and St. Thomas here, Victoria *de matrim. num. 291.*, Vera-cruz *3. part. speculi, art. 4.*, Sotus *4. dist. 37. quaest. unic. art. 3. et lib. 5. de Iust. quaest. 1. art. 3. ad 1.*, Aragon. *2. 2. quaest. 64. art. 3. ad 2.*, Rodriquez *summa Tom. 1. cap. 206.*, Sa *loco cit.*, Guttier. *lib. 2. qq. pract. quaest. 2. num. 22.*, Petrus Nauar. *lib. 2. de restis. cap. 3. part. 2. disp 8. num. 206.*, Nauar. *summa Hisp. cap. 15.*, Couar. *4. Decret. 2. part. §. 7. num. 9.*, Fagundez *in quintum praeceptum, L. 5. cap. 10. num. 20.*, Sanchez *L. 10. de matrim. disp. 8. num 41.*, Bannes *2. 2. quaest. 64. art. 3. dub. 2.*, Parisius *cons. 154. n. 12.*, Socinus *lib. 2. cons. 34.*, Sotus *lib. 5. de Iust. quaest. 1. art. 3.*, Valentia *disput. 5. quaest. 8. puncto 3.*, who say it is the opinion of all the Doctors, on whose authority Barbosa *in collect. Tom. 4 part. 2. caussa 33. quaest. 2.* cites 48 Doctors, with Poncius *loco cit.* and Ballaeo *hic in 4.* Diana *part. 2. Tract. 4. resol. 223.* says that concerning this opinion there must be no further doubt.

> *SECUNDA sententia, omnino vera, negat, posse maritum occidere uxorem. Ita S. Bonavent. et S. Thom. hic, Victoria* de matrim. num. 291. *Vera-cruz* 3. part. speculi, art. 4. *Sotus* 4. dist. 37. quaest. unic. art. 3. et lib. 5. de Iust. quaest. 1. art. 3. ad 1. *Aragon.* 2. 2. quaest. 64. art. 3. ad 2. *Rodriquez* summa Tom. 1. cap. 206. *Sa* loco cit. *Guttier.* lib. 2. qq. pract. quaest. 2. num. 22. *Petrus Nauar.* lib. 2. de restis. cap. 3. part. 2. disp 8. num. 206. *Nauar.* summa Hisp. cap. 15. *Couar.* 4. Decret. 2. part. §. 7. num. 9. *Fagundez* in quintum praeceptum, L. 5. cap. 10. num. 20. *Sanchez* L. 10. de matrim. disp. 8. num 41. *Bannes* 2. 2. quaest. 64. art. 3. dub. 2. *Parisius* cons. 154. n. 12. *Socinus* lib. 2. cons. 34. *Sotus* lib. 5. de Iust. quaest. 1. art. 3. *Valentia* disput. 5. quaest. 8. puncto 3. *qui aiunt esse omnium Doctorum sententiam, e quibus Barbosa* in collect. Tom. 4 part. 2. caussa 33. quaest. 2. *allegat 48. Doctores cum Poncio* loco cit. *Ballaeo* hic in 4. *De hac sententia non esse amplius dubitandum ait Diana* part. 2. Tract. 4. resol. 223.

15 Therefore it must be asserted most absolutely with this opinion, that a Husband cannot so kill his wife.

> *ASSERENDUM igitur absolutissime cum hac sententia, non posse Maritum ita uxorem occidere.*

16 It is PROVED by D. Bonaventure from *cap. Inter haec 33. quaest. 2.*, where Nicholas I says: *Licere secundum leges mundanas, non tamen secundum Ecclesiasticas, uxorem adulteram impune interficere.*

> *PROBATUR a D. Bonau. ex* cap. Inter haec 33. quaest. 2. *ubi Nicolaus I. ait:* Licere secundum leges mundanas, non tamen secundum Ecclesiasticas, uxorem adulteram impune interficere.

17 It is PROVED second by the Saintly Doctor, because the civil laws permit this only as commiserating, or on account of the hardness of heart; but laws permitting something to be done do not excuse from fault in the forum of heaven, namely of conscience, even if they excuse in the forum of the earth, because the forum of conscience, especially in causes touching sacred contracts, belongs wholly in what is internal to the Church, as I also proved from the Seraphic Doctor in the place cited at the beginning. Indeed in many other cases it is established that the civil laws permit things that are mortal sins in conscience; such as public prostitutes, and other things which Tiraquellus enumerates, *lib 9. connubiali, num. 1.* But they permit prostitutes in order to avoid greater crimes, adultery, sodomy, etc.

> *PROBATUR secundo a S. Doctore, quia leges civiles, solum commiserantes, vel ad cordis duritiem id permittunt; At leges permittentes fieri aliquid non excusant a culpa in foro Poli, scilicet conscientiae, esto excusent in foro Soli, quia forum conscientiae, maxime in causis tangentibus sacros contractus, (spectat in toto interno ad Ecclesiam, ut etiam a Seraphico probavi loco initio citato. Imo in multis aliis constat, leges civiles permittere, quae in conscientia sunt mortalia; ut meretrices publicas, et alia, quae recenset Tiraquellus* lib 9. connubiali, num. 1. *Permittunt autem meretrices ad maiora crimina vitanda, adulterii, sodomiae, etc.*

18 It is PROVED third, because it is most unjust to condemn to death with the party unheard, especially in the New Testament. Wherefore Christ refused to condemn the adulteress at the first accusation of the Pharisees, *Ioan. 8.*, as the Saintly Doctor observes.

> *PROBATUR tertio, quia iniquissimum est, parte inaudita, morte damnare, maxime in nouo testamento. Quare Christus ad primam Pharisaeorum accusationem noluit adulteram condemnare* Ioan. 8. *ut observat S. Doctor.*

19 Wherefore a Judge would act most unjustly who, before a juridical sentence, would hand over the wife and the lovers to be killed by the husband.

> *QUAPROPTER iniquissime ageret Iudex, qui, ante iuridicam sententiam, traderet marito uxorem, et procos perimendos.*

20 You will OBJECT first, *Exodi 22. Maleficos non patieris vivere.*

> *OBIICIES primo* Exodi 22. Maleficos non patieris vivere.

21 The Saintly Doctor ANSWERS, that it was a Judicial law, whose force vanished in the Gospel. Moreover it addresses Moses, the legitimate Judge, that he might punish the guilty once the case was formally constituted.

> *RESPONDET S. Doctor, fuisse legem Iudicialem, cuius vigor in Euangelio evanuit. Deinde alloquitur Moysen, Iudicem legitimum, ut formata causa reos puniret.*

22 You will OBJECT second. Civil laws are just, if granted by the Church. But this Law was granted by the Church, and therefore *cap. Inter haec* it is not condemned, but it is only said: *Sancta Ecclesia mundanis non constringitur legibus, nec gladium habet, nisi spiritualem*, as D. Bonaventure notes, *fundamento 1.*

> *OBIICIES secundo. Leges civiles iustae sunt, si ab Ecclesia concessae. Haec autem Lex ab Ecclesia concessa est, et ideo* cap. Inter haec*, non damnatur sed solum dicitur:* Sancta Ecclesia mundanis non constringitur legibus, nec gladium habet, nisi spiritualem*, ut notat D. Bonavent.* fundamento 1.

23 D. Bonaventure ANSWERS, and with him many, that many civil laws are permitted by the Church in order to remove greater evils, as I said. Therefore they uphold this one to ward off innumerable adulteries by terrors. He adds that this law seems to have been abrogated by the Church when it declared it to be unjust to kill a wife caught in adultery. But that it did not abrogate it expressly, that is, because it seemed enough to declare it unjust according to the laws of the earth, or of the world, not of heaven, and of God.

> *RESPONDET D. Bonavent. et cum eo multi, multas leges civiles permitti ab Ecclesia ad maiora mala removenda, ut dixi. Hanc igitur sustinent ad innumera adulteria, terroribus arcenda. Addit, videri hanc legem ab Ecclesia abrogatam, dum declarat, esse iniquum, uxorem in adulterio comprehensem necare. Quod vero eam non abroget expresse, id est, quia satis visum est id declarare iniquum, et secundum Leges Soli, seu mundi, non Poli, et Dei.*

24 You will OBJECT third: in *can. 33. quaest. 2.* it is said: *Interfectores suarum coniugum, sine iudicio* (when there is not added: adulterarum, or anything of the sort) *quid aliud habendi sunt, quam homicidae*: therefore, if *adulterarum* is added, they do not seem to be homicides.

> *OBIICIES tertio* can. 33. quaest. 2. *dicitur:* Interfectores suarum coniugum, sine iudicio (cum non additur: adulterarum, vel aliquid huiusmodi) quid aliud habendi sunt, quam homicidae: ergo, si additur: adulterarum, non videntur homicidae.

25 The Saintly Doctor ANSWERS, that he is speaking according to human laws; for such a man, since he kills without cause and outside of judgment, is considered a homicide; but if he does it through a judgment and for cause, he is not judged a homicide according to human laws: but according to canonical law, by which marriages must be governed as by their proper law, they are considered homicides, as Nicholas P. defines in *cap. sequenti.*

> *RESPONDET S. Doctor, ibi loqui secundum leges humanas, talis enim ex quo sine causa, et extra iudicium occidit, censetur homicida; sed si per iudicium, et ex causa faciat, non iudicatur homicida secundum iura humana: Sed secundum ius canonicum, quo debent matrimonia regi, ut iure proprio, censentur homicidae, ut definit Nicolaus P.* cap. sequenti.

26 From the doctrine of this argument gather that for adultery unto the punishment of blood only the secular judge is competent, as Nicholas declares above. But as to other punishments, it is of mixed forum; and therefore the place of prevention is given. In the cause of divorce, however, only the Ecclesiastical Judge is competent to pass judgment upon adultery. So Ioan. de Heuia *in curia Philip. part. 5. §. num. 20. de spons. part. 2. cap. 7. §. 7. num. 12.*, Pereira *in L. si curatorem, ver. laesis, num. 22.*, Suarez de Paz *in praxi, tract. 2. prael. 2. num. 31.*, Miranda *in ord. iud. tract. 1. quaest. 1. art. 5. concl. 6. et 7.*, Martha *de iurisdict. part. 2. cap. 19.*, Vincentius de Franco *decis. 312.*, Ceuallos *de cognit. per viam violent. part. 2. quaest. 8.*, Riccius *part. 5. collect. 2076.*, Farinac. *num. 53. quaest. 2.*, Diana *part. 1. Tract. de immunitate Ecclesiae, resol. 86.*, Germon. *de sacrorum immun. lib. 3. cap. 12. num. 58.*, Sanchez *de matrim. tract. 3. lib. 10. disput. 8. num. 15.* Wherefore Decius *consil. 212.* is mistaken in believing that if divorce and loss of dowry are treated at the same time, it is of mixed forum.

> *Ex doctrina huius argumenti collige, de adulterio ad poenam sanguinis solum iudicem saecularem esse competentem, ut declarat Nicolaus supra. Quo ad alias vero poenas, est mixti fori; et ideo datur locus praeventionis. In causa vero divortii solus Iudex Ecclesiasticus est competens, ad cognoscendum de adulterio. Ita Ioan. de Heuia* in curia Philip. part. 5. §. num. 20. de spons. part. 2. cap. 7. §. 7. num. 12. *Pereira* in L. si curatorem, ver. laesis, num. 22. *Suarez* de Paz in praxi, tract. 2. prael. 2. num. 31. *Miranda* in ord. iud. tract. 1. quaest. 1. art. 5. concl. 6. et 7. *Martha* de iurisdict. part. 2. cap. 19. *Vincentius de Franco* decis. 312. *Ceuallos* de cognit. per viam violent.

part. 2. quaest. 8. *Riccius* part. 5. collect. 2076. *Farinac.* num. 53. quaest. 2. *Diana* part. 1. Tract. de immunitate Ecclesiae, resol. 86. *Germon.* de sacrorum immun. lib. 3. cap. 12. num. 58. *Sanchez* de matrim. tract. 3. lib. 10. disput. 8. num. 15. *Quare fallitur Decius* consil. 212. *credens, quod si simul agatur de divortio, et amissione dotis, sit mixti fori.*

27 Indeed, even if only the separation of spouses for a time is at issue, as on account of leprosy, etc., it belongs to the sole Judge of the Church, against Rupellan. *forens. instit. Galliae, lib. 1. cap. 25.* And if at any time divorce is treated before an ecclesiastical judge, the question of alimony and of the dowry to be lost, as accessory, pertains to the same forum. See Barbosa *de potest. Episcopi, part. 3. allegat. 84.*

IMO, etiam si de sola separatione coniugum ad tempus agatur, ut ob lepram, etc. ad solum Iudicem Ecclesiae spectat, contra Rupellan. forens. instit. Galliae, lib. 1. cap. 25. *Et si quando ageretur de divortio, coram iudice Ecclesiastico, quaestio alimentorum, et dotis amittendae, tanquam accessoria, pertinent ad forum eundem. Vide Barbosam* de potest. Episcopi, part. 3. allegat. 84.

28 GATHER second, as the Saintly Doctor says *in corpore*, that it is against even the civil laws to kill a wife outside the flagrant crime of intercourse; but it has been added by the Doctors that those laws are not violated if she is killed amid kisses, for the Laws speak expressly of adultery alone, in which the Doctors judge that even acts nearest to the last are comprehended. So Barbosa *L. 2. initio part. 1. num. 7. ff. soluto matrim.*, Molina *de Iust. Tom. 4. tract. 3. disput. 91. num. 8.*, Suarez *de censur. disp. 1. sect. 1. num. 37.*, Sylvester *V. Excommunicatio, 6. num. 6. §. 10.*, Angel. *ibi §. num. 19.*

COLLIGE secundo, quod ait S. Doctor in corpore*, esse contra iura etiam civilia occidere uxorem extra flagrans crimen coitus; sed additum est a Doctoribus, non violari ea iura, si occidatur inter oscula, nam Iura de solo adulterio loquuntur expresse, in quo censent DD. comprehendi etiam actus ultimo proximos. Ita Barbosa* L. 2. initio part. 1. num. 7. ff. soluto matrim. *Molina* de Iust. Tom. 4. tract. 3. disput. 91. num. 8. *Suarez* de censur. disp. 1. sect. 1. num. 37. *Sylvester* V. Excommunicatio, 6. num. 6. §. 10. *Angel.* ibi §. num. 19.

29 If, however, it is a blood relative of the wife kissing or embracing her, he is not considered as toward evil, as Farinac. notes, *tract. 4. quaest. 121.*, Fagundez *num. 7.*

Si tamen sit consanguineus uxoris eam osculans, vel amplexans, non censetur ad malum, ut notat Farinac. tract. 4. quaest. 121. *Fagundez* num. 7.

30 GATHER third, that husbands are not prohibited by ecclesiastical law from accusing their adulterous wives, as I said above; for secular power was instituted for this, which carries the sword not without cause, as the Saintly Doctor notes *here*, and especially *sermone 6. in Decalogum*, from the Apostle, Rom. 13: *Non enim sine causa gladium portat*, that is, jurisdiction, as Fagundez also says, *num. 16.*

COLLIGE tertio non prohiberi iure Ecclesiastico maritis accusare adulteras suas uxores, ut supra dixi; ad hoc enim instituta est secularis potestas, quae non sine causa gladium portat, ut advertit S. Doctor hic*, et praecipue* sermone 6. in Decalogum*, ex Apostolo Rom. 13.* Non enim sine causa gladium portat*, idest iurisdictionem, ut ait etiam Fagundez* num. 16.

31 GATHER fourth, that a Judge cannot, before a juridically rendered sentence, hand over to the husband the wife to be killed; but if he hands her over afterward: let the husband beware of the appetite of vengeance, which is nevertheless arduous; then it is unseemly to play the executioner.

COLLIGE quarto, non posse Iudicem, ante latam iuridice sententiam, tradere marito uxorem occidendam; sed si postea tradat: caveat maritus ab appetitu vindictae, quod tamen est arduum; deinde indecorum est, carnificem agere.

32 NOTE, however, that in the cases in which a man is permitted to kill his adulterous wife with the lover, and a father his married adulterous daughter, the canonical law spares the malediction, so that the killer is not marked with excommunication if the lover be a cleric, nor with irregularity, *cap. si vero, de sent. excom.*, and thus, although they sin mortally, they do not incur the censures, so Suarez *de censur. disp. 22. sect. 1.*, Sylvester *V. excom. 6. num. 6. et alii.*

ADVERTE autem, in casibus, quibus permittitur viro uxorem adulteram cum proco occidere, et patri filiam nuptam adulteram, parcere ius canonicum maledictioni, ita ut non innotet interfectorem excommunicatione, si procus sit clericus, neque irregularitate cap. si vero, de sent. excom. *et ita, licet mortaliter peccent, non incurrunt censuras, ita Suarez* de censur. disp. 22. sect. 1. *Sylvester* V. excom. 6. num. 6. et alii.

33 I add as a crowning point, that many speak most falsely, saying that a father can kill a daughter, or a husband a pregnant wife, according to the laws: for they do not permit the same against the innocent, as Baiardus notes, *in addit ad Clarum, § homic. num. 167.*, Farinac. *in praxi, tract. 4. quaest. 121. num. 5.*

Addo pro coronide, falsissime loqui multos, dicentes, posse partem filiam, vel maritum uxorem praegnantem occidere secundum iura: non enim permittunt eaedem insontis, ut notant Baiardus in addit ad Clarum, § homic. num. 167. *Farinac.* in praxi, tract. 4. quaest. 121. num. 5.

34 But the reasoning of Fagundez *num. 32.* is ridiculous, because the offspring in the womb is considered one thing with the mother. For first the soul of the infant perishes eternally, which does not pertain to the mother.

RIDICULA est autem ratio Fagundez num. 32. *quia partus in utero censetur una res cum matre. Primo enim perit anima infantis in aeternum, quae non spectat ad matrem.*

35 Then the laws also distinguish very much the one who kills a pregnant woman, because although the fetus is materially one thing, nevertheless there are two things distinct in judgment; otherwise, if the mother died in grace, the infant also would be saved without baptism. Nor in this can human law be buried, so as to concede the death and damnation of an innocent little boy, not subject to its laws, outside the moral state. Alas, how many paths to impiety are opened from this!

DEINDE leges etiam valde distinguunt occidentem mulierem gravidam, quia licet foetus materialiter una res sit, tamen sunt duae res in iudicio diversae; alioqui moriente matre in gratia, salvaretur etiam infans sine baptismo. Neque in hoc ius humanum potest innehi, ut concedat mortem, et damnationem innocentis pueruli, non subditi suis legibus, extra moralem statum. Eheu quot hinc impietati viae apertae!

36 Finally, Fagundez himself, *L. 5. cap. 12. num. 27.* Therefore he denies that it is not licit for a pregnant mother to kill the fetus in order to save her own life.

TANDEM ipse Fagundez L. 5. cap. 12. num. 27. *Ideo negat, non licere matri gravidae occidere foetum, ut propriam vitam salvet.*

Question IX: Whether it is lawful to kill oneself

1 § D. Thom. quaest. 64. art 5.

An liceat seipsum interimere.

§ D. Thom. quaest. 64. art 5.

2 The killer of himself is proclaimed unjust by D. Bonaventura *in 3. dist. 37. dub. 5. litt.* and D. Thom. *here;* all follow them, as Farinac. reports, *Tom. 4. quaest. 128.,* Fagundez *in quintum praeceptum decal. cap. 11.*

INTERFECTOR sui ipsius iniquus proclamatur a D. Bonaventura in 3. dist. 37. dub. 5. litt. *D. Thom.* hic; *quos omnes sequuntur, ut refert Farinac.* Tom. 4. quaest. 128. *Fagundez* in quintum praeceptum decal. cap. 11.

3 It is PROVED by the Saintly Doctors from the fifth precept, *Non occides,* by which precept every unjust killing of a man is prohibited; but none is more unjust than against oneself; because, as D. Bonavent. says, *in 3. dist. 29. quaest. 3.,* Fundamento I., *Qui sibi nequam est, cui alii bonus erit? Ecclesiastici 14.*

PROBATUR a SS. DD. ex quinto praecepto, Non occides, *quo praecepto, omnis iniqua occisio hominis prohibetur; nulla autem magis iniqua, quam in seipsum; quia ut ait D. Bonavent.* in 3. dist. 29. quaest. 3. *Fundamento I.* Qui sibi nequam est, cui alii bonus erit? Ecclesiastici 14.

4 But the UNHAPPY man who kills himself, that he may obtain rest, is destined to eternal punishments without rest, as the Seraphic Doctor says, *in 3. dist. 28. dub. 2.*; indeed he is deprived of the rest of burial, as was defined in the Council of Braga, *cap. 34.,* and it is related in *cap. Placuit, dist. 23. quaest. 5.*: *Placuit, ut qui sibi ipsis, aut per ferrum, aut per venenum, aut per praecipitium, aut suspendium, aut quolibet modo, violentam inferunt mortem, nulla pro eis in oblatione commemoratio fiat; neque cum Psalmis ad sepulturam cadavera eorum deducantur.*

INFOELIX autem, qui seipsum interimit, ut requiem consequatur, aeternis poenis destinatur sine requie, ut ait Seraphicus in 3. dist. 28. dub. 2. *imo requie sepulturae privatur, ut definitum est in Concilio Bracharensi* cap. 34. *et refertur,* cap. Placuit, dist. 23. quaest. 5. Placuit, ut qui sibi ipsis, aut per ferrum, aut per venenum, aut per praecipitium, aut suspendium, aut quolibet modo, violentam inferunt mortem, nulla pro eis in oblatione commemoratio fiat; neque cum Psalmis ad sepulturam cadavera eorum deducantur.

5 I ADD, however; for this punishment to be incurred it is required that he involve himself in full judgment; For if he does it in a frenzy, indeed pious Mother Church has compassion on him. But if there is doubt, he is not to be deprived of Ecclesiastical Sepulture, but is to be conducted with lesser ceremony; for instance with one or two Priests accompanying. So very many, whom Farinac. follows, *loco cit. num. 16.*

ADDO tamen; ad hanc poenam incurrendam requiri, ut se irretiat in pleno iudicio; Nam si in frenesi id faciat, sane pia mater Ecclesia eius miseretur. Quod si dubium sit, non est privandus Ecclesiastica Sepultura, sed minori apparatu deducendus; puta uno, vel altero Sacerdote sociante. Ita plurimi, quos sequitur Farinac. loco cit. num. 16.

6 By civil law, the one who kills himself, or attempts to kill himself, even if death does not follow, is infamous, *Lex si aliquid, § finali, ff. de poenis,* and *Lex, omne delictum, §. si se vulnerauerit, ff. de re militari,* where it speaks of honorary soldiers.

De iure civili occidens se ipsum, aut tentans occidere, etiamsi mors non sequatur, infamis est, Lex si aliquid, § finali, ff. de poenis, *et* Lex, omne delictum, §. si se vulnerauerit, ff. de re militari, *ubi loquitur de militibus honorariis.*

7 The Doctors commonly assert, with D. Bonaventure, that the one who kills himself sins mortally against Justice toward God, and toward the Republic, of which he is a member; and against Charity toward himself, as the Saintly Doctor teaches *in the places to be cited and alleged*, D. Thom. *2. 2. quaest. 64. art. 5.* ad 1., Sotus *L. 4. de Iust. quaest. 2. art. 3.*, Couar. *lib. 4. var. cap. 2.*, Sayrus *lib. 7. cap. 17.*, Petrus Navar. *lib. 2. de restitut. cap. 3. num. 54.*, Fagundez *in quintum Praeceptum decalogi, L. 5. cap. 11. num. 5.*

> *COMMUNITER asserunt Doctores cum D. Bonavent. occidentem seipsum peccare mortaliter contra Iustitiam erga Deum, atque Rempublicam, cuius est; et contra Charitatem in se ipsum, ut docet S. Doctor* locis citandis, et allegatis, *D. Thom.* 2. 2. quaest. 64. art. 5. *ad 1. Sotus* L. 4. de Iust. quaest. 2. art. 3. *Couar.* lib. 4. var. cap. 2. *Sayrus* lib. 7. cap. 17. *Petrus Navar.* lib. 2. de restitut. cap. 3. num. 54. *Fagundez* in quintum Praeceptum decalogi, L. 5. cap. 11. num. 5.

8 It is not, however, properly against justice toward the Republic, because it is not perfectly mistress of his own life, as Fagundez notes, *cont. Aragon. 2. 2. quaest. 62. Tract. de dominio vitae, concl. 1.*, but against God, the supreme Lord, as Plato argues *in Phaedone.*

> *Non est tamen proprie contra iustitiam in Rempublicam, quia non est perfecte domina vitae ipsius, ut notat Fagundez* cont. Aragon. 2. 2. quaest. 62. Tract. de dominio vitae, concl. 1. *sed contra Deum, supremum dominum, ut arguit Plato* in Phaedone.

9 There arises a new question, which Lessius first hinted at, *Tom. 1. de Iust. Lib. 2. cap. 9. dub. 6. num. 32.*, and Fagundez discusses, *num. 6.*: whether the Commander of a fleet of Miopari, when otherwise he cannot escape the hands of the Barbarians, can licitly send fire into the sulphurous powder and set the ship ablaze, not in order to kill himself and others, but lest that ship come into the hands of the enemy, lest they become more insolent and stronger because of it.

> *OCCURRIT nova quaestio, quam primo Lessius* Tom. 1. de Iust. Lib. 2. cap. 9. dub. 6. num. 32. *innuit, et agitat Fagundez* num. 6. *An Dux Mioparonum classis, quando aliter Barbarorum manus effugere nequit, possit licite ignem immittere in pulverem sulphureum, et navim incendere, non ut se, et alios interimat; sed ne illa navis veniat in manus hostium, ne inde insolentiores, et fortiores evadant.*

10 The FIRST opinion is affirmative, which Lessius follows, and Fagundez applauds: others subscribe, who allege that the defenders of the fatherland, unable otherwise to sustain death, can undertake some deed, even if they are to be killed because of it. So Victoria *relect. de homicid. ad ult.*, Aragon. *2. 2. quaest. 62. tract. 1. de dominio vitae, concl. 1. quaest. 64. art. 1.*, Valentia *Tom. 3. disput. 5. quaest. 8. puncto 2.*, Lopez *p. p. Instruct. cap. 65.*; and they cite the examples of Samson, *Iudv 16.*, of Eleazar *primo, Machab. 9.*, of Raziz *2. Machab. 14.*, and of other Heroes.

> *PRIMA opinio est assertiva, quam sequitur Lessius, Fagundez plaudit: Subscribunt alii, qui afferunt, posse patriae defensores nequentes virate mortem, facinus aliquod aggredi, etiamsi inde sint interimendi. Ita Victoria* relect. de homicid. ad ult. *Aragon.* 2. 2. quaest. 62. tract. 1. de dominio vitae, concl. 1. quaest. 64. art. 1. *Valentia* Tom. 3. disput. 5. quaest. 8. puncto 2. *Lopez* p. p. Instruct. cap. 65. *et afferunt exempla Sampsonis,* Iudv 16. *Eleazari* primo, Machab. 9. *Raziz* 2. Machab. 14. *et aliorum Heroum.*

11 The SECOND opinion is negative. So D. Thom. in the place cited, whom they commonly follow, who in the deed of Samson take refuge in a singular impulse of God. So D. Bonavent. *in 4. dist. 32. art. 2. quaest. 1.*

> *SECUNDA sententia est negativa. Ita D. Thom. loco cit. quem communiter sequuntur, qui in facto Sampsonis ad singularem Dei impulsum confugiunt. Ita D. Bonavent.* in 4. dist. 32. art. 2. quaest. 1.

12 It is PROVED by the Saintly Doctor in the chapter on the sixth precept of the Decalogue from the divine precept: *Non occides*. But what they say, that this does not intend one to kill oneself, is frivolous; For he efficiently brings about his own death, by sending in a cause naturally efficacious.

> *PROBATUR a S. Doctore in cap. 6. Decalogi ex divino praecepto:* Non occides. *Quod autem aiunt, non intendere hunc, se occidere, frivolum est; Nam agit efficaciter mortem suam, causam immittendo naturaliter efficacem.*

13 To the example of Samson D. Bonaventure answers that he did it, moved by God, who is the lord of life; for Scripture says: *Irruit super eum spiritus Domini*, as Tostatus observes, *in 16. Iudic. quaest. 54.*, citing D. Augustine *primo, de civit. Dei, cap. 20.*, and he says the same in *lib. contra secundam epistolam Gaudensii*.

> *AD exemplum Sampsonis respondet D. Bonavent. id fecisse, motum a Deo, qui est dominus vitae; ait enim Scriptura:* Irruit super eum spiritus Domini, *ut observant Tostatus* in 16. Iudic. quaest. 54. *allegans D. Augustinum* primo, de civit. Dei, cap. 20. *idemque dicit in* lib. contra secundam epistolam Gaudensii.

14 But that he could have done it without the impulse of God, as Sayrus *Lib. 7. cap. 9. num. 9.*, Lessius *loco cit.*, Caietanus *Iud. 16.*, Lopez *cap. 65. Instruct.* say, is not proved; otherwise God would have sent in His Spirit in vain.

> *QUOD vero id sine impulsu Dei posset facere, ut dicunt Sayrus* Lib. 7. cap. 9. num. 9. *Lessius* loco cit. *Caietanus* Iud. 16. *Lopez* cap. 65. Instruct. *non probatur; alioqui frustra Deus irruenter immisisset Spiritum suum.*

15 I say the SAME of Eleazar, whom D. Ambrose praises, Lib. primo, offic. cap. 40.

> *IDEM dico de Eleazaro, quem laudat D. Ambrosius, Lib. primo, offic. cap. 40.*

16 I assert entirely the SAME of Razia, who stabbed himself and threw himself headlong from a height, lest he fall into the power of the Barbarians. For so Scripture says: *Eligens nobiliter potius mori, quam subditus fieri peccatoribus.* But the Greek text is rendered thus: *Generose volens mori potius, quam peccatoribus subditum fieri, et propria nobilitate indigne contumeliam pati.*

> *IDEM omnino assero de Razia, qui se confodit, et ab alto praeceps deiecit, ne in potestatem Barbarorum deveniret. Sic enim ait Scriptura:* Eligens nobiliter potius mori, quam subditus fieri peccatoribus. *Textus autem Graecus sic redditur:* Generose volens mori potius, quam peccatoribus subditum fieri, et propria nobilitate indigne contumeliam pati.

17 Wherefore the Holy Spirit praises him for this. Nor do some rightly say that he is so related; but that, deceived by the opinion of his own nobility, he mortally sinned; among whom is also D. Thom. in the place cited, ad 5., and others in Fagundez num. 8., for Scripture acknowledges this act as generous. Therefore Lyra defends him on the text, and Victoria at the end.

> *QUARE Spiritus Sanctus eum de hoc laudat. Neque recte dicunt aliqui, eum ita referri; sed ex opinione suae nobilitatis deceptum, mortaliter deliquisse; inter quos est etiam D. Thom. loco citato, ad 5. et alii apud Fagundez num. 8. nam actum hunc generosum fatetur Scriptura. Ideo eum defendit Lyra ad textum, et Victoria ad ultimum.*

Doubt I: Whether it is lawful to shorten our life by mortifications

1 The FIRST opinion is, that it is mortal to use penances imprudently applied, which one has recognized will gravely harm, even if life be shortened on account of satisfying God. So D. Thom. 2. 2. quaest. 147. art. 5., Tolet. lib. 5. summae, cap. 6. concl. 4., Navar. summa Lat. cap. 15. num. 12., Petrus Navarrus lib. 2. restit. cap. 3. num. 88., Couar. lib. 1. variar. cap. 10., Aragon. 2. 2. quaest. 64.

art. 5. ad 5., Lopez p. p. instruct. cap. 64., Sayrus lib. 7. cap. 9., Bassaeus V. Homic. 1. num. 8., Diana part. 5. tract. 4. Resol. 33., Pasqual. de ieiunio, disp. 27.

> ***An liceat mortificationibus vitam nobis decurtare.***
>
> *PRIMA opinio est, esse mortale uti poenitentiis imprudenter adhibitis, quas graviter nocituras quis agnoverit, etiamsi ob satisfaciendum Deo vita decurtetur. Ita D. Thom. 2. 2. quaest. 147. art. 5. Tolet. lib. 5. summae, cap. 6. concl. 4. Navar. summa Lat. cap. 15. num. 12. Petrus Navarrus lib. 2. restit. cap. 3. num. 88. Couar. lib. 1. variar. cap. 10. Aragon. 2. 2. quaest. 64. art. 5. ad 5. Lopez p. p. instruct. cap. 64. Sayrus lib. 7. cap. 9. Bassaeus V. Homic. 1. num. 8. Diana part. 5. tract. 4. Resol. 33. Pasqual. de ieiunio, disp. 27.*

2 Fagundez SUBSCRIBES, num. 18., that it is deadly to feed on raw herbs, or on other gravely harmful foods, and he cites Victoria num. 43., Aragonius, and Lopez above; yet these excuse one who does not advert to it.

> *SUBSCRIBIT Fagundez num. 18. mortiferum esse pasci herbis crudis, vel aliis cibis graviter noxiis, et allegat Victoriam num. 43. Aragonium, et Lopez supra; excusant tamen haec non advertentem.*

3 Indeed I am lifted up in wonder, and moved by unblemished examples, when I read through the life of the saints, who pleased God most of all, and among them the Seraphic Father Francis; of whom S. Bonaventura relates in the legend, especially cap. 5., that the most holy Patriarch so crucified, through the whole course of his penitential life, his flesh with its concupiscences, that he scarcely ever in sound health admitted cooked foods, and when he did admit them, he finished them with ashes, or spoilt them with water. And of water he never dared to drink as much as nature would suffice: the bare earth was his bed, wearing a hairshirt, his clothing torn, trembling in the utmost rigor of winter, and he continually devised other new kinds of penance. Now on a certain night, when he was passing the night at the hermitage of Sarthianus, he heard a voice calling him three times: FRANCIS, FRANCIS, FRANCIS. To which he: What? The voice answered: There is no sinner whom God does not spare; but whoever kills himself with harsh penance will not find mercy in eternity: Immediately the man of God perceived the voice of the enemy, and recognized the cunning of the veteran serpent, for he was so inflamed by the temptation of the flesh: But the Holy Father, suddenly stripping himself and scourging himself sharply, thus addresses his body: Come, brother ass. Thus it befits you to undergo the scourges. Soon indeed he rolled among the snows; then he composed seven great heaps of snow, and said: See, this household must be fed by you: this is the wife; these the sons; these the daughters to be clothed; but if this care oppresses you, return; and serve God.

> *EGO quidem admirabundus tollor, et illotum moveor exemplis, qui viam salutis e caelo securam indigitant, dum perlego vitam sanctorum, qui maxime Deo placuere, et inter eos Seraphici Patris Francisci; de quo S. Bonaventura in legenda, maxime cap. 5. refert, sanctissimum Patriarcham adeo crucifixisse, toto vitae poenitentis cursu, carnem cum concupiscentiis, ut cocta cibaria vix unquam sanus admitteret, admissa vero, cinere confecisse, aut aqua infecisse. De aqua vero nunquam ausum bibere, quantum naturae sufficeret: Nuda humus lectus erat, cilicium gerens, vestitu lacero, obsoleto in summo rigore hiemis tremens, et alia nova poenitentiae genera continuo excogitabat. Iam vero nocte quadam cum apud eremum Sarthiani pernoctaret, audivit vocem se ter vocantem. FRANCISCE, FRANCISCE, FRANCISCE. Cui ille. Quid? Respondit vox: Nullus est peccator, cui Deus non indulgeat; sed quicumque semetipsum poenitentia dura necaverit, misericordiam non inveniet in aeternum: Statim vir Dei sensit vocem hostis, agnovitque veterani serpentis calliditatem, adeo enim carnis tentatione accensus est: At Sanctus Pater subito nudatum se acriter flagellans, sic suum alloquitur corpus: Eia frater asine. Sic te decet subire flagella. Mox vero inter nives volutatus est; deinde septem pallas*

grandes nivis composuit, aitque: Vide, haec tibi familia alenda: haec est uxor; hi filii; hae filiae vestiendae; si autem te haec sollicitudo premit, revertere; et Deo servi.

4 For thus he called his body brother ass, as if to be subjected to laborious burdens, to be beaten with frequent scourges, and to be refreshed with vile fodder. This is D. Bonaventure.

SIC enim corpus suum fratrem asinum appellabat, tanquam laboriosis supponendum oneribus, crebris flagellis caedendum, et vili pabulo reficiendum. Haec D. Bonaventura.

5 The same Saintly Doctor in the Diaeta, tit. 2. cap. 6., commends gravely the fasting of Elias and of other saints, and says it was instituted by the true Hippocrates, God.

IDEM S. Doctor in Diaeta, tit. 2. cap. 6. ieiunium graviter commendat Eliae, et aliorum sanctorum. et ait a vero Hippocrate, Deo, esse institutum.

6 And in Lib. 4. of the Pharetra, cap. 45., he relates of D. Bernard, sermone 66. in Cantica: *Abstinebo a vino, quia in vino luxuria est, aut si infirmus sum, medico utar, iuxta consilium Apostoli. Abstinebo a carnibus, ne dum mihi nimis carnem nutriunt, simul et carnis nutriant vitia, etc.*

ET Lib. 4. Pharetrae, cap. 45. refert D. Bernardum, sermone 66. in Cantica: Abstinebo a vino, quia in vino luxuria est, aut si infirmus sum, medico utar, iuxta consilium Apostoli. Abstinebo a carnibus, ne dum mihi nimis carnem nutriunt, simul et carnis nutriant vitia, etc.

7 But in the sermon on S. John the Baptist, he observes the austerity of S. John, *Matth. 3. erat in deserto ab aetate tenella, vestimentum e pilis camelorum, cibus locustae, ac mel Sylvestre, et Lucae primo insinuatur: Vinum, et siceram non bibet.*

SERMONE vero de S. Ioanne Baptista, observat austeritatem S. Ioannis Matth. 3. erat in deserto ab aetate tenella, vestimentum e pilis camelorum, cibus locustae, ac mel Sylvestre, et Lucae primo insinuatur: Vinum, et siceram non bibet.

8 *Praebuit hirtum tegumen camelus Artubus sacris, strophium bidentes Cui latex haustum sociata pastum Mella Locustis.*

Praebuit hirtum tegumen camelus Artubus sacris, strophium bidentes Cui latex haustum sociata pastum Mella Locustis.

9 Likewise in cap. 7. it is said: *Venit Ioannes, non manducans panem; neque bibens vinum, Et tamen aequaliter nunquam peccavit. Sane maior esse debet poenitentia peccatorum, and D. Gregorio homil. 20. in Euangelia, and he subjoins: si Ioannes, et Elias, et omnes SS. P. P. in desertis AEgypti, tantis se vigiliis, et ieiuniis macerarunt, tam aspera, et inculta vestimenta portaverunt, quidnos pleni peccatis omnibus facere debemus?* These words of the Saintly Doctor: certainly those Anchorites and Monks fed on herbs and water, and were nourished by them.

Item cap. 7. dicitur: Venit Ioannes, non manducans panem; neque bibens vinum, Et tamen aequaliter nunquam peccavit. Sane maior esse debet poenitentia peccatorum, et D. Gregorio homil. 20. in Euangelia, et subdit: si Ioannes, et Elias, et omnes SS. P. P. in desertis AEgypti, tantis se vigiliis, et ieiuniis macerarunt, tam aspera, et inculta vestimenta portaverunt, quidnos pleni peccatis omnibus facere debemus? *Haec S. Doctor sane Anachoretae, et Monachi illi herbis, et aqua vescebantur, et nutriebantur.*

10 The Saintly Doctor confesses in the Apologia pauperum that now indeed more is required on account of weaker natures, but one must beware of self-love, which is accustomed to indulge itself

too much.

> *FATETUR S. Doctor in Apologia pauperum, nunc iam ob debiliores naturas plura requiri, sed cavendum ab amore proprio, qui sibi nimis indulgere solet.*

Doubt II: Whether, to avoid a sin or another evil, it is lawful to kill oneself

1 Without doubt, D. Augustine teaches that this is not licit, *primo de civitate, cap. 25. et 27.*, and D. Bonavent. *ad 12. Ioan.*, where with the same D. Augustine, *tract. 51. in Ioannem*, he condemns the Donatists, who killed themselves in detestation of sin, and on this account gloried that they would soon be redeemed with the crown of Martyrdom.

> ***An liceat ad vitandum peccatum, vel aliud malum, se occidere.***
>
> *ABSQUE dubio, id non licere docet D. Augustinus* primo de civitate, cap. 25. et 27. *et D. Bonavent.* ad 12. Ioan. *ubi cum eodem D. Augustino* tract. 51. in Ioannem*, damnat Donatistas, qui se perimebant in detestationem peccati, et hinc gloriabantur, se corona Martyrii mox redimitos iri.*

2 Nor is this licit in order to avoid rape. For so the most valiant Lucia said: *Si me feceris violari, castitas duplicabitur ad coronam.* Therefore S. Bonavent. describes her as most valiant *in sermonibus*. On the contrary, D. Augustine, *1. de civitate, cap. 19.*, reproves the Roman Lucretia as pusillanimous, because she killed herself lest she succumb to the adultery of the violating Tarquin. Yet Bassaeus says that she, and others, can be excused on account of invincible ignorance; and the deed of S. Apollonia is excused by many, and he brings forward many in Diana part. 6. tract. 7. Resol. 47. But that one is justified by the Church.

> *NEQUE hoc licet ad vitandum stuprum. Sic enim Lucia fortissima dixit:* Si me feceris violari, castitas duplicabitur ad coronam. *Ideo eam fortissimam describit S. Bonavent.* in sermonibus. *E contra D. Augustinus* 1. de civitate, cap. 19. *reprehendit Lucretiam Romanam, ut pusillanimem, quod se interfecerit, ne adulterio succumberet violantis Tarquinii. Eam tamen, aliasque excusari posse ob ignorantiam invincibilem, ait Bassaeus; et a multis excusari factum S. Apolloniae, et adducit multos apud Dianam part. 6. tract. 7. Resol. 47. At ista iustificatur ab Ecclesia.*

3 But he praises rather allowing oneself to be killed by one willing to violate, in order to decline the danger of consent; for we are held to allow life rather to be snatched away than to sin against God, as the Saintly Doctor argues in the place cited: *Qui amat animam suam, perdet eam, et qui perdiderit animam suam propter me, inveniet eam*, And it is the common opinion

> *SINERE autem se potius occidi a volente violare laudat, ad periculum consensus declinandum; tenemur etenim sinere potius vitam eripi, quam in Deum peccare, ut arguit S. Doctor loco cit.* Qui amat animam suam, perdet eam, et qui perdiderit animam suam propter me, inveniet eam*, Estque communis sententia*

Doubt III: Whether, for the life of the neighbor, it is lawful to give oneself over to death

1 The FIRST opinion is negative. So Durandus 4. dist. 17. quaest. 6., Paludanus dist. 15. q. 3. art. 2. contr. 3., Petrus Navat. de restit. lib. 2. cap. 3. disp. 3. num. 41., and it seems to be D. Augustine's in the Lib. de mendacio, cap. 6. It is alleged by Fagundez Lib. 5. cap. 12. num. 6., and by D. Bonavent. 3. dist. 19. quaest. 3., because he said that those are fools who neglect their own temporal life on account of the corporal life of another. But the Saintly Doctor speaks in another way, and in another sense; for he says: Those are considered fools who neglect their own salvation, so that they may procure another's; but he speaks according to the phrase of Christ: *Quid prodest homini, si universum*

mundum lucretur, animae vero suae detrimentum patiatur? The Seraphic Doctor elegantly discusses this on this passage of Lucae 9.

> An liceat pro vita proximi, se morti tradere.
>
> *PRIMA opinio est negativa. Ita Durandus 4. dist. 17. quaest. 6. Paludanus dist. 15. q. 3. art. 2. contr. 3. Petrus Navat. de restit. lib. 2. cap. 3. disp. 3. num. 41. et videtur D. Augustini Lib. de mendacio, cap. 6. Allegatur a Fagundez Lib. 5. cap. 12. num. 6. et D. Bonavent. 3. dist. 19. quaest. 3. quia dixerit, stultos esse illos, qui vitam temporalem propriam negligunt, propter vitam corporalem alienam. At S. Doctor alio modo, alioque sensu loquitur; ait enim: Illi stulti reputantur, qui salutem propriam negligunt, ut procurent alienam; loquitur autem iuxta phrasim Christi:* Quid prodest homini, si universum mundum lucretur, animae vero suae detrimentum patiatur? *Haec ad hunc locum Lucae 9. eleganter disserit Seraphicus Doctor.*

2 Moreover, in dub. 1. litt. he says this is licit for a just cause, and in dub. 5. he says it belongs to perfect Charity. Wherefore he holds the affirmative opinion with D. Thom. 3. dist. 29. quaest. 15. art. 5. ad 3., and Lib. 1. de regimine Principum, cap. 10., and 2. 2. quaest. 26. art. 4 ad 3., and art. 5. ad 3. So Victoria relect. de homicidio, ad 5. num. 27., Sotus Lib. 5. de Iust. quaest. 1. art. 6., Bannes 2. 2. quaest. 26. art 4. dub. 3., Salon. 2. 2. quaest. 64. art. 5. ad 5., Aragon. ibi ad 4., Valentia Tom. 3. disp. 3. quaest. 4. puncto 3., Corduba lib. 1. quaest. 38. ad 4., Tolet. lib. 5. sum. cap. 6., Sà V. homic., Sayrus lib. 7. cap 9. num. 23., Fagundez Lib. 5. cap. 12. num. 7.

> *CAETERUM dub. 1. litt. id licere ait ex iusta causa, et dub. 5. dicit, esse perfectae Charitatis. Quare affirmativam sententiam tenet cum D. Thom. 3. dist. 29. quaest. 15. art. 5. ad 3. et Lib. 1. de regimine Principum, cap. 10. et 2. 2. quaest. 26. art. 4 ad 3. et art. 5. ad 3. Sic Victoria relect. de homicidio, ad 5. num. 27. Sotus Lib. 5. de Iust. quaest. 1. art. 6. Bannes 2. 2. quaest. 26. art 4. dub. 3. Salon. 2. 2. quaest. 64. art. 5. ad 5. Aragon. ibi ad 4. Valentia Tom. 3. disp. 3. quaest. 4. puncto 3. Corduba lib. 1. quaest. 38. ad 4. Tolet. lib. 5. sum. cap. 6. Sà V. homic. Sayrus lib. 7. cap 9. num. 23. Fagundez Lib. 5. cap. 12. num. 7.*

3 The REASON of D. Bonaventure, which the others use, is, that in this case he does not love his neighbor more than himself; but on account of the honor of the virtue of friendship, and for God, on account of some preeminent cause of honesty (S. Bonaventure adds), he prefers the life of his friend.

> *RATIO D. Bonaventurae, qua utuntur caeteri, est, quia in hoc casu non diligit magis proximum, quam seipsum; sed propter honestatem virtutis amicitiae et propter Deum, ob aliquam causam praecipuam honestatis (addit S. Bonav.) praefert vitam amici.*

4 I have treated of this also in the Tract. de Charitate, disp. 8. quaest. 34., in which disputation I have also treated, in quaestione 30., when we are held to undergo death on account of the spiritual good of others.

> *De hoc egi etiam in Tract. de Charitate, disp. 8. quaest. 34. in qua disputatione egi etiam, quando ob bonum spirituale aliorum teneamur mortem oppetere, quaestione 30.*

Doubt IV: When we are bound to die for the salvation of souls

1 IT IS CERTAIN that in many cases we are bound to undergo death for the salvation of souls, according to John 3: *And we ought to lay down our lives for the brethren.*

> Quando nam teneamur pro salute animarum mori.
>
> *CERTUM est, in multis casibus nos teneri mortem pro salute animarum subire, iuxta id Ioan. 3.* Et nos debemus pro fratribus animas ponere.

2 IT IS PROVED by St. Bonaventure on John 15, from those words of Christ: *This is my commandment, that you love one another, as I have loved you. Greater love than this no man hath, than that a man lay down his life for his friends.* St. Augustine confirms this in tractate 84 on John. And he observes with St. Gregory, homily 27 on the Gospels, that under the name of friends, in the precept of charity, even enemies are included.

> *PROBATUR a D. Bonavent. ad 15. Ioannis, illis Christi verbis:* Hoc est praeceptum meum, ut diligatis invicem, sicut dilexi vos. Maiorem hac dilectionem nemo habet, quam ut animam suam ponat quis pro amicis suis. *Id confirmat ex D. Augustino tract. 84. in Ioannem. Observat autem cum D. Gregorio homil. 27. in Evangelia, nomine amicorum, in dilectionis praecepto, etiam inimicos includi.*

3 That this is a precept, Christ himself asserts, when he adds: *You are my friends, if you do the things that I command you.* Secondly, for the defense of the honor of FAITH, we are bound to face death.

> *Hoc autem esse praeceptum, asserit Christus, qui etiam addit:* Vos amici mei estis, si feceritis quae ego praecipio vobis. *Secundo ad fidei honorem tuendum, tenemur mortem obire.*

4 IT IS PROVED by St. Bonaventure on Luke 9: *For whosoever shall be ashamed of me and of my words, of him the Son of man shall be ashamed, when he shall come in his majesty.* He also cites 1 Kings 2: *Whosoever shall glorify me, him will I glorify: but they that despise me, shall be ignoble*, that is, on the day of judgment. For God spoke thus, threatening eternal destruction to Heli, who had not reproved the horrible sins of his sons. Ecclesiasticus 4 adds the same: *For the sake of thy soul be not ashamed to speak the truth.* Hence also in Romans 1 the Apostle says: *I am not ashamed of the Gospel.*

> *PROBATUR a D. Bonavent. ad illud Lucae 9.* Qui me erubuerit, et meos sermones: hunc filius hominis erubescet, cum venerit in maiestate sua. *Affert etiam id, primo Reg. 2.* Quicumque glorificaverit me, glorificabo eum: qui autem contemnunt me, erunt ignobiles*, idest, in die iudicii. Haec enim locutus est Deus, exitium minitans aeternum Heli, qui peccata horribilia filiorum non reprehenderat. Addit etiam id Ecclesiastici 4.* Pro anima tua ne confundaris dicere verum. Ideo et Rom. 1. ait Apostolus: Non erubesco Evangelium.

5 From these passages the Saintly Doctor shows that a learned man is bound to speak if ignominy threatens Christ, as for instance if heretics were from this to boast that their sects are the true ones, and that the Christian Catholic Religion is false. So too Sayrus, Book 7, cap. 9, num. 17; Toletus, Book 5 of the Summa, cap. 16; Soto, Book 5 on Justice, question 1, article 7; Fagundez, Book 5, cap. 12, num. 10.

> *His locis eruit S. Doctor teneri virum doctum loqui, si Christo immineat ignominia, veluti si haeretici hinc glorientur, suas sectas esse veras; et Christianam Catholicam esse falsam Religionem. Ita etiam Sayrus Lib. 7. cap. 9. num. 17. Tolet. Lib. 5. summa, cap. 16. Sotus Lib. 5. de Iust. quaest. 1. art. 7. Fagundez Lib. 5. cap. 12. num. 10.*

6 THE PRECEPT of confessing the faith, certainly, at that time most of all compels, as is said in Romans 10: *For, with the heart, we believe unto justice: but, with the mouth, confession is made unto salvation*, as he implies in the Dieta, title two, chapter three, and as I said in disputation 1, question 16.

> *PRAECEPTUM sane confitendae fidei tunc maxime cogit, ut dicitur Rom. 10.* Corde creditur ad iustitiam: ore autem confessio fit ad salutem*, ut innuit in Dieta, titulo secundo, cap. tertio, et dixi disput. 1. quaestione 16.*

Question X: Whether a pregnant mother may, to save her own life, procure the abortion of the fetus

1 TO PROCURE AN ABORTION is most cruel if the fetus is living; for it not only destroys the body, but also loses the soul. Thus St. Bonaventure solemnly warns in the Dieta, tit. 3, cap. 4, and in the Confessionale, cap. 2, part 13.

> An liceat Matri gravidae, ad salvandam vitam suam, procurare foetus abortum.
>
> *ABORTUM procurare crudelissimum est, si foetus sit vivus; non enim solum corpus interimit; sed animam perdit. Ita graviter admonet S. Bonavent. in Diaeta, tit. 3. cap. 4. et in confessionali, cap. 2. particula 13.*

2 I ASSERT that it is not lawful to procure the abortion of a living fetus, even to save the mother's life.

> *ASSERO, non licere abortum foetus viventis procurare, etiam ad vitam matris salvandam.*

3 IT IS PROVED by Fagundez, because the offspring possesses life without injury to the mother: therefore a grave injury is done to it if it is destroyed in order to save the mother's life.

> *PROBATUR a Fagundez, quia proles sine iniuria matris possidet vitam: Ergo fit ei iniuria gravis, si ad salvandam vitam matris interimitur.*

4 FURTHERMORE, because we are bound to prefer spiritual life to bodily life: therefore, if the offspring is believed to be living and to be born, grave sin is committed when, deprived of Baptism, it is killed.

> *DEINDE, quia tenemur vitam spiritualem corporali praeferre: Ergo, si creditur proles viva nascitura, graviter delinquitur, dum privata Baptismo necatur.*

5 So with St. Bonaventure; Lessius, Tom. 1, L. 2, dub. 10, num. 67; St. Antoninus, part 3, tit. 7, cap. 2; Sayrus, lib. 7, cap. 12, num. 22; Petrus Navatus, Lib. 2 on restitution, cap. 3, num. 138 and 143; Aragon, 2. 2, question 64, art. 7; Fagundez, Lib. 5, cap. 12, num. 19; Bassaeus, V. Homicidium, 1, num. 58; Diana, tract. 5, miscel. Resol. 11, part 5.

> *Ita cum D. Bonavent. Lessius Tom. 1. L. 2. dub. 10. num. 67. S. Antonin. 3. part. tit. 7. cap. 2. Sayrus lib. 7. cap. 12. num. 22. Petrus Navat. Lib. 2. de restitut. cap. 3. num. 138. et 143. Aragon. 2. 2. quaest. 64. art. 7. Fagundez Lib. 5. cap. 12. num. 19. Bassaeus V. Homicidium, 1. num. 58. Diana tract. 5. miscel. Resol. 11. part. 5.*

6 Fagundez, moreover, ADDS that in doubt whether the offspring is living, remedies may be applied, because the condition of the possessor is better; but the mother is in possession of her certain life: this holds a fortiori if the offspring is not animated. So too Covarruvias on the Clementine *si furiosus*, part 2, §. 3; Sylvester, V. medicus, question 4; St. Antoninus, part 3, tit. 7, cap. 2, §. 2; Lessius, and Petrus Navarrus, cited above.

> *ADDIT vero Fagundez, in dubio, an proles sit viva, posse applicari remedia, quia melior est conditio possidentis; mater autem est in possessione certae suae vitae: hoc valet a fortiori, si proles non sit animata. Ita etiam Couar. in Clementina, si furiosus, 2. part. §. 3. Sylvester V. medicus, quaest. 4. D. Antonin. 3. part. tit. 7. cap. 2. §. 2. Lessius, et Petrus Nauarrus, allegati.*

7 But the FETUS, if it is a male, is animated on the fortieth day; if a female, on the eightieth. So Navarrus, Sum. Lat., cap. 15, num. 14; Covarruvias, cited place; Lessius, num. 67; Sà, V. homicid. But

in doubt whether it is a male or a female, it is to be believed a male, as Covarruvias and Sà say.

> *FOETUS autem, si masculus est, diebus quadraginta animatur: Si foemina, octuaginta. Ita Navar sum. Lat. cap. 15. num. 14. Couar. loco citato. Lessius num. 67. Sà V. homicid. In dubio autem an masculus sit, vel foemina, credendus est masculus, ut aiunt Couar. et Sà.*

[8] Certain ANATOMISTS give thirty days for the male and forty for the female. See the Hexaëmeron on Anatomy, disputation 4, question 22.

> *ANATOMICi aliqui masculo dant 30. dies foeminae 40. Vide Hexaëmer de Anatome, disput. 4. quaest. 22.*

[9] YOU WILL ASK: Whether it is lawful to cut open the belly of a pregnant mother, whose life is despaired of, so that the child may be drawn out alive.

> *QUAERES: An liceat secate alvum matris praegnantis, de cuius vita disperatur, ut puer extrahatur vivus.*

[10] IT IS ANSWERED: Negatively, with St. Thomas *in 4. dist. 6. quaest. 1. art. 1. quaestiuncula 1. ad 4, and 3. part. quaest. 68. art. 11*; Domitol. *lib. 1. quaest. 14*; Corduba *quaest. 38. dub. 2*; Lopez *p. p. Instruct. cap. 63*; Alensis *4. quaest. 8. memb. 7. art. 1*; Gabriel *in 4. dist. 4. q. 2. art. 3. dub. 2*; St. Antoninus *3. part. tit. 4. cap. 13. §. 1*; Sylvester *V. Baptismus, 4*; Soto *in 4. dist. 5. quaest. unic. art. 11*; Angelus *V. Baptismus, 6*; Tabien. *num. 5*; Armilla *num. 38*; Victoria *de sacer. quaest. 33*. The reason is, because that section is a killing: *Evils are not to be done that good may come of them.* But a dead body may be cut open, *L. Posth. ff. de inoffic. test.*

> *RESPONDETUR Respondetur, negative cum D. Thom.* in 4. dist. 6. quaest. 1. art. 1. quaestiuncula 1. ad 4. et 3. part. quaest. 68. art. 11. *Domitol.* lib. 1. quaest. 14. *Corduba* quaest. 38. dub. 2. *Lopez* p. p. Instruct. cap. 63. *Alens.* 4. quaest. 8. memb. 7. art. 1. *Gabriel* in 4. dist. 4. q. 2. art. 3. dub. 2. *D. Antonin.* 3. part. tit. 4. cap. 13. §. 1. *Sylvester* V. Baptismus, 4. *Sotus* in 4. dist. 5. quaest. unic. art. 11. *Angel.* V. Baptismus, 6. *Tabien.* num. 5. *Armil.* num. 38. *Victoria* de sacer. quaest. 33. *Ratio est, quia illa sectio est occisio:* Non sunt facienda mala, ut eveniant bona: *Secari vero mortua potest* L. Posth. ff. de inoffic. test.

[11] It is also illicit to give remedies for sterility. See Fagundez *L. 5. cap. 13*; Sanchez *l. 9. disput. 20*. Sixtus V forbids this *de abortu, §. 5, and cap. si aliquis, and homicid.* For it is against the end of generation. Nor should you say that abortion in the unanimated is closer against that end.

> *Illicitum est etiam dare remedia ad sterilitatem. Vide Fagundez* L. 5. cap. 13. *Sanchez* l. 9. disput. 20. *Id vetat Sixtus V.* de abortu, §. 5. et cap. si aliquis, et homicid. *Est enim contra finem generationis. Neque dicas, abortum inanimis esse propius contra eum finem.*

[12] For I say the fetus is an aggressor against the mother's life; but not fertility.

> *Dico enim foetum esse aggressorem vitae matris; non sic foecunditatem.*

[13] *You will object:* the emission of seed is never lawful. Therefore neither is that of the fetus, which is closer to generation.

> Obiicies *nunquam licita est eiectio seminis. Ergo nec foetus, qui vicinior est generationi.*

[14] I say neither is abortion directly intended. But if it be probable that the mother also would die together with her living child; whereas with the remedy given the mother can be saved; Bassaeus says a potion may be given to her.

Dico neque abortum directe intendi. Quod si probabile sit morituram etiam matrem cum filio vivo; at dato remedio salvari matrem; Bassaeus ait, posse ei dari potionem.

Question XI: On accidental homicide

1 Casual homicide is that which takes place beyond intention, as St. Bonaventure teaches *serm. 6. in Decal.*; St. Thomas *2. 2. quaest. 64. art. 8.*

Homicidium casuale est illud, quod praeter intentionem fit, ut docet D. Bonavent. serm. 6. in Decal. *D. Thom.* 2. 2. quaest. 64. art. 8.

2 For casual homicide, therefore, the Saintly Doctor gives this rule: if, while engaging in a licit undertaking, he applied sufficient diligence that homicide should not follow, and it should nevertheless follow, it will in no way be imputed to him, because that death was willed neither in itself nor in its cause; wherefore he will not be irregular. So with St. Bonaventure; Lessius *Tom. 1. Lib. 2. dub. 15. num. 703*; Suarez *de censur. disp. 45. sect. 5. and 6*; Farinac. *Tom. 4. quaest. 126. n. 74*; Ayrenius *Tract. de homic. casuali, part. 3. num. 10*; Tolet. *Lib. 5. sum. cap. 7*; Fagundez *L. 5. cap. 14. num. 10*; Bassaeus, *V. Homic. 2. num. 1*; with St. Thomas *quaest. 64. art. 8*, where see Sylvestrus and Cajetan *ad 1.*

Pro homicidio igitur casuali dat S. Doctor hanc regulam: si dans operam rei licitae adhibuit sufficientem diligentiam, ne homicidium sequeretur. Si sequatur, nulla ex parte illi imputabitur, quia illa mors neque in se, neque in causa fuit volita; Quare neque erit irregularis. Ita cum D. Bonaventura Lessius Tom. 1. Lib. 2. dub. 15. num. 703. *Suarez* de censur. disp. 45. sect. 5. et 6. *Farinac.* Tom. 4. quaest. 126. n. 74. *Ayrenius* Tract. de homic. casuali, part. 3. num. 10. *Tolet.* Lib. 5. sum. cap. 7. *Fagundez* L. 5. cap. 14. num. 10. *Bassaeus,* V. Homic. 2. num. 1. *cum D. Thom.* quaest. 64. art. 8. *ubi Sylveus, et Caiet.* ad 1.

3 They state the same even if he were engaging in an illicit undertaking; because, although in this there would be fault in order to the prohibition, say the exploding of a war engine, or hunting, yet there would not be fault in order to the homicide or mutilation; and this perhaps is what the Saintly Doctor means when he says that then the killer is excused from so much, not from all.

Idem afferunt, etiamsi daret operam rei illicitae; quia, licet in hoc esset culpa in ordine ad prohibitionem, puta explodendi bellicum tormentum, vel venandi; non esset tamen in ordine ad homicidium, vel mutilationem; et hoc forsan ait S. Doctor dicens, tunc taliter occidentem excusari a tanto, non a toto.

4 You will ask: whether one who kills another in a sudden and unexpected brawl can be dispensed from irregularity by the Bishop, who, according to the Council of Trent, *sess. 14. cap. 7*, can dispense from irregularities contracted through occult casual homicide.

Qvaeres: an occidens alium in subita, et repentina rixa, possit ab irregularitate dispensari per Episcopum, qui iuxta Concilium Trident. sess. 14. cap. 7. *potest dispensare super irregularitates, contractas ex homicidio casuali occulto.*

5 Molina denies it *Tom. 4. de iustitia, tract. 3. disp. 70*; so too Suarez *in 3. part. tit. 5. de censur. disput. 94. sect. 1.*

Negant Molina Tom. 4. de iustitia, tract. 3. disp. 70 *Suarez* in 3. part. tit. 5. de censur. disput. 94. sect. 1.

6 Diana maintains it *p. p. Tract. 1. Miscell. resol. 19*; so too Didacus Perez *Lib. 8. ordin. tit. 13. in Rubr. fol. 256*; Avila *Tract. de censur. part. 7. disp. 6. sect. 2. dub. 1. and sect. 5. dub. 5*; Coninchyus *de sacr. disp. 18. dub. 14. num. 11*; Rodriquez *in summa, p. p. cap. 177*; Henriquez, and Salzedo, as cited by Diana; Fagundez *L. 5. cap. 12. num. 11.*

Asservnt Diana p. p. Tract. 1. Miscell. resol. 19. *Didacus Perez* Lib. 8. ordin. tit. 13. in Rubr. fol. 256. *Avila* Tract. de censur. part. 7. disp. 6. sect. 2. dub. 1. et sect. 5. dub. 5. *Coninchyus* de sacr. disp. 18. dub. 14. num. 11. *Rodriquez* in summa, p. p. cap. 177. *Henriquez, et Salzedo apud Dianam, Fagundez* L. 5. cap. 12. num. 11.

7 In St. Bonaventure I find only *in confessionali, cap. 5. particula 49. casu 1* that the dispensation of casual homicide is referred to the Bishop, not of voluntary homicide; but this is voluntary.

In D. Bonaventura solum invenio in confessionali, cap. 5. particula 49. casu 1. *dispensationem casualis ad Episcopum deduci, non voluntarii homicidii; hoc autem est voluntarium.*

Question XII: Whether a judge can condemn to death an innocent man who has been proved guilty at the trial

1 Thus far we have dealt with homicide committed by private authority; now we must deal with homicide by public power.

Hucusque egimus de homicidio, privata authoritate facto; nunc de homicidio ex publica potestate agendum.

2 First, I suppose that a judge is bound by CHARITY under pain of mortal sin to deliver an innocent man from death, if he can by any means, even if he is proven guilty, whether he does so by terrifying or obstructing the accusers, or by examining the witnesses most rigorously, etc.

Primo suppono, teneri iudicem ex Charitate sub mortali liberare innocentem a morte, si potest via aliqua, etiamsi probetur nocens, siue id faciat, accusatores terrendo, vel impediendo, siue testes severissime examinando, etc.

3 Secondly, many admit that a judge, when he cannot deliver the innocent man, is bound to make his innocence manifest in the courtroom.

Deinde fatentur multi, Iudicem teneri, quando insontem nequit liberare, illius innocentiam in auditorio manifestare.

4 Thirdly, they say that an inferior judge, bound by the allegations and proofs made to condemn the innocent man, is bound to send to the superior with the information, proofs, and indications of his innocence.

Tertio dicunt, teneri iudicem inferiorem adstrictum allegatis, et probatis ad insontem damnandum, mittere ad superiorem cum informationibus, probationibus, atque indiciis illius innocentiae.

5 The whole difficulty is: whether, when none of these things can be done, it is lawful to condemn the innocent man to death or to another punishment.

Tota difficultas est: an, quando non potest aliquid horum fieri, liceat insontem morte damnare, vel alia poena.

6 The first opinion is that the judge is indeed bound to condemn him. So St. Thomas *2. 2. quaest. 67. art. 2, and quaest. 64. art. 6. ad 3*, and there all the Thomists; Soto *L. 5. de Iustitia, quaest. 4. art. 2*; Petrus Navarrus *L. 2. de restitut. cap. 3. num. 157*, speaking only of civil matters; Covarruvias *lib. 1. var. cap. 1. num. 6*; Navarrus *summa Latina, cap. 25. num. 13*; Bartolus *Lex, Illicitas, §. Veritas, ff. de offic. praesidis*; Innocent *cap. Venerabilis, de censibus*; the Archdeacon *in cap. 1. de offic. ordin*; Cardinal and John Andrea *in cap. Pastoralis, de offic. delegati*, with the Gloss there, *§. quia vero*; Sylvester *V. Iudex 2. num. 5. and 6*; Toletus *Lib. 5. summa, cap. 6. num. 11*; Fagundez *in 5. Praeceptum Decal. cap. 14*; Cajetan, Bannes, Salon, Aragon *2. 2. quaest. 67. art. 2*; Valentia *Tom. 2. disp. 5. q. 11. punct. 2*; Sayrus *L. 12. cap. 8. n. 13*; Siroued

tf. de Iustitia, 2. 2. quaest. 67. art. 2; Lezan *V. Iud.*; Tanner *tract. 3. disp. 4. quaest. 4. dub. 2. num. 51*. Corduba is finally inclined to this, as cited in Diana, part. 5. tract. 4. Resol. 22.

> *Prima opinio est, imo teneri iudicem eum damnare. Ita D. Thom.* 2. 2. quaest. 67. art. 2. et quaest. 64. art. 6. ad 3. *et ibi omnes Thomistae. Sotus* L. 5. de Iustitia, quaest. 4. art. 2. *Petrus Navar.* L. 2. de restitut. cap. 3. num. 157. *loquens solum de civilibus, Covar.* lib. 1. var. cap. 1. num. 6. *Navar.* summa Latina, cap. 25. num. 13. *Bartol.* Lex, Illicitas, §. Veritas, ff. de offic. praesidis, *Innocent*. cap. Venerabilis, de censibus, *Archidiac.* in cap. 1. de offic. ordin. *Cardinal. et Ioan. Andrea* in cap. Pastoralis, de offic. delegati, *Glossa ibi,* §. quia vero, *Sylvest.* V. Iudex 2. num. 5. et 6. *Tolet.* Lib. 5. summa, cap. 6. num. 11. *Fagundez* in 5. Praeceptum Decal. cap. 14. *Caietan. Bannes, Salonius, Aragon.* 2. 2. quaest. 67. art. 2. *Valentia* Tom. 2. disp. 5. q. 11. punct. 2. *Sayrus* L. 12. cap. 8. n. 13. *Sirouerd.* tf. de Iustitia, 2. 2. quaest. 67. art. 2 *Lezan.* V. Iud. *Tanner.* tract. 3. disp. 4. quaest. 4. dub. 2. num. 51. *Inclinat tandem Corduba* citando loco, Diana part. 5. tract. 4. Resol. 22.

7 The second opinion denies altogether, both in civil and in criminal matters, that a judge can condemn an innocent man in the manner described; but that he is bound to resign his office, even if he knows nothing will come of it, when he can deliver him by no other way. Nay, this opinion adds that he is bound to deliver him, even if he were to lose his life. So teach Lessius *Tom. 1. dub. 29. L. 2. num. 78. and 82*; Lyranus *in cap. 23. Exodi*, expounding that: *The innocent and the just, etc.*; Adrian *quodl. 6. art. 3*; Angelus *V. iudicare, num. 7*; Petrus Navarrus *L. cit. num. 161*; Hostiensis, Calderinus, Panormitanus *cap. Pastorali de offic. deleg.*; Corduba *lib. 1. quaest. 37*, where he fights with 16 arguments (though defeated at the end); Raynaldus *in gloss. cum Syl. V. Iud. 2. quaest. 5. Sà num. 13*; Bonacina *tract. 1. disp. 20. q. 2. punct. 2*; Filliucius *tract. 40. cap. 6. q. 5*; Sylvius *2. 2. quaest. 67. art. 2*; Bassaeus *V. Iudex, num. 5*; Biel, sent. quaest. 138.

> *Secvnda sententia negat omnino, tam in civilibus, quam in criminalibus, posse iudicem damnare innocentem modo dicto; sed teneri officium dimittere, etiamsi sciat, nihil profuturum, quando nulla alia via eum liberare potest. Imo addit haec opinio, teneri eum liberare, etiamsi vitam esset amissurus. Ita docent Lessius* Tom. 1. dub. 29. L. 2. num. 78. et 82. *Lyranus* in cap. 23. Exodi, *explicans illud:* Innocentem et iustum, etc. *Adrianus* quodl. 6. art. 3. *Angelus* V. iudicare, num. 7. *Petrus Navarrus* L. cit. num. 161. *Host. Calder. Panorm.* cap. Pastorali de offic. deleg. *Cordub.* lib. 1. quaest. 37. ubi 16. argumentis pugnat (etsi in calce devict) *Raynur.* in gloss. cum Syl. V. Iud. 2. quaest. 5. Sà num. 13. *Bonac.* tract. 1. disp. 20. q. 2. punct. 2. *Filliuc.* tract. 40. cap. 6. q. 5. *Sylvius* 2. 2. quaest. 67. art. 2. *Bassaeus* V. Iudex, num. 5. *Biel sent. quaest. 138.*

8 The third opinion is that indeed in civil causes, and grave ones, and in criminal causes of lesser moment, the Judge can proceed according to what is proven; but in causes of death he is bound to acquit the accused. So Lessius *Tom. 1. L. 2. cap. 29. disp. 10. num. 84*; Petrus Navarrus *L. 2. de restit. cap. 3. num. 157*; Aragon *2. 2. quaest. 60. art. 5*. DIANA *part. 5. Tract. 4. resol. 22* concludes: If a grave loss should befall the Judge from the deposition of his office, he is not bound to lay it down; but he can condemn: and he refers to Filliucius *Tom. 1. tract. 48. cap. 6. num. 171*, and others. Tostatus holds almost the same *ad cap. 25. Exodi, quaest. 6*.

> *Tertia opinio est, in causis quidem civilibus, et gravibus, et in criminalibus minoris momenti, posse Iudicem procedere secundum probata: At in causis mortis, teneri reum absolvere. Ita Less.* Tom. 1. L. 2. cap. 29. disp. 10. num. 84. *Petrus Navar.* L. 2. de restit. cap. 3. num. 157. *Aragon.* 2. 2. quaest. 60. art. 5. *DIANA* part. 5. Tract. 4. resol. 22. *concludit; Si Iudici grave damnum obveniret ex depositione officii, non tenetur illud deponere; sed potest damnare: et remittit ad Filliucium* Tom. 1. tract. 48. cap. 6. num. 171. *et alios. Idem fere habet Tostatus* ad cap. 25. Exodi, quaest. 6.

9 What St. Bonaventure thought I shall make clear. Therefore *serm. 6. de decem praeceptis*, he says, the Public Minister of the Law can kill, provided there be a just cause, a just order, and a just mind. A just cause must be present, because it is said in Deuteronomy 16: *That which is just thou shalt execute justly.* Hence there must also be a just order of proceeding. Likewise it must be done from love of Justice, not from lust for vengeance, and thus there will be a just mind. And in the *speculo animae, cap. 2. post medium*, he has almost the same.

> *QUID senserit D. Bonaventura, aperiam. Igitur* serm. 6. de decem praeceptis*, ait, Publicum Legis Ministrum posse occidere, dummodo adsit iusta causa, iustus ordo, et iustus animus. Iusta causa debet adesse, quia dicitur Deuter. 16.* Quod iustum est, iuste exequeris. *Hinc debet esse etiam iustus ordo procedendi. Item debet esse ex amore Iustitiae, non libidine vindictae, et ita aderit iustus animus. et in* speculo animae, cap. 2. post medium*, eadem fere habet.*

10 He brilliantly defends the second opinion, however, in *part. 2. de Ecclesiastica Hierarchia, cap. 2*, and proves it. And again in *part. 4. cap. 3 he subscribes.*

> *PRAECLARE vero secundam tuetur sententiam* part. 2. de Ecclesiastica Hierarchia, cap. 2. *Eamque probat. Et rursus* part. 4. cap. 3. subscribit.

11 This opinion is so deeply fixed in me that I greatly wonder that so many Princes of Theology depart from it.

> *ADEO mihi alte defixa est haec sententia, ut summopere mirer, tot Proceres Theologos ab ea deviare.*

12 I ASSERT, therefore, that a judge can by no means condemn an innocent man to any punishment, and especially to death, however much, according to the allegations and proofs, he may deserve death.

> *ASSERO igitur, Iudicem nulla ratione posse damnare ulla poena, maxime autem mortis, innocentem, quantumvis secundum allegata, et probata dignus sit morte.*

13 IT IS PROVED by St. Bonaventure, first, *serm. 6. in Decal. on Deuter. 16: Judges and Masters shalt thou constitute in all thy gates, which the Lord thy God shall give thee, throughout thy tribes: that they may judge the people with just judgment, and not decline to either side. Thou shalt not accept person nor gifts: for gifts blind the eyes of the wise, and change the words of the just. Justly thou shalt pursue that which is just: that thou mayest live, etc.* Where the Hebrew has: *Justice, justice shalt thou pursue, that thou mayest live.*

> *PROBATUR a D. Bonavent. primo,* serm. 6. in Decal. in Deuter. 16. Iudices, et Magistros constitues in omnibus portis tuis, quas Dominus Deus tuus dederit tibi, per singulas tribus tuas: ut indicent populum iusto iudicio, nec in alteram partem declinent. Non accipies personam, nec munera: quia munera excaecant oculos sapientum, et mutant verba iustorum. Iuste quod iustum est persequeris: ut vivas, etc. *Ubi Hebraeus habet:* Iustitiam, Iustitiam sequeris, ut vivas.

14 He alludes, however, to Exodus 23, as the Marginal postils note, where it has: *The innocent and just thou shalt not kill: because I abhor the wicked*, where Pagninus has: *for I will not justify the wicked.*

> *ALLUDIT autem ad 23.* Exodi*, ut postillae Marginales advertunt, ubi habet:* Infontem, et iustum non occides: quia aversor impium*, ubi Pagninus:* quia non iustificabo impium.

15 But that we may understand this phrase, we must note with St. Bonaventure *loco cit.* and Tostatus *quaest. 6. in 16. Deuter.*, that it is not enough to do a just thing, unless it be done justly, because the manner belongs in moral matters to the species of the act. For it does not suffice to do a just thing,

but it must be done justly; yet it is not just to condemn an innocent man, even if it be just to judge according to the allegations and proofs; for to condemn an innocent man is a most grave crime against the natural law: but to judge according to allegations and proofs is only according to human laws *extra de constitut. cap. Canonum statuta, and cap. Ne innitaris prudentia tua, and Cod. de legibus, and Cod. de iuris, et facti ignorantia in Lege, Constitutiones*.

> *UT autem phrasim hanc percipiamus, oportet adnotare cum D. Bonavent.* loco cit. *Tostato* quaest. 6. in 16. Deuter. *Non satis esse iustum agete, nisi iuste fiat, quia modus pertinet in moralibus ad speciem actus. Neque enim sufficit iustum agere, sed oportet, ut iuste agatur; sed non est iustum, innocentem damnare, etiamsi iustum sit iudicare secundum allegata, et probata; Nam innocentem damnare est gravissimum crimen contra ius naturae: at iudicare secundum allegata, et probata, est tantum secundum Leges humanas* extra de constitut. cap. Canonum statuta, et cap. Ne innitaris prudentia tua, et Cod. de legibus, et Cod. de iuris, et facti ignorantia in Lege, Constitutiones.

16 Indeed Laws and Canons, according to the Politicians, fall under part of the natural law or part of the positive law, as is clear in *5. Eth.*; nevertheless, if they per accidens depart from the natural law, they are not to be interpreted as if they commanded in every eventuality: they decree, however, that judgment be given according to allegations and proofs from the fact that right knowledge of the accused is required of the judge, that he may give sentence; but among things proven, those of lesser weight are those which are true, whencever they come.

> *SUNT quidem Leges, et Canones, iuxta politica, cadentia in partem iuris naturalis, vel in partem iuris positivi, ut patet in 5.* Eth. *attamen si per accidens aberrent a iure naturali, non sunt ita interpretandae, ac si in omnem eventum praecipiant: decernunt autem iudicandum secundum allegata, et probata ex eo, quod requiritur recta noritia Rei, data iudici, ut ferat sententiam; inter probata autem minoris ponderis sunt, quae vera undecunque veniunt.*

17 Therefore God, who is above the Laws, commands that two be not killed, namely the innocent, and that the just be not killed. Indeed it would be the same thing repeated, because in such a case the innocent and the just would be the same. Now he forbids the innocent to be condemned, that is, him who is proven guilty by false witnesses, but is in truth innocent; and thou, O Judge, knowest this, as a private person, thou shalt not kill this man. But the just thou shalt not kill, that is, him who has been thus proven in judgment; and in this way Tostatus himself expounds it.

> *IGITUR Deus, qui est supra Leges, praecipit, ne duo occidantur, scilicet innocens, et ne occidatur iustus. Profecto esset idem repetere, quia in tali casu idem esset innocens, ac iustus. Iam vero Innocentem prohibet condemnari, idest eum, qui falsis testibus probatur nocens, sed revera est innocens; et tu o Iudex scis, ut privata persona, hunc non occides. Iustum vero ne occidas, idest, eum, qui ita probatus fuerit in iudicio; et hoc modo exponitur ab ipso Tostato.*

18 Behold that double justice, *Deuter. 16: Justice, justice thou shalt pursue*, that is, delivering both the innocent, proven guilty in the forum, and him who has been proven just.

> *EN duplex illa iustitia,* Deuter. 16. Iustitiam, Iustitiam sequeris*, idest liberando tam innocentem, probatum in foro reum; quam eum, qui probatus est iustus.*

19 By this argument you dissolve all the opposing foundations, taken from the necessity of the Laws of judging according to allegations and proofs. For against them stands here the law Divine and of Nature in this case.

> *HOC argumento dissolves omnia adversantia fundamenta, sumpta ex necessitate Legum, iudicandi secundum allegata, et probata. In contrarium enim stat hic, lex Divina, et Naturae in hoc casu.*

20 IT IS PROVED, secondly, by St. Bonaventure *loco cit. Ecclesiastica Hierarchia,* from Proverbs 24: *Deliver them that are led to death: and cease not to deliver those that are dragged to destruction. If thou say: Strength is not enough: he that is the inspector of the heart, he understandeth, and nothing deceiveth the keeper of thy soul, and he shall render to a man according to his works.*

> *PROBATUR secundo a D. Bonavent.* loco cit. Ecclesiastica Hierarchia, ex Proverb. 24. Erue eos, qui ducuntur ad mortem: et qui trahuntur ad interitum, liberare ne cesses. Si dixeris: Vires non suppetunt: qui inspector est cordis, ipse intelligit, et servatorem animae tuae nihil fallit, reddetque homini iuxta opera sua.

21 Behold: in order to the internal judgment of conscience he commands that the innocent, condemned to death by the laws, be diligently delivered, because, namely, it is Divine and Natural law, as our Doctors cry out.

> *EN in ordine ad iudicium internum conscientiae iubet, infontes, a legibus damnatos morte, sedulo liberare, quia scilicet ius est Divinum, et Naturale, ut clamant Doctores nostri.*

22 I LAUGH at the answer of the opponents, that judgment is rendered justly according to nature, when judgment is given according to allegations and proofs, because the public good is preferred, while innumerable scandals are warded off.

> *RIDEO adversantium responsum, iuste iudicari secundum naturam, dum iuxta allegata, et probata iudicatur, quia bonum publicum anteponitur, dum innumera scandala arcentur.*

23 THESE are flattering little words. For where is the scandal, while an innocent man is being weighed and the Judge publicly protests that he knows it, in attestation of his own honor?

> *HAEC sunt verbula blanda. Ubi enim scandalum, dum innocens libetatur, et Iudex protestatur publice se id scire in sui fidem honoris?*

24 NAY, these opinions are received with the applause of the whole world, just as the deliverance of Susanna was received, who by the sole slight diversity of the tree under which she was accused of having fallen was proven innocent.

> *IMO totius orbis plausu hae sententiae excipiuntur, sicuri excepta fuit liberatio Susannae, quae sola diversitate modica arboris, sub qua accusabatur lapsa, comprobata est insons.*

25 But that which they keep forever in their mouths, that the natural law commands that judgment be given according to allegations and proofs, and that although this order is of positive law, one is nevertheless bound by the natural law to keep it, as Fagundez answers; it is so ridiculous that it provokes even the scant smiles of the wise to loud laughter. For where does any merely positive law compel its observance by the law of nature? Surely the law of observance arises from the law of the law itself. And is the public good really that the innocent be condemned? Is it because again the laws condemn according to the allegations? Be it so; since nevertheless the laws are human, must they not at least be taken with their epieikeiai?

> *QUOD vero in ore perpetuo versant, Ius naturale praecipere, ut iudicetur secundum allegata, et probata, et quamvis hic ordo sit Iuris positivi, tamen teneri illum servare Iure naturali, ut respondet Fagundez; adeo ridiculum est; ut et patcos sapientis risus ad Cachinnos provocet. Ubi enim aliquod ius merum positivum ad sui observantiam cogit iure naturae? Sane ius observantiae oritur ex iure legis. Ecquod vero bonum publicum est, ut damnentur infontes? Num, quia iterum*

leges damnant iuxta allegata? Esto ita sit; cum tamen leges sunt humanae, nonne cum suis epickeiis sunt saltem sumendae.

26 FURTHERMORE the end of the law is the heart of the law, and it commands judgment according to allegations and proofs, that judgment may be given justly according to the truth, which is ever the companion of justice. But if, as a public person, the judge is bound to smile upon the public clamor, as Fagundez and the others cry in their principal foundation; then let them believe the clamoring and tumultuous people crying against CHRIST: *Crucify him*, who nevertheless had been proven innocent by a private interrogation alone. Surely Pilate is not thereby excused.

PORRO finis legis, est cor legis, Iubetque iudicare secundum allegata, et probata, ut iuste iudicetur secundum veritatem, quae obvia semper est iustitiae. Quod si publicae conclamationi, ut personae publicae, tenetur iudex arridere, sicut clamant Fagundez, et alii in suo praecipuo fundamento; cant, et tumultuanti plebi credant, clamanti contra CHRISTUM: Crucifige, *qui tamen sola privata interrogatione probatus fuerat innocens. Sane Pilatus inde non excusatur.*

27 The public GOOD is that which is more profitable for the Republic. But nothing is more necessary than to foster and protect the innocent, as the Saintly Doctor expounds at length *part. 2. Ecclesiast. Hier. cap. 2*. These zealots fear scandals. What greater scandal than to pave the ways for calumnies and to lay snares of death for the innocent? Away with that scandal.

BONUM publicum est, quod Reipublicae magis proficuum est. Nihil autem magis necessarium, quam fovete, et tueri innocentes, ut late discurrit S. Doctor part. 2. Ecclesiast. Hier. cap. 2. *Scandala timent isti zelotes. Quod maius scandalum, quam vias sternere ad calumnias, et mortem innocentibus struere? Appage istud scandalum.*

28 They URGE that the judge is a public person, and therefore must not follow what he knows as a private person.

URGENT, Iudicem esse personam publicam, atque adeo non id, quod ut persona privata novit, sectandum.

29 COME NOW! I should like to know: does he not use the knowledge of the sciences and arts which, as a private person, he imbibed in the University amid his studies?

EIA! Scire vellem: an utatur notitia scientiarum, et artium, quas, ut privata persona, in Universitate inter studia hausit.

30 *But let us hear St. Bonaventure in the cited place on Ecclesiastical Hierarchy, Part 2, cap. 2: The Virtues are called Angels on account of their strong and unchangeable manliness in imitation of God, a Deiform motion that does not sin. All these things, understood figuratively, are to be referred to those who receive the power of judging. For that peace and concord may be had in the Church of Christ, justice is ordained of the Lord; Psalm 71: Let the mountains receive peace for the people, and the hills justice. He shall judge the poor of the people, and shall save the children of the poor, and shall humble the calumniator. Because he shall deliver the poor from the mighty, and the poor that had no helper. Because there would be no peace in the mountains, that is, in proud men; unless there were justice in the hills, that is, in good and humble prelates and Judges, in whom Angelic manliness, or virtuousness, is required, so that by neither blessing nor cursing are they moved from the rectitude of justice, as of David, 2 Kings 14: But thou, my Lord the King, art as an Angel of God, who is moved by neither malediction nor benediction. Therefore the Judge must be strong and manly, lest through fear, hatred, or love he be deflected from justice. Hence counsel is given in Ecclesiasticus, cap. 7: Seek not to be made a judge, unless thou have strength in virtue to dash down iniquities, lest thou haply fear the face of the powerful, and lay a stumblingblock in thy equity; and Wisdom 6: Hear, O ye kings and judges, that judge the earth: to you is given power from the Most High, who shall question your*

works, and search out your thoughts, because, being ministers of his kingdom, you have not judged rightly, nor kept the law of justice, nor walked according to the will of God. Horribly and speedily shall he appear to you, for a most severe judgment shall be for them that bear rule. To you therefore, O kings, are these my words, that you may learn wisdom, and not fall away. For they that have kept just things justly shall be justified. And Ecclesiasticus 44: Men rich in virtue, etc. Making peace in their houses: they are therefore the Virtues as regards the manly execution of justice.

> Sed audiamus D. Bonaventuram loco allegato de Eccl. Hierarchia, Parte 2. cap. 2. Virtutes dicuntur Angeli, propter fortem, et immutabilem virilitatem in Dei imitationem, Deiformem motum non delinquentem. Haec omnia, figurative intellecta, sunt ad illos, qui iudicandi recipiunt potestatem, referenda. Nam ut pax, et concordia in Christi Ecclesia habeatur, iustitia e Domino est ordinata; Psalm. 71. Suscipiant montes pacem populo, et colles iustitiam. Iudicabit pauperes populi, et salvos faciet filios pauperum, et humiliabit calumniatorem. Quia liberabit pauperem a potente, et pauperem, cui non erat adiutor. Quia non esset pax in montibus, idest, in superbis hominibus; nisi esset iustitia in collibus, idest, in bonis, et humilibus praelatis, ac Iudicibus, in quibus virilitas, seu virtuositas Angelica requiritur, ut nec benedictione, nec maledictione, a rectitudine iustitiae moveantur, sicut de David, 2. Reg. 14. Tu autem Domine mi Rex, es sicut Angelus Dei, qui nec maledictione, nec benedictione movetur. Fortis igitur, et virilis debet esse Iudex, ne timore, odio, vel amore a iustitia deflectatur. Ideo datur consilium in Ecclesiastico, cap. 7. Noli quaerere fieri Iudex, nisi virtute valeas irrumpere iniquitates, ne forte expavescas faciem potentis, et ponas scandalum in aequitate tua, et Sap. 6. Audite reges, et Iudices, qui iudicatis terram, vobis data est virtus ab Altissimo, qui interrogabit opera vestra, et cogitationes scrutabitur, quoniam cum essetis ministri regni illius, non recte iudicastis, nec custodistis legem iustitiae, neque secundum voluntatem Dei ambulastis. Horrende et cito apparebit vobis, quoniam iudicium durissimum his, qui praesunt, fiet. Ad vos ergo reges sunt hi sermones mei, ut discatis sapientiam, et non excidatis. Qui enim custodierint iusta iuste, iustificabuntur. Et Ecclesiastici 44. Homines divites in virtute, etc. Pacificantes in domibus suis, sunt igitur Virtutes quo ad virilem iustitiae executionem.

31 *Likewise, on account of the virtuous defense of justice: For it is said Ecclesiasticus 4: Fight for justice, and strive even unto death for Justice, etc.*

> Item, propter virtuosam iustitiae defensionem: Nam dicitur Eccl. 4. Pro iustitia agonizare, et usque ad mortem certa pro Iustitia, etc.

32 *Likewise, on account of the imitation of Divine Wisdom. For human justice ought to imitate the Divine, as far as is possible, and, that it may not err through ignorance, to be enlightened by the divine light; Hence it is said, Wisdom 6: Love the light of wisdom, all ye that are over the peoples.*

> Item, propter Divinae Sapientiae imitationem. Humana enim iustitia Divinam debet, pro ut est possibile, imitari, et ne erret per ignorantiam, divino lumine illustrari; Ideo dicitur, Sapient. 6. Diligite lumen sapientiae, qui praeestis populis.

33 *Likewise, on account of the swift and manly deliverance of the oppressed, the Judges are called Virtues: For the virtuous judge manfully snatches away the oppressed innocents, and sets himself with all his strength against him who does the injury. Whence in Proverbs 24: Deliver them that are led to death. But if thou say: Strength is not given to me: he that is the inspector of the heart, he himself understandeth, and nothing deceiveth the keeper of thy soul, and he shall render to everyone according to his works. Where the Hebrew: Deliver them that are carried captive unto death, and thou shalt forbid them that stagger unto slaughter; and Job 29: Because I had delivered the*

poor man that cried out, and the orphan that had no helper. The jaws of the wicked I broke, and out of their teeth I snatched away the prey: the blessing of him that was perishing came upon me. Where the Hebrew: The blessing of those perishing came upon me.

> Item, propter celerem, et virilem oppressorum liberationem Virtutes dicuntur Iudices: Nam iudex virtuosus innocenter oppressos viriliter eripit, et facienti iniuriam, totis viribus se opponit. Unde in Proverb. 24. Erue eos, qui ducuntur ad mortem. Quod si dixeris: Vires mihi non suppetunt: qui inspector est cordis ipse intelligit, et servatorem animae tuae nihil fallit, et reddet unicuique iuxta opera sua. Ubi Hebraeus: Erue captos ad mortem, et nutantes ad occisionem prohibebis, et Iob 29. Eo quod liberassem pauperem vociferantem, et pupillum, cui non erat adiutor. Conterebam molas iniqui, et de faucibus eorum eruebam, Benedictio perituri super me veniebat. Ubi Hebraeus: Benedictio peremtis super me veniebat.

[34] *Isaiah first: Judge for the orphan, help the oppressed. Where the Hebrew: Direct your affection to the injured.*

> Isaiz primo. Indicate pupillo, subvenite oppresso. Ubi Hebraeus: Dirigite affectum iniuria.

[35] *Behold the duties of the public person expounded by St. Bonaventure from the storehouse of the Scriptures.*

> En munera personae publicae a D. Bonavent. e Scripturarum penu exposita.

[36] *And on Wisdom 6 he observes the apparatus of the Holy Spirit, to admonish judges: Better is wisdom than strength. Hear therefore, ye kings; learn, ye judges, etc. — the reason taken from the peril of their office. Hence also Proverbs 1: The wise man hearing will be wiser: and understanding, he shall possess governments; and on John, cap. 19, he observes that Pilate, who had known in secret the innocence of CHRIST, nevertheless condemned him unjustly on the testimony, and he brings forward Proverbs 17: He that justifieth the wicked, and he that condemneth the just, both are abominable before God. And he considers gravely that Christ discoursed so gravely with Pilate about the truth, because in it consisted the whole equity of the judgment, that the Governor might judge according to the truth, snatching the innocent from the hands of the calumniators. But because knowing the innocent he condemned him, most certainly, the Divine Justice so ordaining, he was condemned by the Emperor and rejected by God.*

> Et ad 6. Sapient. Observat apparatum Spiritus Sancti, ut iudices admoneat: Melior est sapientia, quam vires. Audite ergo reges, discite iudices, etc. Ratione sumpta ex periculo officii eorum. Ideo et Proverb. 1. Audiens sapiens sapientior erit: et intelligens, gubernacula possidebit, et ad cap. 19. Ioan. observat, Pilatum, qui secreto cognoverat innocentiam CHRISTI, eum tamen inique ex testimoniis condemnasse, et affert illud Proverb. 17. Qui iustificas impium, et qui condemnat iustum, abominabilis est uterque apud Deum. Et graviter considerat, Christum de veritate adeo graviter disseruisse cum Pilato, quia in ea consistebat tota aequitas iudicii, ut secundum veritatem iudicaret Praeses, innocentem eripiendo e manibus calumniantium. Quia vero sciens insontem damnavit, certissime Divina ita ordinante Iustitia damnatus ab Imperatore, et a Deo est reprobatus.

[37] *All of them, crowding in ranks, hurl the argument of St. Thomas, which indeed Bannes calls a moral demonstration. The judge in judging sustains the public person of the Republic: therefore he ought to use only public knowledge, which is rendered probable to the community itself. It is confirmed, because a man ought not to use that opinion which opens the way to frauds. They labor to prove the same by the authorities of the Fathers and the Canons, which Tannerus reports in number 52.*

> Omnes, agmine constipato, iaciunt argumentum D. Thomae, quod quidem Bannes vocat moralem demonstrationem. Iudex in iudicando publicam sustinet Reipublicae personam: ergo debet uti scientia tantum publica, quae ipsi communitati probabilis reddatur. Confirmatur, quia homo non debet ea uti

sententia, quae viam fraudibus aperit. Idipsum satagunt probare authoritatibus Patrum, et Canonum, quos refert Tannerus numero 52.

38 *It is answered easily with St. Bonaventure in the cited places. The public person is bound to the defense of the innocent, and therefore so to bear himself that in the face of the Republic he be an asylum of innocence, as I showed above. Nor indeed does he open the way to frauds who uses certain private knowledge; nay, rather there is to be feared the false witnesses, with whom the whole world overflows.*

Respondetur facile cum D. Bonavent. allegatis locis. Personam publicam teneri ad insontium defensionem, atque adeo ita se gerere, ut in facie Reipublicae sit innocentiae asylum, ut supra ostendi. Neque vero fraudibus viam aperit, qui certa utitur privata scientia, imo timendum a falsis testibus, quibus totus redundat orbis.

39 *Furthermore, the Holy Fathers and the Canons enjoin a due public skillfulness in conducting causes.*

Porro Sancti Patres, et Canones iniungunt debitam publice solertiam in causis agendis.

Question XIII: Whether princes can grant license to kill outlaws

1 *On this I find only this in St. Bonaventure, serm. 6. on the Decalogue: that ministers of justice can kill the impious, provided it be done from zeal for justice, not from appetite for vengeance.*

An possint Principes dare licentiam occidendi bannitos.

De hoc solum id invenio in S. Bonaventura, serm. 6. in Decalogum, ministros iustitiae posse impios necare, dummodo id fiat zelo iustitiae, non appetitu vindictae.

2 *But they ask: Whether they can then be treacherously killed. Decius affirms, cap. Quae in Ecclesiarum, de constitut. num. 14; Bossius in pract. under the title of the banished.*

Quaerunt autem: An possint tunc insidiose occidi. Affirmant Decius cap. Quae in Ecclesiarum, de constitut. num. 14. Bossius in pract. titulo bannitis.

3 *Mantua denies it, consil. 100; so too Angelus, Lex, final, Cod. de delator; Alexander in the postilla on Bartolus on the same final Lex.*

Negant vero Mantua consil. 100. Angel. Lex, finali Cod. de delator. Alexander in postilla ad Bartol. ad eandem Leg. finali.

4 *Whatever may be the case concerning these, in whom this second opinion seems to be to be held for the soul's salvation of that wretched man; yet if anyone had given his faith to a banished man that he would not harm him, and then killed him, he would deserve the extreme punishment, as Julius Clarus asserts, L. 5. sentent. §. Homicidium, num. 61, and Fagundez, Book 5, cap. 16, num. 12.*

Quidquid vero sit de his, in quibus videtur haec secunda opinio tenenda ob animae salutem miseri illius; si tamen aliquis dedisset fidem bannito eum non offendendi, atque eum occideret, dignus esset supplicio extremo, ut asserunt Iulius Clarius L. 5. sentent. §. Homicidium, num. 61. et Fagundez Libro 5. cap. 16. num. 12.

Question XIV: On the restitution owed on account of homicide, or mutilation

1 It is certain, first, that a homicide is held to restitution of the expenses incurred for the cures: *the Lex, Quae actione in principio, ff. ad Legem Aquiliam, and the Lex, ex hac lege, ff. si quid paup. fecisse dicatur.*

Certum est primo, homicidam teneri ad restitutionem expensarum, pro curatione factarum: Lex, Quae actione in principio, ff. ad Legem Aquiliam, et Lex, ex hac lege, ff. si quid paup. fecisse dicatur.

2 In canonical law also it is plain from *cap. 1. de iniuriis, et damno dato.*

De iure etiam canonico patet cap. 1. de iniuriis, et damno dato.

3 Second, he is bound to restore the profits which the slain, or mutilated, or wounded man would have accumulated: *L. X. Quae ait, ff. ad L. Aquiliam, and the Lex ex hac Lege, and in the canon law, loco cit. Ubi Iuristae.* Those profits, then, are to be restored, deducting what he himself would have spent, namely on food, clothing, etc., in the course of his life.

Secundo tenetur restituere lucra, quae erat cumulaturus occisus, vel mutilatus, aut vulneratus L. X. Quae ait, ff. ad L. Aquiliam, et Lex ex hac Lege, et in Iure can. loco cit. Ubi Iuristae. *Ea igitur lucra sunt restituenda, detractis his, quae expendisset ipse, scilicet victu, vestitu, etc. in cursu vitae.*

4 The course of life is computed in the Laws at 60 years: *the Lex computationis, and the Lex Hereditatem, ff. ad Leg. falcidiam.* Yet those laws spoke only of allowances assigned for life in the external forum.

Vitae autem cursus in Legibus ad 60. annos computatur, Lex computationis, et Lex. Hereditatem, ff. ad Leg. falcidiam. *Hae tamen leges solum locutae sunt de alimentis deputatis ad vitam pro foro externo.*

5 The computation will be better made, with all things prudently considered: health, age, trade, and other circumstances. So *Lessius Tom. 1. Lib. 2. cap. 9. dub. 20. num. 129. Menoch. de arb. qq. Lib. 2. casu 121. Fagundez L. 5. cap. 18. num 8. and others cited by him.*

Melius computatio fiet, consideratis prudenter omnibus, sanitate, aetate, arte, et aliis. Ita Lessius Tom. 1. Lib. 2. cap. 9. dub. 20. num. 129. Menoch. de arb. qq. Lib. 2. casu 121. Fagundez L. 5. cap. 18. num 8. et alii apud eum.

6 This restitution is obligatory even if the killer be beheaded. So *Nauar. cap. 15. num. 22. Lessius lib. 2. cap. 9. dub. 21. Couar. lib. 1. var. cap. 10. and others, against Scotus 4. dist. 15. quaest. 3. Fagundez num. 19. and others.*

Haec autem restitutio cogit etiamsi occisor decolletur. Ita Nauar. cap. 15. num. 22. Lessius lib. 2. cap. 9. dub. 21. Couar. lib. 1. var. cap. 10. et alii contra Scotum 4. dist. 15. quaest. 3. Fagundez num. 19. et alios.

7 The heirs of the homicide are held to the restitution, provided he left free goods in which they succeed. *Bassaeus num. 10.* adds, probably, that they are not held to restore to the creditors of the slain man, nor to those whom the slain man was supporting gratuitously.

Haeredes homicidae tenentur restitutioni, modo reliquerit bona libera, in quibus succedunt. Addit Bassaeus num. 10. *probabiliter non teneri restituere creditoribus occisi, neque iis, quos occisus liberaliter alebat.*

8 Many indeed think that restitution is not owed to heirs who are not father, sons, wife, or such persons as the slain man was bound to support. So *Lessius dub. 26. num. 155. Sotus Lib. 4. de Iust. quaest. 6. art. 3. ad 3. and others.*

Existimant vero multi, non esse haeredibus restituenda, qui non sunt pater, filii, uxor, aut tales, quos occisus tenebatur alere. Ita Lessius dub. 26. num. 155. Sotus Lib. 4. de Iust. quaest. 6. art. 3. ad 3. et alii.

9 Yet the opposite is held by *Farinac. Tom. 4. quaest. 119. de Homicidio, num. 127. Abbas on cap. 1. de iniuriis, et damno dato. Socinus there, num. 57. and 63.* The reason is that every right of the deceased

passes to the heirs, whoever they be. To this *Bassaeus n. 21.* assents, *with both Nauarros.*

> *Oppositum tamen censent* Farinac. Tom. 4. quaest. 119. de Homicidio, num. 127. Abbas in cap. 1. de iniuriis, et damno dato. Socinus ibidem, num. 57. et 63. *Ratio est, quia omne ius defuncti transit ad haeredes, quicumque sint. Huic annuit* Bassaeus n. 21. cum utroque Nauarro.

10 Whether, however, the homicide is bound to restore money also for the injury of the murder itself, I judge, according to the mind of D. Bonaventure, that he is not bound, because it is not of the same order. So the Doctors commonly, at *Fagundez cap. 20.* — although *Bassaeus num. 5.* with others opposes this, if the heirs are in need.

> *An vero etiam pro iniuria homicidii teneatur homicida restituere pecuniam, arbitror ad mentem D. Bonaventurae, non teneri, quia non est eiusdem ordinis. Ita communiter DD. apud* Fagundez cap. 20. *etsi* Bassaeus num. 5. *cum aliis repugnet, si haeredes egeant.*

11 They also ask: if Titius should kill Peter, and an innocent Caius be condemned for the murder, is Titius bound to make restitution to Caius?

> *Quaerunt etiam: An si Titius occideret Petrum, et de homicidio damnetur innocens Caius, teneatur Titius restituere Caio.*

12 The common answer is that he is not bound, provided Titius did not foresee the damages that could befall Caius. So *Less. 2. cap. 9. dub. 16. num. 110. Sotus L. 4. de Iust. quaest. 6. art. 3. Nauar. summa Latinae, cap. 15. num. 17. Zech. de casib. reserv. casu 12. Lazarius Papensis de qq. Canon. quaest. 6. sect. 3. Fagundez cap. 17. num. 3.*

> *Communiter negant, eum teneri, si tamen non animadvertit Titius damna, quae sequi poterant Caio. Ita* Less. 2. cap. 9. dub. 16. num. 110. Sotus L. 4. de Iust. quaest. 6. art. 3. Nauar. summa Latinae, cap. 15. num. 17. Zech. de casib. reserv. casu 12. Lazarius Papensis de qq. Canon. quaest. 6. sect. 3. Fagundez cap. 17. num. 3.

13 But if he foresaw it, and was unwilling to take precautions: some say he is bound to restitution. So *Lazar. quaest. 11. Corradus p. p. quaest. 128.*

> *Si vero praevidit, et noluit cavere; aliqui dicunt, eum teneri ad restitutionem. Ita* Lazar. quaest. 11. Corradus p. p. quaest. 128.

14 Yet the opposite is taught by *Less. Lib. 2. cap. 9. dub. 16. num. 111. and others at Fagundez loco citato, num. 6. Lessius* says the same, even if he had killed Peter with this very intention. *Fagundez* holds the same opinion.

> *Oppositum tamen docet* Less. Lib. 2. cap. 9. dub. 16. num. 111. et alii apud Fagundez loco citato, num. 6. *Idipsum ait* Lessius, *etiam si hac intentione occidisset Petrum. Idem sentit* Fagundez.

Question XV: Whether the mutilation of a limb is ever lawful

1 That mutilation is illicit per se, all affirm with *D. Bonavent. in speculo animae, cap. 1. and D. Thom. quaest. 65. art. 1. and others:* Yet it is licit for the public Magistrate to mutilate someone, just as to kill for a just cause. The Saintly Doctor supposes this *serm. 6. in Decal.* The reason is that the part ought to be given for the good of the whole, as *D. Thom.* also says, and *Valentia disp. 5. quaest. 9. puncto unico.*

Mutilationem esse illicitam per se, afferunt omnes cum D. Bonavent. in speculo animae, cap. 1. et D. Thom. quaest. 65. art. 1. et alii: *Licitum tamen est publico Magistratui mutilare aliquem, sicut occidere ob iustam causam. Hoc S. Doctor supponit* serm. 6. in Decal. *Ratio est, quia pars ob bonum totius debet dari, ut ait etiam* D. Thom. et Valentia disp. 5. quaest. 9. puncto unico.

2 In the case also in which Surgeons judge mutilation to be necessary: he is not bound to it, if it must be done with great pain. So *Sotus Lib. 5. de iust. quaest. 2. art. 1. Lessius Tom. 1. tract. 2. dub. 14. num. 96. Fagundez in 5. praeceptum, lib. 5. cap. 13. num. 6.*

In casu etiam, quo Chirurgi existiment necessarium mutilare; non tenetur, si id faciendum erit magno dolore. Ita Sotus Lib. 5. de iust. quaest. 2. art. 1. Lessius Tom. 1. tract. 2. dub. 14. num. 96. Fagundez in 5. praeceptum, lib. 5. cap. 13. num. 6.

3 But except the case in which he is a Prince, or greatly necessary to the Republic; for then he is bound to endure mutilation even with great pains. So the authorities cited, *Petrus Nauar. lib. 2. de restit. cap. 3. num. 102. Sayrus lib. 7. cap. 9. num. 39. Fagundez num. 8.*

Excipe vero, si is sit Princeps, vel maxime necessarius Reipublicae; tunc enim etiam cum magnis doloribus tenetur pati mutilationem. Ita allegati, Petrus Nauar. lib. 2. de restit. cap. 3. num. 102. Sayrus lib. 7. cap. 9. num. 39. Fagundez num. 8.

4 Nor indeed is anyone bound, or able, to mutilate himself, even if he would be put to death by a Tyrant should he refuse. So *D. Thom. art. cit. Sotus lib. 5. de iust. quaest. 2. art. 1. Salon l. 2. quaest. 65. art. 1.* The reason is that it is against the law of nature. Yet *Bassaeus num. 32.* says it is possible even in the case where death would thus be escaped.

Neque vero tenetur, aut potest se aliquis mutilare, etiamsi a Tyranno esset occidendus, si nollet. Ita D. Thom. art. cit. Sotus lib. 5. de iust. quaest. 2. art. 1. Salon l. 2. quaest. 65. art. 1. *Ratio est, quia est contra ius naturae posse tamen ait* Bassaeus num. 32. *etiam casu, quo sic esset effugiendum.*

Question XVI: Whether it is lawful to imprison or beat another

1 That it is not licit to imprison someone by private authority, *the Saintly Doctor teaches in speculo animae, cap. 5.* The reason is that this is to inflict harm as regards the movement of the limbs, as *S. Bonav. loco cit.* hints, and *D. Thom.* Yet it would be licit for someone having charge to imprison, e.g. a son, or a slave, to avoid some grave damage; but more licit is it for the judge, for custody or punishment, as all teach.

Non licere privata authoritate aliquem carcerare, docet S. Doctor in speculo animae, cap. 5. *Ratio est, quia hoc est inferre nocumentum quo ad motum membrorum, ut innuit* S. Bonav. loco cit. et D. Thom. *Liceret tamen alicui, habenti curam, carcerare, v. g. filium, vel servum, ad aliquod damnum grave evitandum; magis vero id licet iudici in custodiam, vel poenam, ut docent omnes.*

2 As to blows: it is licit for a father to beat his son, and a master his slave.

Quo ad verbera, licet Patri filium verberare, et Domino servum.

3 Yet *S. Bonavent. in speculo animae* admonishes that it not be done with cruelty. For cruelty is harshness of soul in exacting punishments for sin, just as *faecitas*[1] when one rages against one's neighbor without his fault; in which, if the excess is grave, the Saintly Doctor says it is mortal.

[1] N. Editor's note: the print/OCR reads 'faecitas', not a Latin word (perhaps 'feritas', savagery); the raw OCR of the print is equally garbled here; rendered as 'savagery' from context.

> *Admonet tamen* S. Bonavent. in speculo animae*, ne fiat crudelitate. Est enim crudelitas, atrocitas animi in exigendis poenis pro peccato, sicuti feritas cum quis saevit in proximum, absque eius culpa, in quibus, si gravis sit excessus, ait S. Doctor esse mortale.*

Disputation XXVII: On Theft and Robbery

1 THEFT and Robbery, allied by a close bond, spring from Avarice; both lie in wait for the advantages of peace and of Justice: Theft indeed fraudulently and secretly; Robbery openly and violently. The former is committed either by taking unjustly, or by detaining unjustly, or lastly by circumventing with guile. In either case every law is violated, and indeed the law of nature is transgressed, whose clear voice is: *Do not to another what you would not have done to yourself.* Likewise the Written Law of *Exodus 20.* forbids the unjust handling of another's property: *Thou shalt not steal:* but the Law of grace forbids theft all the more strongly, since it commands each one to give his own to the poor. Yet if, under the pressure of necessity, whereby things return to the common use, or by the command of the supreme Lord of all things, at whose nod all things are licit, another's property is handled — as befell the sons of Israël when they made off with the golden vessels of the AEgyptians — there is no sin, but rather merit of obedience is heaped up; though this merit, however agreeable to each, few attain. These matters I shall discuss, after I have given some preliminary warnings about dominion.

> ***De Furto, et Rapina.***
>
> *FURTUM, et Rapina germano foedere ex Avaritia ortum ducunt, ambo pacis, et Iustitiae emolumentis insidiantur; Furtum quidem fraudulenter, et clam; Rapina vero palam, et violenter. Prius committitur vel inique accipiendo, vel iniuste detinendo, vel denique dolose circumveniendo. Utroque omnis lex temeratur, et quidem naturae ius violatur, cuius clara vox est:* Alteri ne feceris, quod tibi fieri non vis. *Item et Lex Scripta* Exodi 20. iniustam rei alienae contrectationem inhibet: Furtum non facies: *Lex autem gratiae a fortiori furtum prohibet, cum suum pauperibus dare cuique praecipiat. Verum si urgente necessitate, qua res redeant in commune, vel iubente supremo rerum Domino, ad cuius nutum omnia licent, res aliena contrectatur, uti filiis Israël aurea AEgyptiorum vasa surripientibus contigerat, non peccatur, sed meritum potius obedientiae cumulatur; hoc tamen meritum, liceat cuique gratissimum, attingunt pauci. Haec discutiam, postquam de dominio aliqua praemonuero.*

Question I: What dominion is

1 DOMINIUM must first be understood, that we may recognize theft and rapine, which assault dominion.

> ***Quid sit Dominium.***
>
> *DOMINIUM oportet praeintelligere, ut furtum, et rapinam, dominio insultantes, agnoscamus.*

2 Now DOMINION is defined in many ways. The best is this: *Dominion is the faculty which anyone has of using a thing independently of the will of another, and for his own advantage, in any use permitted by law.* It is defined in almost this way by Soto *l. IV. de Iust. quaest. 1. art. 1.* Gregorio de Valentia *disp. 5. quaest. 10. p. 1.* and others. It is drawn from D. Bonaventure on *cap. 6. of our Rule, there: Fratres nihil sibi approprient*, where he says dominion signifies the same as ownership of a thing; as ownership is usually distinguished from the bare possession of things. All Theologians and Jurists adhere to this. He examines and expounds this definition in this manner in the *Opusculo ad Magistrum innominatum.*

> *MULTIS autem modis definitur Dominium: Optima est illa:* Dominium est facultas, quam quis habet usurpandi rem independenter ab alterius voluntate, in suumque commodum, qualibet usu lege permisso. *Ita fere definitur a Soto* l. IV. de Iust. quaest. 1. art. 1. *Gregorio de Valentia* disp. 5. quaest. 10. p. 1. *et aliis. Eruitur ex*

D. Bonaventura in cap. 6. Regulae nostrae ibi. Fratres nihil sibi approprient*, ubi dominium ait significare idem, ac proprietatem rei; ut proprietas distingui solet a nuda rerum possessione. Ei adhaerent Theologi, ac Iurisperiti omnes. Hanc definitionem hoc pacto examinat, et declarat in* Opusculo ad Magistrum innominatum.

[3] He explains THE VERY SAME definition in fact, while handing it on in other places, in the *Apologia pauperum, cap. 1. tertia responsionis.* See also Soto *l. IV. quaest. 1. art. 1.* Couar. *l. I. var. cap. 15.* Valentia *quaest. 10. puncto 1.* Molina *disp. 6.* Vasquez *p. 2. disp. 169. num. 32.* Tanner *disputatione 4. quaest. 1. dubio 2.*

EANDEM prorsus definitionem explicat re, dum tradit eam aliis locis in Apologia pauperum, cap. 1. tertia responsionis. *Vide etiam Sotum* l. IV. quaest. 1. art. 1. *Couar.* l. I. var. cap. 15. *Valentiam* quaest. 10. puncto 1. *Molinam* disp. 6. *Vasquez* p. 2. disp. 169. num. 32. *Tannerum* disputatione 4. quaest. 1. dubio 2.

[4] It is called a *Faculty*, or proper power, as Soto says. It is said: *which anyone has of using a thing for his own advantage*, so that the rights of superiors toward inferiors may be excluded, which are not dominions, since they do not regard the advantage of those superiors themselves, but of the inferiors; for superiors do not do those things they establish toward subjects for their own sake, but for those subjects, and on account of the public good.

DICITUR Facultas*, seu potestas propria, ut ait Sotus. Dicitur,* quam quis habet usurpandi rem in suum commodum*, ut excludantur iura superiorum erga inferiores, quae non sunt dominia, cum non respiciant utilitatem superiorum ipsorum, sed inferiorum; non enim propter seipsos faciunt superiores ea, quae erga subditos constituunt, sed propter illos, et ob publicam utilitatem.*

[5] EXCEPT the dominion of God, which is proper, ordering all things to himself, as to the ultimate end, as the Saintly Doctor discusses in *1. dist. 30. art. unico, quaest. 1. in resol.* It is said: *in any use permitted by law*, so that certain particular dominions may be excluded, which do not extend to all things, for instance to alienating, selling, etc. In almost the same way it is defined by Gerson *tract. de potestate Ecclesiae, consider. 13. and tract. de vita spirituali, lect. 3.* Conrad *quaest. 1. de contract.*

EXCIPE dominium Dei, quod proprium est, ordinans ad se, tanquam ad ultimum finem, ut disserit S. Doctor in 1. dist. 30. art. unico, quaest. 1. in resol. *Dicitur:* Quolibet usu lege permisso*, ut excludantur aliqua dominia peculiaria, quae non ad omnia extenduntur, puta ad alienandum, vendendum, etc. Eodem fere modo definitur a Gersone* tract. de potestate Ecclesiae, consider. 13. et tract. de vita spirituali, lect. 3. *Conrado* quaest. 1. de contract.

[6] HENCE you have also that the description of dominium given by D. Thom. *quaest. 67. art. 1.* signifies the same, where he says that Dominion consists in the power of using exterior things, as made for man.

HINC habes etiam, tantumdem significare descriptionem dominii, latam a D. Thom. quaest. 67. art. 1. *dicente, Dominium consistere in potestate utendi rebus exterioribus, quasi propter hominem factis.*

[7] From this definition the Saintly Doctor gathers in the aforesaid places that the Friars Minors have no dominion over things, even consumptibles in their use, such as bread, wine, money, etc., which are conferred on them in alms; but only the bare use, as Nicholas III defines in *cap. exiit de verb. significatione, in 6.* for they cannot use those things independently of their owners; even if they have the use unto consumption, and although those things would not be given to the Friars absolutely by the will of the giver, yet they receive them with a continual dependence on him, until the things be

consumed. And in this sense the Friars understood it, and the Pontiff Nicholas declared it, and the Saintly Doctor expounds it, as Valentia notes *loc. cit.* Sotus *de Iust. l. IV. quaest. 1. art. 1.* Bannes *de dominio, quaest. 1.* Bellarminus *Tom. 1. l. IV. de summo Pontifice, cap. 14.* Azorius *lib. XII. cap. ult.* Sayrus *l. IX. cap. 7. dub. 9.* Sanctes on *cap. 6. regulae, cum Politio ibi*, Suarez *Tom. 2. disp. 28. sect. 2.* Lessius, *l. II. cap. 3. disp. 8.* Tanner. *disp. 4. quaest. 1. dub. 2.*

> *Ex hac definitione colligit S. Doctor praefatis locis, Fratres Minores non habere dominium rerum, etiam consumptibilium usu, ut panis, vini, pecuniae, etc. quae illis conferuntur in eleemosynam; sed tantummodo merum usum, ut definit Nicolaus III. in* cap. exiit de verb. significatione, in 6. *non enim possunt uti illis rebus independenter a dominis earum; etiamsi usum habeant ad consumptionem, quamvis non ex voluntate dantis illae res absolute darentur Fratribus, tamen illi eas accipiunt cum dependentia continua ab eo, usque dum res absumptae sint. Et hoc sensu intellexerunt Fratres, et Pontifex Nicolaus declaravit, ac S. Doctor edisserit, ut notat Valentia* loc. cit. *Sotus* de Iust. l. IV. quaest. 1. art. 1. *Bannes* de dominio, quaest. 1. *Bellarminus* Tom. 1. l. IV. de summo Pontifice, cap. 14. *Azorius* lib. XII. cap. ult. *Sayrus* l. IX. cap. 7. dub. 9. *Sanctes in* cap. 6. regulae, cum Politio ibi, *Suarez* Tom. 2. disp. 28. sect. 2. *Lessius,* l. II. cap. 3. disp. 8. *Tanner.* disp. 4. quaest. 1. dub. 2.

8 From which the dispute with others is easily settled — those who obstinately maintain that the dominion of these things is in the hands of the Friars, because in things consumed by use, use does not seem capable of being distinguished from dominion. For he who grants the faculty of using bread and wine — what dominion over them does he reserve to himself? So think D. Thom. *quaest. 78. art. 1.* D. Antonius *4. p. tit. 12. cap. 4. § 4.* Caietanus *ad loc. cit.* D. Thom. Sylvester *v. Dominium, quaest. 2.* Turrecremata *l. II. de potestate Ecclesiae, cap. 122. in fine*, where the definition of John XXII is relied upon, in *Extrauag. Ad Conditorem*, and in *Extrauag. Cum inter nonnullos*, and in *Extrauag. Quia quorundam*, where he declares (short of a definition of faith, however) and proves this opinion. He, then, is to be understood thus: that on the part of the givers, the things are given to the Friars entirely; yet he does not on that account want the Friars to be compelled to receive and hold those things independently of their owners, and so he does not attack our state; as Sanctes malignly murmurs *at the place cited*; for John did not intend to prove in that sense that our opinion is false, as Valentia warns *loc. cit.* Tannerus *disp. 4. quaest. 1. dub. 2.* Bellarm. *l. IV. de Pontifice, cap. 14.*

> *Ex quo facile dirimitur lis cum aliis, qui mordice sustinent, dominium harum rerum esse penes Fratres, quia in his rebus, quae usu consumuntur, non videtur posse distingui usus a dominio. Qui enim facultatem concedit pane, et vino utendi, ecquod sibi dominium eorum reservat? Ita sentiunt D. Thom.* quaest. 78. art. 1. *D. Antonius* 4. p. tit. 12. cap. 4. § 4. *Caietanus* ad loc. cit. *D. Thom. Sylvester* v. Dominium, quaest. 2. *Turrecremata* l. II. de potestate Ecclesiae, cap. 122. in fine*, ubi nititur definitio Ioan. XXII. in* Extrauag. Ad Conditorem*, et in* Extrauag. Cum inter nonnullos*, et in* Extrauag. Quia quorundam*, ubi declarat (citra tamen fidei definitionem) et probat hanc opinionem. Sic autem intelligendus est, ut ex parte quidem dantium, res omnino dentur Fratribus; attamen non propterea vult, Fratres cogi eas res recipere, et tenere independenter ab earum dominis, atque adeo non impugnat statum nostrum; ut male Sanctes mussitat* loco citato*; non enim hoc sensu voluit Ioannes probare, nostram sententiam esse falsam, ut monet Valentia* loc. cit. *Tannerus* disp. 4. quaest. 1. dub. 2. *Bellarm.* l. IV. de Pontifice, cap. 14.

9 NEITHER indeed does use suffice for dominion, but independence is required, and the power of using at will in all things, so that things can be sold, alienated, etc. Just as if someone invite some persons to dinner: those things are exhibited under the dominion of the inviter, as long as they last, until they are consumed. So the Saintly Doctor answers to the Rule of the Minors, and I shall say more in *question 2.*

NEQUE vero sufficit ad dominium usus, sed requiritur independentia, et usurpatio ad omnia, ut possint res vendi, alienari, etc. Veluti si aliquis invitet ad prandium aliquos, res illae exhibitae sunt sub dominio invitantis, quamdiu sunt, donec consumptae. Ita respondet S. Doctor ad regulam Minorum, et dicam quaestione 2.

10 But if use in these things does not differ from dominion, since Monks, by the chapter ad Monasterium, de statu Monachorum, have no proper particular property, they could not have use of consumptible things, for thus they would be proprietaries; as the saintly man discusses at the place cited.

Quod si usus in his non differt a dominio, cum Monachi ex cap. ad Monasterium, de statu Monachorum, non habeant proprium particulare, non possent habere usum rerum consumptibilium, quia essent sic proprietarii; ut disserit sanctus loco cit.

11 They have, therefore, use of fact as regards these things, not use of right, as D. Bonav. teaches, and with him Salonius de Iustitia, quaest. 1. art. 2.

Habent igitur usum facti quoad has res, non usum Iuris, ut docet D. Bonav. et cum eo Salonius de Iustitia, quaest. 1. art. 2.

12 Yet although those giving alms intended to transfer dominion, nevertheless since for dominion the will of the receiver is also necessary, and the Friars Minors do not receive them as owners, it follows that they have no dominion; and in this sense neither does D. Thom. nor the rest protest; nor does John XXII declare the opposite. Moreover this is the apparent controversy of those Pontiffs, which is reduced to concord; whence one would wrongly infer that they declared the opposite; but indeed they agree in our sense, nor had they disputed a matter of faith in the whole Church, but declared a practice for one family only of the Friars.

Quamvis autem dantes eleemosynas intenderent transferre dominium, tamen cum ad dominium necessaria sit etiam voluntas acceptantis, et Fratres Minores, eas non acceptent, ut domini; sequitur, eos non habere dominium, et hoc sensu neque D. Thom. aut caeteri reclamant; neque Ioannes XXII. oppositum declarat. Porro haec est apparens controversia istorum Pontificum, quae ad concordiam redigitur; ex quo male aliquis deducet, eos opposita declarasse; sed quidem in sensu nostro conveniunt, neque rem fidei in tota Ecclesia disputarant, sed praxim pro una tantum Fratrum familia declararunt.

13 That dominion is further distinct from use in things consumed by use, S. Bonav. proves on cap. 6. of the Rule, because, as he says with the Lex, ff. de pecul. The garment which the slave uses belongs to the peculium of the Master. And elsewhere he says that what is acquired for the slave is acquired for the master.

Dominium porro ab usu esse distinctum in rebus usu consumptibilibus, probat S. Bonav. ad cap. 6. regulae, quia ut ait Lex, ff. de pecul. Vestis, qua utitur servus, est de peculio Domini. Et alibi dicit, quod id, quod acquiritur servo, acquiritur domino.

14 In the little work, however, against the Unnamed one, he notes that although those giving alms materially intend to give absolutely to the Friars, yet implicitly they intend to give in such a way that they may licitly receive; for they do not will their perdition, and accordingly, since they themselves can have no dominion independently; neither do the givers intend thus to dispense alms.

In opusculo vero contra Innominatum, advertit, quod quamvis materialiter dantes eleemosynas cogitent dare absolute Fratribus, tamen implicite intendunt dare modo, quo licite recipiant; non enim volunt eorum perditionem, atque adeo,

cum ipsi nequeant habere dominium independenter; neque dantes intendunt sic erogate eleemosynas.

15 As to the use of certain things which are not consumed at first, such as Books, and the utensils of the Sacristy: thus the Saintly Doctor expounds in the little work cited. The Rule does not forbid us to have nothing; for those wishing to preach must have books; those wishing to celebrate, Missals, etc. But the ownership of these things is not ours, but the Pope's, and the Most Eminent Protector ought to have the care of them; the sign of which is that the Friars can neither sell, nor in any other way alienate all these things. But if you obstinately maintain that these things are not the Church's, at last S. Bonav. says: whosever the ownership of these things be, it is not mine, as I declare, and my protector's; But who would be so destitute of mind as to say that I can, against my will, retain possession of a thing, while others yearn with full will for the possessions?

Quoad usum quarumdam rerum, quae primo non consumuntur, quales sunt Libri, et utensilia Sacrarii; sic edisserit S. Doctor opusc. cit. Regulam non prohibere, ut nihil habeamus; oportet enim, volentes praedicare, habere libros; volentes celebrare, Missalia, etc. Proprietas vero harum rerum non est nostra, sed Papae, et harum curam habere debet Eminentissimus Protector, cuius signum est, quod nec vendere; nec alio modo valent Fratres haec omnia alienare. Quod si mordicus sustineas, neque esse haec Ecclesiae, tandem ait S. Bonav. cuiuscumque sit horum proprietas, non est mea, ut declaro, et protector; Ecquis autem adeo mentis erit impos, ut dicat, me invitum posse possessionem rei retinere, cum alii plenis voluntatibus ad possessiones inhient?

Question II: Whether it is lawful to have private dominion over things

1 Note, then, that Right in a thing, as I showed in disp. 23. quaest. 1. de Iustitia, is twofold: of Jurisdiction, and of Property. The dominion of jurisdiction is a certain power of superiority, or the force of governing subjects. The dominion of property is a certain right of disposing of some thing as one's own and for one's own advantage.

Nota, dominium, quod Ius in re dicitur, ut ostendi disp. 23. quaest. 1. de Iustitia, esse duplex, Iurisdictionis, et Proprietatis. Dominium iurisdictionis est potestas quaedam superioritatis, seu vis gubernandi subditos. Dominium proprietatis est ius quoddam disponendi de re aliqua, tanquam sua, et in suum commodum.

2 The Dominion of Jurisdiction is one thing Divine, or Uncreated; another human, or created. Created dominion is one thing Ecclesiastical proper, namely of the Prelates of the Church, for the spiritual good; another is Political, or temporal, for the public peace. Such is the power of Kings and of the Emperor.

Dominium Iurisdictionis aliud est Divinum, seu Increatum: Aliud humanum, seu creatum. Dominium creatum aliud est Ecclesiasticum proprium, scilicet Praelatorum Ecclesiae ad bonum spirituale; Aliud est Politicum, seu temporale ad publicam pacem. Talis est potestas Regum, et Imperatoris.

3 Temporal dominion is either pure or mixed. Pure is the power, or right of the sword, for punishing malefactors. Mixed imperium is a simple power of jurisdiction joined with a slight right of coercion, joined by law, as is seen in Bullonius, and in Tannerus disp. 4. quaest. 1. dub. 2.

Dominium temporale aut merum est, aut mixtum. Merum est potestas, seu ius gladii ad animadvertendum in facinorosos. Imperium mixtum, est simplex potestas iurisdictionis cum modico iure coërcendi, iure coniuncta, ut videre est apud Bullonium, et apud Tannerum disp. 4. quaest. 1. dub. 2.

4 Nor is far from this division that partition of dominion into High and Low. The High is divided, according to the variety of regimes, into Democracy, Aristocracy, and Monarchy.

Nec ab hac divisione longe abest illa dominii partitio in Altum, et Bassum. Altum dividitur pro regiminum varietate in Democtatiam, Aristocratiam, et Monarchiam.

5 Dominion of property, on the side of the object, is one thing perfect, or full, which embraces the thing and all its advantages; another imperfect, which is content either with the mere ownership of the thing without its advantages, or with the mere use, or advantages, of the thing. This is called the Useful dominion; that one, indeed, the Direct dominion.

Dominium proprietatis ex parte obiecti, aliud est perfectum, seu plenum, quod complectitur rem, et omnia commoda eius: Aliud imperfectum, quod vel sola proprietate sui absque commodis, vel solo usu, seu commodis rei contentum est. Hoc dicitur dominium Utile; illud vero Directum.

6 Some have asserted the dominion of things to be so lawful that they would altogether condemn Religious Expropriation; yet these the Seraphic Doctor refutes most elegantly and most forcefully in the Apology for Poverty.

Adeo licitum nonnulli asseruere rerum dominium, ut expropriationem penitus damnarent Religiosam, quos tamen elegantissime simul, ac validissime refellit Seraphicus Doctor in Apologia pauperitatis.

7 The dominion granted to all men in more universal fashion appears from Gen. 1: *Have dominion over the fishes of the sea, and the fowls of the air, and all living creatures.* And Deut. 15: *You shall be lord over many nations, and no one shall be lord over you*, as the Holy Doctor shows in p. 1 of the Ecclesiastical Hierarchy through three chapters.

Dominium universalius omnibus concessum hominibus constat ex Genes. primo: Dominamini piscibus maris, et volatilibus caeli, et universis animantibus. *Et Deuter. 15.* Dominaberis nationibus plurimis, et nullus tibi dominabitur, *ut ostendit S. Doctor p. 1. Ecclesiasticae Hierarchiae per tria capita.*

8 Thus he subjects women to the dominion of men, Gen. 3: *You shall be under the power of the husband, and he shall have dominion over you.* Thus also he subjected the nations to Kings, etc. See D. Bonav. loc. cit., where he treats of the dominion and subjection of men, which is nevertheless not proper dominion, according to the definition handed down, because subjects cannot use, sell, kill, etc. everything at their pleasure.

Sic mulieres virorum dominiis subiicit, Genes. 3. Sub viri potestate eris, et ipse dominabitur tui. *Sic et gentes Regibus subdidit, etc. Vide D. Bonav. loc. cit. ubi agit de dominio, et subiectione hominum, quae tamen non est proprium dominium, iuxta definitionem traditam, quia nequeunt subditis ad omnia uti, vendere, occidere, etc. ad libitum.*

9 Now, whether it is lawful for men, especially those professing the law of Christ, to hold peculiar dominion over external things, I shall weigh.

Iam vero, an liceat hominibus, maxime legem Christi profitentibus, peculiare dominium rerum externarum obtinere, expendam.

10 There were indeed divisions of goods from the time they were made by the law of nations, approved by all up to Christ; only Plato and Socrates stood against them, wanting all things to be common, even wives, against whom Aristotle argues in 2 Polit. from ch. 2.

Fuere divisiones quidem rerum a tempore, quo iure gentium factae sunt, ab omnibus usque ad Christum approbatae; soli tamen Plato, et Socrates obstiterunt, volentes, omnia esse communia, etiam uxores, contra quos agit Aristoteles 2. Polit. a cap. 2.

11 But in the time of grace there were certain heretics saying that all things ought to be common, even wives, as S. August. reports of heresy 40, and Epiph. of heresy 32, attributing it to Carpocrates.

> *Tempore vero gratiae fuere nonnulli haeretici dicentes, omnia esse debere communia, etiam uxores, ut refert S. August. haeresi 40. et Epiph. haeresi 32. tribuens eam Carpocrati.*

12 Soon, however, some of the Pelagians condemned the abundance of goods among Christians. S. August. reports them in lib. 2 de gratia Christi, cap. 15, and epist. 160. Moreover this error was condemned in the Palestinian Council, at which S. Augustine was present.

> *Mox vero aliqui e Pelagianis, copiam rerum in Christianis damnarunt. Eos refert S. August. lib. 2. de gratia Christi, cap. 15. et epist. 160. Fuit autem hic error damnatus in Concilio Palaestino, cui S. Augustinus interfuit.*

13 Afterwards other heretics called Vadiani, and Anthropomorphitae, by the testimony of August. heresy 50, denied that it was lawful, at least for Ecclesiastics, to have anything of their own. The Wicleffites and Anabaptists followed these; which error was condemned in the Council of Constance, session 8.

> *Postea alii haeretici dicti Vadiani, et Antropomorphitae, teste August. haeresi 50. negabant, licitum esse, saltem Ecclesiasticis, habere aliquid proprium. Hos secuti sunt Vuiclephistae, et Anabaptistae; qui error damnatus est in Concilio Constant. sess. 8.*

14 I assert, therefore, that dominion and the division of things is lawful for all, even Ecclesiastics and Religious, according to the institute of each order.

> *Assero igitur, licitum esse dominium, ac divisionem rerum, omnibus, etiam Ecclesiasticis, et Religiosis, iuxta cuiusque ordinis institutum.*

15 This assertion is infallible to all Catholics, and the Holy Doctor rather supposes it than proves it in the Apologies for Poverty, and he strove only to prove that even the religious renunciation of things is licit, which presupposes their dominion.

> *Assertum hoc omnibus Catholicis est infallibile, illudque potius supponit, quam probet S. Doctor in Apologiis paupertatis, solumque enixus est probare, licitam esse etiam rerum abrenuntiationem religiosam, quae praerequirit earum dominium.*

16 The assertion is proved, therefore, by the Holy Doctor from Jos. 10, where the Priests and Levites of the old Law had possessions and lands by God's constitution. S. Bonav. pursues this at length in cap. 3 of the third response in the Apology for the Poor. There, however, he strenuously shows that some have drawn badly, together with the heretic Vigilantius, from the old testament even the summity of Evangelical perfection requiring possessions and dominions; and consequently that expropriated religious orders are superstitious, inasmuch as they were not figured in the old testament, for those Levites were most distant shadows; for they had even wives and children, although in the Gospel Castity and Poverty are urged by Christ in *Matthew 19*. The former while it is said: *There are Eunuchs who have made themselves eunuchs for the kingdom of heaven. He who can take it, let him take it.* Poverty, however: *If you wish to be perfect, go, sell all that you have, and give to the poor.* Weighing which passage, D. Bonavent. in *cap. 3 of the first response* admonishes that there is a threefold state of perfection, which arises in charity.

Probatur ergo assertio a S. Doctore ex Iosue 10. ubi Sacerdotes, et Levitae veteris Legis habuere possessiones, et agros, ex Dei constitutione. Hoc late prosequitur S. Bonav. cap. 3. responsionis tertiae in Apologia pauperum. Ibi tamen enixe ostendit, male nonnullos cum Vigilantio haeretico deduxisse, etiam perfectionem summam Evangelicam requirere possessiones, et dominia; atque adeo religiones expropriatas, esse superstitiosas, quippe in veteri testamento non figuratas, nam Levitz illi fuere umbrae remotissimae; habuere enim etiam uxores et filios, cum tamen in Euangelio suadeatur a Christo Matthaei 19. *Castitas, et Paupertas. Illa dum dicitur:* Sunt Eunuchi, qui seipsos castraverunt propter regnum caelorum. Qui potest capere, capiat. *Paupertas vero:* Si vis perfectus esse, vade, vende omnia, quae habes, et da pauperibus. *Quem locum pensitans D. Bonavent.* cap. 3. primae responsionis, *admonet, triplicem esse statum perfectionis, quae in charitate exsurgit.*

17 The FIRST is of necessity, and consists in the observance of the precepts. The second is of counsel, and stands in fulfilling the evangelical counsels. Therefore Christ, when he had first opened that state: *If you wish to enter into life, keep the commandments.* Soon he urges the higher perfection: *If you wish to be perfect, go, sell all that you have; and give to the poor,* so that the expropriation of things is not a precept, although it is a proposal. The third state of perfection, the Holy Doctor says, is in the fatherland, of which Prov. 4: *The path of the just, as a shining light, goes forward and grows even to the perfect day.* Of this D. August. in the first Soliloquy cap. 6: *Truly perfect virtue is reason arriving at that end which blessed life attains; and then charity is consummated.*

PRIMUS est necessitatis, et consistit in observantia praeceptorum. Secundus consilii, et stat in adimplendis consiliis euangelicis. Ideo Christus, cum primum statum aperuisset: Si vis ad vitam ingredi, serva mandata. *Mox perfectionem hortatur altiorem:* Si vis perfectus esse, vade, vende omnia, quae habes; et da pauperibus, *adeo ut expropriatio rerum non sit praecepta, licet proposita. Tertium statum perfectionis, ait S. Doctor, esse in patria, de qua Prouerb. 4.* Iustorum semita, quasi lux splendens, procedit, et crescit usque ad perfectam diem. *De hac D. August. primo soliloq. cap. 6.* Vere perfecta virtus est ratio perveniens usque ad finem, quem beata vita consequitur; et tunc est charitas consummata.

18 It is PROVED secondly by the Holy Doctor in *cap. 1 of the first response*; for even the Apostolic college had purses, in order to show condescension toward the imperfect, as Hugh says in *Psalm. 91. cap. 64.* The same Holy Doctor explains this also at that place *Ioan. 12.*, and on the poverty of Christ, against Guillelmus, *art. 1.*, from the Gloss on that Ps. 103: He bringeth forth hay for the cattle; and from D. Jerome at that place, *where he says they had purses for other poor men.*

PROBATUR secundo a S. Doctore cap. 1. primae responsionis; *nam et collegium Apostolicum loculos habuit ob condescensionem imperfectis exhibendam, ut ait Hugo in* Psalm. 91. cap. 64. *sic etiam explicat idem Sanctus Doctor ad eum locum* Ioan. 12. *et de paupertate Christi, contra Guillelmum* art. 1. *ex Glossa in id Psal. 103. Producens faenum iumentis, et ex D. Hieronymo ad eum locum,* ubi ait, habuisse loculos pro aliis pauperibus.

19 The same S. Bonav. proves in *cap. 1 of the second response of the Apol. of the poor,* from the immense riches given by God to Solomon, that he might enrich the Temple and the Priests.

IDEM probat S. Bonav. in cap. 1. respon. secundae, Apol. pauperum, *ex ingentibus opibus, quae datae sunt a Deo Salomoni, ut Templum ditaret, et Sacerdotes.*

20 The SAME he proves in *cap. 3 of the third response, from Genes. 12.*, where the Lord indeed commanded Abraham to go out of his land, but obeying God: *Abraham went out, as the Lord commanded him: He took Sara his wife, and Lot the son of his brother, and all the substance which they possessed in Haran.*

Behold, the dominion of Abraham's goods is left to him by God, even in the state of the old perfection.

> *IDEM probat* cap. 3. tertiae respon. ex Genes. 12. *ubi Dominus praecepit quidem Abrahae, ut exiret de terra sua, sed obediens Deo:* Egressus est Abraham, sicut praecepit ei Dominus: Tulit Saram uxorem suam, et Lot filium fratris sui, universamque substantiam, quam possederant in Haran. *En rerum dominium Abrahae relinquitur a Deo, etiam in statu veteris perfectionis.*

21 The Holy Doctor proves THE SAME THING by examples of the friends of God, Jacob, Joseph, David, Job, who possessed the most ample riches. Whence he observes that the goods of Job were restored multiplied.

> *IDIPSUM probat S. Doctor exemplis amicorum Dei, Iacob, Ioseph, David, Iob, qui possedere amplissimas opes. Unde observat, Iob restitutas esse opes multiplicatas.*

22 He ADDS, however, with D. Bernard, in the sermon on that: Behold we have left all things, that those rich men of old were not at the summit of perfection while they were most wealthy.

> *ADDIT tamen cum D. Bernardo, in sermone super id:* Ecce nos reliquimus omnia, *illos diuites antiquos non fuisse in apice perfectionis, dum erant ditissimi.*

23 It is PROVED secondly in the same Apologies from the Holy Fathers, asserting that it is perfection, not precept, to relinquish the dominion of things.

> *PROBATUR secundo in eisdem Apologiis ex SS. Patribus, asserentibus, esse perfectionem, non praeceptum, relinquere dominium rerum.*

24 S. AUGUST. de bono coniug. cap. 8: *They did good who ministered necessaries to Christ and his disciples from their substance; but better those who left all their substance, that they might follow the same Lord more unimpeded.*

> *S. AUGUST. de bono coniug. cap. 8.* Benefaciebant, qui de sua substantia Christo, ac discipulis eius, necessaria ministrabant; sed melius, qui omnem substantiam dimiserunt, ut expeditiores eundem Dominum sequerentur.

25 GREGORY, homil. 26. in Ezech.: *When one vows to God something of his own, and does not vow something, it is a sacrifice; but when he has vowed all to God, it is a holocaust.*

> *GREGORIUS, homil. 26. in Ezech.* Cum quis suum aliquid Deo vovet, et aliquid non vovet, sacrificium est; cum vero omne Deo voverit, holocaustum est.

26 The same is held by Ioan. Chrysostom in the book *Quod nemo laeditur, nisi a seipso.* And D. Bernard. *epist. 42.*

> *IDEM habent Ioan. Chrysostom. lib.* Quod nemo laeditur, nisi a seipso. *Et D. Bernard.* epist. 42.

27 D. PROSPER de vita contemplativa *lib. 2. cap. 9.* praises Paulinus and Hilarian, because of their own accord they bestowed on the poor, although by reason of the Episcopal office they afterwards dispensed the goods of the Church, as is had in dist. 12. *quaest. 1. Expedit*: It is fitting that the faculties of the Church be possessed, and one's own goods be contemned for love of perfection. The Holy Doctor reports the same also *ad cap. sextum Regulae.*

D. PROSPER de vita contemplatiua lib. 2. cap. 9. *laudat Paulinum, et Hilarium, quod sponte sua pauperibus erogarunt, licet ratione Episcopalis officii Ecclesiastica bona postea dispensarent, ut habetur dist. 12.* quaest. 1. Expedit facultates Ecclesiae possideri, et proprias perfectionis amore contemni. *Id refert S. Doctor etiam* ad cap. sextum Regulae.

28 The GLOSS on that 1 Timot. 6: *Habentes alimenta, etc.* Although we have brought nothing into this world, nevertheless these temporal things are not to be cast away. It adds, however, that it would be better that they be cast away for Christ's sake.

GLOSSA in id prima Timot. 6. Habentes alimenta, etc. etsi nihil intulerimus in hunc mundum, non tamen abiicienda haec temporalia. *Subdit tamen, melius fore, ut propter Christum abiicerentur.*

29 Likewise the Gloss on those words, 2 Cor. 8: *Let your abundance supply their want*, reports many other authorities of the Saints, in *the first response cap. 3, and of the third response cap. 1 and 2.*

ITIDEM Glossa ad ea verba, 2. Cor. 8. Vestra abundantia illorum inopiam suppleat*, multas alias authoritates Sanctorum refert* respon. prima cap. 3. et responsionis tertiae cap. 1. et 2.

30 It is PROVED thirdly by D. Bonav. from arguments taken from 2 *Polit. cap. 3.*, indeed from the Scriptures; for first violent poverty induces to sins; as is said Ecclus. 27: *Through poverty many have sinned.*

PROBATUR tertio a D. Bonav. rationibus, sumptis e 2. Polit. cap. 3. *imo e Scripturis, primo enim paupertas violenta inducit ad peccata; ut dicitur Eccles. 27.* Propter inopiam multi deliquerunt.

31 SALOMON indeed said *Prouerb. 30: Give me neither riches nor poverty; but grant only the necessaries to my sustenance, lest compelled by need I be mad, and swear by the name of my God.* These things, to be sure, were said in the time of the old law, as Chrysost. notes *homil. 18. in epist. ad Hebraeos.* Therefore it is said in Ecclus. 17: *Wisdom is more useful with riches.*

SALOMON vero Prouerb. 30. aiebat: Diuitias, et paupertatem ne dederis mihi; sed tantum tribue victui meo necessaria, ne egestate compulsus furer, et periurem nomen Dei mei. *Haec sane dicta sunt, tempore legis veteris, ut aduertit Chrysost.* homil. 18. in epist. ad Hebraeos. *Ideo Eccles. 17. dicitur:* Utilior est sapientia cum divitiis.

32 INDEED, if we look at the ordinary natural and civil life, we shall surely find that individuals need the particular helps of the family goods, that each one may not be anxious over many things, and may live peacefully.

PROFECTO, si vitam ordinariam naturalem, et ciuilem aspiciamus, illud profecto comperiemus, egere singulos singularibus rei familiaris praesidiis, ut sollicitus quisque de multis non sit, et pacifice vivat.

33 They OBJECT first from Luke 14: *Unless one renounce all that he possesses, he cannot be my disciple.* Now the disciple of Christ and the Christian are the same: Therefore a rich man cannot be a Christian.

OBIICIUNT primo, Lucae 14. Nisi quis renunciaverit omnibus, quae possidet, non potest meus esse discipulus. *Idem autem est discipulus Christi, et Christianus: Ergo non potest esse Christianus dives.*

34 The Holy Doctor answers in *opusc. de paupertate Christi, cap. 1.* from the Gloss, that Christ wished his disciples to renounce, that is, in affection, so that they should so use the worldly things they possess, that nevertheless in mind they tend toward God; and this befits all the disciples of Christ, that is, Christians; but to leave all things befits only the perfect, *Matth. 19.* Therefore to the Apostles, who

had chosen the perfect state of the counsels, he urged: *Matth. 10. Do not possess gold. And that they carry nothing, Matth. 6.* Thus also Valentia *puncto secundo.*

> *RESPONDET S. Doctor* opusc. de paupertate Christi, cap. 1. *ex Glossa, Christum velle suos discipulos renunciare, idest affectu, ut ita utantur mundanis, quae possident, ut tamen mente tendant in Deum, et hoc omnibus discipulis Christi, idest Christianis convenit; at relinquere omnia, solis perfectis conuenit* Matth. 19. *Ideo Apostolis, qui perfectum statum consiliorum elegerant, suasit,* Matth. 10. Nolite possidere aurum. Et ne quid tollerent Matth. 6. *Ita etiam Valentia* puncto secundo.

35 They OBJECT also many holy Fathers who reprehend the ownership of things. Clemens I. *epist. 5. and it is reported 12. quaest. 1. C. dilectissimis.* Basilius *serm. ad diuites avaros, around that passage of Luke 12: I will gather together all things that are born to me.* Ambrosius *serm. 81. and it is reported cap. sicut II, dist. 47.* Hence Aristotle says 2. Polit. cap. 3: *All things ought to be common among friends.*

> *OBIICIUNT etiam multos Sanctos Patres, qui proprietatem rerum reprehendunt. Clemens I.* epist. 5. et refertur 12. quaest. 1. C. dilectissimis. *Basilius* serm. ad diuites avaros, circa id Lucae 12. Congregabo omnia, quae nata sunt mihi. *Ambrosius* serm. 81. et refertur cap. sicut II, dist. 47. *Ideo ait Aristoteles 2. Polit. cap. 3.* Amicorum omnia debent esse communia.

36 The Holy Doctor answers, *loc. citat. de paupertate Christi, art. 1.* from the Fathers Ambrosius *l. 2. offic.*, Chrysostomo *loc. cit. and others*, that the sense is that riches afford no aid toward the blessed life, which Christ openly testifies saying, *Matth. 5. Blessed are the poor in spirit, for theirs is the kingdom of heaven;* for they are occasions of sins; on which account they are called: *Mammona of iniquity*, because, as is said Ecclus. 11: *If you be rich, you will not be free from sin*, as S. Bonav. pursues at length at that place *Lucae 16.*

> *RESPONDET S. Doct.* loc. citat. de paupertate Christi, art. 1. *ex PP. Ambrosio* l. 2. offic. *Chrysostomo* loc. cit. et aliis*, sensum esse, diuitias nihil adiumenti praestare ad vitam beatam, quod aperte Christus testatur dicens,* Matth. 5. Beati pauperes spiritu, quoniam ipsorum est regnum caelorum; *sunt enim occasiones peccatorum; propterea dicuntur:* Mammona iniquitatis*, quia, ut dicitur Eccles. 11.* Si diues fueris, non eris immunis a delicto*, ut late prosequitur S. Bonav. ad eum locum* Lucae 16.

37 TO the same point about friends, I say with Valentia that all things ought to be common in necessity, except those things which induce turpitude, as wives, which were never common, as Tertullianus proves in the *Apologeticum contra gentes, cap. 39.*

> *A D id de amicis, dico cum Valentia, omnia debere esse communia in necessitate, exceptis his, quae turpitudinem inducunt, ut uxores, quae nunquam fuere communes, ut probat Tertullianus* Apologetico contra gentes, cap. 39.

38 But WHEN this division of things was made, it is easily dispatched that it was made from the nations united by the law of nations. But if it had been made by the law of nature, the communion of things would be against nature, which plainly appears false from the usage of the primitive Church, and of the diverse Religious orders now, among whom ownership is renounced. But now the division of all things, or jurisdiction, if it is made anew, is made by the civil, or positive law, as D. Thom. says *art. 2. ad 1.*, and it is plain in *ff. de legibus, et Constit. Principum, l. 1.* Whence rightly D. August. *tract. 6. in Ioan.*, and it is reported in *dist. 8. cap. Quo iure*: Take away (he says) the laws of the Emperors, and no one will dare to say: this villa is mine.

QUANDO autem facta sit haec diuisio rerum, facile expeditur factam esse ex adunatis nationibus iure gentium. Quod si facta esset iure naturae, contra naturam esset rerum communio, quod patet esse falsum ex usu primitiuae Ecclesiae, et diuersarum nunc Religionum, apud quas proprietas abdicatur. Nunc vero omnium rerum divisio, seu iurisdictio, si de novo fiat, fit iure civili, seu positivo, ut ait D. Thom. art. 2. ad 1. *et patet* ff. de legibus, et Constit. Principum, l. 1. *Unde recte D. August.* tract. 6. in Ioan. *et refertur* dist. 8. cap. Quo iure : Tolle (ait) iura Imperatorum, et nullus audebit dicere : haec Villa est mea.

39 Now all jurisdictions are so appropriated and divided that no private person is not the subject of someone, *dist. 99. C. Nullus, and 25. quaest. 2. C. de Ecclesiasticis.*

Omnes autem iurisdictiones ita sunt appropriatae, et divisae, ut nemo privatus non sit subditus alicui dist. 99. C. Nullus, et 25. quaest. 2. C. de Ecclesiasticis.

40 Now here, concerning the dominion of jurisdictions, it is to be noted by the certain and common opinion of all that Princes, whether Ecclesiastical or secular, are by no means lords of things, nor even of persons, but only of a certain power over subjects, which is called jurisdiction, as Valentia notes *disp. 5. quaest. 10. punct. 2. ad finem*, and it is called the High dominion, which however he can use only for the pressing public good.

Est autem hic circa dominium iurisdictionum ex certa, et omnium communi sententia adnotandum, Principes sive Ecclesiasticos, sive saeculares minime esse dominos rerum, aut etiam personarum, sed solum cuiusdam in subditos potestatis, quae iurisdictio vocatur, ut notat Valentia disp. 5. quaest. 10. punct. 2. ad finem*, et dicitur dominium Altum, quod tamen ad bonum tantum publicum urgens, uti potest.*

41 Nor does that stand in the way which is said in 1 Reg. 8: *This will be the right of the king: He will take your sons, and your fields, and your vineyards, and your olive yards, etc.* For "right" signifies also the usurped one, by which Samuel wished to terrify the Jews.

Neque obstat id, quod dicitur, primo Reg. 8. Hoc erit ius regis : Filios vestros tollet, et agros, et vineas, et oliveta, etc. *Nam ius significat etiam usurpatum, quo volebat Samuël terrere Iudaeos.*

42 As for other things, not all are divided, as is plain in the *Institutions on the division of things*, where it is had that rivers, hunting, fishing, and things of this kind remained common.

Quoad alias res, non omnes sunt divisae, ut patet in Institutionibus de rerum divisione*, ubi habetur, flumina, venationem, piscationem, et huiusmodi mansisse communia.*

43 It is disputed here: in how many ways are dominions acquired.

Disputant hic : quot modis acquirantur dominia.

44 Now they are acquired in two ways. First by Invention and occupation, without the dominion being transferred from another. Second by the legitimate translation of dominion from one into another.

Duobus autem modis acquiruntur. Primo Inventione, et occupatione, absque eo quod dominium ex alio transferatur. Secundo per legitimam dominii translationem ex uno in alium.

45 As for the acquisition of dominion by invention, I have discussed sufficiently in *disp. 24.*

Quoad acquisitionem dominii per inventionem, satis disserui disp. 24.

46 As for the translation of dominion, it can be made either by the Divine will, expounded by the natural law, or by positive divine law. Thus God transferred the dominion of the treasures of the Egyptians to the Jews, *Exodi 12.*, as S. Bonav. notes, *2. dist. 40. dub. 2.*

> *Quoad translationem dominii, potest fieri, vel a Divina voluntate, explicata iure naturali, vel iure divino positivo. Sic Deus transtulit dominium thesaurorum AEgyptiorum in Iudaeos,* Exodi 12. *ut advertit S. Bonav.* 2. dist. 40. dub. 2.

47 Secondly it can be made by the will of the possessor, provided he does it spontaneously, not deceived, nor hindered by any law.

> *Secundo potest fieri voluntate possidentis, dummodo id faciat sponte, non deceptus, neque a lege aliqua impeditus.*

48 Thirdly it can be made by human positive laws.

> *Tertio potest fieri legibus humanis positivis.*

49 Fourthly by the sentence of the Governor intervening: Now the voluntary renunciation can be made for the common good; for sometimes some transfer dominion perversely, squandering their goods.

> *Quarto sententia Gubernatoris interveniente : Potest autem voluntaria renunciatio fieri ob bonum commune ; aliquando enim aliqui perverse dominium transferunt, sua bona dilapidando.*

50 In what manner dominion is transferred through play, I have said in the *disp. de restit.* In what manner also through contracts, I shall say in *disputation 1 of the Treatise on Contracts.*

> *Quo pacto autem dominium transferatur per ludum, dixi* disp. de restit. *Quo pacto etiam per contractus, dicam* disputatione 1. Tract. de contract.

51 From these you have also the division of dominion into the dominion proper to individual persons, and the dominion of some community, of which the Holy Doctor treats in the *Apology of the Poor, of the third response cap. 1.* Whence it comes about that the renunciation of dominion is also twofold, especially in Religion. See the Seraphic Doctor *in the place cited.*

> *Ex his habes etiam, divisionem dominii in dominium singulatis personae proprium, et dominium alicuius communitatis, de quo S. Doctor in* Apologia Pauperum, responsionis tertia cap. 1. *Ex quo fit, ut duplex etiam sit renunciatio dominii, maxime in Religione. Vide Seraphicum Doctorem* loco citato.

52 Moreover there are as many kinds of Dominions as there are orders of Laws granting it, as the Natural, the Divine, etc.

> *Porro tot sunt genera Dominiorum, quot sunt ordines Iurium, concedentium illud, ut Naturale, Divinum, etc.*

Question III: What theft is

1 Theft is wont to be defined by Theologians: *Theft is the occult taking of another's thing.* Thus D. Thom. *quaest. 66. art. 3.* Covar. approves this definition, from the Jurists, *Relect. in Regulam Peccatum, p. 1. §. 1.*; for by the very fact that "occult taking" is said, Fraudulent taking, against the will of the owner, is signified. Therefore it is defined more clearly by D. Bonav. *p. 1. Centil. sect. 31.*, where he says: *Theft is the handling of another's thing, occult, and with the owner ignorant and unwilling.* And in the *speculo animae, chapter 2: Theft is the occult handling of another's thing, against the will of the owner.* And *serm. 6. decal: Theft is the touching of another's thing, against the will of the owner.*

Furtum definiri solet a Theologis : Furtum est occulta acceptio rei alienae. *Sic D. Thom.* quaest. 66. art. 3. *Hanc definitionem approbat, e Iuristis, Covar.* Relect. in Regulam Peccatum, p. 1. §. 1. *hoc enim ipso quod dicitur occulta acceptio, significatur Fraudulenta, invito domino. Ideo clarius definitur a D. Bonav.* p. 1. Centil. sect. 31. *ubi ait :* Furtum est occulta, et ignorante domino, et invito, alienae rei contrectatio. *Et in* speculo animae, capite 2. Furtum est occulta rei alienae contrectatio, invito domino. *Et* serm. 6. decal. Furtum est attrectatio rei alienae, invito domino.

2 He notes, however, that theft ought to be furtive, and through occult fraud; otherwise, if it is done through open violence, it will be rapine; or if through occult means, it is called robbery; whence also he elicits, with D. Thom., that under theft are contained all fraudulent contracts by which a neighbor is defrauded of his thing against his reasonable will. Whence also the unjust detention of another's thing is theft, as D. Thom. also says *ad 2.*, and Valentia *disp. 5. quaestion. 10. p. 4.*, and D. Bonav. *in speculo animae, cap. 2. in fine*, who also *in 3. dist. 37. dub. 7. litterali* uses the same definition.

Advertit autem, furtum debere esse furtivum, et per occultam fraudem ; alioqui si fit per apertam violentiam, erit rapina ; vel si per occultam, dicitur latrocinium; ex quo etiam elicit cum D. Thom. sub furto contineri omnes fraudulentos contractus, quibus proximus rationabiliter invitus fraudatur re sua. Unde etiam detentio iniusta rei alienae est furtum, ut ait etiam D. Thom. ad 2. *et Valentia* disp. 5. quaestion. 10. p. 4. *et D. Bonav.* in speculo animae, cap. 2. in fine, *qui etiam* in 3. dist. 37. dub. 7. litterali *eadem utitur definitione.*

3 Therefore the Holy Doctor everywhere holds constantly that theft is defined through *contrectation*, which does not signify mere material contact, as Sayrus, Valentia, and Fagundez think, who carp at this term; but a formal contrectation, which is the taking, or usurpation, or abstraction. Thus by the term *contrectation* it is defined by the Jurists, *ad Leg. 1. §. furtum, ff. de furtis, and Institut. de obligatione, quae ex debito etc. §. 1.*, which Iulius Clarus explains *l. 5. sent. §. Furtum.* And Navar. *in summa, cap. 17.*, and Sylvest. *v. Furtum.* At least that contrectation is a condition without which theft cannot exist, as he admits *lib. 1. §. 1.*, is granted by Sayrus *lib. 9. cap. 13.*, who however does not rest in it.

Constanter igitur ubique S. Doctor per contrectationem *definit furtum, quae non significat mere contactum materialem, ut putant Sayrus, Valentia, et Fagundez, carpentes hunc terminum ; sed contrectationem formalem, quae est acceptio, vel usurpatio, vel ablatio. Sic vocabulo* contrectationis *definitur a Iuristis* ad Leg. 1. §. furtum, ff. de furtis, et Institut. de obligatione, quae ex debito etc. §. 1. *quam explicant Iulius Clarus* l. 5. sent. §. Furtum. *Et Navar.* in summa, cap. 17. *et Sylvest.* v. Furtum. *Saltem contrectationem esse conditionem, sine qua furtum esse non potest, ut fatetur* lib. 1. §. 1. *concedit Sayrus* lib. 9. cap. 13. *qui tamen in ea non quiescit.*

4 From what has been said you have that Theft differs in species from Rapine, as D. Bonav. above, D. Thom. *quaest. 66. art. 4.*, Caietanus *there*, Lessius *lib. 2. cap. 12. dub. 1.*, and the Jurisconsults *ad Leg. 1. §. 1. et seq. ff. de vi bonorum raptorum*, Molina *Tract. 4. disp. 683. et 684.*, Fagundez *in septimum praeceptum, l. 7. cap. 1. num. 14.* teach. For rapine requires two things, knowledge, and violence inflicted on the owner: but theft requires neither of these; Therefore rapine is graver. Moreover theft is an enemy of the light, since it is wont to be done in secret, but not rapine, according to that verse.

Ex dictis habes, Furtum differre specie a Rapina, ut docent D. Bonav. supra, D. Thom. quaest. 66. art. 4. *Caietanus* ibi, *Lessius* lib. 2. cap. 12. dub. 1. *et Iurisconsulti* ad Leg. 1. §. 1. et seq. ff. de vi bonorum raptorum, *Molina* Tract. 4. disp. 683. et 684. *Fagundez* in septimum praeceptum, l. 7. cap. 1. num. 14. *Rapina enim duo requirit, scientiam, et violentiam illatam domino : furtum autem neutrum horum requirit; Ideo rapina gravior est. Insuper furtum est inimicum luci, cum in occulto soleat fieri, non item rapina, iuxta illum versum.*

[5] *Fur non est latro, quia tempore iur rapit atro : Tempore non atro rapit omnes res tibi latro.*

> Fur non est latro, quia tempore iur rapit atro : Tempore non atro rapit omnes res tibi latro.

Question IV: What quantity is required for mortal sin in theft

[1] Deservedly one may cite here the saying: *As many heads, so many opinions*, which Diana reports *p. 1. Tract. 17. resolut. 57. and Tract. de paupertate religiosa, resol. 36.*

> *Merito hic dici potest illud :* Quot capita, tot sententiae, *quas refert Diana* p. 1. Tract. 17. resolut. 57. et Tract. de paupertate religiosa, resol. 36.

[2] The first opinion is that of Navarro *in Manuali, cap. 17.*: one and a half regales is a notable quantity of money that constitutes mortal theft; or two, or at most two and a half. Thus also *Tolet. l. 5. cap. 16.* assigns two Iulii; for among the Italians the Iulius is the same as the Regalis among the Spaniards, *as Fagundez says l. 7. cap. 1. num. 15.*

> *Prima opinio est Navarri* in Manuali, cap. 17. *unum, et dimidium regalem esse quantitatem notabilem bilem, quae furtum mortale constituat; aut duos, vel ad summum duos, et dimidium. Ita etiam* Tolet. l. 5. cap. 16. *duos Iulios assignat; est enim apud Italos idem Iulius, ac apud Hispanos Regalis,* ut ait Fagundez l. 7. cap. 1. num. 15.

[3] The second opinion is that of *Corduba in summa, quaest. 109. and Salonii 2. 2. tom. 1. quaest. 66. art. 6. controu. 1.* who say absolutely that one silver coin is grave matter, that is, four or five regales stolen from the rich; but one or two from the poor.

> *Secvnda opinio est* Cordubae in summa, quaest. 109. et Salonii 2. 2. tom. 1. quaest. 66. art. 6. controu. 1. *qui dicunt absolute, unum argenteum esse materiam gravem, seu quatuor vel quinque regales divitibus surreptos; inopibus autem unum, vel duos.*

[4] Third, *Bartholomaeus Medina prima secundae, quaest. 88. art. 8.* with many others says that it is not mortal theft unless it rises to the sum of two silver coins.

> *Tertio* Bartholomaeus Medina prima secundae, quaest. 88. art. 8. *cum multis aliis dicit, non esse furtum mortale, nisi ad summam duorum argenteorum ascendat.*

[5] Fourth, *Gregorius de Valentia Tom. 3. disp. 6. quaest. 19. punct. 16. Rebellius p. 1. l. 3. quaest. 15. sect. 2. num. 22.* assert that it is absolutely lethal to steal three silver coins.

> *Qvarto* Gregorius de Valentia Tom. 3. disp. 6. quaest. 19. punct. 16. Rebellius p. 1. l. 3. quaest. 15. sect. 2. num. 22. *asserunt, absolute esse lethale furari tres argenteos.*

[6] Fifth, *Vega in summa tract. 1. cap. 129. casu 12.* teaches that four or five regales constitute notable matter of theft.

> *Qvinto* Vega in summa tract. 1. cap. 129. casu 12. *docet, quatuor, vel quinque regales constituere notabilem materiam furti.*

[7] Sixth, *Molina de Iust. t. 3. disp. 685.* says that as much value as the money given in one day to a digger of earth is seen to be mortal in regard to those who are not very rich.

> *Sexto* Molina de Iust. t. 3. disp. 685. *ait, tantum valoris, quantum pecuniae datur una die fossori terrae, videri mortale in ordine ad eos, qui non sunt valde divites.*

[8] Seventh, *Bartholomaeus a S. Fausto in speculo disp. 2. quaest. 18. num. 26. and Sayrus l. 9. cap. 15.* define the sum of three Iulii as grave even if taken from a most wealthy man; but two Iulii from one of moderate means; and finally, one silver coin or one Iulius taken from a poor man constitutes grave matter. Thus also *Sanctes noster in cap. 6. Regulae,* lays upon us poor wretches one single Iulius.

> *Septimo* Bartholomaeus a S. Fausto in speculo disp. 2. quaest. 18. num. 26. et Sayrus l. 9. cap. 15. *trium Iuliorum summam definiunt gravem, etiamsi a ditissimo auferatur; a mediocri autem duos Iulios; a paupere tandem unum argenteum, vel Iulium ablatos, constituere materiam gravem. Sic et* Sanctes noster in cap. 6. Regulae, *unum Iulium nobis pauperibus imponit miseris.*

[9] Eighth, *Bonacina de contract. disp. 2. quaest. 8. p. 1. num. 7.* distinguishes, saying that theft is grave according to the variety of persons from whom the thing is taken. For if the person is illustrious, opulent, splendid, a gold coin will be grave matter; but if he is an ordinary rich man, living on his revenues, four regales; if the person supports himself by a craft, two regales; fourth, ¶ if he is poor, one regale.

> *Octavo* Bonacina de contract. disp. 2. quaest. 8. p. 1. num. 7. *distinguit dicens, Furtum esse grave pro varietate personarum, quibus res aufertur. Si enim persona sit illustris, opulens, splendida, nummus aureus erit materia gravis; si vero sit dives ordinarius, vivens de suis redditibus, quatuor regales: Si sit persona se suo sustentans artificio, duo regales; quarto, ¶ pauper sit, unus regalis.*

[10] This opinion, which *Nauarrus de restit. l. 3. cap. 1. num. 39. and Reginaldus in praxi, T. 2. l. 22. cap. 1. quaest. 4. num. 19.* also hold, Diana says is more probable than the others, saying that a notable quantity, with respect to the rich, is about one gold coin, or sixty asses; but with respect to common persons, about 20 asses; and with respect to a poor man, about 7 asses.

> *Hanc opinionem, quam tenet etiam* Nauarrus de restit. l. 3. cap. 1. num. 39. et Reginaldus in praxi, T. 2. l. 22. cap. 1. quaest. 4. num. 19. *ait Diana esse probabiliorem caeteris, dicendo, quantitatem notabilem, respectu divitum, esse circiter unius nummi aurei, seu sexaginta assium; respectu vero personarum communium, circiter 20. assium; et respectu pauperis, circiter 7. assium.*

[11] The ninth opinion is that of *Rodriquez in summa t. 5. cap. 118. num. 27. and 29.*: that is a notable quantity which exceeds two gold coins; and *Angel. v. Furtum, num. 34. and Syluester on the same word, quaest. 2.* hold this opinion with regard to the wealthy. But whether *Sotus l. 5. de iust. quaest. 3. art. 3. ad 3.* teaches this opinion, *Vasquez opusc. de restit. cap. 5. §. 1. dub. 5. num. 30.* denies; but *Turrianus, Bartholomaeus a S. Fausto supra, and Aragon. 2. 2. quaest. 66. art. 6. causa 10. Lessius, ubi infra,* assert it, and the Doctors generally; and concerning this whole question see *Megalam 2. 2. l. 2. cap. 1. quaest. 3. Rebellium de oblig. iust. p. 1. l. 3. quaest. 15. sect 1. Graffium p. 1. l. 2. decif. cap. 97. n. 27. Bannem 2. 2. quaest. 66. art. 6.* who posits a quite lax opinion. *Malderum 2. 2. tract. 4. cap. 1. disp. 3. Lessium l. 2. cap. 12. dub. 6. num. 29. Azorium p. 3. l. 5. cap. 15. quaest. 2. Medinam C. de restit. quaest. 10. Tolet. summa, l. 5. cap. 16. Tutrianum l. 2. T. 2. disp. 33. dub. 2. Sanchez Tom. 2. l. 7. cap. 20. Cenedum de pauperie et relig. dub. 13. Conradum in resp. p. 1. cap. 166. Sayrum l. 9. cap. 15. qui num. 11.* reports the opinion of *Bannis 2. 2. quaest. 66. art. 6.* who says: if some steward of the King were to steal 200 gold coins, it would not be grave matter.

> *Nona opinio est* Rodriquez in summa t. 5. cap. 118. num. 27. et 29. *illam esse notabilem quantitatem, quae excedit duos aureos, atque* Angel. v. Furtum, num. 34. et Syluester eodem verbo, quaest. 2. *tenent hanc sententiam in ordine ad opulentos. An vero hanc opinionem doceat* Sotus l. 5. de iust. quaest. 3. art. 3. ad 3. *negat*

Vasquez opusc. de restit. cap. 5. §. 1. dub. 5. num. 30. *sed asserit* Turrianus, Bartholomaeus a S. Fausto supra, et Aragon. 2. 2. quaest. 66. art. 6. causa 10. Lessius, ubi infra, *et communiter Doctores; et circa totam hanc quaestionem vide* Megalam 2. 2. l. 2. cap. 1. quaest. 3. Rebellium de oblig. iust. p. 1. l. 3. quaest. 15. sect 1. Graffium p. 1. l. 2. decif. cap. 97. n. 27. Bannem 2. 2. quaest. 66. art. 6. *qui satis laxam opinionem ponit*. Malderum 2. 2. tract. 4. cap. 1. disp. 3. Lessium l. 2. cap. 12. dub. 6. num. 29. Azorium p. 3. l. 5. cap. 15. quaest. 2. Medinam C. de restit. quaest. 10. Tolet. summa, l. 5. cap. 16. Tutrianum l. 2. T. 2. disp. 33. dub. 2. Sanchez Tom. 2. l. 7. cap. 20. Cenedum de pauperie et relig. dub. 13. Conradum in resp. p. 1. cap. 166. Sayrum l. 9. cap. 15. qui num. 11. *refert opinionem* Bannis 2. 2. quaest. 66. art. 6. *dicentem; si aliquis dispensator Regis auferret 200. aureos, non esse materiam gravem.*

12 Stephanus *Fagundez num. cit.* says that this matter is better left to the judgment of the prudent, considering persons less or more wealthy, and places, etc. Thus also *Couar. l. 1. variar. cap. 3. num. 11. Syluest. verb. Furtum, quaest. 2. Ioan. Medina de contract. quaest. 10. Caspensis tract. 18. disp. 5. sect. 4.* Indeed *Sanchez 1. 2. decal. l. 7. cap. 20. num. 5.* asserts that generally in Spain, because the region is richer, four silver coins are the mortal quantity. The same is the judgment of *Suarez Tom. 3. de Relig. l. 8. cap. 6. num. 10.* To such a judgment *Bassaeus v. Furtum 1. num. 4.* subscribes.

Stephanvs Fagundez num. cit. *ait, melius rem hanc iudicio prudentis relinqui, consideratis personis minus, aut magis ditibus, et locis, etc. Ita etiam* Couar. l. 1. variar. cap. 3. num. 11. Syluest. verb. Furtum, quaest. 2. Ioan. Medina de contract. quaest. 10. Caspensis tract. 18. disp. 5. sect. 4. *Ided* Sanchez 1. 2. decal. l. 7. cap. 20. num. 5. *asserit, generaliter in Hispania, eo quod regio sit ditior, quatuor argenteos esse quantitatem mortalem. Idem sentit* Suarez Tom. 3. de Relig. l. 8. cap. 6. num. 10. *Tali iudicio subscribit* Bassaeus v. Furtum 1. num. 4.

13 Fagundez therefore asserts, first, with respect to Kings, Princes, and most wealthy Prelates, and most rich men, that the sum of two or three ducats is mortal from its object. He alleges, *Rodriquez in summa, cap. 149. Sotum, Rebellium, Lessium, Couarruviam, Syluestrum supra, Petrum Nauarrum l. 3. de restit. cap. 1. num. 35. Suarium vero loc. cit. et Maiorem 4. dist. 15. quaest. 25.* who, he says, probably assign with respect to these persons the quantity of one gold coin.

Asserit igitur Fagundez primo respectu Regum, Principum, et Praelatorum locupletissimorum, et hominum ditissimorum, summam duorum, vel trium ducatorum esse mortalem ex obiecto suo. Allegat Rodriquez in summa, cap. 149. Sotum, Rebellium, Lessium, Couarruviam, Syluestrum supra, Petrum Nauarrum l. 3. de restit. cap. 1. num. 35. Suarium vero loc. cit. et Maiorem 4. dist. 15. quaest. 25. *probabiliter, ait, assignare respectu harum personarum quantitatem unius aurei.*

14 He asserts, second, that with respect to men of moderate wealth four silver coins constitute the mortal quantity, or at most, with a half added. Thus also *Sanchez 1. 2. Decal. l. 7. cap. 20. num. 5. Suarez loco citato.*

Asserit secundo, respectu hominum mediocriter divitum, quatuor argenteos constituere quantitatem mortalem, aut ad summum, addito dimidio. Ita etiam Sanchez 1. 2. Decal. l. 7. cap. 20. num. 5. Suarez loco citato.

15 He asserts, third, that with respect to the poor the quantity of one hundred dipondii, or at most with 20 added, is deadly. He adduces *Rodriquez, and Aragonium, ac Nauarrum.*

Asserit tertio, respectu pauperum quantitatem centum dipondiorum, vel ad summum additis 20. esse mortiferam. Adducit Rodriquez, et Aragonium, ac Nauarrum.

16 Finally he says: If we attend to places and cities more or less wealthy in money, and where things are sold more cheaply or more dearly, it is probable that in Lisbon, Seville, Paris, Venice, London,

Lyons, Rome, and other places very rich in money and opulent, the quantity of four or five regales, or denarii, is mortal in theft, even with respect to men of moderate wealth. But in Brazil, or in the West Indies, where money abounds and things are sold at a high price, the quantity of 15 Iulii will be mortal, against *Lopes p. 1. cap. 92.* who says that the sum of two regales in India is deadly.

> *Tandem ait: Si attendamus ad loca, et urbes magis, vel minus pecuniosas, et ubi res vilius, aut charius venduntur, probabile esse, Olisipone, Hispali, Parisiis, Venetiis, Londini, Lugduni, Romae, et aliis locis valde pecuniosis, et opulentis, quantitatem quatuor, aut quinque regalium, seu denariorum esse mortalem in furto, respectu etiam hominum mediocriter divitum. In Brasilia autem, aut in Indiis occidentalibus, ubi abundant pecuniae, et res magno venduntur, mortalis erit quantitas Iuliorum 15. contra* Lopes p. 1. cap. 92. *dicentem, duorum regalium summam in India esse mortiferam.*

17 But if four or five quadrantes are deducted from the prescribed quantity, he concludes that it is still mortal, because things that differ but little seem not to differ at all. Moreover these quantities are not to be taken Mathematically, but morally, as *Lessius l. 2. cap. 11. disp. 6. num. 32.* well teaches.

> *Qvod si e quantitate praescripta defint quatuor, vel quinque quadrantes, concludit adhuc, esse mortale, quia, quae parum distant, nihil distare videntur. Deinde hae quantitates non sunt Mathematice, sed moraliter accipiendae, ut bene docet* Lessius l. 2. cap. 11. disp. 6. num. 32.

18 In *D. Bonav.* I do not find any quantity prefixed; only *in speculo animae, cap. 2.* he says: *Yet it must be noted that a thing might be so small, or of so little value, that it would not have the character of mortal, unless perhaps there were a will to take more, if the opportunity were present, or in that small thing there were notable damage to another; for a poor man is at any time damaged more in a small thing than a rich man in a great one.* Thus also other ancient Theologians remit the whole business to the judgment of the prudent, as *Sayrus l. 9. cap. 15. num. 9.* notes, establishing nothing special.

> *In* D. Bonav. *non invenio quantitatem aliquam praefixam; solum* in speculo animae, cap. 2. *ait:* Hoc tamen advertendum, quod tam modica res posset esse, vel tam modici valoris, quod non haberet rationem mortalis, nisi forte adesset voluntas maius accipiendi, si facultas adeffet, vel in illo modico esset alterius notabilis damnificatio; plus enim quandocumque damnificatur pauper in paruo, quam diues in magno. *Sic etiam alii antiqui Theologi iudicio prudentis totum negotium remittunt, ut notat* Sayrus l. 9. cap. 15. num. 9. *nihil speciale statuentes.*

19 They think, therefore, that grave matter must be judged according to the gravity of the damage. Hence it agrees with the last opinion, that according to the variety of persons, places, etc. the gravity of the thing taken must be computed. He warns, however, that a thing light in its genus can become grave from the damage. They bring the example: if you take from someone an instrument of his craft by which he earns notably, even if it be a needle, and he has no other like it. They agree with Suarez loc. cit. num. 16. Tolet. l. 5. cap. 6. Petrus Nauar. l. 3. de restit. cap. 1. num. 33. Lessius l. 2. cap. 12. dub. 12. num. 33. Nauar. Summa, cap. 17. num. 3. Sanchez T. 2. l. 7. cap. 20. Fagundez l. 7. cap. 2. num. 2. The reason is, because grave damage is against justice gravely, and obliges to restitution, C. si culpa tua, *de iniuriis, et damno datis.* Thus also Tannet. disp. 4. quaest 8. dub. 6. reporting Aragonium, Bannem quaest. 66. art. 2. Bartholomeum Medinam quaest. 86. art. 2. Valentiam quaest. 10. p. 5. Rebellium l. 3. de iust. quaest. 15. sect. 2. and 3. Azor. t. 3. l. 5. cap. 13. quaestio 1. Lessium lib. 2. cap. 12. dub. 6.

Existimant ergo, materiam gravem censendam, iuxta gravitatem damnificationis. Itaque stat cum ultima sententia, ut pro varietate personarum, locorum, etc. computanda sit gravitas rei creptae. Illud tamen monet, rem ex genere levem, posse ex damnificatione fieri gravem. Afferunt exemplum, si aliquod artis instrumentum ab aliquo auferas, quo notabiliter lucratur, etiamsi sit acus; nec habeat aliud simile. Consentiunt Suarez loc. cit. num. 16. Tolet. l. 5. cap. 6. Petrus Nauar. l. 3. de restit. cap. 1. num. 33. Lessius l. 2. cap. 12. dub. 12. num. 33. Nauar. Summa, cap. 17. num. 3. Sanchez T. 2. l. 7. cap. 20. Fagundez l. 7. cap. 2. num. 2. Ratio est, quia gravis dam-nificatio est contra iustitiam graviter, et cogit ad restitutionem C. si culpa tua, de iniuriis, et damno datis. *Sic et Tannet. disp. 4. quaest 8. dub. 6. referens Aragonium, Bannem quaest. 66. art. 2. Bartholomeum Medinam quaest. 86. art. 2. Valentiam quaest. 10. p. 5. Rebellium l. 3. de iust. quaest. 15. sect. 2. et 3. Azor. t. 3. l. 5. cap. 13. quaestio 1. Lessium lib. 2. cap. 12. dub. 6.*

20 MANY say that the same follows if someone steals a small thing on account of which you know the Lord in his anger will break out in grave blows against another. Fagundez reports them, num. 5.

MULTI dicunt, idem sequi, si aliquis furetur rem parvam, ob quam scias Dominum iratum irrupturum in percussiones graves alterius. Eos refert Fagundez num. 5.

21 HERE arises the doubt, whether to steal in a Church a thing that is not sacred is sacrilege, by reason of the circumstance of the Sacred place and the injury inflicted upon it.

ORITUR hic dubitatio, an furari in Ecclesia rem non sacram sit sacrilegium, ratione circumstantiae loci Sacri, et iniuriae illi illatae.

22 The SENTENCE formerly common was that, absolutely, theft by reason of the circumstance of the Sacred place becomes sacrilege, and most of the Recentiores also hold it, as Fagundez reports l. 7. cap. 2. and Diana p. 1. tract. *de circumstantiis aggravantibus, resol.* 27. Paulus Layman defends it l. 4. tract. 10. cap. 7. num. 18, Suarez *de Relig. Tom.* 1. l. 3. cap. 4. num. 7. where he says it is the common sentence.

SENTENTIA olim communis fuit, absolute furtum, ratione circumstantiae loci Sacri, fieri sacrilegum, eamque tenent etiam Recentiores plurimi, ut refert Fagundez l. 7. cap. 2. et Diana p. 1. tract. de circumstantiis aggravantibus, resol. *27. Tuentur eam Paulus Layman l. 4. tract. 10. cap. 7. num. 18 Suarez* de Relig. Tom. *1. l. 3. cap. 4. num. 7. ubi ait, esse communem sententiam.*

23 It is PROVED from the words of Pope John in cap. *Quisquis, dist.* 17. quaest. 4.: *Sacrilege is committed by taking a sacred thing from a sacred place; or a non-sacred thing from a sacred place; or a sacred thing from a non-sacred place.* Therefore, since the Law does not distinguish whether that non-sacred thing is in custody, or deposit, or the possession of the Church, it does not seem it should be distinguished, as many distinguish; for thus the rule of the Law is had, *de pretio, ff. de publican.* unless another law or reason compels. There follow Raphaël de la Torre t. 2. t. 2. quaest. 99. art. 1. disp. 7. Rebellius p. 1. l. 3. quaest. 15. num. 25. with Reginaldus T. 2. l. 23. cap. 1. num. 12. Menoch. *de arbitrar. l.* 2. cent. 4. casu 389. num. 14. and Petrus Ledesma *Summ. Tract. de poenit. cap.* 10. This is the sentence of D. Bonau. in 3. dist. 37. dub. 7. litterali.

PROBATUR ex verbis Ioannis Papae in cap. Quisquis, dist. *17. quaest. 4.* Sacrilegium committitur auferendo Sacrum de sacro; vel non sacrum de Sacro; aut sacrum de non sacro. *Igitur cum Lex non distinguat, an illa res non sacra sit in custodia, vel deposito, vel possessione Ecclesiae, non videtur distinguendum, ut distinguunt multi; sic enim habetur regula Lex,* de pretio, ff. de publican. *nisi alia lex cogat, vel ratio. Sequuutur Raphaël de la Torre t. 2. t. 2. quaest. 99. art. 1. disp. 7. Rebellius p. 1. l. 3. quaest. 15. num. 25. cum Reginaldo T. 2. l. 23. cap. 1. num. 12.*

Menoch. de arbitrar. l. *2. cent. 4. casu 389. num. 14. et Petrus Ledesma* Summ. Tract. de poenit. cap. *10. Haec est sententia D. Bonau. in 3. dist. 37. dub. 7. litterali.*

24 COMMONLY, however, they distinguish, as was intimated above, and say: if that thing is in deposit, or in the church, or the like, it is sacrilege; but not otherwise, if it is the purse of the one who is in the Church. Thus Sotus in 4. dist. 18. quaest. 2. art. 4. Ioan. de Cruz *p. 2. direct. de Sacramento Poenit. quaest. 3. disp.* 6. Fagundez *lib. 7. in septimum praeceptum decal. cap. 2. num.* 10. Henriquez l. 2. cap. 6. num. 5. and Diana judges it probable, and Raphaël de la Torre, and Lessius *lib. 2. cap. 45. dub. 3. num.* 14. Zerola *praxi de poenit. cap. 12. quaest.* 17. The same is defended by Cano *5. p. relectionis, §. Multa hic,* Caietanus *tomo 1. opusc. 31. resp. 12. dub.* 2. Lopez *Instruct. p.* 1. cap. 31. §. *At vero.*

COMMUNITER vero distinguunt, ut supra innui, et dicunt; si res illa sit in deposito, vel inte, vel simili, esse sacrilegium; non autem aliter, si sit crumena eius, qui est in Ecclesia. Ita Sotus in 4. dist. 18. quaest. 2. art. 4. Ioan. de Cruz p. 2. direct. de Sacramento Poenit. quaest. 3. disp. *6. Fagundez* lib. 7. in septimum praeceptum decal. cap. 2. num. *10. Henriquez l. 2. cap. 6. num. 5. eamque probabilem censet Diana, et Raphaël de la Torre, ac Lessius* lib. 2. cap. 45. dub. 3. num. *14. Zerola* praxi de poenit. cap. 12. quaest. *17. Eandem tuentur Cano* 5. p. relectionis, §. Multa hic*, Caietanus* tomo 1. opusc. 31. resp. 12. dub. 2. *Lopez* Instruct. p. *1. cap. 31. §.* At vero.

25 I indeed follow the sentence of D. Bonaventura, who posits three species of sacrilege. The first is to steal a sacred thing, e.g. a consecrated Chalice from a sacred place. The second, a sacred thing from a non-sacred place, as a consecrated chalice from the house of a craftsman. The third, a non-sacred thing from a sacred place, e.g. a purse in the Church; thus, besides those alleged, Sà distinguishes, *v. Sacrilegium*, Sylvest. there, §. 2. Rosella in the same place, Nauar. *Manual. Lat. cap. 6. num. 4. and cap. 17. num. 95.*

EGO quidem, sequor sententiam D. Bonaventurae, qui ponit tres species sacrilegii. Prima est furari rem Sacram, v. g. Calicem sacratum de loco sacro. Secunda, rem sacram de loco non sacro, ut calicem sacratum de domo artificis. Tettia, rem non sacra de loco sacro, v. g. crumenam in Ecclesia; sic praeter allegatos distinguunt Sà, v. Sacrilegium*, Sylvest. ibi, §. 2. Rosella ibidem, Nauar.* Manual. Lat. cap. 6. num. 4. et cap. 17. num. 95.

26 FOR we have from Canon Law the declaration of Pope John, nor ought we to stand on the civil law, which, that an action of sacrilege be given against the thief, requires that the thing be made and taken away from the sacred place, as Iulius Clarus reports *l. 5. sent. §. Sacrilegium.*

ENIM vero nos habemus ex iure Canonico declarationem Ioannis Papae, nec stare debemus Iuri civili, quod ut detur actio sacrilegii in furem, requirit ut res sit facta, et ablata de loco sacro, ut refert Iulius Clarus l. 5. sent. §. Sacrilegium.

27 Nor does Fagundez, who cites that Canon, answer anything, except that the Canon intimates our sentence: but he plainly asserts it, as we saw, and Diana confesses it, who does not answer him a word in his own defense.

NEQUE Fagundez, qui Canonem illum refert, quicquam respondet, nisi Canonem innuere nostram sententiam: Sed eam aperte asserit, ut vidimus, et fatetur Diana, qui neque verbum ei respondet, ut se defendat.

28 They OBJECT that it is per accidens that the thing exists in the Church.

OBIICIUNT, per accidens esse, rem illam existere in Ecclesia.

29 D. Bonaventure ANSWERS that that place, even if physically it adds only an accident, morally nevertheless adds a species. For it is great irreverence of the place, and that thing is entrusted in faith to the Church; while those who are intent on religion ought therefore to have in safety what they have in it; and to steal is to wound the consecrated place; just as to commit other shameful things in the temple is to profane it itself.

> *RESPONDET D. Bonau. locum illum, et si physice addat tantum accidens, moraliter tamen addere speciem. Est enim loci magna irreverentia, et res illa est fidei iussa Ecclesiae; dum, qui religioni intenti sunt, ideo in tuto debent habere id, quod in ea habent; et furari, est sacratum locum laedere; sicuti et alia foeda in templo committere, est ipsum profanare.*

Sole Doubt: What quantity is grave in thefts by sons, wives, and religious

1 It must NOT be judged so severely of what a son takes away or steals from his father, or a wife from her husband, as of what he takes from a stranger, as Fagundez admonishes in *7. praeceptum, l. 7. cap.* 3. from D. Bonau. *in 4. dist. 15. p.* 2. art. 2. quaest. 1. But the S. Doctor treats of all these things *in speculo animae, capite* 2.

> Quae sit quantitas gravis furti Filiorum, uxoris, et Religiosorum.
>
> *NON est adeo severe iudicandum id, quod eripit, vel furatur filius patri, vel uxor viro, sicuti quod ab extraneo aufert, ut admonet Fagundez in* 7. praeceptum, l. 7. cap. *3. ex D. Bonau.* in 4. dist. 15. p. *2. art. 2. quaest. 1. De his omnibus autem agit S. Doctor* in speculo animae, capite *2.*

2 One must, however, distinguish many kinds of goods in a household, of which a Son may take something.

> *OPORTET autem distinguere multa genera bonorum in familia, e quibus potest esse ut Filius quaedam assumat.*

3 FIRST, there are the castrensian goods, which the son-of-a-family, or one not yet emancipated, acquires in military service, and those which he acquires from such a peculium, *L. g. castrense, ff. de peculio castrensi.*

> *PRIMO enim sunt bona Castrensia, quae Filius-familias, seu nondum emancipatus, in militia acquirit, et ea, quae ex tali peculio acquirit,* L. g. castrense, ff. de peculio castrensi.

4 Not far removed are the goods, quasi castrensian, which a son acquires from some public office, or from one of the seven liberal arts, as if he be a Physician, Advocate, Master, etc.; and therefore those goods will not be quasi castrensian which he acquires from an art ordered to private gain; such as the art of a Shoemaker, or the like.

> *NON longe abeunt bona, quasi Castrensia, quae filius acquirit publico aliquo officio, vel aliqua arte, ex septem liberalibus, ut si sit Medicus, Aduocatus, Magister, etc. itaque non erunt bona quasi castrensia, quae ex arte ordinata ad privatum emolumentum adipiscitur; ut arte Sutoris, vel simili.*

5 Of these they can freely dispose, as the Doctors commonly teach, provided they are not below the age of puberty; for then they cannot make a will concerning them, *Leg. ult. Cod. de testamento militis.* And so they can neither give, sell, or alienate them in any way, even with the consent of the Father, *Instit. de inutil. stipulat. § pupillus;* but he can alienate them with the consent of his tutor, if he has one, as Molina notes *disp. 130. §. licet.* The reason for the difference is, because the tutor is liable to the pupil if he ill gives his authority, not so the father; as Fagundez notes with Molina in *7. praecept. l. 7. cap.* 4.

DE his possunt libere disponere, ut docent communiter Doctores, dummodo non sint impuberes; tunc enim de his testari non possunt Leg. ult. Cod. de testamento militis. *Et ita neque donare, vendere, aut quouis modo alienate, etiam de consensu Patris,* Instit. de inutil. stipulat. § pupillus; *potest tamen consentiente tutore, si eum habeat, alienare, ut notat Molina* disp. 130. §. licet. *Ratio diversitatis est, quia tutor tenetur pupillo, si male authoritatem praebeat, non sic pater; ut advertit cum Molina Fagundez in* 7. praecept. l. 7. cap. *4.*

6 THIRD are the profectitian goods, which come to the son by the cause and occasion of the Father, and which he obtained from the Father himself, or acquired with his money, or which were left to him in view of the Father. All these are the father's, both as to usufruct and as to dominion or ownership; and therefore it will be theft of a kind to take them against the parent's will, and he is held to restitution.

TERTIO sunt bona profectitia, quae filio adueniunt, causa, et occasione Patris, et quae ab ipso Patre obtinuit, vel eius pecunia acquisiuit, vel ei legata sunt intuitu Patris. Haec omnia sunt patris, et quoad usumfructum, et quoad dominium, seu proprietatem, ac proinde erit furtum, aliquod inuito parente accipere, et tenetur ad restitutionem.

7 HENCE the S. Doctor warns *in 4. dist. 15. p. 2. art. 2. quaest.* 1. and with him Fagundez *num. 11.* that those who trade or play with the sons of merchants should beware; for those sons are held to restore all these things in integrum, if they exist, or if they gained them in bad faith; but if in good faith, they are held to restore those things by which they have been made richer.

HINC monet S. Doctor in 4. dist. 15. p. 2. art. 2. quaest. *1. et cum eo Fagundez* num. 11. *ut caveant hi, qui cum filiis mercatorum negotiantur, aut ludunt; tenentur enim illi haec omnia in integrum restituere, si extent, aut mala fide lucrati sunt; si autem bona fide, tenentur restituere ea, in quibus ditiores sunt facti.*

8 There are other goods which are called Adventitian, which come from the mother's side, or by industry, and in these the sons have dominion and ownership; the fathers, however, only the usufruct. Thus Molina T. I. disp. 9. and 232. Sylvester, and others, whom Fagundez follows, num. 21. Of these he cannot take against the father's will, otherwise it will be theft.

SUNT alia bona, quae Aduentitia dicuntur, quae ex parte matris, vel ex industria adueniunt, et in his habent filii dominium, et proprietatem; patres vero usumfructum tantum. Ita Molina T. I. disp. 9. et 232. Sylvester, et alii, quos sequitur Fagundez num. 21. De his non potest, invito patre, tollere, alioquin erit furtum.

9 But the quantity in sons, to reach grave matter, is constituted larger than in a stranger. Bannes 2. 2. quaest. 66. art. 6. says that even fifty gold coins stolen from a rich father is not grave matter. Fagundez cap. 3. num. 3. says it does not seem mortal if a son steals two regales and a half, if the father is a craftsman; but if he is of moderate wealth, it is not mortal to take seven silver coins. But if he is very rich, he will not sin even by stealing three gold coins. See also Lessius T. I. l. 2. cap. 12. de iniuriis fortunae, dub. 13. num. 36. and Petrum Navarr. de restit. l. 3. cap. 1. num. 66. Caspens. Tract. 18. disp. 5. sectione 7. Bass. 2.

Quantitas vero in filiis, ut materiam attingat gravem, amplior constituitur, quam in extraneo. Bannes 2. 2. quaest. 66. art. 6. ait, neque quinquaginta aureos a patre divite furatos, esse materiam gravem. Fagundez cap. 3. num. 3. dicit non videri mortale, si filius furetur duo regalia supra dimidium, si pater est Moechanicus; si vero mediocriter dives, non esse mortale septem argenteos sumere. Quod si dives admodum sit, non peccabit, etiam furando tres aureos. Vide et Lessium T. I. l. 2. cap. 12. de iniuriis fortunae, dub. 13. num. 36. et Petrum Navarr. de restit. l. 3. cap. 1. num. 66. Caspens. Tract. 18. disp. 5. sectione 7. Bass. 2.

10 Therefore if he steals a grave quantity, he will be held to restitution, either to the Father, or to the brothers in the division. That these are sins is proved from Prov. 28: *He that takes away anything from his father, and from his mother, and says this is no sin, is partaker of a murderer.*

> *Itaque si gravem quantitatem furetur, tenebitur restitutioni, vel Patri, vel fratribus in divisione. Haec vero esse peccata probatur ex Prov. 28.* Qui subtrahit a Patre suo aliquid, et a Matre, et dicit, hoc non esse peccatum, particeps homicidae est.

11 As to wives, it is certain that they sin mortally if they take a grave quantity from their unwilling husbands, to give to others. Thus the Doctors commonly, in Molina T. II. de Iust. disp. 274. Fagundez cap. 8. num. 1. with D. Bonan. in 4. dist. 15. loc. cit. The reason is, because the husband has the usufruct of all the goods.

> *Quoad uxores, certum est, eas peccare lethaliter, si gravem quantitatem auferant a maritis invitis, ad donandum aliis. Ita communiter Doctores apud Molinam T. II. de Iust. disp. 274. Fagundez cap. 8. num. 1. cum D. Bonan. in 4. dist. 15. loc. cit. Ratio est, quia maritus habet usum fructum omnium bonorum.*

12 Yet they warn, with D. Bonan., that in many cases the wife does not sin if she secretly takes something from her husband by stealth.

> *Admonent tamen cum D. Bonan. in multis casibus, non peccare uxorem, si a marito aliquid clam furto accipiat.*

13 First, if the quantity is not notable, considering the means. They concede to the wife double what they concede to the son, as Rebellius noted, prima parte, lib. 3. quaestion. 15 sectione 13. num. 16. Fagundez num. 2. with others.

> *Primo, si quantitas non sit notabilis, spectatis facultatibus. Concedunt autem uxori duplo amplius, quam filio, ut notavit Rebellius prima parte, lib. 3. quaestion. 15 sectione 13. num. 16. Fagundez num. 2. cum aliis.*

14 Second, if she gives according to the custom of other wives. For in these matters husbands are irrationally unwilling.

> *Secundo, si donet secundum usum aliarum uxorum. In his enim mariti sunt irrationabiliter inviti.*

15 Third, if she gives in the extreme necessity of someone.

> *Tertio, si in extrema alicuius necessitate donet.*

16 They ask, however, whether if she has an ample dowry she can give, without her husband's leave, fifty or sixty gold coins to some honest use, for instance to her nurse, or to her daughter for a dowry.

> *Quaerunt autem, an si habeat amplam dotem, possit dare absque mariti licentia quinquaginta, vel sexaginta aureos ad aliquem usum honestum, puta nutrici suae, vel eius filiae ad dotem.*

17 Navar. in Man. cap. 17. num. 155. Cabedo p. 1. decis. 107. deny it.

> *Negant Navar. in Man. cap. 17. num. 155. Cabedo p. 1. decis. 107.*

18 Molina T. II. disp. 34. §. ex dictis, Fagundez l. 7. cap. 8. num. 11. with D. Bonan. in 4. dist. 15. loc. cit. assert it, where, although he does not fix a prefixed quantity, he nevertheless indicates that she can distribute from her dowry, and from her paraphernalia, that is, from the goods which she reserved to her own uses when she married. Say the same of the goods which come to her during the marriage by inheritance or donation. For of these the woman has dominion and administration by the

common law, and therefore she can dispose of them however much the husband resists. Thus also D. Thom. quaest. 32. art. 8. and others in Diana p. 5. tract. 8. resol. 34. as I said in the disputation de Eleemosyna. There are other cases in which the Theologians say the wife can take from the family goods, even the husband's, as if the administration of those goods has been left to her, because the husband is prodigal or insane. See Diana loc. cit. and Fagundez lib. 7. cap. 8.

> *Asserunt Molina T. II. disp. 34. §. ex dictis Fagundez l. 7. cap. 8. num. 11. cum D. Bonan. in 4. dist. 15. loc. cit. ubi licet quantitatem praefixam non statuat; tamen indicat, posse de sua dote distribuere, et de suis paraphernalibus, hoc est, de bonis, quae cum nupsit, sibi reservavit ad proprios usus. Idem dic de bonis, quae constante matrimonio illi obveniunt per haereditatem, vel donationem. Horum enim mulier habet dominium, et administrationem iure communi, ideo potest, quantumvis vir repugnet, de his dispensare. Ita etiam D. Thom. quaest. 32. art. 8. et alii apud Dianam p. 5. tract. 8. resol. 34. ut dixi disput. de Eleemosyna. Sunt alii casus, in quibus dicunt Theologi, posse uxorem assumere de rebus familiaribus, etiam mariti, ut si eorum bonorum relicta est ei administratio, quia maritus est prodigus, vel amens. Vide Dianam loc. cit. et Fagundez lib. 7. cap. 8.*

19 Similarly the husband, if he squanders the goods held in common with his wife, the marriage dissolved, he or his heirs is held to restitution to the wife. See Fagundez, cap. 9. Tannerum, to be cited below, who rightly warns that in all things the conditions of persons, the abundance of riches, the vehemence of love, etc. must prudently be considered.

> *Similiter et vir, si dissipet bona sibi cum uxore communia; soluto matrimonio, tenetur uxori ad restitutionem ille, vel eius haeredes. Vide Fagundez, cap. 9. Tannerum infra citandum, qui recte monet, spectandas in omnibus prudenter personarum conditiones, divitiarum copiam, amoris vehementiam, etc.*

20 As to Religious, the Doctors judge that the quantity is to be computed by the rule of the theft of sons. Thus Sanctius lib. 7. de Relig. cap. 21. num. 31. Rebell. lib. 3. de iustitia, p. 1. quaest. 15. sect. 3. n. 22. Caspensis tract. 18. disp. 5. sect. 7. Graff. p. 1. decis. l. 3. cap. 5. num. 51. Tanner. disp. 4. quaest. 6. dub. 6. Fagundez cap. 5. who adds, however, that they are to be compared with the sons of the moderately rich; and therefore about five silver coins is grave theft, apart from those things which the convent owes him, which is held to supply him with the necessaries of food and clothing; as the S. Doct. says in Apol. pauperum, cap. 1. responsionis 3. But of these I shall treat in quaest. 7.

> *Quoad Religiosos, censent Doctores, quantitatem computandam ad regulam furti filiorum. Ita Sanctius lib. 7. de Relig. cap. 21. num. 31. Rebell. lib. 3. de iustitia, p. 1. quaest. 15. sect. 3. n. 22. Caspensis tract. 18. disp. 5. sect. 7. Graff. p. 1. decis. l. 3. cap. 5. num. 51. Tanner. disp. 4. quaest. 6. dub. 6. Fagundez cap. 5. qui addit tamen, comparandos cum filiis mediocriter divitum; et ideo quinque argenteos circiter esse grave furtum extra ea, quae debet ei conventus, qui tenetur ei ad victum, et vestitum necessaria suppeditare; ut ait S. Doct. in Apol. pauperum, cap. 1. responsionis 3. Sed de his quaest. 7. agam.*

Question V: Whether theft is mortal when, after many tiny thefts, a further small one makes the whole grave

1 Because this can happen in many ways, it also raises many questions.

> *Quia multis modis potest hoc evenire, multas etiam quaestiones advocat.*

2 For it can be that all the petty thefts are done with the intention of aggregating a grave quantity; it can also be that they are done without this intention. Again, it can be that those petty thefts are done

against the same person, or against several different ones; taking from one a single dipondium; from another another thing.

> *Potest enim esse, ut furtiola omnia fiant ex intentione aggregandi rem gravem; potest esse etiam, ut sine hac intentione ea fiant. Rursus potest esse, ut furtiola illa fiant eidem personae, vel pluribus diversis; ab uno dipondium unum; ab altero alium auferendo.*

3 As to the first. I assert first that he who from the beginning intends to take from one a grave quantity sins mortally by that intention; and afterwards, while he commits the individual petty thefts, he also sins mortally. Thus they teach commonly. Sanchez Tom. II. decal. l. 7. cap. 21. Less. tom. I. l. 2. cap. 12. Fort. dub. 7. num. 36. Rebellius p. 1. l. 3. quaest. 15. sect. 4. num. 30. Petrus Navar. l. 3. de restit. cap. 1. num. 50. Sotus l. 5. de Iust. quaest. 5. ad 3. Medina de Restit. quaest. 10. Lopez p. 1. cap. 93. Fagundez in septimum praeceptum decal. l. 7. cap. 15. num. 3. Bassaeus v. Furtum 1. numer. 8. and the following:

> *Quoad primum. Assero primo, eum, qui ab initio intendit ab uno auferre quantitatem gravem; peccare lethaliter ea intentione; et postea, dum furtiola committit singula, mortaliter etiam peccare. Ita docent communiter. Sanchez Tom. II. decal. l. 7. cap. 21. Less. tom. I. l. 2. cap. 12. Fort. dub. 7. num. 36. Rebellius p. 1. l. 3. quaest. 15. sect. 4. num. 30. Petrus Navar. l. 3. de restit. cap. 1. num. 50. Sotus l. 5. de Iust. quaest. 5. ad 3. Medina de Restit. quaest. 10. Lopez p. 1. cap. 93. Fagundez in septimum praeceptum decal. l. 7. cap. 15. num. 3. Bassaeus v. Furtum 1. numer. 8. et sequens:*

4 *It is proved*, because, as the S. Doctor argues in 7. praeceptum decal., to damage another gravely is mortal; but he intends thus to damage: Therefore.

> Probatur*, quia, ut arguit S. Doctor in 7. praeceptum decal. damnificare alium graviter, est mortale; at is intendit sic damnificare: Ergo.*

5 I assert second that the same must be said of him who intends to take a grave quantity from several. Thus the Doctors alleged.

> *Assero secundo, idem dicendum de eo, qui intendit auferre a pluribus gravem quantitatem. Ita allegati Doctores.*

6 *It is proved*, because that wicked intention is mortal: Therefore, since the individual petty thefts proceed from that will, they will be deadly. Otherwise they would not be gravely reproached by God with those who use false measures; *Oseae 12. Chanaan in manu statera dolosa. Proverb. 11. Statera dolosa abominatio est ante Deum.* For although each one is damaged but moderately, yet the Republic is gravely offended, because innumerable evils are poured in. And from this crime merchants very rarely escape, as the S. Doctor warned cap. 6. in Decalogum.

> Probatur*, quia illa prava intentio est mortalis: Ergo cum singula furtiola procedant ab illa voluntate, erunt lethifera. Alioquin non essent graviter eis, qui mensuris falsis utuntur, exprobrati a Deo;* Oseae 12. Chanaan in manu statera dolosa. Proverb. 11. Statera dolosa abominatio est ante Deum. *Quamvis enim singuli modice damnificentur, tamen Respublica graviter offenditur, quia invehuntur innumera mala. Et ab hoc crimine rarissime evadunt mercatores, ut admonuit S. Doctor cap. 6. in Decalogum.*

7 Yet Lessius notes, num. 49. com., that in the individual petty thefts a new mortal sin is not committed, but the one already begun is continued; for even if the same will continues, it can be that in each one it is not renewed, but he steals by the power of the first wicked will.

> *Advertit tamen Lessius num. 49. com. in singulis furtiolis non committi novum peccatum mortale, sed continuari iam caeptum; esto enim continuetur eadem voluntas, tamen potest esse, ut in singulis non renovetur, sed furetur ille virtute*

primae pravae voluntatis.

8 Hence they also deduce that he is held to restitution, which, if it be too arduous to be made to each individual, must be made to the poor.

Hinc etiam deducunt, teneri hunc restitutioni, quae si ardua nimis sit, ut fiat singulis, facienda est pauperibus.

9 The greater question is: If in the individual petty thefts he has no further mind of stealing, nor from the beginning conceived the mind of arriving at a notable quantity, but commits the smallest petty thefts from the occasion offered; whether in the last one, by which grave matter is made, he sins mortally, if he remembers the others, although he does not intend to steal gravely.

Quaestio maior est, Si in singulis furtiolis non habeat animum amplius furandi, nec animum a principio concepit perveniendi ad notabilem quantitatem, sed ex occasione oblata committit minima furtula; an in ultimo, quo fit materia gravis, peccetur mortaliter, si aliorum recordetur, licet non intendat graviter furari.

10 And indeed, if he does not advert to it, he is only materially so situated, as Nauar. teaches *Sum. Lat. cap. 17. num. 130.* Sanchez *Tomo 2. decal. l. 7. cap. 21. num. 20.* Less. *l. 2. cap. 12. dub. 9.* Fagundez *num. 11.*

Et quidem, si non advertat, materialiter tantum se habet, ut docet Nauar. Sum. Lat. cap. 17. num. 130. *Sanchez* Tomo 2. decal. l. 7. cap. 21. num. 20. *Less.* l. 2. cap. 12. dub. 9. *Fagundez* num. 11.

11 The first opinion is that he does not sin in that last taking of the worthless thing; yet he sins in the retention, because, positing that last petty theft, the grave matter is completed, which he unjustly retains. Thus Nauar. *Summa Latina, cap. 17. num. 139.* Vega *l. 14. in Concil. Tridentinum cap. 11.* Graff. *p. 1. decis. lib. 3. cap. 5. num. 51. et lib 2. cap. 95. num. 18.* Carbo *de restit. quaest. 2.* Lessius *l. 2. de Iust. cap. 12. dub. 8. num. 43.* Iason *leg. si idem cum eodem, ff. de iudic. omnium iud.* and there, Decius *num. 1. and 16.* Claudius *num. 1. and 2.* Farinac. *consil. 78. num. 3.* Filliuc. *tomo 2. tract. 31. cap. 10. num. 243.* Rodriquez *Summa tomo 4. cap. 118. num. 29.* Salas *in p. 1. quaest. 58. tract. 13. disp. 16. sect. 17. num. 88.* Tolcius *l. 5. cap. 16. num. 4.* and others. Diana judges it probable *p. 1. Tract. de Paupertate Relig. resol. 34.* who says that, in the sentence of Nauarrus and the others, when they existed, it is precisely then a sin not to restore, and the thief would have become richer from it. Thus teach Granado in *primam 2. contr. 6. tract. 2. disp. 2. sect. 5. num. 49.* Lorca *p. 1. tom. 2.*

Prima opinio est, non peccare in ultima illa acceptione rei vilis; peccare tamen in retentione, quia posito eo ultimo furtulo, completur materia gravis, quae iniuste retinetur. Ita Nauar. Summa Latina, cap. 17. num. 139. *Vega* l. 14. in Concil. Tridentinum cap. 11. *Graff.* p. 1. decis. lib. 3. cap. 5. num. 51. et lib 2. cap. 95. num. 18. *Carbo* de restit. quaest. 2. *Lessius* l. 2. de Iust. cap. 12. dub. 8. num. 43. *Iason* leg. si idem cum eodem, ff. de iudic. omnium iud. *et ibi, Decius* num. 1. et 16. *Claudius* num. 1. et 2. *Farinac.* consil. 78. num. 3. *Filliuc.* tomo 2. tract. 31. cap. 10. num. 243. *Rodriquez* Summa tomo 4. cap. 118. num. 29. *Salas* in p. 1. quaest. 58. tract. 13. disp. 16. sect. 17. num. 88. *Tolcius* l. 5. cap. 16. num. 4. *et alii. Quam probabilem censet Diana* p. 1. Tract. de Paupertate Relig. resol. 34. *qui ait, tunc praecise esse peccatum non restituendo, in sententia Nauarri, et aliorum, quando extaret; et fur ex ea factus esset ditior. Ita docent Granado in* primam 2. contr. 6. tract. 2. disp. 2. sect. 5. num. 49. *Lorca* p. 1. tom. 2.

12 Indeed Emanuel Sà asserted that he neither sins mortally nor is held to restitution, v. *Furtum, num. 8.* Nauar. *lib. 3. consil. 3. de statu Monachorum, num. 17.* Berarducius *in Summa Corona, p. 1. cap. 1. num. 18.*

and Fernandez *in Exam. p. 1. cap. 6. §. 2. num. 12.* These speak of things stolen from one and the same, much less from several.

> *Imo neque peccare mortaliter, neque ad restitutionem teneri, asseruit Emanuel Sà, v.* Furtum, num. 8. *Nauar.* lib. 3. consil. 3. de statu Monachorum, num. 17. *Berarducius* in Summa Corona, p. 1. cap. 1. num. 18. *et Fernandez* in Exam. p. 1. cap. 6. §. 2. num. 12. *Hi loquuntur de rebus furatis eidem, nedum pluribus.*

13 But the COMMON sentence is that a mortal sin is probably committed in that last petty theft of a most trifling thing, with advertence to the past thefts, if in it the grave quantity is completed. Thus Sanchez *Tom. 2. decal. l. 7. cap. 21. num. 6.* Rodriquez *Tomo 1. Summa in 2. edit. cap. 150. num. 8. concl. 8.* Valentia *2. 2. disp. 5. p. 5. in finem.* Sayrus *l. 9. cap. 15. num. 22.* Petrus Ledesma *2. Tom. tract. 8. cap. 21. num. 2.* Lopez *p. 1. cap. 93. col. 2. quaest. 2.* Nauar. *l. 3. de restitut. cap. 1. p. 1. dub. 5. a num. 52.* Rebell. *p. 1. l. 3. quaest. 15. sect. 1. num. 30.* Maior *in 4. dist. 1. 15. quaest. 25.* Ioan. Medina *Cod. de restitut. quaest. 10.* Sotus *lib. 5. de Iust. quaest. 3. art. 5. ad 3.* Mercado *l. 3. de contract. cap. 4. fol. 129.* Couar. *l. 1. var. cap. 3. num. 11.* Corduba *Summa, quaest. 70. p. 2.* Bartholomeus Medina *l. 2. quaest. 88. art. 4. ad 3.* Vasquez *ibi disp. 146. cap. 2. num. 5.* ibi Zumel *art. 4.* Aragon *2. 2. quaest. 66. art. 6.* Salon. ibi, *controu. 3. quaest. 20.* Azor. *tomo 1. lib. 4. cap. 9. quaestio 11.* Reginaldus *T. 1. l. 23. cap. 1. quaest. 4.* Ledesma *T. 2. tract. 8. cap. 10.* Tannerus *disp. 4. quaest. 8. dub. 6.* Megala *2. 2. l. 2. cap. 1. quaest. 3. num. 23.* Caspens. *tract. 18. disp. 5. sect. 5.* Faust. *in thesi. l. 8. quaest. 189.* Baffaeus, v. *Furtum, t. 1. n. 8.* They speak, moreover, even if the petty thefts are taken from many. Diana says this must be embraced, adding some appendices with Baffaeus. A moral continuation is indeed required. They add that with respect to someone at least of the community there ought to be such a loss.

> *Commvnis vero sententia est, probabiliter committi peccatum mortale in ultimo illo furtulo rei minimae, cum advertentia ad praeterita furta, si in illo gravis quantitas compleatur. Ita Sanchez* Tom. 2. decal. l. 7. cap. 21. num. 6. *Rodriquez* Tomo 1. Summa in 2. edit. cap. 150. num. 8. concl. 8. *Valentia* 2. 2. disp. 5. p. 5. in finem. *Sayrus* l. 9. cap. 15. num. 22. *Petrus Ledesma* 2. Tom. tract. 8. cap. 21. num. 2. *Lopez* p. 1. cap. 93. col. 2. quaest. 2. *Nauar.* l. 3. de restitut. cap. 1. p. 1. dub. 5. a num. 52. *Rebell.* p. 1. l. 3. quaest. 15. sect. 1. num. 30. *Maior* in 4. dist. 1. 15. quaest. 25. *Ioan. Medina* Cod. de restitut. quaest. 10. *Sotus* lib. 5. de Iust. quaest. 3. art. 5. ad 3. *Mercado* l. 3. de contract. cap. 4. fol. 129. *Couar.* l. 1. var. cap. 3. num. 11. *Corduba* Summa, quaest. 70. p. 2. *Bartholomeus Medina* l. 2. quaest. 88. art. 4. ad 3. *Vasquez* ibi disp. 146. cap. 2. num. 5. *ibi Zumel* art. 4. *Aragon* 2. 2. quaest. 66. art. 6. *Salon. ibi,* controu. 3. quaest. 20. *Azor.* tomo 1. lib. 4. cap. 9. quaestio 11. *Reginaldus* T. 1. l. 23. cap. 1. quaest. 4. *Ledesma* T. 2. tract. 8. cap. 10. *Tannerus* disp. 4. quaest. 8. dub. 6. *Megala* 2. 2. l. 2. cap. 1. quaest. 3. num. 23. *Caspens.* tract. 18. disp. 5. sect. 5. *Faust.* in thesi. l. 8. quaest. 189. *Baffaeus, v.* Furtum, t. 1. n. 8. *Loquuntur autem etiamsi a multis auferantur furtula. Hanc ait Diana amplexandam, addens aliquas appendices cum Baffaeo. Requiritur sane moralis continuatio. Addunt respectu alicuius saltem communitatis esse debere tale damnum.*

14 The reason is, because from that last petty theft, joined to the others, a notable injury is composed; for even if no damage is inflicted on one only, nevertheless it is inflicted on the Republic; otherwise someone could enrich himself by taking an obol from each individual workman.

> *Ratio est quia ex ultimo illo furtulo, adiancto aliis, componitur notabilis iniuria; nam, etiam si uni tantum non inferatur damnum, infertur nihilo-minus Reipublicae; alioqui posset aliquis ditari, auferendo a singulis tegnicolis obolum.*

15 Nor does the distinction of the first opinion please; for to retain and to usurp is the same sin: Therefore he who sins mortally by retaining sins also by usurping. See Sanchez *Tomo 1. decal. lib. 2. cap. 4. num. 10.*

Neqve placet ea distinctio primae opinionis; nam retinere, et usurpare est idem peccatum: Ergo qui peccat mortifere retinendo, peccat etiam usurpando. Vide Sanchez Tomo 1. decal. lib. 2. cap. 4. num. 10.

16 This seems to be the sentence of D. Bonauentura *in Confessionali, cap. 5. part. 20.* where he notes the penalties given for false measures and weights *ex C. Mogunt.* namely thirty days on bread and water, and he adds various penalties of exile; and as if concerning falsifying. And *Lex Cornelia, and tit. de ordin. circa Amenam, circa finem.* Hence a grave argument is drawn: If those petty thefts from various persons were allowed, without restitution or grave guilt, grave evils of false measures and weights could be poured into the Republic. But S. Bonaventure places these there in order with respect to the matter necessary for confession.

Haec videtur sententia D. Bonauenturae in Confessionali, cap. 5. part. 20. *ubi observat poenas datas pro falsis mensuris, et ponderibus* ex C. Mogunt. *nempe triginta dies in pane, et aqua, et addit varias poenas exilii; et tanquam de falso. Et* Lex Cornelia, et tit. de ordin. circa Amenam, circa finem. *Hinc eruitur grave argumentum: Si licerent illa furtula a diversis, absque restitutione, vel culpa gravi; inuehi possent in Rempublicam gravia mala mensurarum, et ponderum falsorum. Ibi autem ponit S. Bonau. haec ex ordine ad materiam confessionis necessariam.*

17 Moreover, that a very small quantity added to the others, and with them constituting grave matter, makes a mortal sin, not indeed a solitary one but with the others, the Doctors commonly judge, a long list of those reported by Fagundez *in septimum Praeceptum decal. l. 7. cap. 5. num. 4.* and they are almost in the manner alleged.

Porro quantitatem paruulam, additam caeteris, et cum eis constituentem materiam gravem, facere peccatum mortale, non quidem solitariam, sed cum caeteris, sentiunt communiter Doctores, longa tessera relati a Fagundez in septimum Praeceptum decal. l. 7. cap. 5. num. 4. *et sunt fere modo allegati.*

18 Truly, indeed, in the external forum there is no heaping up of several moderate thefts to one penalty of death, as Iason says *in Leg. si idem cum eodem, num. 3. and 4. ff. de iudic. omnium iudicum*, where Decius *num. 1. and 16.* and Claudius *num. 1.* and Farinacius *consilio 78. num. 3.*

Vere quidem in foro externo non fit coaceruatio plurium modicorum furtorum ad unam poenam mortis, ut ait Iason in Leg. si idem cum eodem, num. 3. et 4. ff. de iudic. omnium iudicum*, ubi Decius* num. 1. et 16. *et Claudius* num. 1. *et Farinacius* consilio 78. num. 3.

19 But Diana limits the second sentence: those trifling things are gathered into one, if the mass is made from the same kind of business, or from the mind of enriching oneself. Thus also Rebell. *p. 1. l. 3. quaest. 15. sect. 3. num. 44.* Tanner. *t. 3. disp. 4. quaest. 6. dub. 9. num. 247.* Bonac. *de contract. disput. 2. quaest. 8. puncto 2.* But this reason does not please Sanchez *Sum. t. 2. l. 7. cap. 21. num. 16.* and deservedly; for what reason is there for the taking to be mortal, if the grave matter coalesces from different businesses?

Limitat vero Diana secundam sententiam, tunc illa minima in unum conglobari, si massa fiat ex eodem negotii genere, vel animo ditescendi. Ita etiam Rebell. p. 1. l. 3. quaest. 15. sect. 3. num. 44. *Tanner.* t. 3. disp. 4. quaest. 6. dub. 9. num. 247. *Bonac.* de contract. disput. 2. quaest. 8. puncto 2. *Sed haec ratio non placet Sanchez* Sum. t. 2. l. 7. cap. 21. num. 16. *et merito; quae enim ratio auferendi mortale, si i diuersis negotiis materia gravis coalescat?*

20 Next he says, those petty thefts coalesce into one when between them there is not a great interpolation of time; and it will be notable, according to Sanchez and others, if it is of one year, or according to Filliucius *Tomo 2. tract. 31. cap. 10. num. 244.* and Diana, of one month, or half.

Deinde ait, illa furtiola in unum coalescere, quando inter illa non sit magna temporis interpolatio; erit autem notabilis secundum Sanchez, et alios, si sit unius anni, vel secundum Filliucium Tomo 2. tract. 31. cap. 10. num. 244. *et Dianam, si unius mensis, vel dimidii.*

21 He adds, third, that a much greater quantity is required to constitute mortal matter, and the fault is the smaller the more numerous are the owners into whom the damage is divided. Thus also Sanchez *num. 17.* Rebell. *num. 43.* Megala *2. 2. l. 2. cap. 1. quaest. 5. num. 36.* Less. *l. 2. cap. 12. disp. 8. num. 46.* and Diana concludes that a double quantity is required than in other thefts.

Addit tertio, multo maiorem quantitatem exigi ad constituendam materiam mortalem et eo minorem esse culpam, quo plures sunt domini, in quos diuiditur damnum. Ita etiam Sanchez num. 17. *Rebell.* num. 43. *Megala* 2. 2. l. 2. cap. 1. quaest. 5. num. 36. *Less.* l. 2. cap. 12. disp. 8. num. 46. *et concludit Diana, duplam quantitatem exigi, quam in aliis furtis.*

22 He says, fourth, that the said sentence has no place with respect to the trifling thefts of eatables, which are committed by servants and maidservants, that they may eat. Thus also Megala *num. 43.* Lessius *num. 48.* Nauar. *cap. 17. n. 138.* Reginald. *Tom. 2. lib. 23. cap. 1. num. 22.* Petrus Nauar. *de restit. l. 3. cap. 1. num. 5. dub. 6. num. 202.* Sayrus *l. 9. cap. 15. num. 17.* Bannes *2. 2. quaest. 66. art. 6.* Caietanus, v. *Furtum*, and others in Fagundez *lib. 7. cap. 11.*

Dicit quarto, dictam sententiam non habere locum quoad exigua furta esculentorum, quae committuntur a servis, et ancillis, ut comedant. Ita etiam Megala num. 43. *Lessius* num. 48. *Nauar.* cap. 17. n. 138. *Reginald.* Tom. 2. lib. 23. cap. 1. num. 22. *Petrus Nauar.* de restit. l. 3. cap. 1. num. 5. dub. 6. num. 202. *Sayrus* l. 9. cap. 15. num. 17. *Bannes* 2. 2. quaest. 66. art. 6. *Caietanus, v.* Furtum*, et alii apud Fagundez* lib. 7. cap. 11.

23 Finally he notes, that those stealing thus are not held under mortal fault to restitution of the whole stolen quantity; but only to that part, upon the restitution of which the notable quantity ceases, sought for mortal theft. Thus Aragon. *2. 2. quaest. 66. art. 6.* Rebell. *p. 1. l. 3. quaest. 15. sect. 4. num. 29.* Megala *2. 2. l. 2. cap. 1. quaest. 5. num. 25.* Nauar. *de restit. lib. 3. cap. 1. p. 10. dub. 8. num. 62.* Filliuc. *tom. 2. tract. 31. cap. 10. num. 247.* and others, to whom Caspensis subscribes *Tract. 18. sect. 9.* Baff. *v. Furtum 1. num. 8.*

Notat denique, sic furantes non teneri sub culpa mortifera ad restitutionem totius quantitatis furatae; sed tantum ad illam partem, qua restituta, cessat notabilis quantitas, ad furtum mortale petita. Sic Aragon. 2. 2. quaest. 66. art. 6. *Rebell.* p. 1. l. 3. quaest. 15. sect. 4. num. 29. *Megala* 2. 2. l. 2. cap. 1. quaest. 5. num. 25. *Nauar.* de restit. lib. 3. cap. 1. p. 10. dub. 8. num. 62. *Filliuc.* tom. 2. tract. 31. cap. 10. num. 247. *et alii, quibus subscribit Caspensis* Tract. 18. sect. 9. *Baff.* v. Furtum 1. num. 8.

24 This, however, does not please me; for restitution is compelled by justice gravely injured; but the injury is grave by reason of the whole, not of the particle alone, and although this raises it up to matter grave, it is not alone, nor the greater part.

Id tamen non placet; nam restitutio cogit ex iustitia laesa graviter; at laesio gravis est ratione totius, non autem solius particulae, etsi haec auget ad materiam usque grauem, non est sola, neque maior pars.

25 He adds also another question: Whether a Religious, gradually filching eatables for his own use together with another companion, sins mortally when they reach a grave quantity: *He answers* negatively, and alleges many Doctors.

Addit etiam aliam quaestionem: An Religiosus paulatim surripiens comestibilia ad proprium usum cum alio sodali, lethaliter peccet cum perveniunt ad quantitatem gravem: Respondet *negative, et multos allegat Doctores.*

26 From what has been said it also follows that, if many together, each stealing a little, steal from one, so that they make grave matter, all are held in solidum to restitution. Thus Sanchez *Tomo 2. Decal. l. 7. cap. 21. num. 19.* Petrus Navar. *l. 3. de restit. cap. 1. num. 41.* Less. *l. 2. cap. 12. dub. 9.* Fagundez *l. 7. cap. 14.* Bassaeus *num. 9.* Understand this, if they agree on the petty thefts by communicated counsel.

Ex dictis etiam sequitur, quod si multi simul, paucula singuli, ab uno furentur, quae faciant materiam gravem, tenentur omnes in solidum restitutioni. Ita Sanchez Tomo 2. Decal. l. 7. cap. 21. num. 19. *Petrus Navar.* l. 3. de restit. cap. 1. num. 41. *Less.* l. 2. cap. 12. dub. 9. *Fagundez* l. 7. cap. 14. *Bassaeus* num. 9. *Intellige, si ad furtula communicato consilio conveniant.*

27 But if not by communicated counsel, yet accomplices of one another's theft, advertent of the notable damage; whether they sin mortally is asked.

Quod si non communicato consilio, conscii tamen alter alterius furti, advertentes notabile damnum; an peccent mortaliter, quaeritur.

28 They commonly answer affirmatively. See the Doctors in Bassaeum, Fagundez *num. 14.* Yet others deny, in the same *ibi, num. 6.* and Sanchez *T. 2. decal. l. 7. cap. 21. num. 21.* Caspensem *tract. 18. disp. 5. sect. 9.* and Diana *p. 1. Tract. 17. resol. 42.* Vasquez *p. 25. disp. 146. num. 6.*

Communiter respondent assertive. Vide Doctores apud Bassaeum Fagundez num. 14. *Alii tamen negant apud eosdem* ibi, num. 6. *et Sanchez* T. 2. decal. l. 7. cap. 21. num. 21. *Caspensem* tract. 18. disp. 5. sect. 9. *et Dianam* p. 1. Tract. 17. resol. 42. *Vasquez* p. 25. disp. 146. num. 6.

29 *You will object.* If by proceeding from an obol to a ducat there is a certain quantity which makes a mortal sin; and what is less is not a mortal sin: Therefore every theft will be by its nature either mortal or venial, because it is incredible that by the addition of one obol the matter of sin can be so changed, that what was venial becomes mortal.

Obiicies. *Si ab obolo ad ducatum progrediendo est certa quaedam quantitas, quae faciat peccatum mortale; et quae minor, non est peccatum mortale: Ergo omne furtum erit natura sua aut mortale, aut veniale, quia incredibile est, unius oboli additione materiam peccati adeo posse mutari, ut quod erat veniale fiat mortale.*

30 Tanner. ANSWERS *num. 122.* by denying the consequence, because prudent estimation and the providence of God require that one finally arrive at a notable quantity, which will easily be persuaded if we consider also in natural things that the last degrees of quality dispose to the induction of a substantial form; thus the last particle of water hollows out the stone, sinks the ship; the last blow kills.

Respondet *Tanner.* num. 122. *negando consequentiam, quia prudens aestimatio, et Dei providentia exigit, ut tandem perveniatur ad notabilem quantitatem, quod facile suadebitur, si consideremus etiam in naturalibus graduum qualitatis ultimo disponere ad formam substantialem inducendam, sic ultima particula aquae cavat lapidem, mergit navem; ultimus ictus interficit.*

Question VI: Whether in extreme, or urgent, necessity it is lawful to take what belongs to another

[1] All concede that in extreme necessity this is lawful. So teach the Doctors cited by Fagundez *in 7. praeceptum, l. 7. cap. 26.* Therefore in extreme necessity, dominion is thereby transferred — so many assert: Scotus *in 4. dist. 15. quaest. 2. §. ad argumenta,* Salon. *2. 2. quaest. 66. art. 7. concl. 1. controv. 1.,* Aragon. *2. 2. quaest. 32. art. 5.,* Azorius *Tomo 2. l. 12. cap. 8. quaestio 7.* and *cap. 9. quaestio 1.,* Sotus *l. 4. de Iust. quaest. 7. art. 1. ad 4.,* Sayrus *l. 10. tract. 5. cap. 6. num. 12.,* Suarez *de charitate disp. 7. sect. 5.,* Sylvest: *v. Restit. 5. num. 4.,* Tanner. *disp. 4. quaest. 8. n. 126.,* citing others.

> ***An in extrema, vel urgenti necessitate liceat aliena auferre.***
>
> *Omnes concedant, in extrema necessitate id licere. Ita docent Doctores apud Fagundez* in 7. praeceptum, l. 7. cap. 26. *Itaque in extrema necessitate Ita transferte dominium multi asserunt; Scotus* in 4. dist. 15. quaest. 2. §. ad argumenta *Salon.* 2. 2. quaest. 66. art. 7. concl. 1. controv. 1. *Aragon.* 2. 2. quaest. 32. art. 5. *Azorius* Tomo 2. l. 12. cap. 8. quaestio 7. *et* cap. 9. quaestio 1. *Sotus* l. 4. de Iust. quaest. 7. art. 1. ad 4. *Sayrus* l. 10. tract. 5. cap. 6. num. 12. *Suarez* de charitate disp. 7. sect. 5. *Sylvest:* v. Restit. 5. num. 4. *Tanner.* disp. 4. quaest. 8. n. 126. *alios adducens.*

[2] Others, however, deny that dominion is transferred to the person in extreme need. So Medina *Cod. de restit. quaest. 3.,* Nauar. *Sum. cap. 17. num. 61.,* Tolet. *l. 5. cap. 24. num. 10.,* Lessius *l. 2. cap. 16. disp. 1. num. 8.,* Bellarminus *T. 3. l. 3. de bonis operibus, cap. 8.,* Vasquez *opusc. de eleem. cap. 1. dub. 6.,* Malderus *Tract. 4. cap. 7. dub. 7. §. respondeo,* Fagundez *l. 7. cap. 26. num. 7.,* Couar. *2. p. var. §. 1.*

> *Alii tamen negant, transferti dominium in egentem extreme. Ita Medina* Cod. de restit. quaest. 3. *Nauar.* Sum. cap. 17. num. 61. *Tolet.* l. 5. cap. 24. num. 10. *Lessius* l. 2. cap. 16. disp. 1. num. 8. *Bellarminus* T. 3. l. 3. de bonis operibus, cap. 8. *Vasquez* opusc. de eleem. cap. 1. dub. 6. *Malderus* Tract. 4. cap. 7. dub. 7. §. *respondeo. Fagundez* l. 7. cap. 26. num. 7. *Couar.* 2. p. var. §. 1.

[3] As regards D. Bonaventure, he certainly sides with the first opinion, *in speculo animae, cap. 2.,* where he says: *A man may take the property of another out of extreme or urgent bodily necessity, because in necessity all things are common, and then it ought not to be called theft, for what he takes in necessity is his own, or even out of the necessity of another.* Hence Ambrosius, *in Dom. 8. post Pentec. serm. 64: The bread of the hungry is what you keep back.* Along with him, besides those already cited, are Sarmiento *1. p. ment. 4. n. 5.* and Caspens. *Tract. 18. disp. 5. sect. 6.*

> *Quoad D. Bonav. ille profecto est cum priori sententia* in speculo animae, cap. 2. *ubi ait:* Potest aliquis rem alterius pro extrema, vel urgenti necessitate corporis accipere, quia in necessitate omnia sunt communia, et tunc furtum dici non debet, quia suum est quod in necessitate accipit, vel etiam pro necessitate alterius: *Unde Ambrosius* in Dom. 8. post Pentec. serm. 64: Esurientium panis est, quem tu detines; *Cum eo praeter allegatos sunt Sarmiento* 1. p. ment. 4. n. 5. *Caspens.* Tract. 18. disp. 5. sect. 6.

[4] From this it is deduced, with the first opinion, that one who has taken something in extreme necessity is not bound to restore its value if he should come to better fortune.

> *Ex quo deducitur cum prima sententia, eum, qui in extrema necessitate abstulit aliquid, non teneri valorem restituere, si ad pinguiorem fortunam veniat.*

[5] The foundation of D. Bonaventure is most solid, because property was introduced by the law of nations, after the usurpation of things which before were common; yet on this condition, that others

should not perish from poverty. Wherefore in extreme necessity all things are common, not only as regards use, and they belong to the first who takes them, unless the same necessity presses upon the possessor; nor is it absurd that the same thing should be common to the use of several, even if we concede that dominion in consumables is not separated from use, once that independence is added to use which surely in our case must be added; then dominion is transferred to the person in extreme need for the time being, and it is no longer the possessor's. I said in consumables; for as regards other things only the use is transferred, as if someone were compelled to take a horse to avoid death, so as to make a swift flight; then that horse must be restored after use. By this doctrine whatever Fagundez opposes in *num. 6.* is washed away — that is, that this foundation is weak; for thus it is explicit, unshaken, strengthened by the common opinion of the Doctors, and is founded also on *§. cum in eadem, ff. ad Legem Rhodiam, de iactu*, where he declares that in extreme necessity things are held in common.

> *Fundamentum D. Bonav. solidissimum est, quia proprietas invecta est iure gentium, post usurpationem rerum, quae ante erant communes; hac tamen conditione, ut caeteri ex paupertate non perirent. Quare in extrema necessitate omnia sunt communia, non solum quoad usum, et sunt primo occupantur, nisi eadem necessitas instet possidenti; Neque absurdum est, eandem rem esse communem usurpationi plurium, etsi etiam concedero, dominium in consumptibilibus ab usu non separari, addita usui independentia, quae sane in casu nostro addi debet; iam dominium transfertur ad extreme egentem pro tunc, et non est possessoris. Dixi in consumptibilibus; nam quoad alia transfertur solus usus, ut si aliquis ad vitandam mortem cogatur auferre equum, ut fugam celerem arripiat; iam ille equus post usum restituendus est. Qua doctrina eluitur quidquid opponit Fagundez* num. 6. *tatus, hoc esse fundamentum infirmum; sic enim explicitum, est inconcussum, et communi sententia Doctorum solidatum, et fundatur etiam,* §. cum in eadem, ff. ad Legem Rhodiam, de iactu, *ubi in necessitate extrema res communicari declarat.*

6 Nor let Fagundez say that things become common as to use only, not as to dominion; for once independence is added to use, dominion is joined to it, as I showed in the first question.

> *Neque dicat Fagundez, fieri communia quoad usum tantum, non quoad dominium; nam addita usui independentia, adiungitur dominium, ut ostendi quaestione prima.*

7 The greater difficulty is: whether in necessity that is not extreme, yet nevertheless grave and urgent, it is lawful to seize the property of another by one's own authority.

> *Maior difficultas est: An in necessitate etiam non extrema, sed tamen gravi urgenti liceat propria authoritate rapere aliena.*

8 The first opinion is that in grave necessity of sickness, hunger, or nakedness, such taking is licit. So Petrus Nauar. *l. 3. de restit. cap. 1. dub. 5. num. 367.*, Angelus *v. Furtum, §. 37.*, Sà *v. Furtum.*, Nauar. *Summae l. 1. c. f. 17. num. 118.*, Medina *Cod. de eleem. quaest. 3. et de restit. quaest. 3. causa 1.*; and Lessius indicates it is probable, *T. 1. l. 2. cap. 22. dub. 12. num. 71. et cap. 16. dub. 1. num. 17. et 18.*, as do Vasquez *de eleem. cap. 1. disp. 7. num. 60.*, Malderus *tract. 4. cap. 7. dub. 1.*, Caspensis *Tract. 18. disp. 5. sect. 6.*, Bonacina *de contract. disp. 11. quaest. ult. p. 1. num. 32.*, Diana *p. 1. tract. 17. resol. 29.*

> *Prima opinio est, in gravi necessitate morbi, famis, nuditatis, eam acceptionem esse licitam. Sic Petrus Nauar.* l. 3. de restit. cap. 1. dub. 5. num. 367. *Angelus* v. Furtum, §. 37. *Sà* v. Furtum. *Nauar.* Summae l. 1. c. f. 17. num. 118. *Medina* Cod. de eleem. quaest. 3. et de restit. quaest. 3. causa 1. *et probabilem indicat Lessius* T. 1. l. 2. cap. 22. dub. 12. num. 71. et cap. 16. dub. 1. num. 17. et 18. *Vasquez* de eleem. cap. 1. disp. 7. num. 60.

Malderus tract. 4. cap. 7. dub. 1. *Caspensis* Tract. 18. disp. 5. sect. 6. *Bonacina* de contract. disp. 11. quaest. ult. p. 1. num. 32. *Diana* p. 1. tract. 17. resol. 29.

9 The second opinion teaches that it is not licit in urgent necessity to take the goods of another: so Sotus *l. 5. de Iust. quaest. 3. art. 4.*, Salon. *2. 2. quaest. 66. art. 7. controv. 1.*, Valentia *tom. 3. disp. 5. quaest. 10. punct. 5. dub. 1.*, Sayrus *l. 9. cap. 14. num. 17.*, Sylvest. *v. restit. 5. num. 2.*, Lessius *r. t. de Iust. l. 2. cap. 12.*, Fagundez *in 7. praeceptum decal. l. 7. cap. 27. num. 5.*, Azor. *p. 2. l. 12. cap. 8. quaest. 8.*, Turtianus *2. 2. disp. 88. dub. 8.*, Reginaldus *T. 1. l. 4. cap. 20. num. 267.*, Caiet. *2. 2. quaest. 66. art. 7.*, Tanner. *disp. 4. quaest. 8. num. 126.*; but Bassaeus, *v. Furtum 1. num. 12.*, remains wavering, as is his custom.

Secunda sententia docet, non esse licitum in urgenti necessitate res alienas usurpare: Ita Sotus l. 5. de Iust. quaest. 3. art. 4. *Salon.* 2. 2. quaest. 66. art. 7. controv. 1. *Valentia* tom. 3. disp. 5. quaest. 10. punct. 5. dub. 1. *Sayrus* l. 9. cap. 14. num. 17. *Sylvest.* v. restit. 5. num. 2. *Lessius* r. t. de Iust. l. 2. cap. 12. *Fagundez* in 7. praeceptum decal. l. 7. cap. 27. num. 5. *Azor.* p. 2. l. 12. cap. 8. quaest. 8. *Turtianus* 2. 2. disp. 88. dub. 8. *Reginaldus* T. 1. l. 4. cap. 20. num. 267. *Caiet.* 2. 2. quaest. 66. art. 7. *Tanner.* disp. 4. quaest. 8. num. 126. *Bassaeus vero* v. Furtum 1. num. 12. *pendulus, ex more, existit.*

10 The Seraphic Doctor plainly stands with the first opinion, as is clear from his words cited above.

Seraphicus aperte stat pro priori sententia; ut constat ex verbis eius, supra allegatis.

11 I assert therefore that in urgent necessity it is lawful to take what is necessary.

Assero igitur, licere in urgenti necessitate auferre necessarium.

12 It is proved first from D. Bonaventure, because the division of goods was ratified, yet so that others, from whom they had been wrested — naked, hungry, sick — should not lie cast off like aborted children; for this reason Christ, describing himself as King of Kings, *Matth. 25.*, gravely threatens with his saying against those who in grave necessity had refused to clothe the naked, feed the hungry, visit and help the sick, and he protests that an injury was done to him as supreme Lord of goods, who had transferred dominion to those in grave need.

Probatur primo a D. Bonav. quia divisio rerum rata fuit, ne tamen alii, quibus ereptae erant nudi, famelici, aegroti, tanquam abortivi proiecti iacerent; ideo enim graviter Christus, ut Regem Regum se describit Matth. 25. *lus dicentem contra eos, qui in gravi necessitate negauerint nudos vestire, fame iacentes pascere, aegrotos visitare, et adiuvare, et protestatur, iniuriam sibi factam, tanquam supremo Domino rerum, qui dominium transtulerat in graviter egentes.*

13 *So Ezech. 16. This was the iniquity of thy sister Sodom: pride, fullness of bread, and abundance: and they did not stretch forth their hand to the needy and the poor.* Therefore since the rich man is bound to give that thing (if only out of charity, if not out of justice), he is treated unjustly if it is taken from him against his will.

Sic Ezech. 16. Haec fuit iniquitas Sororis tuae, superbia, saturitas panis, et abundantia: et manum egeno, et pauperi non porrigebant. *Igitur cum teneatur (esto saltem ex charitate, si non ex iustitia,) dives, dare rem illam; inique invitus est, si ei aufertur.*

14 *RESPONDET* Fagundez *num. 5.*: he is indeed bound to give, but not to this man or to THAT man. Therefore he is unjustly deprived of this liberty, when he is compelled to leave it to this man.

RESPONDET *Fagundez* num. 5. *teneri quidem dare, sed non huic, vel ILLI. Igitur est inique privatus hac libertate, dum cogitur relinquere huic.*

15 This foundation, however, collapses before Vasquez. And indeed he is bound to give to the needy who present themselves, as is said in *Matth. 25.*, nor is he free so as to be able to pass over this one and seek another in Galicia, even if he has nothing wherewith to relieve all.

> *Hoc tamen fundamentum apud Vasquez ruit. Et quidem tenetur occurrentibus egenis dare, ut dicitur* Matth. 25. *neque liber est, ut possit relinquere hunc, et quaerere in Gallaecia alium, etiamsi non habeat, unde omnibus succurrat.*

16 *OBIICIUNT. Cap. si quis de furtis,* where a penalty is imposed upon one who steals in grave necessity; but a penalty presupposes guilt: therefore.

> OBIICIUNT. Cap. si quis de furtis, *ubi imponitur poena furanti in gravi necessitate: Sed poena supponit culpam: Ergo.*

17 *RESPONDET* S. Thom. *quaest. 66. art. 7. ad 1.*: the Decretal speaks of a necessity that is not urgent. Caspensis subscribes. This canon D. Bonaventure cites in the Confessionale, *cap. 3. particula 55.*

> RESPONDET *S. Thom.* quaest. 66. art. 7. ad 1. *Decretalem loqui de necessitate non urgenti. Subscribit Caspensis. Hunc canonem refert D. Bonav. in Confessionali,* cap. 3. particula 55.

18 *DEINDE cap. 4. particula 2.* he says that no penance is to be imposed upon thieves, because they are incapable, unless they restore. He supposes, therefore, that the Decretal does not condemn as theft the taking by one in grave, urgent necessity; but him who does not take in grave necessity so urgent that he could avoid taking the property of another; for in urgent necessity he asserts it is not theft, as I said above, citing the words of the S. Doctor.

> DEINDE cap. 4. particula 2. *ait, furibus nullam poenitentiam imponendam; quia sunt incapaces, nisi restituant. Supponit igitur, Decretalem, non damnare furti auferentem in gravi necessitate urgenti; sed eum qui non aufert in gravi, adeo ut possit evitare ereptionem rei alienae; nam in urgenti necessitate asserit, non esse furtum, ut dixi supra, referens verba S. Doctoris.*

Question VII: On the thefts of religious

1 BASSEUS, *v. Furtum, 2. num. 6.*, says that a religious who takes things of the monastery that are not necessary, or without leave, is a thief to the same extent as laymen stealing their own goods.

> *BASSEUS,* v. Furtum, 2. num. 6. *ait, capientem e rebus monasterii non necessariis, vel sine licentia, quantum saeculares de suis, esse furem.*

2 Religious indeed do not undergo the lot of servants, but of sons, as D. Bonaventure teaches in *Apolog. pauperum, respon. 3. cap. 1.*, and it is clear *ex C. litteris, de sepultur. in 6. et Leg. qui in potestate, ff. de testamen. et Authent. Ingressi. Cod. de Sacrosanctis Ecclesiis*, Nauar. *cap. Non dicatis 12. quaest. 1. num. 61.*, Sanchez *l. 7. de Relig. cap. 21. num. 31.*, Rebell. *p. 1. lib. 3. quaest. 15. s. 8. 3. num. 22.* Hence the jurists do wrong when they count them among their own, wishing that whatever they acquire should accrue to the monastery, in the manner of servants.

> *RELIGIOSI sane non servorum sortem subeunt, sed filiorum, ut docet D. Bonavent. in* Apolog. pauperum, respon. 3. cap. 1. *et patet* ex C. litteris, de sepultur. in 6. et Leg. qui in potestate, ff. de testamen. et Authent. Ingressi. Cod. de Sacrosanctis Ecclesiis, *Nauar.* cap. Non dicatis 12. quaest. 1. num. 61. *Sanchez* l. 7. de Relig. cap. 21. num. 31. *Rebell.* p. 1. lib. 3. quaest. 15. s. 8. 3. num. 22. *Unde male Iurisperiti eos inter suos computant, volentes, eos acquirere Monasterio, more servorum, quidquid acquirunt.*

3 From these texts the Doctors deduce, as is indicated *quaest. 4. in fine*, that thefts of religious are to be considered in the manner of thefts of sons of the family, not of the very rich, but of the middling, and consequently that five silver pieces, or thereabouts, are grave matter; although Caspensis, cited there, requires something more, and Fagundez *l. 7. cap. 5. num. 15.* two hundred denarii, that is, ten crowns.

> *Ex his deducunt Doctores indicari* quaest. 4. in fine*, furta Religiosorum consideranda ad modum furtorum filiorumfamilias, non ditissimorum, sed mediocrium, atque adeo quinque argenteos, vel circiter esse materiam gravem; etsi Caspensis, ibi adductus, aliquid amplius exquirat, et Fagundez* l. 7. cap. 5. num. 15. *ducentorum dipendiorum, seu vingenatum decem.*

4 ONE of the conditions excusing religious from theft and from proprietary guilt is that it be of edible things for one's own use; if this is licit for servants, as I showed *quaest. 5.*, much more is it licit for sons to consume some edibles.

> *UNA, e conditionibus excusantibus religiosos a furto, et proprietate, est, si sit de rebus comestibilibus ad proprium usum, quod si licet servis, ut ostendi* quaest. 5. *multo magis licet filiis aliqua comestibilia consumere.*

5 But for giving away, they held that one ought not exceed the value of three giulii: so thought Bartholom. a S. Fausto *Thesauro, l. 8. quaest. 218.* and Paulinus Berti on the Bull of Clement VIII on the giving of gifts. See also Fabrum *in 4. disput. 45. cap. 5. num. 122.* and Diana *p. 1. Tract. de paupertate Religiosa, resol. 14.*

> *AD largiendum vero, non debere excedere valorem trium Iuliorum, sensere Bartholom. a S. Fausto* Thesauro, l. 8. quaest. 218. *Paulinus Berti super Bullam Clement. VIII. de largitione munerum. Vide etiam Fabrum* in 4. disput. 45. cap. 5. num. 122. *Dianam* p. 1. Tract. de paupertate Religiosa, resol. 14.

6 IN MY judgment the opinion of Suarez seems discerning, *T. 3. de relig. l. 8. cap. 11. num. 41.*, where he thus asserts:

> *MIHI sententia Suarez videtur discreta* T. 3. de relig. l. 8. cap. 11. num. 41. *ubi sic asserit.*

7 Of the goods of the monastery, consumable in use, namely those pertaining to food and drink, if something is taken by religious for their own actual, so to speak, and transitory use, it does not regularly seem to be mortal sin, unless the damage to the Religion would be excessive, and in something extraordinary and more precious; outside a case of this kind, the things are considered of lighter condition. And although the prelates dislike this, they are not yet so unwilling that they regard it as grave matter in respect of poverty, but only in respect of decorum and religious perfection.

> *De bonis Monasterii, usu consumptibilibus, pertinentibus scilicet ad cibum, et potum, si tantum ad proprium usum actualem, ut sic dicam, et transitorium, a Religiosis aliquid sumatur, regulariter non videtur peccatum mortale, nisi inde damnificatio Religionis esset nimia, et in re extraordinaria, et pretiosiori; extra huiusmodi vero casum, res reputantur levioris conditionis. Et quamvis praelatis hoc displiceat, non tamen ita sunt involuntarii, ut illam reputent materiam gravem in ordine ad paupertatem, sed solum in ordine ad decentiam, et perfectionem Religiosam.*

8 IT IS ADDED that religious are treated as sons as regards the use of such things; but between parent and son a similar act is not considered grave; it would be otherwise, however, if such things were taken in great quantity, and retained secretly, and little by little consumed, for that could be grave sin, although great prudence is necessary to discern it in the particular case. So Suarez, with whom Diana is pleased, *p. 1. Tract. 6. de paupertate, resol. 30.* See also Sanchez *T. 2. l. 7. cap. 19. num. 53.*,

Tanner *2. 2. disp. 7. quaest. 1. dub. 4. num. 106.*, where he says: *Not even all the severity of Prelates can render such takings, as regards the substance of the thing taken, unjust.* See again Diana *ibi, resol. 35.*

> *ACCEDIT, quod Religiosi quoad usum huiusmodi rerum tractantur ut filii; inter parentem autem, et filium non censetur similis actio gravis; secus vero esset, si huiusmodi res in magna quantitate acciperentur; et occulte retentae, paulatim consumerentur, nam illud posset esse grave peccatum, quamvis ad id discernendum in particulari magna prudentia necessaria sit. Ita Suarez, cui arridet Diana* p. 1. Tract. 6. de paupertate, resol. 30. *Vide etiam Sanchez* T. 2. l. 7. cap. 19. num. 53. *Tannerum* 2. 2. disp. 7. quaest. 1. dub. 4. num. 106. *ubi ait:* Nulla etiam Praelati severitas eiusmodi acceptiones, quoad substantiam rei acceptae, iniquas reddere potest. *Vide rursus Dianam* ibi, resol. 35.

9 LEDESMA in *addit. ad Summam, Tom. 2. cap. 4.* and Cenedo *tract. de paupertate Religiosa, dub. 20. num. 10.* place eight or nine reales as matter deadly for religious; but they require a greater quantity in edibles.

> *LEDESMA in* addit. ad Summam, Tom. 2. cap. 4. *et Cenedo* tract. de paupertate Religiosa, dub. 20. num. 10. *octo, vel novem Reales ponit materiam mortiferam in Religiosis; maiorem vero quantitatem in comestibilibus exigit.*

10 RODRIQUEZ, however, *Summa Tom. 4. cap. 118. num. 27. et 29.*, prescribes the sum of two gold coins for religious; the same Sotus taught, *de Iust. l. 4. quaest. 3. ad 3.*, as did Aragon. *2. 2. quaest. 66. art. 6. conclus. 3.*; but Diana is not pleased with it, *resol. 36.*

> *RODRIQUEZ vero* Summa Tom. 4. cap. 118. num. 27. et 29. *summam duorum aureorum praescribit religiosis; eam docuit etiam Sotus* de Iust. l. 4. quaest. 3. ad 3. *Aragon.* 2. 2. quaest. 66. art. 6. conclus. 3. *ea tamen non placet Dianae* resol. 36.

11 BASSEUS, with Miranda, in *Manuali prael. t. 1. quaest. 28. art. 17.*, thinks that a notable quantity in the thefts of religious is to be determined in the particular case, according to the difference of times, places, persons, Religions, and other circumstances, at the judgment of a good man. But Mendoza *quaest. 8. posit. de paupertate, concl. 9. num. 12.* teaches that two silver pieces are not a notable quantity. Ioan. de la Cruz *de statu relig. l. 1. c. 3. dub. 5.* and Sanchez *Summa Tom. 1. l. 7. cap. 20. num. 3. et 6.* think it to be four silver pieces. Diana subscribes. Bartholomaeus a S. Fausto *l. 8. quaest. 193. num. 2.* says that in the richest monasteries three silver pieces, in monasteries moderately endowed two silver pieces, but in poor ones one suffices for mortal proprietary guilt.

> *BASSEUS cum Miranda in* Manuali prael. t. 1. quaest. 28. art. 17. *putat, quantitatem notabilem in furtis Religiosorum determinandam esse in particulari, pro temporum, locorum, personarum, Religionum, et aliarum circumstantiarum differentia, arbitrio boni viri. Mendoza vero* quaest. 8. posit. de paupertate, concl. 9. num. 12. *docet, duos argenteos non esse quantitatem notabilem. Ioan. de la Cruz* de statu relig. l. 1. c. 3. dub. 5. et *Sanchez* Summa Tom. 1. l. 7. cap. 20. num. 3. et 6. *putant, esse quatuor argenteorum. Subscribit Diana, Bartholomaeus a S. Fausto* l. 8. quaest. 193. num. 2. t. *ait, in Monasteriis ditissimis, tres argenteos; in Monasteriis vero mediocriter dotatis, duos argenteos; in pauperibus vero, unum sufficere ad proprietatem mortalem.*

12 But our SANCTES, most poor, set one giulio, *in cap. 6. Regulae*; he did not remember that these thefts are committed against the most wealthy Pontiff. I confess, however, that they are committed from the pantry of the poor.

> *NOSTER vero Sanctes pauperrimus unum Iulium* in cap. 6. Regulae *posuit; Non recordabatur haec furta fieri ditissimo Pontifici; Fateor tamen ea fieri de pauperum penu.*

13 This is indeed a most poor opinion; for no one so religious is oppressed by it, nor does he himself rightly cite Navarrus. But this Doctor, in this as in many other decisions of the Rule, is severer than is altogether just.

> *QUAE sane pauperrima opinio est; neque enim ullus adeo religiosus opprimit, neque ipse recte affert Nauarrum. Sed hic Doctor in hac, sicut et in multis aliis decisionibus Regulae, est severior aequo nimium.*

14 Diana ADDS, *resol. 41., ex* Ioan. Cruz *de statu relig. lib. 1. comp. 3. dub. 3. concl. 3.*, that a religious may take a meal or other edibles, from Lopez *in Instruct. p. 1. cap. 6.*, who says: A religious may receive from laypersons some gifts of electuaries, or of heartening confections, two little vessels, or a pair of partridges, or hens, or something similar; but because in edibles of great value leave is not so easily presumed to be granted by the Superior, therefore one must proceed cautiously in such a case.

> *ADDIT Diana* resol. 41. ex *Ioan. Cruz* de statu relig. lib. 1. comp. 3. dub. 3. concl. 3. *posse Religiosum accipere prandium, aut alia comestibilia ex Lopez* in Instruct. p. 1. cap. 6. *dicente: Potest Religiosus accipere a saecularibus aliqua munera electuariorum, vel confectionum cordialium, bina vascula, vel par perdicum, vel gallinarum, vel aliquid simile; sed quia in comestibilibus magni valoris non praesumitur ita facile concedenda licentia a Superiore; ideo caute in tali casu procedendum.*

15 These things seem to me to be in the mind of D. Bonaventure, *in 4. dist. 15. p. 2. art. 2. quaest. 1.*, and in this way is to be understood *canon. 12. quaest. 1.*, where it is said: *It is certain that a monk ought to have, or give, or receive nothing without the leave of his superior, unless perhaps he who is in need is in extreme necessity; then he ought not obey the Abbot, for he would plainly act against God.* There he also teaches that there is no proprietary guilt unless it is expressly against the will of the Prelate. And he adds, *cap. 2. speculi animae*, these words: *Fourthly, concerning the theft of religious in the retention of their own property, it must be noted what Augustine says, serm. 1. ad Fratres in Eremo, about religious: If anyone conceal a thing entrusted to him, he shall be condemned by judgment of theft; but I understand this concealing, and having as one's own, when it is so concealed that, even if the Prelate should command in virtue of holy obedience that it be revealed, it would still be concealed. Nor do I otherwise understand it as mortal, unless when it is retained against the preceptive will of the Prelate.* This *must also be noted of religious, and stewards, and sons of the family, and wives, that they can commit theft if they notably damage the owners of goods in dispensing, against the will and intention of the owners; but when, out of an eye to piety, and even in procuring the common good, without evil intention, they give or dispense some things, it is not to be judged mortal.* The same, from D. Augustine, he reports *in speculo disciplinae ad Novitios, p. 1. cap. 4.*

> *Haec mihi videntur ad mentem D. Bonaventurae* in 4. dist. 15. p. 2. art. 2. quaest. 1. *et hoc pacto intelligendus* canon. 12. quaest. 1. *ubi dicitur:* Certum est, quod Monachus nihil habere, vel dare, vel accipere sine superioris licentia debet, nisi forte ille, qui indiget, sit in extrema necessitate, tunc non debet obedire Abbati, quia manifeste faceret contra Deum. *Ibi etiam docet, non esse proprietatem, nisi sit expresse contra voluntatem Praelati. Et addit* cap. 2. speculi animae *haec verba:* Quarto, circa furtum Religiosorum in retentione proprii, notandum est, quod dicit August. serm. 1. ad Fratres in Eremo de religiosis. Si quis rem sibi collatam celaverit, furti iudicio condemnetur; tunc autem intelligo, hoc celari, et habere proprii rationem, quando sic celatur, quod si etiam Praelatus in virtute sanctae obedientiae praeciperet, quod revelaretur; adhuc celaretur. Nec aliter intelligo mortale, nisi quando contra voluntatem Praelati praeceptoriam detinetur. *Hoc* etiam notandum de religiosis, et dispensatoribus, et filiisfamilias, et uxoribus, quod furtum possunt committere, si notabiliter Dominos rerum in dispensando damnificant contra voluntatem, et intentionem dominorum; cum autem intuitu pietatis etiam commune bonum

procurando, nec mala intentione dant aliqua, vel dispensant, non est iudicandum mortale. *Idem e D. August. refert* in speculo disciplinae ad Novitios, p. 1. cap. 4.

16 Where you have, first, that religious are numbered together with sons and wives in this matter. Secondly, that not only is presumed leave not necessary to avoid theft and religious proprietary guilt, but that retention against the will of the Prelate is required, even if it were preceptive, for him to be a proprietor.

Ubi habes primo, Religiosos cum filiis, et uxoribus connumerari in hoc. Deinde non solum licentiam praesumptam non esse necessariam ad vitandum furtum, et proprietatem religiosam; sed requiri retentionem contra voluntatem Praelati, etiamfi foret praeceptoria, ut is proprietarius sit.

17 This is indeed a tacit leave, while the prelates do not forbid, and it suffices, because tacit and express leave have the same force, *Leg. cum quod, ff. de rebus creditis, et cap. 2. de rescriptis*, and so teach Sanchez *l. 7. de Relig. cap. 9. num. 7.* and Fagundez *lib. 7. cap. 5. num. 12.*, who add that the use and received custom introduced in religion, of giving and receiving without leave for licit uses, excuses religious. The same must be said with respect to retention.

Haec sane est tacita licentia, dum praelati non prohibent, et haec sufficit, quia taciti, et expressi eadem est virtus, Leg. cum quod, ff. de rebus creditis, et cap. 2. de rescriptis*, et ita docent Sanchez* l. 7. de Relig. cap. 9. num. 7. *Fagundez* lib. 7. cap. 5. num. 12. *qui addunt usum, et consuetudinem receptam in religione invectam, dandi, et accipiendi absque licentia in licitos usus, excusare Religiosos. Idem dicendum in ordine ad retinendum.*

18 WHEREFORE the principal sign of proprietary guilt, which is to retain something without legitimate leave, as Navar. teaches, *C. non dicatis, 12. quaest. 1.*, Suarez *de Relig. T. 3. l. 8. cap. 12. num. 2.*, as is had in *C. Monachi, de statu Monachorum*, is removed, if he receives and retains with this intention, that if the Prelate should command, he would not wish to retain it.

Qvare praecipuum signum proprietatis, quod est retinere aliquid sine legitima licentia, ut docent Navar. C. non dicatis, 12. quaest. 1. *Suarez* de Relig. T. 3. l. 8. cap. 12. num. 2. *et habetur,* C. Monachi, de statu Monachorum, aufertur*, si accipiat, ac retineat ea intentione, quod si Praelatus praeciperet, ipse nollet retinere.*

19 For the S. Doctor considered that the grave penalties there enjoined are not to be imposed for any omission whatever of leave. For there it is ordered that they be removed from the altar unless they repent, and that in death they be deprived of suffrages and of Ecclesiastical burial if they die in that state, and in life be deprived for two years of active and passive voice, and formerly they were expelled from the monastery, as is had in *cap. cum ad Monasterium*. It is true that this penalty was corrected by *cap. Finale de regularibus*, as Sanchez notes, *l. 7. de Relig. cap. 20. num. 77.*, and Abbas on the aforesaid *C. Cum ad Monasterium, num. 13.*, and Fagundez *cap. 5. num. 13.*

Etenim S. Doctor consideravit, graves poenas, ibi iniunctas, non esse ob quamlibet omissionem licentiae iniungendas. Ibi enim praecipitur, ut removeantur ab altari, nisi resipiscant, et in morte priventur suffragiis, et sepultura Ecclesiastica, si in eo statu moriantur, et in vita priventur biennio voce activa, et passiva, et olim e Monasterio expellebantur, ut habetur cap. cum ad Monasterium. Verum est, hanc poenam esse correctam per cap. Finale de regularibus*, ut notant Sanchez* l. 7. de Relig. cap. 20. num. 77. *et Abbas* in C. praedicto. Cum ad Monasterium, num. 13. *et Fagundez* cap. 5. num. 13.

20 Sanchez notes very well, however, that the penalties of proprietary guilt are not incurred by those who give or receive without leave, but only by those who possess their own property; of these the *C.*

Monachi speaks.

> *Notat autem optime Sanchez, poenas proprietarii non incurri a dantibus, vel recipientibus, sine licentia, sed tantum a possidentibus proprium, de his vero loquitur* C. Monachi.

21 It must also be noted, in order to incur these penalties of proprietary guilt, that any private property whatever, or proprietary guilt, does not suffice, but it is required that a monk be found to have a great private store. But how great that store ought to be is not found treated among the Doctors, as Fagundez says, *num. 4.*; it is only found in Ioannes Andreas, *C. cum ad Monasterium, de statu Monach. numer. 4.*, Hostiensis *numero 7.*, Anchar. *num. 10.*, and others, that a proprietary monk is to be buried outside the Church with some part of money and of his own store found, in these words: *Let thy money be with thee unto perdition.* And they add that this part ought to be thirty silver pieces, because Christ the Lord was sold at that price, that is, three ducats. From this you have that the quantity ought to be much greater for one to be a proprietor; and thus Fagundez thinks it could be thirty ducats.

> *Notandvm etiam, ad incurrendas has poenas proprietatis, non sufficere qualecumque peculium proprium, aut proprietatem, sed opus esse, ut Monachus inveniatur habere magnum peculium. At quanta illius peculii quantitas esse debeat, non invenitur apud Doctores tractatum, ut ait Fagundez* num. 4. *solum reperitur apud Ioannem Andream,* C. cum ad Monasterium, de statu Monach. numer. 4. *et Hostiensem* numero 7. *Anchar.* num. 10. *et alios, debere Monachum proprietarium sepeliri extra Ecclesiam cum parte aliqua pecuniae, et peculii proprii inventi, his verbis:* Pecunia tua tecum sit in perditionem. *Et addunt, hanc partem debere esse tringinta argenteos, eo quod Christus Dominus eo pretio venundatus sit, hoc est, ducata tria. Ex quo habes maiorem ista quantitatem esse debere, ut sit proprietarius, et sic existimat Fagundez, esse posse triginta ducatorum.*

22 Secondly, a religious is EXCUSED from proprietary guilt by the presumed will of the superior for that occasion, and a certain epieikeia is said to apply. For this, however, it is necessary that the matter be pressing, and that the Superior be absent, so that he cannot be approached. So teaches D. Bonavent. *p. 1. Speculi disciplinae ad Novitios, cap. 4. in fine*, D. Thom. *2. 2. quaestione 32. articul. 8. ad 1.*, Lessius *Tom. 1. lib. 2. cap. 41. de statu religion. dub. 9.*, Lopes *p. 1. cap. 156.*, Rodriquez *Tomo 2. summae, cap. 31.*, whom Fagundez cites and follows, *in septimum Praeceptum, l. 7. cap. 5. num. 20.* Hence Suarez says, *Tomo 3. de Relig. lib. 9. cap. 9. num. 28.*: If a necessity of relieving a parent, gravely suffering and in need, should befall a Friar Minor of St. Francis, by accepting money offered by someone, and then he has no opportunity of going to his superior, and there is no hope of having another similar occasion, he may accept that money by epieikeia; he affirms the same moreover if the superior should unjustly deny him leave.

> *Excvsat secundo Religiosum a proprietate, praesumpta voluntas superioris pro illa vice, et dicitur quaedam epickeia. Ad hanc autem necessarium est, ut res urgeat, et ut Superior sit absens, ut nequeat adiri. Ita docet D. Bonavent.* p. 1. Speculi disciplinae ad Novitios, cap. 4. in fine *D. Thom.* 2. 2. quaestione 32. articul. 8. ad 1. *Lessius* Tom. 1. lib. 2. cap. 41. de statu religion. dub. 9. *Lopes* p. 1. cap. 156. *Rodriquez* Tomo 2. summae, cap. 31. *quos allegat, et sequitur Fagundez* in septimum Praeceptum, l. 7. cap. 5. num. 20. *Unde ait Suarez* Tomo 3. de Relig. lib. 9. cap. 9. num. 28. *Si Fratri Minori S. Francisci occurrat necessitas subveniendi parenti, graviter laboranti, et indigenti, accipiendo oblatam ab aliquo pecuniam, et tunc non habet opportunitatem accedendi ad superiorem, et non sit spes, aliam similem occasionem habendi, potest per epikeiam accipere pecuniam illam; idem insuper affirmat, si superior iniuste eam licentiam negaret.*

23 But they ASK: whether one who has applied epieikeia in this manner is bound afterwards to report to the superior. It is answered with D. Bonav.: if the thing still exists, and the superior can revoke or amend it, he is bound to report to the superior, that he may not be a proprietor. The same thought Sanchez *de Relig. lib. 7. cap. 19. num. 8.* and Fagundez *num 22.*

> *Qvaervnt autem: An qui tali modo Epikeiam adhibuit, teneatur postea superiori referre. Respondetur cum D. Bonau. si res adhuc extat, et potest superior revocare, vel emendare, tenetur referre superiori, ne sit proprietarius. Idem sensere Sanchez* de Relig. lib. 7. cap. 19. num. 8. *Fagundez* num 22.

24 But if he would probably not believe that the superior would revoke or amend it, he is not bound to approach him, even if the thing still exists. So Sanchez and Fagundez *loc. cit.*, Nauar. *in commentario, 2. num. 20. de regular. mendic. quaest. 8. quodlib. concl. 8.*, Graffius *p. 1. l. 3. cap. 5. num. 54.*

> *Si vero probabiliter non crederet, superiorem revocaturum, vel emendaturum, non tenetur eum adire, etiamsi res adhuc exstet. Ita Sanchez, et Fagundez* loc. cit. *Nauar.* in commentario, 2. num. 20. de regular. mendic. quaest. 8. quodlib. concl. 8. *Graffius* p. 1. l. 3. cap. 5. num. 54.

25 Further, to receive or to give with this intention, that afterwards we may wish to ask leave, the S. Doctor judges not altogether safe, *loco adducto*.

> *Porro accipere, vel dare hac intentione, ut postea velimus licentiam petere, non admodum tutum existimat S. Doctor* loco adducto.

Question VIII: Whether men can be reduced to slavery, and sold

1 I SUPPOSE first, that men can sell their slaves, as the Doctors commonly teach with D. Bonaventure, *in 4. dist. 36. dub. 2. litt.*, where he says that they can sell them even in foreign lands, yet not to the prejudice of the faith, for instance to infidels, as the S. Doctor notes, *4. dist. 36. dub. 2. litterali*.

> *Svppono primo, posse homines vendere suos servos, ut docent communiter Doctores cum D. Bonavent.* in 4. dist. 36. dub. 2. litt. *ubi ait, posse eos vendere etiam in terris alienis, non tamen in praeiudicium fidei, puta infidelibus, ut notat S. Doctor* 4. dist. 36. dub. 2. litterali.

2 I SUPPOSE secondly, that parents can sell their children in grave necessity; indeed, even themselves.

> *Svppono secundo, posse parentes vendere filios in gravi necessitate; imo et seipsos.*

3 That fathers can sell their children is proved by D. Bonav. *loc. cit. dub. 3. ex 2. Esdrae 5.*, where such a thing is narrated to have been licit in a time of famine. He notes, however, that the consent of the mother also is required.

> *Et quod possint patres vendere filios, probatur a D. Bonav.* loc. cit. dub. 3. ex 2. Esdrae 5. *ubi tale quid narratur licuisse tempore famis. Notat tamen, requiri consensum etiam matris.*

4 That anyone can sell himself is proved from law; on which see Molina *Tomo 1. disp. 33.*, Fagundez *in septimum praeceptum, l. 7. cap. 12. num. 18.*

> *Quod vero possit se quisque vendere, probatur ex iure. De quo vide Molinam* Tomo 1. disp. 33. *Fagundez* in septimum praeceptum, l. 7. cap. 12. num. 18.

5 Yet a married man ought not to sell himself to the prejudice of the debt he owes his wife, for he would commit an injustice, as the S. Doctor says, *dub. 4.*

> *Neque tamen coniugatus debet se vendere in praeiudicium debiti, quo tenetur uxori, quia iniustitiam committeret, ut ait S. Doctor* dub. 4.

6 I suppose also, from the same D. Bonaventure, *in 2. dist. 44. art. 3. quaest. 1.*, that infidels captured in a just war can be sold. Thus the King of the Negroes was accustomed to do, and also other Christian Kings.

> *Suppono etiam ex eodem D. Bonav.* in 2. dist. 44. art. 3. quaest. 1. *posse infideles, bello iusto captos, vendi. Sic Nigrorum Rex facere consuevit, et alii etiam Reges Christiani.*

7 It is asked therefore: whether certain peoples, such as the Portuguese, may licitly travel through Angola and Guinea, and seize slaves by hunting, and carry them off into their kingdoms to be sold.

> *Quaeritur ergo: An possint licite aliqui populi, ut Lusitani, peragrare in Angolam, et Guineam, et venatu arripere mancipia, eaque in sua regna deferre vendenda.*

8 Many learned men indeed gravely condemn that hunting. So especially Mercado *tract. 5. cap. 15.*, Caspensis *Tract. 18. disp. 5. sect. 1. num. 11.*, who at once does not dare to condemn this trade, because many men, and most learned and most pious Prelates in the kingdom, do not condemn it; nor does Fagundez decline it, *l. 7. cap. 12. num. 15.*, if they are received in good faith.

> *Multi sane viri docti venationem istam graviter reprehendunt. Ita praecipue Mercado* tract. 5. cap. 15. *Caspensis* Tract. 18. disp. 5. sect. 1. num. 11. *qui mox non audet negotiationem hanc damnare, quia multi viri, ac Praelati doctissimi, et piissimi in regno, eam non damnant, nec abnuit Fagundez* l. 7. cap. 12. num. 15. *si bona fide accipiantur.*

9 To me, however, this hunting and trading must altogether be condemned, even if (as they relate) the Sobae have houses of slaves, in the manner of cattle, for trading; for since they are free, and no title is had over their lives, I do not see by what reason they can be sold. For the excuse of leading them to the faith is rotten, as I showed, *Tract. de fide, disp. 2. quaest. 3. et seq.* Moreover, similar subjections, which the S. Doctor calls captivity in *speculo animae, cap. 1.*, he cries out, after the middle of the way, are mortal.

> *Mihi tamen omnino damnanda est haec venatio, et negotiatio, etiamsi (ut ferunt) Sobae habeant casas mancipiorum, instar pecorum, ad negotiationem; nam cum sint liberi, nec habeatur titulus aliquis super vitam illorum, non video qua ratione vendi queant. Excusatio enim inducendi eos ad fidem mucida est, ut ostendi* Tract. de fide, disp. 2. quaest. 3. et seq. *Porro similes subiectiones, quas catcerationes vocat S. Doctor in* speculo animae, cap. 1. *post medium mortales clamat.*

Question IX: Whether slaves can wrest themselves from their masters

1 I speak of captives taken in a just war; for of those bought it is clear that they cannot flee.

> ***An servi possint se Dominis eripere.***
>
> *Loquor de captivis iusto bello captis; nam de emptis patet, eos non posse fugere.*

2 The first opinion is that slaves captured in a just war, such as Moors or Turks, can flee, provided they go to their own homeland, not that they wander through places where they are slaves. So teach

Petrus Nauar. *l. 3. de restit. cap. 1. num. 200.*, Sà *v. bellum, num. 7.*, Lessius *l. 1. l. 2. cap. 15. dub. 15. num. 24.*, Azor. *Tomo 2. l. 2. cap. 24. quaestio 3.*, Couar. *l. 1. var. cap. 2. num. 10. et in Regulam Peccatum, §. 11. p. 2.*, Bannes *2. 2. quaest. 40. art. 1.*, Angles *in flor. in 4. quaest. de dominio, art. 2. concl. 5.*, Sotus *l. 4. de Iust. quaest. 2. art. 2. concl. 3.*, Gregorius Lopes *l. 23. tit. 29. p. 3.*, Alens. *3. p. quaest. 48. membr. 2. art. 3.*, Fagundez *l. 7. cap. 1. num. 21.*, after D. Bonaventure in the places to be cited.

> *Prima opinio est, mancipia bello iusto capta, veluti Mauros, vel Turcas, posse fugere, dummodo eant in propriam patriam, non ut vagentur per loca, ubi sunt servi. Ita docent Petrus Nauar.* l. 3. de restit. cap. 1. num. 200. *Sà* v. bellum, num. 7. *Lessius* l. 1. l. 2. cap. 15. dub. 15. num. 24. *Azor.* Tomo 2. l. 2. cap. 24. quaestio 3. *Couar.* l. 1. var. cap. 2. num. 10. et in Regulam Peccatum, §. 11. p. 2. *Bannes* 2. 2. quaest. 40. art. 1. *Angles* in flor. in 4. quaest. de dominio, art. 2. concl. 5. *Sotus* l. 4. de Iust. quaest. 2. art. 2. concl. 3. *Gregorius Lopes* l. 23. tit. 29. p. 3. *Alens.* 3. p. quaest. 48. membr. 2. art. 3. *Fagundez* l. 7. cap. 1. num. 21. *post D. Bonaventuram locis allegandis.*

3 The negative opinion is upheld by Molina *T. 1. disp. 37.*, Nauar. *Man. cap. 7. num. 63.*, Glossa *C. Ius gentium, dist. 1.*, Fortun. *Leg. manumiss. col. 2.*, D. Anton. *5. p. tit. 3. cap. 6. §. 4.*, Turrecrem. *in C. Ius gentium, disp. 1.*, Sylvest. *v. servus, quaest. 3. dict. 2.*

> *Negativam sententiam sustinent Molina* T. 1. disp. 37. *Nauar.* Man. cap. 7. num. 63. *Glossa* C. Ius gentium, dist. 1. *Fortun.* Leg. manumiss. col. 2. *D. Anton.* 5. p. tit. 3. cap. 6. §. 4. *Turrecrem.* in C. Ius gentium, disp. 1. *Sylvest.* v. servus, quaest. 3. dict. 2.

4 But it seems to be proved first from the S. Doctor, 2. *dist. 44. art. 3. quaest. 1.*, because captivity in war was introduced by the law of nations, and is just, sanctioned by laws. Therefore those fleeing steal themselves from their masters, *Leg. 1. Cod. de servis fugitivis, et Leg. 2. C. eodem titulo*; it is established there that a slave caught in flight is to be punished by mutilation of the foot; but so grave a penalty would not be imposed except for mortal sin. The laws of the Code, moreover, are more recent, and of Christian Emperors. Wherefore one must stand by those, not by others of the Digest.

> *Videtur autem probari primo ex S. Doctore 2.* dist. 44. art. 3. quaest. 1. *quia captivitas in bello, iure gentium invecta est, ac iusta, legibus sancita. Ideo illi fugientes, se furantur Dominis,* Leg. 1. Cod. de servis fugitivis, et Leg. 2. C. eodem titulo, *statuitur, ut servus deprehensus in fuga puniatur mutilatione pedis; at tam gravis poena non imponeretur, nisi pro peccato mortali. Leges autem Codicis sunt moderniores, et Imperatorum Christianorum. Quare illis standum est, non aliis Digestorum.*

5 It is confirmed from *cap. 1. et 2. si quis servum, dist. 17. quaest. 9.*, where it is said that they sin mortally, and are bound to restitution, who aid and encourage slaves to flee.

> *Confirmatur ex* cap. 1. et 2. si quis servum, dist. 17. quaest. 9. *ubi dicitur, eos peccare mortaliter, et teneri ad restitutionem iuvantes, et hortantes servos ad fugam.*

6 But the response of Fagundez is frivolous: that the Codes speak of slaves wandering through the kingdoms where they are slaves, not of those returning to their own; in which they have a right; for they are slaves, yet in such a way that, if they can, they are able to flee.

> *Frivola est autem responsio Fagundez; Codices loqui de servis vagantibus per regna, ubi sunt servi, non de remeantibus ad suos; in quo habent ius; sunt enim servi, ita tamen, ut si possunt, fugere valeant.*

7 These things are indeed said gratuitously, because in the Codes this distinction is not found, nor does it accomplish anything; for the question asks whether they are absolutely subject to masters;

and if it is so, whether they are seized so as to return to their own, or so as to wander, contributes nothing to diminishing the damage; just as the same damage would be done by one who stole my purse, whether he carried it off to Spain or squandered the coins here.

> *Haec sane gratis dicta sunt, quia in Codicibus non habetur haec distinctio, neque ea aliquid facit; nam quaestio postulat, an absolute sint subiecti Dominis; quod si ita est, sive rapiantur, ut remeent ad suos, sive ut vagentur, nihil confert ad damnum minuendum; sicuti eadem damnificatio esset furantis mihi crumenam, sive eam deferret in Hispaniam, sive hic dilapidaret nummos.*

[8] I add that in our case there is less damage or inconvenience if slaves wander through Christian regions, where they can easily be converted to the faith, than if they return to their own Mohammedans or Idolaters.

> *Addo in casu nostro minus damnum seu inconveniens esse, si mancipia vagentur per Christianas regiones, ubi facile converti possunt ad fidem, quam si remeent ad suos Mahometanos, vel Idolatras.*

[9] Indeed, the affirmative opinion is evidently proved by D. Bonav. *in 4. dist. 36. quaest. 1. fundamento 3. et quaest. 2. ad 2.* When two unequal rights concur, the right of the higher order precedes; but liberty is of the Law of Nature; the servitude of War is of the law of nations, which is inferior: therefore. This reason caused the statute in the *Institutes de rerum divisione, §. item ea,* to be made in these words: *Free men are brought into our servitude, who, however, if they escape our power and have returned to their own, receive their pristine state.* And the same is had in the *Institutes: Quibus modis ius patriae potest. solvatur, §. si ab hostibus.* And in *Leg. Nihil interest, ff. de captivis, et postliminio reversis,* there: It makes no difference when a captive has returned, whether he was let go, or escaped the power of the enemy by force or by stratagem.

> *Enim vero assertiva sententia probatur evidenter a D. Bonav.* in 4. dist. 36. quaest. 1. fundamento 3. et quaest. 2. ad 2. *Concurrentibus duobus iuribus inaequalibus, praecedit ius ordinis superioris; sed libertas est Iuris naturae; servitus Belli est Iuris gentium, quod est inferius: Ergo. Haec ratio fecit, ut in* Institutis de rerum divisione, §. item ea, *hoc sit statutum his verbis:* Liberi homines in servitutem nostram deducantur, qui tamen, si evaserint nostram potestatem, et ad suos reversi fuerint, pristinum statum recipient. *Et idem habetur* Institutis: Quibus modis ius patriae potest. solvatur, §. si ab hostibus. *Et* Leg. Nihil interest, ff. de captivis, et postliminio reversis *ibi: Nihil interest, quando captivus reversus est, utrum dimissus sit, an vi, an fallacia potestatem hostium evaserit.*

[10] This also was enacted in *Leg. 25. tit. 14. part. 7.* in the kingdom of Castile, there: *If a Moorish slave flee into Mauritania, and there set foot in safety, we will that he remain free, even if he afterwards return to the Christians.*

> *Hoc etiam statutum est* Leg. 25. tit. 14. part. 7. *in regno Castellae, ibi:* Si servus Maurus fugiat in Mauritaniam, et ibi salvus pedem ponat, manere liberum volumus, etiamsi postea ad Christianos redeat.

[11] It is confirmed, for one condemned to perpetual imprisonment, or to the galleys, even if justly, can nevertheless flee. Each opinion is probable, but this one is more strongly proved because of the reasons adduced.

> *Confirmatur, nam damnatus carceri perpetuo, vel triremibus, etiamsi iuste, potest tamen fugere. Utraque opinio probabilis est, sed haec magis probatur ob rationes allatas.*

12 To the objections it is answered that the law of nations has detracted something from the law of nature, and it is restored if the occasion offers itself in necessity, as I said even of the properties of things, but more truly of liberty, which is positively of the law of nature, as I said in the *Tractatu de Legibus, disp. 4. quaestione 2.*

> *Ad obiecta respondetur, Ius gentium aliquid iuri naturae detraxisse, et redintegrari, si occasio sese offerat in necessitate, ut dixi etiam de proprietatibus rerum, magis vero in libertate, quae positive est iuris naturae, ut dixi* Tractatu de Legibus, disp. 4. quaestione 2.

13 To the penalty of mutilation I would say first that it is comminatory, and never commanded to be executed. But many laws threaten, lest greater liberty be usurped by all than is fitting, for instance lest those take flight who have sold themselves, and renounced their natural right; and of these also the chapter *si quis servum* speaks, but not of those made slaves in war.

> *Ad poenam mutilationis primo dicerem, esse comminatoriam, neque unquam executioni mandatam. Minantur autem multa leges, ne amplior libertas ab omnibus usurpetur, quam par sit, puta ne fugam accipiant, qui se vendiderunt, et ius suum naturale renunciarunt; et de his loquitur etiam cap.* si quis servum, *non autem de servis factis in bello.*

14 As regards Christian slaves captured in war on the side that is just, they can flee. So Petrus Nauar. *l. 3. de restit. cap. 1. num. 11.* Indeed they are bound to flee from the gentiles when there is danger to the faith, as I deduce from D. Bonav. *in 4. dist. 36. dub. 2. litt.* The reason of the Seraphic Doctor is evident, as Fagundez brings it forward, *cap. 12. num. 27.*: because we are bound to provide more for the salvation of the soul than for any other thing whatever.

> *Quoad servos Christianos captos in bello ex parte eorum iusto, possunt fugere. Ita Petrus Nauar.* l. 3. de restit. cap. 1. num. 11. *Imo tenentur fugere a gentilibus, quando periculum est fidei, ut deduco e D. Bonav.* in 4. dist. 36. dub. 2. litt. *Ratio Seraphici evidens est, quam affert Fagundez* cap. 12. num. 27. *quia tenemur magis saluti animae, quam cuivis alteri rei prospicere.*

15 Yet I ADD that war is always just for Christians against the Saracens and Turks, since they have tyrannically occupied the provinces of the Christians, as Couar. observed in *Reg. Peccatum, 2. part. §. 11. num. 6.* Fagundez, in the place cited, after D. Bonavent. *expositione in Threnos, et serm. 16. Haexaëmeronis*: a Christian captured by another Christian waging war justly can licitly flee, as D. Bonavent. teaches, *in 4. dist. 36. quaest. 2. ad 2.*, Petrus Navar. *Lib. 3. de restit. cap. 1. num. 211.*, Fagundez *num. 28.*; nor is he even a slave; for although by law he could be made a slave, yet by legitimate custom among Christians, that they not be legitimately subjected to servitude, it is not licit, as Molina also teaches, *Tract. de iust. disput. 33. §. primus est.*

> *ADDO tamen, bellum semper esse iustum Christianis contra Saracenos, et Turcas, cum provincias Christianorum tyrannice occuparint, ut animadvertit Couar. in* Reg. Peccatum, 2. part. §. 11. num. 6. *Fagundez loco citato, post D. Bonavent.* expositione in Threnos, et serm. 16. Haexaëmeronis, *Christianus ab alio Christiano in bello iuste bellante captus, licite potest fugere, ut docet D. Bonavent.* in 4. dist. 36. quaest. 2. ad 2. *Petrus Navar.* Lib. 3. de restit. cap. 1. num. 211. *Fagundez* num. 28. *nec etiam sit mancipium; Nam, licet de iure possit fieri mancipium, tamen de consuetudine legitima inter Christianos, ut servitute legitime non subiiciantur, non licet, ut docet etiam Molina* Tract. de iust. disput. 33. §. primus est.

16 The S. Doctor proves this, *4. dist. 36. quaest. 1. fundamento 1.*: *In Christ Jesus there is no slave, Galat.* 3. And by Canon Law, Christians cannot be reduced to the servitude of slaves.

ID probat S. Doctor 4. dist. 36. quaest. 1. fundamento 1. In Christo Iesu non est servus, Galat. 3. *Et Iure Canonico, Christiani nequeunt in servitutem mancipiorum redigi.*

Question X: Whether it is lawful, by private authority, to recover what is ours

1 That the seizure of spoils in a just war is not unlawful is proved by the Holy Doctor on chapter 10 of *Wisdom*, in these words: *The just took the spoils of the wicked*, because it is done by public authority.

NON esse illicitam ereptionem spoliorum in bello iusto probat ad 10. Sapientiae *S. Doctor, illis verbis:* Iusti tulerunt spolia impiorum, *quia fit publica authoritate.*

2 But to seize another's goods at God's express command is no sin. Thus the Hebrews took away the riches of the Egyptians, Exodus 12, as is commonly noted with St. Bonaventure, *in sermon 6 on the ten commandments, and in 2 dist. 40 dub. 2*, where, however, many note that the Hebrews had a right to those goods on account of the wages withheld for their labors spent in building the cities, as Clement of Alexandria teaches, *book 1 of the Stromata*, Epiphanius *in the Anchoratus*, St. Thomas *2. 2. quaest. 66. art. 5. ad 1.*, where Salon, Aragon, Valentia, *tract. 3. disp. 5. quaest. 10. puncto 5.*, Gabriel *in 4. dist. 15. quaest. 3. art. 1.*, Sotus *l. 2. de Iust. quaest. 3. art. 8. and lib. 5. quaest. 3. art. 3. ad 1.*, Melchior Cano *lib. 2. de locis, cap. 4.*, Sayrus *Lib. 9. cap. 14.*

MAXIME vero iubente Deo aliena rapere, non est peccatum. Sic enim Hebraei divitias AEgyptiorum abstulere Exodi *12. ut advertunt communiter cum D. Bonavent.* in serm. 6. de decem praeceptis. Et in 2. dist. 40. dub. 2. *ubi tamen advertunt multi, Hebraeos habuisse ius ad eas facultates ob interceptas mercedes pro laboribus in aedificiis urbium insumptis, ut docent Clemens Alexand.* lib. 1. strom. *Epiph.* in Anchorato, *S. Thom.* 2. 2. quaest. 66. art. 5. ad 1. *ubi Salon, Aragon, Valentia* tract. 3. disp. 5. quaest. 10. puncto 5. *Gabriel* in 4. dist. 15. quaest. 3. art. 1. *Sotus* l. 2. de Iust. quaest. 3. art. 8. et lib. 5. quaest. 3. art. 3. ad 1. *Melchior Cano* lib. 2. de locis, cap. 4. *Sayrus* Lib. 9. cap. 14.

3 From this a doubt can arise: Whether by private authority men can seize their own wages; And whether anyone else can take away a thing unjustly detained by another.

HINC potest oriri dubium: An possint privata authoritate suas mercedes rapere: Et: An quisquis alius possit rem ab alio inique detentam auferre.

4 This question is treated by Altisiodorensis *summa, tract. de restitut. quaest. 6.*, Alensis *4. part. quaest. 24. memb. 5. art. 3.*, the Gloss *on the chapter Ius Gentium*, Richardus *4. dist. 15. quaest. 7. art. 1. ad 2.*, Paludanus there, *quaest. 3. dist. 3. art. 3. and quaest. 4. art. 2.*, St. Antoninus *part. 2. tit. primo, cap. 15.*, Sylvester *V. bellum 1. quaest. 9. and V. furtum, quaest. 12.*, Angelus there, Adrianus *quodl. 6. art. 1.*, Castro *lib. 2. de potestate leg. poen. cap. 10. argument. 4.*, Cajetan *2. 2. quaest. 66. art. 3. and 5.*, Sotus *lib. 5. de Iust. quaest. 3. art. 1. and art. 3. ad 1.*, John Medina *Cod. de restit. quaest. 3. causa 12.*, Navarrus *Man. cap. 17. n. 111. and cap. inter verba 11. quaest. 3. conclusione concl. 66. num. 792.*, Covarruvias *lib. 1. var. resol. cit. and num. 14.*, Sebastianus Medices *in summa, titulo 6. quaest. 129.*, Salon *2. 2. quaest. 66. art. 5. controv. 2.*, Aragon there, Petrus Navarrus *Lib. 3. de restit. cap. 1. part. 4. disput. 8. num. 384.*, Valentia *disp. 5. quaest. 10. puncto 5.*, Lopez *part. 2. Instruct. cap. 8.*, Joseph Angles *quaestio quid sit liberare fustisito, art. 2. diffic. 27. disp. 15.*, Toledo *lib. 5. summae, cap. 15.*, Garbo *de restit. quaest. 85. dub. 2.*, Corduba *summa, quaest. 111. et Lib. 1. qq. quaest. 35.*, and others in Sayrus *l. 9. cap. 14.*, Fagundez *lib. 7. cap. 30.*

HANC quaestionem tractant Altisiodor summa, tract. de restitut. quaest. 6. *Alensis* 4. part. quaest. 24. memb. 5. art. 3. *Gloss.* in cap. Ius Gentium. *Richardus* 4. dist. 15. quaest. 7. art. 1. ad 2. *Paludanus ibi,* quaest. 3.

dist. 3. art. 3. et quaest. 4. art. 2. *S. Antonin.* part. 2. tit. primo, cap. 15. *Sylvester* V. bellum 1. quaest. 9. et V. furtum, quaest. 12. *Angel. ibi, Adrianus* quodl. 6. art. 1. *Castro* lib. 2. de potestate leg. poen. cap. 10. argument. 4. *Caietanus* 2. 2. quaest. 66. art. 3. et 5. *Sotus* lib. 5. de Iust. quaest. 3. art. 1. et art. 3. ad 1. *Ioan. Medina* Cod. de restit. quaest. 3. causa 12. *Navar.* Man. cap. 17. n. 111. et cap. inter verba 11. quaest. 3. conclusione concl. 66. num. 792. *Couar.* lib. 1. var. resol. cit. et num. 14. *Sebastianus Medices* in summa, titulo 6. quaest. 129. *Salon.* 2. 2. quaest. 66. art. 5. controv. 2. *Aragon. ibidem, Petrus Navar.* Lib. 3. de restit. cap. 1. part. 4. disput. 8. num. 384. *Valentia* disp. 5. quaest. 10. puncto 5. *Lopez* part. 2. Instruct. cap. 8. *Ioseph Angles* quaestio quid sit liberare fustisito, art. 2. diffic. 27. disp. 15. *Tolet.* lib. 5. summae, cap. 15. *Garbo* de restit. quaest. 85. dub. 2. *Corduba* summa, quaest. 111. et Lib. 1. qq. quaest. 35. *et alii apud Sayrum* l. 9. cap. 14. *Fagundez* lib. 7. cap. 30.

5 I say, therefore, first, that it is not lawful to take away one's own property in this way, if it can be obtained by another, more honorable means; for although no injustice is committed with respect to the thing received, still it is committed with respect to the manner, for they make justice for themselves to the prejudice of the public judgment of right. Injury is also done to the one holding the thing, if he is a just possessor, as a depositary; for thus you expose him to the danger of having to pay twice for the thing, and to other inconveniences, as St. Thomas says, *2. 2. quaest. 66. art. 5. ad 3.*

DICO igitur primo, non licere sic auferre rem propriam, si alia via honestiori potest haberi; quamvis enim non committatur iniustitia quo ad rem acceptam, committitur tamen quo ad modum, nam sibi ipsis faciunt iustitiam in praeiudicium publici Iusdicentis. Fit etiam iniuria habenti rem, si sit iustus possessor, ut depositarius Sic enim eum exponis periculo, rem bis solvendi, aliisque incommodis, ut ait D. Thom. 2. 2. quaest. 66. art. 5. ad 3.

6 I say secondly that, certain conditions being in place, this is lawful.

DICO secundo, positis nonnullis conditionibus, id licere.

7 The FIRST is that the thing be owed in justice. So Corduba with Navarrus and Sayrus.

PRIMA est, ut res sit debita ex iustitia. Ita Corduba cum Navarro, et Sayro.

8 The SECOND, that this debt be liquid.

SECUNDA, ut hoc debitum sit liquidum.

9 The THIRD, that he receive no more than is owed to him.

TERTIA, ut non plus accipiat, quam sibi debetur.

10 The FOURTH, that he cannot recover that good by order of law, or out of court, without grave loss.

QUARTA, ut non possit ordine iuris illud bonum recuperare, aut extra, sine gravi iactura.

11 The FIFTH, that it be likely to him that asking the debt from the debtor will profit him nothing.

QUINTA, quod verisimile illi sit, nihil sibi profuturum debitum petere a debitore.

12 The SIXTH, that no grave scandal follow.

SEXTA, ne aliquod grave scandalum sequatur.

13 The SEVENTH, that he take care to admonish the debtor, or the heirs, that the debt is now to be paid.

SEPTIMA, ut admonendum curet debitorem, vel haeredes, iam debitum esse solutum.

14 These conditions therefore being in place, since no injury is inflicted on anyone, and the thing is reduced to equality, it will be lawful to make such compensation for oneself, as Sayrus says, *num. 8.*

> *HIS igitur positis conditionibus, cum nulla alicui inferatur iniuria, et res ad aequalitatem reducatur, licebit sic sibi facere compensationem, ut ait Sayrus* num. 8.

15 The same thing, I said, many understand to be able to be done even by violent seizure, unless an immense disturbance in the Republic follow. Others, however, deny this, because a private person may not punish another, as is gathered from St. Thomas, *2. 2. quaest. 66. art. 8.* Therefore those who seize in this way are punished by Princes.

> *IDEM, quod dixi, intelligunt multi etiam posse fieri rapiendo violenter, nisi sequatur ingens in Republica perturbatio: Alii tamen id negant, quia non licet privato alium punire, ut colligitur ex D. Thoma* 2. 2. quaest. 66. art. 8. *Ideo a Principibus ita rapientes puniuntur.*

Question XI: On the punishment of thieves

1 St. Bonaventure, *in the Mirror of the Soul, cap. 4*, reduces to the genus of theft the secret taking of a thing, the detention of a thing found, sacrilege, the property of Religious, and bad dispensation.

> *AD genus furti reducit D. Bonavent.* in speculo animae, cap. 4. *Occultam rei acceptionem, rei inventae detentionem, sacrilegium, proprietatem Religiosorum, et malam dispensationem.*

2 To rapine likewise he reduces new tariffs, new customs of burdens, iniquitous exactions, extortions, the acceptance of gifts, and the game of dice.

> *AD Rapinam item reducit novas Talias, consuetudines novas gravaminum, exactiones iniquas, extorsiones, munerum acceptiones, et ludum alearum.*

3 NOW we must treat of theft and rapina in the proper sense.

> *NUNC de proprio furto, et rapina agendum.*

4 Scotus, *4. dist. 15. quaest. 3. §. De secundo*, teaches that daytime thieves cannot rightly be hanged. His reason is that God commanded: *Thou shalt not kill*, nor dispensed except for night thieves; but it is not permitted to dispense in the law of a superior.

> *SCOTUS* 4. dist. 15. quaest. 3. §. De secundo*, docet, Fures diurnos non posse iure suspendi. Ratio eius est, quia Deus praecepit:* Non occides*, neque dispensavit, nisi pro furibus nocturnis, non licet autem in lege superioris dispensare.*

5 Alensis, *part. 3. quaest. 47. memb. 4. art. 3.*, teaches that there can indeed be power in the Republic to put thieves to death, yet they are not to be hanged as a rule, because life is preferred to stolen goods. Sotus also, *lib. 5. de Iust. quaest. 3. art. 3. ad 3.*, takes it rather ill that simple thieves are hanged; hence he inveighs against Baldus, *in the Law sed novo iure, Cod. de servis fugitivis*, who held that thieves ought to be hanged for simple theft thrice repeated, or for one enormous theft equivalent to three.

> *ALENSIS* part. 3. quaest. 47. memb. 4. art. 3. *docet, esse quidem potestatem in Republica ad fures necandos: non esse tamen regulariter suspendendos; quia vita praefertur bonis furatis. Sotus etiam* lib. 5. de Iust. quaest. 3. art. 3. ad 3. *satis aegre fert, quod fures simplices suspendantur, unde invehitur in Baldum* in Lege sed novo iure, Cod. de servis fugitivis*, qui voluit, fures suspendi debere pro simplici furto, ter repetito, aut pro uno ingenti, quod tribus aequipollet.*

6 The common opinion, however, is that a thief can be put to death for one notable theft alone, or for several repeated. So the jurists, *the Law cited*, where Baldus, and Paulus de Castro, and others, whom Covarruvias reports.

> *COMMUNIS tamen sententia est, furem ipso uno insigni furto, aut pluribus repetitis, necari posse. Ita Iurisperiti,* Leg. citata*, ubi Baldus, et Paulus de Castro, et alii, quos refert Couarruvias.*

7 Among Theologians, however, John Maior *4. dist. 15. quaest. 27.* quaest. 27. art. 4. Gabriel 4. dist. 15. quaest. 15. art. 3. dub. 1. John Medina Cod. de restit. quaest. 4. John Driedo Lib. 1. de libertate Eccles. cap. 10. Alph. Castro Lib. 1. de Lege poen. cap. 6. Victor relect. de homicid. num. 21. Covarruvias lib. 2. var. cap 9. num. 7. Salon. 2. 2. quaest. 66. art. 6. controv. 4. Aragon there, Bannes there, dub. 1. Petrus Navarrus lib. 2. de restit. cap. 3. disput. 1. Valentia Tom. 3. disp. 5 quaest. 8. puncto 1. Sayrus lib. 9. cap. 15. num. 33. The same is intimated by St. Bonaventure in Diaeta, salv. tit. 3. cap. 6, proving it from Ecclesiasticus 34, where the Holy Spirit makes the thief almost equal to the homicide, of whom the Holy Doctor said in cap. 4 that hanging is due to him.

> *INTER Theologos autem Ioan. Maior* 4. dist. 15. quaest. 27. *quaest. 27. art. 4. Gabriel 4. dist. 15. quaest. 15. art. 3. dub. 1. Ioan. Medina Cod. de restit. quaest. 4. Ioan. Driedo Lib. 1. de libertate Eccles. cap. 10. Alph. Castro Lib. 1. de Lege poen. cap. 6. Victor relect. de homicid. num. 21. Covar. lib. 2. var. cap 9. num. 7. Salon. 2. 2. quaest. 66. art. 6. controv. 4. Aragon ibidem, Bannes ibi, dub. 1. Petrus Navar. lib. 2. de restit. cap. 3. disput. 1. Valentia Tom. 3. disp. 5 quaest. 8. puncto 1. Sayrus lib. 9. cap. 15. num. 33. Idem innuit S. Bonavent. in Diaeta, salv. tit. 3. cap. 6. id probans ex 34. Ecclesiastici, ubi Spiritus Sanctus facit furem aequalem fere homicidae, de quo dixit S. Doctor cap. 4. suspendium illi deberi.*

8 This opinion *is proved* from the disturbance of the Republic induced by thieves.

> Probatur *haec opinio ex perturbatione Reipublicae, a furibus inducta.*

9 To the argument of Scotus Sayrus responds, num. 25., from St. Bonaventure cap. 6. in Decalogum, that the same God who commanded: *Thou shalt not kill*, also commanded in Exodus 22: *Wizards thou shalt not suffer to live*.

> *Ad argumentum Scoti respondet Sayrus num. 25. ex D. Bonavent. cap. 6. in Decalogum, eundem Deum, qui iussit:* Non occides*, praecepisse etiam Exodi 22.* Maleficos non patieris vivere.

10 Thus in many provinces thieves were hanged, as Aulus Gellius reports, book 11 of the *Attic Nights*, last chapter, on the Roman Emperors. And among the Egyptians a thief was put to death. Which some gather from Genesis 44, where Joseph's brothers said: *With whomsoever that which you seek shall be found, let him die;* he himself more mercifully said: *He shall be my servant*.

> *Sic in multis provinciis fures suspendebantur, ut refert Aulus Gellius lib. 11.* noctium Atticarum*, cap. ult. de Romanis Imperatoribus. Et apud AEgyptios, fur occidebatur. Quod aliqui colligunt ex 44.* Genesis*, ubi dixerunt fratres Ioseph:* Apud quemcumque fuerit inventum, quod quaeris, moriatur, ipse vero clementius ait: Erit servus meus.

11 In the Lombard Constitutions, however, approved by the Emperor, it is established that a thief be punished the first time with the cudgel, the second time mutilated, and the third time hanged.

> *In Lombardicis autem Constitut. ab Imperatore approbatis, statuitur, furem prima vice fustibus puniri, secunda mutilari, et tertia suspendi.*

12 The Holy Doctor brings forward, in the *Confessionale*, cap. 3. particula 54, the decree against the ravishers of churches, but notes that it is not universally in use. They can also sometimes be excommunicated, as St. Bonaventure notes in 4. dist. 18. part. 2. quaest. 3. fundamento 3.

> *Affert S. Doctor in* Confessionali*, cap. 3. particula 54. decretum contra Ecclesiarum raptores, sed adnotat, non esse universaliter in usu. Possunt etiam aliquando excommunicari, ut notat D. Bonavent. in 4. dist. 18. part. 2. quaest. 3. fundamento 3.*

Question XII: On the restitution of thefts

1 I have said much above about Restitution, which is indeed necessary, not indeed by necessity of means, as I said there with St. Bonaventure — for without it one can be saved, if a thief has no means by which to make restitution — but by necessity of precept, as is commonly held with the Seraphic Doctor, who gathers this in the *Confessionale*, cap. 4. part. 2, and in the *Mirror of the Soul*, cap. 1, from St. Augustine epist 54. ad macedon. t 4. quaest. 6, where it is said: *If the goods of another, on account of which the sin was committed, can be restored and are not restored, penance is not done but feigned. But if penance is done sincerely, the sin is not forgiven unless what was taken away is restored.* The same is taught by Petrus Navarrus, Lib. 1. de restitut. cap. 1, Valentia disp. 5. puncto 2, Aragon. 2. 2. quaest. 62. art. 2, Sayrus L. 10. Tract. 1. cap. 4. For necessity of precept exists when it can be fulfilled; but necessity of means is absolute, without which salvation cannot be obtained.

> ***De Restitutione furtorum.***
>
> *Multa de Restitutione supra dixi, quae quidem necessaria est, non quidem necessitate medii, ut ibi dixi cum D. Bonavent. quippe sine ea potest salvari, si fur non habeat facultatem, qua restituat; sed necessitate praecepti, ut communiter tenent cum Seraphico, qui hoc colligit in* Confessionali*, cap. 4. part. 2. et in* speculo animae*, cap. 1. ex D. Augustino epist 54. ad macedon. t 4. quaest. 6. ubi dicitur:* Si res aliena, propter quam peccatum est, possit reddi, et non redditur, poenitentia non agitur, sed simulatur. Si vero poenitentia veraciter agitur, non dimittitur peccatum, nisi restituatur ablatum. *Idem docet Petrus Navarrus, Lib. 1. de restitut. cap. 1. Valentia disp. 5. puncto 2. Aragon. 2. 2. quaest. 62. art. 2. Sayrus L. 10. Tract. 1. cap. 4. Necessitas enim praecepti est, cum impleri potest; At necessitas medii absoluta est, sine qua non potest salus obtineri.*

2 *You will object* that the particle *Unless* indicates a necessity of means, John 3: *Unless a man be born again, etc.* And: *Unless you do penance, etc.*

> Obiicies*, particulam* Nisi *indicare necessitatem medii, Ioan. 3.* nisi quis renatus fuerit, etc. *Et:* Nisi poenitentiam egeritis, etc.

3 The Holy Doctor answers, in 4. dist. 12. part. 2. art. 2. quaest. 1, that necessity of means is not always indicated, for in John 6 it is said: *Unless you eat the flesh of the Son of man, you shall not have life in you*, and yet Communion is not necessary as a means.

> Respondet *S. Doctor in 4. dist. 12. part. 2. art. 2. quaest. 1. non semper indicari necessitatem medii, nam Ioan. 6. dicitur:* Nisi manducaveritis carnem filii hominis, non habebitis vitam in vobis*, et tamen non est Communio necessaria, ut medium.*

4 I suppose, moreover, that restitution is brought in by the violation of justice alone, as all commonly teach. Doctors, however, labor in assigning the reason why justice alone demands restitution for its own equality.

Suppono autem, restitutionem ex violatione sola iustitiae induci, ut communiter docent omnes. Insudant autem Doctores in assignanda causa, cur sola Iustitia exigat ad suam aequalitatem restitutionem.

[5] Valentia, disp. 5. quaest. 6. puncto 3, as in Sayrus Lib. 10. Tract. 2. cap. 1, gives a certain reason, not the one we seek, but why one man is bound to restitution and another is not; namely, because the one sinned against justice, the other against another virtue, say, of Charity.

Valentia disp. 5. quaest. 6. puncto 3. apud Sayrum Lib. 10. Tract. 2. cap. 1. reddit quamdam rationem, non quam quaerimus, sed cur unus teneatur ad restitutionem; alter non, nempe, quia ille peccavit contra Iustitiam; iste contra aliam virtutem, puta Charitatis.

[6] Navarrus, in man. cap. 17, says that other Doctors have not given the reason of this matter, but that he himself gives a new one, namely that other virtues are not violated by the taking away of some external thing. Which Petrus Navarrus says in other words, L. 2. cap. 1. num. 12. de restit., although he wished to carp at the reasoning of the other Navarrus.

Navarrus in man. cap. 17. ait, alios Doctores non reddidisse huius rei rationem, se autem novam reddere, quia scilicet aliae virtutes non violantur per ablationem alicuius rei externae. Quod aliis verbis dicit Petrus Navar. L. 2. cap. 1. num. 12. de restit. tametsi carpere voluerit rationem alterius Navarrae.

[7] Sylvester, V. restitutio, 3. quaest. 6. §. Tertium, says the reason is that no one is bound to restitution except the one who is the cause of the inequality of goods; but it belongs to justice alone to cause equality. Sayrus subscribes to this reason, Lib. 10. tract. 2. cap. 1. num. 3, namely because it turns on debit and credit.

Sylvester V. restitutio, 3. quaest. 6. §. Tertium; ait, rationem esse, quia ad restitutionem nullus tenetur, nisi qui causa est inaequalitatis rerum; iustitia vero solius est aequalitatem causare. Huic rationi subscribit Sayrus Lib. 10. tract. 2. cap. 1. num. 3. quia scilicet versatur inter datum, et acceptum.

[8] The Seraphic Doctor, best of all, in 3. dist. 33. quaest. 3, says the reason is that justice, among the others, is ordered to another, in rendering all things that are each one's own, and because it is one of the virtues that order to another according to the ratio of debt; Therefore this virtue, which is Justice, brings in restitution.

Seraphicus omnium optime in 3. dist. 33. quaest. 3. ait, eam esse rationem, quia Iustitia inter caeteras ordinatur ad alterum, in reddendis omnibus, quae uniuscuiusque sunt, et quia una est ratio, quae ordinat ad alterum secundum rationem debiti; Ideo virtus haec, quae est Iustitia, inducit restitutionem.

[9] He explained it, moreover, more fully in quaestione 1: that justice is not rectitude of the will as such, but such rectitude as orders to another, having as its object right, or the useful good, which is another's. So that restitution arises from damage inflicted in goods, whether of wealth, or of reputation, or of honor, or of life, as the Seraphic Doctor discusses in the *Mirror of the Soul*, cap. 1. We now treat of damage in temporal property.

Explicavit autem id amplius quaestione 1. quia Iustitia non est rectitudo voluntatis, ut sic, sed talis rectitudo, ordinans ad alterum, habens pro obiecto ius, seu utile bonum, quod est alterius. Ita que restitutione oritur ex damnificatione, illata in bonis, seu opum, seu famae, seu honoris, aut vitae, ut disserit Seraphicus in speculo animae, *cap. 1. Nunc agimus de damnificatione in re familiari.*

10 And indeed in theft a twofold root of the precept of restitution arises, both from iniquitous taking and from iniquitous detention or possession, as the Holy Doctor says there.

> *Et quidem in furto oritur duplex radix praecepti restitutionis, tum ex iniqua acceptione; tum ex iniqua detentione, seu possessione, ut ait S. Doctor ibi.*

11 And because it is clear that under the name of another's goods not only the thing but also the fruits, which the thing itself by its nature is accustomed to bear, is understood; Therefore here I shall discuss in what manner restitution is to be made on account of the fruits of the stolen thing. On this Fagundez treats at length, Lib. 7. cap. 15. and 16.

> *Et quia liquidum est, nomine rei alienae intelligi non modo rem, sed etiam fructus, quos res ipsa natura sua solet parere; Ideo hic discutiam, quo pacto restituendum sit ratione fructuum rei furatae. De hoc late Fagundez Lib. 7. cap. 15. et 16.*

12 Stolen things, then, are of a twofold difference; for either they are things which have increase and decrease from within, as a foal, a growing calf, trees, etc.; or they are things which have decrease or increase from without, from the time and place where they are sold, as wheat, wine, oil, cloth, and other similar wares.

> *Res igitur furtivae sunt in duplici differentia, aut enim sunt res, quae habent accrementum, et decrementum ab intrinseco, ut pullus equinus, vitulus crescens, arbores, etc. aut sunt, quae habent decrementum, aut incrementum ab extrinseco, a tempore, loco, quo venduntur, ut triticum, vinum, oleum, pannus, et similes aliae merces.*

13 In guarding and feeding these, etc., expenses occur: some necessary for feeding the foal, and others useful, which the owner would not have made for improving that thing — say, to feed the foal with grain, that it may grow stronger.

> *In his autem tuendis, alendis, etc. occurrunt expensae, aliae necessariae ad alendum pullum, et aliae utiles, quas non erat facturus Dominus in ea re melioranda, puta pascere pullum segete, ut fortior adolescat.*

14 Therefore, if the thing still exists, it must be restored to the owner, after deducting the necessary expenses and reasonable useful expenses in the forum of conscience. So Lessius lib. 2. cap. 12. de iniur. Fortun. disp. 16. num. 10, Petrus Navarrus Lib. 4. disp. de restit. cap. 1. num. 30. and 32, Covarruvias ad regulam peccatum, part. 2. §. 6, Medina, Cod. de restit. quaest. 6, Sylvester V. expensa, quaest. 4, Fagundez lib. 7. cap. 15.

> *Igitur, si res adhuc extet, reddenda est domino, distractis expensis necessariis, et utilibus rationabilibus in foro conscientiae. Ita Lessius lib. 2. cap. 12. de iniur. Fortun. disp. 16. num. 10. Petrus Navar. Lib. 4. disp. de restit. cap. 1. num. 30. et 32. Covar. ad regulam peccatum, part. 2. §. 6. Medina, Cod. de restit. quaest. 6. Sylvester V. expensa, quaest. 4. Fagundez lib. 7. cap. 15.*

15 In the external, or judicial forum, however, useful expenses are not compensated, nor the thief's industry in improving the thing; for in punishment of the theft, useful expenses are forfeited: *Lex, si a Patre, §. fructus, ff. de petit. heredit. et Leg. plane, in fine eodem tit. et Institutio de rerum divisione, §. ex diverso*, and the authors cited teach this.

> *In foro autem externo, seu iudiciali non recompensantur expensae utiles, nec industria furis in re melioranda; in poenam enim furti privantur expensis utilibus,* Lex, si a Patre, §. fructus, ff. de petit. heredit. et Leg. plane, in fine eodem tit. et Institutio de rerum divisione, §. ex diverso*, et docent authores allegati.*

16 But if the thing has already been alienated, with that intrinsic improvement, the thief is bound to restitution to the owner for the whole benefit, the expenses having been deducted, as above. So Filliucius *Tom. 2. tract. 32. cap. 4. num. 88*, Covarruvias *reg. Peccatum, §. 6. num. 1. part. 2*, Navarrus *summa Lux. cap. 17. num. 36*, Gabriel *dist. 15. quaest. 2. art. 3. dub. 1*, Angelus *V. furtum, quaest. 44*, Sylvester *V. restit. 1. quaest. 7*, Lessius *lib. 2. cap. 12. de iust. disput. 16. num. 105*, Petrus Navarrus *Lib. 4. cap. 1. num. 57*, Fagundez *num. 9*, and *cap. grauis de restitut. spoliat.*, and *Leg. in restituta, §. de furtis*, and *L. si nauis, §. si generaliter, ff. de rei vendit.* apply.

> *Quod si res iam sit alienata, cum illo interno melioramento, tenetur fur domino totius emolumenti ad restitutionem, detractis, ut supra, expensis. Ita Filliucius* Tom. 2. tract. 32. cap. 4. num. 88. *Covar.* reg. Peccatum, §. 6. num. 1. part. 2. *Nauar.* summa Lux. cap. 17. num. 36. *Gabriel* dist. 15. quaest. 2. art. 3. dub. 1. *Angel.* V. furtum, quaest. 44. *Sylvester* V. restit. 1. quaest. 7. *Lessius* lib. 2. cap. 12. de iust. disput. 16. num. 105. *Petrus Nauar.* Lib. 4. cap. 1. num. 57. *Fagundez* num. 9. *et facit* cap. grauis de restitut. spoliat. *et* Leg. in restituta, §. de furtis, *et* L. si nauis, §. si generaliter, ff. de rei vendit.

17 The RATIO is drawn out by St. Bonaventure, *in the Mirror of the Soul, cap. 1, at the end*, because during that whole period the thief was under a continuing obligation of restitution: Therefore also for the time when it was in its best state and had a greater price. Yet Diana adds, *p. p. Tract. 17. resol. 51*, that this is true if the owner was going to sell the thing at the highest price, in its best state; and he says this is the opinion of all the Recent writers.

> *RATIO elicitur a D. Bonaventura* in speculo animae, cap. 1. in fine, *quia pro toto illo statu fur erat in continoa reddendi obligatione: Ergo etiam pro tempore, quo erat in optimo statu, et maius pretium habuit. Tamen addit Diana* p. p. Tract. 17. resol. 51. *hoc verum esse, si dominus erat venditurus rem in summo pretio, in optimo statu, et dicit esse omnium Recentiorum.*

18 I say thirdly. If you have trampled down green crops, you are not bound to restore the whole of what they would have been worth at harvest, but according as they were appraised in hope, the dangers of hail, etc., being computed. So Lessius *L. 2. cap. 12. cit. disp. 19. num. 135.*

> *Dico tertio. Si conculcasti segetes virides, non teneris restituere totum, quod erant valiturae in messe, sed pro ut aestimatae in spe, computatis periculis grandinum, etc. Sic Lessius* L. 2. cap. 12. cit. disp. 19. num. 135.

19 I say fourthly. Wheat, wine, and other wares are to be restored at that price at which they were to be sold by the owner, in time and place lucrative. So the Doctors cited. See Fagundez *loco cit.* Yet if it is unknown when they were to be sold, it suffices to restore the mean price, nor is the highest necessary. So Diana *p. p. Tract. 17. resol. 52*, or by referring it to a prudent man.

> *Dico quarto. Frumentum, vinum, et alias merces restituendas in eo pretio, in quo erant vendendae a Domino, tempore, et loco lucrativis. Ita Doctores allegati. Vide Fagundez* loco cit. *si tamen ignoratur, quando vendendae essent, sufficit restituere pretium medium, nec necesse est summa. Ita Diana* p. p. Tract. 17. resol. 52. *vel remittendo viro prudenti.*

20 I say fifthly, as to the fruits of things that commonly yield profit, as fields, vineyards, etc.: the thief is bound to restore the lands with the fruits, the expenses deducted. So commonly the Doctors, in Fagundez, *cap. 16. num. 6.*

> *Dico quinto, quoad ad fructus rerum, quae communiter lucrati solent, ut agri, vineae, etc. tenetur fur reddere fundos cum fructibus, detractis expensis. Ita communiter Doctores apud Fagundez,* cap. 16. num. 6.

21 It is *proved* by St. Bonaventure, *loco cit.*, because thieves and possessors in bad faith do not acquire dominion over those things which are not consumed by use.

> *PROBATUR a D. Bonavent.* loco cit. *quia Fures, et malae fidei possessores non acquirunt dominium earum rerum, quae usu non consumuntur.*

22 They assert this even if the owner, through his own negligence, would not have gathered those fruits; and then they say that he is bound also to restore the fruits which the owner would have drawn and which the thief, through negligence, did not take. So Lessius *dub. 17. num. 115*, Fagundez *num. 14.*

> *Hoc asserunt, etiam si dominus sua negligentia eos fructus non esset capturus; et deinde aiunt, teneri etiam restituere fructus, quos Dominus erat hausturus, et quos Fur ex negligentia non accepit. Ita Lessius* dub. 17. num. 115. *Fagundez* num. 14.

23 I say sixthly. If a thief trades with things consumable by use, and gains something, he is bound to restore the things, and the ceasing gain, and the loss accruing to the owner. So St. Thomas *2. 2. quaest. 78. art. 3*, Sotus *L. 6. de Iust. quaest. 1. art. 4*, Covarruvias *Lib. 3. variar. resol. cap. 3. num. 6*, Panormitanus *cap. nauiganti de usuris, num. ultimo*, Molina *Tom. 2. de Iust. disp. 327*, Angelus *V. usura 1. num. 15*, Sylvester *V. usura 6. quaest. 2*, Fagundez *num. 17.* It is clear *ex Leg. 1. Cod. si quis alteri, vel sibi*, and *Leg. penult. eodem titulo.*

> *Dico sexto, Si Fur negotietur cum rebus, usu consumptibilibus, et aliquid lucretur, tenetur restituere res, et lucrum cessans, et damnum domino emergens. Ita D. Thom.* 2. 2. quaest. 78. art. 3. *Sotus* L. 6. de Iust. quaest. 1. art. 4. *Couar.* Lib. 3. variar. resol. cap. 3. num. 6. *Panorm.* cap. nauiganti de usuris, num. ultimo, *Molina* Tom. 2. de Iust. disp. 327. *Angel.* V. usura 1. num. 15. *Syluest.* V. usura 6. quaest. 2. *Fagundez* num. 17. *Patet* ex Leg. 1. Cod. si quis alteri, vel sibi, *et* Leg. penult. eodem titulo.

24 I say seventhly. If a thing perish in the thief's keeping which was not going to perish with the owner, whatever the cause of its perishing, the thief is bound to make restitution. So St. Thomas *1. 2. quaest. 62. art. 6*, Lessius *Lib. 2. cap. 12. et dub. 15. num. 90.*

> *Dico septimo. Si res apud furem pereat, quae non erat apud dominum peritura, quacumque de causa pereat, tenetur fur restituere. Ita D. Thom.* 1. 2. quaest. 62. art. 6. *Lessius* Lib. 2. cap. 12. et dub. 15. num. 90.

25 The RATIO from St. Bonaventure is: because the thief was at fault for delay, detaining that thing. But if the thing was certainly going to perish even with the owner, he is not bound to restore it. So St. Thomas *loco cit.*, and commonly others, in Fagundez, *cap. 17.*

> *RATIO ex D. Bonav. est; quia fur fuit in culpa morae, detinendo rem illam. Quod si res erat certo peritura, etiam apud Dominum, non tenetur restituere. Ita D. Thom.* loco cit. *et communiter alii apud Fagundez,* cap. 17.

Disputation XXVIII: On the Judge

1 This Disputation is entangled with various difficulties; for the ingenuity of men, resourceful in their own defense, has devised various ways by which justice, if it does not favor them, may at least not harm them. The chief interpreter and minister of this is the Judge; of whose judgments the justice and injustice the Angelic Doctor treats, *in quaestione 67 and the following*. There are also other persons intervening in judgments, as the Accuser, the Defendant, the Witness, and the Advocate, each of whom requires a separate disputation; briefly, however, I shall dispatch myself with these, since not long ago our Father Elizeus ab Oriano wrote most eruditively an entire treatise on this matter ex professo, to whom I refer students of criminal causes and forensic practice as most worthily to be read.

> ***De IUDICE.***
>
> *DISPUTATIO haec variis involuta est difficultatibus hominum etenim solertia, in propriam defensionem ingeniosa, varios excogitavit modos, quibus iustitia si non faveat, saltem non noceat. Huius praecipuus interpres, et minister est Iudex, de cuius Iudiciorum Iustitia, et iniustitia agit Doctor Angelicus* quaestione 67. et sequentibus. *Sunt et aliae personae ad iudicia intervenientes, ut Accusator, Reus, Testis, et Advocatus, quorum quisque singularem disputationem exigit; succincte tamen ab his me expediam, cum ex professo eruditissime integrum tractatum hac de re non ita pridem scripserit P. Elizaeus noster ab Oriano, quem rerum criminalium, et praxis forensis studiosis apprime legendum remitto.*

Question I: Whether power is necessary in a judge

1 A JUDGE is one who declares the Law, and for his part many things are required, among which Authority holds the chief place.

> An sit necessaria in IUDICE potestas.
>
> *IUDEX est, qui Ius dicit, e cuius parte plura requiruntur, inter quae principem locum tenet Authoritas.*

2 It is MOST CERTAIN, by the consensus of all, that it is necessary for a Judge to have power to judge.

> *CERTISSIMUM autem est omnium consensu, necessarium esse, Iudicem habere potestatem ad iudicandum.*

3 THIS the S. Doctor proves in many ways everywhere; first, in the *Confessionale, cap. 1. particula 5. et 6.* and *Deuter. 16.*, where the formula for instituting Judges is given, to whom power is also given. He has these things more clearly at *Sap. 6.* and *part. 2. Ecclesiasticae Hierarchiae.*

> *ID probat multis modis passim S. Doctor, primo, in* Confessionali, cap. 1. particula 5. et 6. *et* Deuter. 16. *ubi datur formula instituendi Iudices, quibus etiam datur potestas. Clarius haec habet ad* Sap. 6. *et* part. 2. Ecclesiasticae Hierarchiae.

4 The S. Doctor often shows the same thing by that passage *Rom. 13. Let every soul be subject to the higher powers*, that is, to those who are set over us on high, as he explains *in 2. dist. 44. quaest. penult.* and *part. 2. de Eccles. Hierarchia, cap. 3.*

> *ID ipsum saepe ostendit S. Doctor, illo* Rom. 13. Omnis anima potestatibus sublimioribus subdita sit*, id-est, illis, qui nobis in sublimi praefecti sunt, ut explicat* in 2. dist. 44. quaest. penult. *et* part. 2. de Eccles. Hierarchia, cap. 3.

5 MORE BROADLY the S. Doctor shows this *on 6. Sapientiae*, on those words: *Hear therefore, ye kings, and understand: learn, ye that are judges of the ends of the earth: because power is given you by the Lord, and strength by the most High, who will examine your works: because, being ministers of his kingdom, you have not judged rightly.* The same in the chapter At si Clerici, it is said: a sentence pronounced by one who is not its Judge does not bind. And in the chapter Ut animarum, de constit. in 6. it is said: Outside his territory, obedience is not owed to one declaring law with impunity, and S. Gregory, lib. 11 of the Register, as is reported in the chapter Scriptum est 6. quaest. 3.: It is written in the Law, Deuter. 23.: When passing through another's field, you shall not send in a sickle; for you cannot, nor ought you, to send the sickle of judgment into that harvest which is seen to be committed to another. By these means S. Bonaventure proves it in the *Confessionale, cap. 4. part. 1. and in 4 dist. 19. art. 3. quaest. 1.*

> *LATIUS id ostendit S. Doctor* ad 6. Sapientiae*, ad ea verba:* Audite ergo Reges, discite iudices finium terrae: quoniam data est vobis a Domino potestas, et virtus ab Altissimo, qui interrogabit opera vestra: quoniam, cum essetis ministri regni illius, non recte iudicastis. Idem in cap. At si Clerici, dicitur: sententia, a non suo Iudice lata non tenet. Et c. Ut animarum, de constit. in 6. dicitur: Extra territorium ius dicenti, non paretur impune, et S. Gregorius lib. 11. registri, ut refert cap. Scriptum est 6. quaest. 3. Scriptum est in Lege, Deuter. 23. Per alienam messem transiens, falcem mittere non debes, falcem enim iudicii mittere non potes, nec debes in eam segetem, quae alteri videtur commissa. *Quibus mediis id probat S. Bonavent. in* Confessionali, cap. 4. part. 1. et in 4 dist. 19. art. 3. quaest. 1.

6 The reason is taken from D. Bonaventure *in 4. dist. 17. part. 3. quaest. 2. and in the Confessionale, loco cit.*, because to judge is to bind and to compel according to the laws unto sentence; but no one can bind anyone and compel him to the observance of the law unless he have coercive power. Therefore Callixtus the Pope says, 9. quaest. 2. cap. 1, as quoted by D. Bonaventure, *loco cit.: Such judgment has no force, for the sentence of no other judge will bind but his own.* Therefore the Pontiff is able to judge all (the S. Doctor says *in 4. loco cit.*), because there is given to him coercive power of binding and loosing, *Matth. 16.* By the same argument D. Thomas and the other Theologians after them make use; and most recently our Eliseus rests upon this single reason, *tract. 4. quaest. 1. num. 4.*, where he infers that a Judge has only as much of coercive power as he decreed of Jurisdiction; which he understands of the ordinary Judge only.

> *Ratio sumitur ex D. Bonavent.* in 4. dist. 17. part. 3. quaest. 2. et in Confessionali, loco cit. *quia Iudicare est ligare, et cogere secundum leges ad sententiam; nemo autem potest alligare aliquem, et cogere ad legis observantiam, nisi habeat vim coactivam. Ideo ait Callixtus* Papa 9. quaest. 2. cap. 1. apud *D. Bonavent.* loco cit. Talis iudicatio nullas habet vires, quoniam nullius alterius iudicis, nisi sua sententia tenebit. *Ideo Pontifex valet omnes iudicare, (ait S. Doctor* in 4. loco cit.*) quia data est ei potestas coactiva ligandi, et solvendi* Matth. 16. *Eodem argumento utitur D. Thom. et caeteri Theologi post eos; et nuperrime hac unica ratione nititur Elizaeus noster* tract. 4. quaest. 1. num. 4. *ubi infert, Iudicem tantum habere de potestate coactiva, quantum de Iurisdictione decrevit; quod intelligit de Iudice ordinario, tantum.*

7 It is PROVED secondly by D. Bonaventure, *4. dist. 19. art. 3. quaest. 1.*, by many Arguments *from can. 16. quaest. 1. and 9. quaest. 2. and from the General Canon, extra de poenitent. et remiss.*

> *PROBATUR secundo a D. Bonavent.* 4. dist. 19. art. 3. quaest. 1. *multis Argumentis* ex can. 16. quaest. 1. et 9. quaest. 2. et ex Can. Generali, extra de poenitent. et remiss.

8 Then, because the order of the Church is that one have one immediate or ordained superior. Therefore one cannot have two Bishops, two Patriarchs, etc.; for the Church is as an army well

ordered.

> *DEINDE, quia ordo Ecclesiae est, ut quis unum habeat superiorem immediatum, vel ordinatum. Itaque non potest habere duos Episcopos, duos Patriarchas, etc. est enim Ecclesia, ut acies bene ordinata.*

9 THIRDLY, because it would follow that the true superior could have commanded this, and the false one command the contrary.

> *TERTIO, quia sequeretur, quod posset verus superior praecepisse hoc, et falsus praecipere contrarium.*

10 IT MUST BE OBSERVED, however, with D. Bonaventure *in the places alleged*, and D. Thomas *here*, whom follow Valencia *disput. 5. quaest. 11. puncto 1.* with Gabriel *in 4. dist. 15. quaest. 6. art. 1. not. 1.*, Soto *L. 5. de Iust. quaest. 4. art. 1.*, Bassaeo *V. Iudex, num. 2.*, Lessius *lib. 2. cap. 29. dub. 6.*, Tolet. *lib. 5. cap. 56.*, Bonac. *tract. 1. disput. 20. quaest. 2. punct. 1.*, Sayro *lib. 12. cap. 7. num. 3.*, Tannero *disp. 4. quaest. 1. dub. 1. num. 24.* and others, that competent power is fourfold.

> *OBSERVANDUM autem cum D. Bonavent.* locis allegatis*, D. Thom.* hic*, quos imitantur Valentia* disput. 5. quaest. 11. puncto 1. *cum Gabriele* in 4. dist. 15. quaest. 6. art. 1. not. 1. *Soto* L. 5. de Iust. quaest. 4. art. 1. *Bassaeo* V. Iudex, num. 2. *Lessio* lib. 2. cap. 29. dub. 6. *Tolet.* lib. 5. cap. 56. *Bonac.* tract. 1. disput. 20. quaest. 2. punct. 1. *Sayro* lib. 12. cap. 7. num. 3. *Tannero* disp. 4. quaest. 1. dub. 1. num. 24. *et aliis, potestatem competentem esse quadruplicem.*

11 THE FIRST is ordinary power, whether it be Ecclesiastical or secular, and it is that which belongs to someone by reason of dignity or office, and it sometimes happens by Birth, sometimes by Conferral, as P. Eliseus has it, *loco cit. num. 7.* Thus the Pope has ordinary spiritual power over all the faithful, and a Bishop over those subject to him.

> *PRIMA est potestas ordinaria, sive sit Ecclesiastica, sive saecularis, et est illa, quae alicui ex dignitate vel officio convenit, et aliquando contingit ex Nativitate, aliquando ex Datione, ut habet P. Elizaeus* loco cit. num. 7. *Sic Papa habet ordinariam potestatem spiritualem super omnes fideles, et Episcopus in sibi subditos.*

12 THE SECOND is delegated power, and it is that which belongs to someone by commission or delegation from some superior judge. Such is the power of a Praetor sent by the King.

> *SECUNDA est potestas delegata, et est ea, quae competit alicui ex commissione seu delegatione alicuius iudicis superioris. Talis est potestas Praetoris, missi a Rege.*

13 But he who obtains Jurisdiction by Delegation, if it be universally for many causes, can subdelegate for one cause or another, or even for several which are reckoned as one particular cause, unless it be otherwise expressed in the Delegatory letters, or unless the person was chosen for singular industry, with a clause, *Commissi*, denoting that very thing; but if he be sent for the decision of one cause, and because of the industry required in that matter, very many deny that he can subdelegate; for the whole cause, but not for some particular part of the cause, as for the examination of some witness. So Eliseus, ubi supra *num. 20.*, where he adds that the delegation lasts until it be revoked, or at least expire with the death of the delegator, the cause remaining intact; otherwise if it have been juridically begun in one act or another. So also Dictus, quoted by him, *quaest. 2.*

> *Qui autem ex Delegatione obtinet Iurisdictionem, si sit ad plures causas universaliter, potest subdelegare ad unam, vel alteram causam, vel etiam ad plures, quae pro una particulari reputantur, nisi aliter in patentibus Delegatoriis sit expressum, vel nisi persona sit ob singularem industriam electa, cum particula,* Commissi*, id ipsum denotante; Si vero sit Missus ad unius causae decisionem, et ob industriam requisitam in ea re, negant plurimi eum posse subdelegare; ad*

totam causam, secus ad aliquam causae particulam, ut ad testis alicuius examen. Ita Elizaeus ubi supra num. 20. *ubi addit delegationem durare donec revocetur, vel delegantis saltem morte expiret, causa manente integra; secus si iuridice sit inchoata in uno, vel altero actu. Ita etiam Dictus apud ipsum* quaest. 2.

14 THE THIRD is arbitrary power, which is had by the election and deputation of the litigating parties. Here, however, there is a twofold kind: one elected to settle a dispute amicably; and this one is not bound to judge observing the order of law, but by his own judgment, the equity of natural law being preserved. The other, who is elected, that he may judge according to law. And indeed these judges receive power from the parties; and they can pronounce a sentence firm by the law of nations and unappealable, from which, if either party protests, he sins mortally, and can be compelled by the Prince, as Soto notes, *Lib. 3. de Iust. quaest. 4. art. 6. et L. 5. quaest. 4. art. 1.*, Sayrus *Lib. 12. cap. 8. num. 4.* and others commonly.

TERTIA est potestas arbitraria, quae habetur ex electione, et deputatione partium litigantium. Hic autem est duplex; alter electus ad litem amicabiliter dirimendam; et hic non tenetur iudicare, servato iuris ordine; sed pro arbitrio suo, servata aequitate iuris naturalis. Alter, qui eligitur, ut iudicet secundum ius. Et sane isti iudices accipiunt potestatem a partibus; et ferre possunt sententiam iure gentium firmatam inappellabilem, a qua si alter reclamet, mortaliter peccat, et potest a Principe cogi, ut advertunt Soto Lib. 3. de Iust. quaest. 4. art. 6. et L. 5. quaest. 4. art. 1. *Sayrus* Lib. 12. cap. 8. num. 4. *et alii communiter.*

15 This kind of power is indicated in the *chapter Placuit,* quoted by D. Bonaventure *loco cit.*, where it is said that *he who has once elected another as his Pastor is bound to be subject to him*; which Canon also includes the fourth kind of power, which is called *by accessory right*, such as that which a Judge or Prince has by reason of a crime, or by reason of a person then dwelling in his territory; for individual superiors have, and judges have, their own territories and boundaries within which they can pronounce judgment concerning all coming from such a place; but outside those places it is not permitted them to judge, which the S. Doctor proves *in the Confessionale, in the place adduced, from the chapter Ut animarum, de constitut. in 6.*, where it is said: Outside the territory of those who declare law, obedience is not owed with impunity; and dist. 9. quaest. 2.: Let no one presume to judge the parishioner of another; and de poenit. dist. 6. cap. fin., where Urban II says: *Whoever shall attempt to act against these statutes shall lie open to the peril of his rank.* And the S. Doctor adds, that it avails nothing to say that the contrary is done all day long, because those who transgress these Canons sin most gravely.

Hoc genus potestatis indicatur in cap. Placuit, *apud D. Bonavent.* loco cit. *ubi dicitur,* teneri eum, qui semel elegit alium in suum Pastorem, ei subdi, *qui Canon includit etiam quartum genus potestatis, quae dicitur* iure Accessoria*, qualis est, quam habet Iudex, seu Princeps ratione delicti, vel ratione personae degentis pro tunc in suo territorio; Habent enim singuli superiores, habentque iudices propria territoria, et terminos, in quibus possunt iudicium de omnibus tali loco accedentibus ferre; extra illa vero loca non licet eis iudicare, quod probat S. Doctor* in Confessionali, loco adducto, ex cap. Ut animarum, de constitut. in 6. *ubi dicitur:* Extra territorium iusdicentium paretur impune, et dist. 9. quaest. 2. Nullus Parochianum alterius iudicare praesumat, et de poenit. dist. 6. cap. fin. *dicit Urbanus II.* Qui contra haec statuta facere tentaverit, gradus sui periculo subiacebit. *Et addit S. Doctor, non valere dicere, tota die contrarium fieri, quia, qui hos Canones transgrediuntur, gravissime peccant.*

16 He is held by this statute by reason of a committed debt in another's territory, *cap. 1. de Raptoribus, et Leg. Alterius, ff. de Accusationibus.*

Hoc statutum ex debito commisso in alterius territorio habetur, cap. 1. de Raptoribus, et Leg. Alterius, ff. de Accusationibus.

17 So also can one be summoned by reason of domicile in that place, *cap. final. de foro compet.*, on which matter the Gloss treats *in summa 3. quaest. 6.*

Sic etiam conveniri quis potest ratione domicilii in eo loco, cap. final. de foro compet. *de qua re agit Glossa* in summa 3. quaest. 6.

18 SIMILAR is the case which is the fifth mode of jurisdiction, by reason of an injury inflicted upon the subject of another Prince. For if the superior of the injurer be unwilling to punish the guilty party, the injured Prince will be able to afflict him with penalties, as Lessius teaches, *Lib. 2. cap. 29. de Iudice, dub. 6.*, Filliucius *Tomo 2. tract. 40. cap. 6. num. 155.*, Fagundez *L. 8. num. 12. on the eighth Precept*, after D. Bonaventure *in 4. dist. 19. art. 3. quaest. 1. corpore.*

SIMILIS est casus, qui est quintus modus iurisdictionis, ratione iniuriae illatae subdito alterius Principis. Si enim superior iniuriantis nolit punire reum, poterit Princeps iniuriati illum poenis afficere, ut docent Lessius Lib. 2. cap. 29. de Iudice, dub. 6. *Filliucius* Tomo 2. tract. 40. cap. 6. num. 155. *Fagundez* L. 8. num. 12. in octavum Praeceptum, *post D. Bonav.* in 4. dist. 19. art. 3. quaest. 1. corpore.

19 From these we have that secular Judges cannot judge Ecclesiastical persons or things, as is had in *dist. 19. and in the Decretals, Tit. de immunitate Ecclesiae, and the chapter saeculares, de foro compet. in 6. and* from the Council of Constantinople *sess. 8.* and the Council of Trent *sess. 25. de reform. cap. 20.*, where the Sacred Canons and all the general Councils are renewed, and the Apostolic sanctions in favor of Ecclesiastical persons and the liberty of the Church. And in law, to which the Authentica belongs: That clerics be summoned before their own judges, collat. 6.

Ex his habemus, Iudices saeculares non posse iudicare personas, vel res Ecclesiasticas, ut habetur dist. 19. et in Decretal. Tit. de immunitate Ecclesiae, et cap. saeculares, de foro compet. in 6. et *ex Concilio Constant.* sess. 8. *et Concilio Trident.* sess. 25. de reform. cap. 20. *ubi renovantur Sacri Canones, et Concilia omnia generalia. Et Apostolicae sanctiones in favorem personarum Ecclesiasticarum, et libertatis Ecclesiae. Et in iure, cui Authentica.* Ut clerici proprios iudices conveniant, collat. 6.

20 All these things the S. Doctor touches in *2. dist. 25. part. 1. dub. 1.*, while he says that judgment implies an act of reason regulated according to the rules of truth, that is, of the supernal law. Whence he is called Judge whose it is to judge a cause according to the laws. But he is called Arbiter who has to terminate a cause at the mere nod of his own will.

Haec omnia tangit S. Doctor in 2. dyst. 25. part. 1. dub. 1. *dum ait, Iudicium importare actum rationis regulatum secundum regulas veritatis, sive supernae legis. Unde ille dicitur Iudex, cuius est secundum leges iudicare causam. Ille vero dicitur Arbiter, qui ad proprium voluntatis nutum causam terminare habet.*

21 The laws, however, do not permit a secular [judge] to judge Ecclesiastics. Of which Constantine the Great exhibited a famous example: since, as Ruffinus narrates, *L. 10. hist. cap. 2.*, when he had received at the Council of Nicaea many libelli from some Bishops against other Bishops, that he might proceed against them, the most pious Emperor committed all those libelli, sealed, to the fire, saying: *God has constituted you Priests, and has given you power of judging even over us, and therefore we are rightly judged by you, but you cannot be judged by men* (namely by laymen).

Non concedunt autem leges saeculari, iudicare Ecclesiasticos. De quo praeclarum exhibuit exemplar Constantinus Magnus, qui, ut narrat Ruffinus L. 10. hist. cap. 2. *cum in Nicaeno Concilio multos ab Episcopis nonnullis libellos accepisset, ut contra alios Episcopos procederet, piissimus Imperator omnes illos libellos clausos igni tradidit, dicens:* Deus constituit vos Sacerdotes, et potestatem dedit de nobis quoque iudicandi, et ideo nos a vobis recte iudicamur, vos autem ab hominibus (scilicet laicis) iudicari non potestis.

22 Indeed, it is repugnant to divine law that Ecclesiastics, or even seculars in spiritual matters, be subjected to the princes of the world: for He constituted the Apostles alone, and their successors, but not Princes or Kings, as the governors of the Church, the masters of the faith, and the judges of spiritual causes, as S. Bonaventure loved to say in the places cited, and in 4. dist. 17. part. 3. art. 1. quaest. 1.

Imo vero iuri divino repugnat, Ecclesiasticos, aut etiam saeculares in rebus spiritualibus subiici principibus saeculi: Solos enim Apostolos, et eorum successores, non autem Principes, aut Reges constituit gubernatores Ecclesiae, magistros fidei, et causarum spiritualium iudices, ut dilesit S. Bonavent. locis citatis, et in 4. dist. 17. part. 3. art. 1. quaest. 1.

23 FOR since in the Church militant there are two swords, the chapter Dilecto, de sent. excom. in 6., which signify the twofold power, Ecclesiastical and secular, the chapter solitae de maior. et obed. and the chapter ad verum, dist. 99., these two powers are so distinct from each other that the one ought not usurp the jurisdiction of the other; that is, neither ought the Church to vindicate to itself secular authority in temporal matters which in no way pertain to the good government of the Church and the salvation of souls, nor on the other hand ought secular power to judge of spiritual matters, or of Ecclesiastical persons, except in the cases permitted to it.

CUM enim in Ecclesia militante duo sint gladii, cap. Dilecto, de sent. excom. in 6. qui duplicem potestatem Ecclesiasticam, et saecularem significant, cap. solitae de maior. et obed. et cap. ad verum, dist. 99. hae duae potestates ita inter se distinctae sunt, ut una alterius iurisdictionem usurpare non debeat; hoc est, neque Ecclesia authoritatem saecularem sibi debet vindicare in rebus temporalibus, quae aliquo modo non pertinent ad bonum regimen Ecclesiae, et salutem animarum, nec e contra, saecularis potestas de rebus spiritualibus, aut personas Ecclesiasticas, debet iudicare, nisi in casibus sibi permissis.

24 *ALTHOUGH, however, as Bernard says in his book De consideratione, it [the Church] has also the temporal sword — which he proves by that passage of Luke 22: Behold, here are two swords, and the Lord says: it is enough — yet the spiritual sword is to be drawn by the hand of the Church, because it is directly in her hand; the temporal truly only indirectly, as S. Bonaventure teaches in 4. dist. 37. dub. 4. on the text, and as S. Thomas also has it, Lib. 1 de Regimine Principum cap. 14. and Lib. 3. cap. 13. and 15., Bellarmine Lib. 5 de potestate Pontificis, Panormitanus on the chapter Novit. num. 21. and seq. de Iudiciis.* It [the Church] has also power over mixed cases, as in causes of usury, sacrilege, oath, and marriage, *arg. the chapter cum sit, and the Gloss, ubi V. Malefactores, de foro compet.* But the secular [power] has the temporal sword directly. Whence D. Bernard, *Lib. 4 de consideratione, to Eugenius, quoted by D. Bonaventure, on those words, Luke 22: Behold, two swords, says: If the material sword in no way pertained to you, when the Apostles said, behold, here are two swords, the Lord would not have answered: it is enough; but: too much. Both therefore are the Church's, both the spiritual and the material. But this one indeed is for the Church, and that one is to be drawn by the Church; the one by the hand of the priest, the other by the hand of the soldier, yet truly at the nod of the priest and the command of the Emperor.*

QUAMVIS autem, ut ait Bernardus de consideratione, habeat etiam gladium temporalem quod probat illo Lucae 22. Ecce duo gladii hic, et Dominus ait: satis est; tamen gladius spiritualis est extrahendus

manu Ecclesiae, quia directe est in manu eius; temporalis vero solum indirecte, ut docet S. Bonav. in 4. dist. 37. dub. 4. litterae, et ut habet etiam S. Thom. Lib. primo de Regim. Princip. cap. 14. et Lib. 3. cap. 13. et 15. Bellarm. Lib. 5. de potestate Pontificis. Panormit. in cap. Novit. num. 21. et seq. de Iudiciis. *Habet etiam potestatem in casus mixtos, ut in causis usurae, sacrilegii, iuramenti, et matrimonii* arg. cap. cum sit, et Gloss. ubi V. Malefactores, de foro compet. *Gladium vero temporalem directe habet saecularis. Unde D. Bernardus* Lib. 4. de consider. ad Eugenium apud D. Bonavent. ad ea verba, Lucae 22. Ecce duo gladii, ait: Si nullo modo ad te pertineret gladius materialis, dicentibus Apostolis, ecce duo gladii hic, non respondisset Dominus: satis est; sed: nimis est. Uterque ergo est Ecclesiae, et spiritualis, et materialis. Sed hic quidem pro Ecclesia; ille vero ab Ecclesia est extrahendus; ille sacerdotis, is militis manu, sed sane ad nutum sacerdotis, et iussum Imperatoris.

25 *Yet in three cases he admonishes that a secular Judge can judge a Cleric, Tanner, disp. 4. q. 4. n. 29.*

In tribus tamen casibus, posse Iudicem saecularem iudicare Clericum admonet, Tanner. disp. 4. q. 4. n. 29.

26 THE FIRST is, if a degraded cleric be handed over to the secular arm. The second, by the consent of the Bishop in a merely civil cause. The third, probably, by the title of reconvention, so that if a cleric cited a layman before a secular judge, he himself in turn can be reconvened, yet not criminally, as Carbo teaches, quaest. 51. de restitut., Lessius cap. 19. dub. 6., Tanner loco cit. And if the opposite, with Panormitanus, I praise it the more.

PRIMA est, si clericus degradatus tradatur brachio saeculari. Secunda, ex Episcopi consensu in causa sola ciuili. Tertia probabiliter titulo reconuentionis, ita ut si clericus Laicum citauit coram iudice saeculari, possit ipse vicissim reconueniri, non tamen criminaliter, ut docent Carbo quaest. 51. de restit. Lessius cap. 19. dub. 6. Tanner. loco cit. Et si oppositum cum Panormit. magis laudo.

27 But conversely widows and wards can drag their guilty parties to the Ecclesiastical Judge, as Couarruvias teaches, in epit. 4. part. 2. §. 12, on the word Iudiciales; Tanner num. 31.; Salon quaest. 60. art. 4.; Clarus in his Praxis, quaest. 30., according to the chapter Inter alia, de Immun. eccles. and other Canons 17. quaest. 4.

POSSUNT vero e contra viduae, et pupilli, trahere suos reos ad Iudicem Ecclesiasticum, ut docent Couar. in epit. 4. part. 2. §. 12. Sh verb. Iudiciales. Tanner. num. 31. Salon. quaest. 60. art. 4. Clarus praxi quaest. 30. iuxta cap. Inter alia, de Immun. eccles. et alios Canones 17. quaest. 4.

28 From what has been said I bring forward that one who judges without any of the said powers sins mortally. So D. Bonaventure above; Azor, 3. part. lib. 23. cap. 15.; Lessius lib. 2. cap. 29. dub. 6. num. 51.; Bonacina tract. 1. disp. 10. quaest. 2. punct. 1.; our Bassaeus V. Iudex 5.

Ex dictis affero peccare lethaliter Iudicantem sine aliqua e dictis potestatibus. Ita D. Bonavent. supra, Azor 3. part. lib. 23. cap. 15. Lessius lib. 2. cap. 29. dub. 6. num. 51. Bonacina tract. 1. disp. 10. quaest. 2. punct. 1. Bassaeus noster V. Iudex 5.

29 *It is PROVED*, because he inflicts injury both on the parties, by unjustly subjecting them to himself, and on the superior, by usurping his authority.

PROBATUR, *quia infert iniuriam tum partibus, eas sibi iniuste subiiciendo: tum superiori, eius authoritatem usurpando.*

30 HERE he is bound to restore whatever damage emerges from judgments [given] against justice.

HIC tenetur restituere quidquid damni emergat Iudicatis contra iustitiam.

31 NOTE, however, that if the Judge of the damaging party does not do justice, this one can be judged by the judge of the injured party proportionally: if a secular, by a secular; if an Ecclesiastic, by a similar one.

NOTA vero si Iudex rei damnificantis non faciat iustitiam, posse hunc iudicari a iudice damnificati proportionaliter; Si Saecularis a saeculare; si Ecclesiasticus a simili.

Question II: Whether a judge ought to follow the truth, and therefore be wise

1 In the Treatise on Justice *disput. 20. quaest. 7.* I showed that Judges ought to be jurists and learned men. I showed the same in several places in this treatise *disput. 1.*; wherefore P. Eliseus says that they sin from a threefold defect, *tract. 1. quaest. 11. num. 17.*, namely from a defect of rectitude, of power, and of prudence.

An IUDEX sequi debeat veritatem, et ideo esse sapiens.

TRACTATU de Iustitia disput. 20. quaest. 7. *ostendi, Iudices esse debere iuris consultos, et homines eruditos. Eadem pluribus ostendi in hoc tractatu* disput. 1. *quare ex triplici defectu eos peccare ait P. Elizaeus* tract. 1. quaest. 11. num. 17. *e defectu scilicet rectitudinis, potestatis, et prudentiae.*

2 For they ought to conduct the causes of fortunes and of the lives of men prudently, not rashly, which the S. Doctor proves of judges even of conscience *in the Confessionale, cap. 1. particula 5.*, by that passage *Deuter. 17: If thou perceive that there be among you a hard and doubtful matter in judgment, etc., thou shalt come to the priests of the Levitical race, and to the judge who shall be in those days: and thou shalt ask of them, who shall judge for thee, the truth of the judgment.* This authority Sayrus urges, *lib. 12. cap. 8.*

DEBENT enim causas facultatum, et vitarum hominum agere prudenter, non temere, quod de iudicibus etiam conscientiae probat S. Doctor in Confessionali, cap. 1. particula 5. *illo* Deuter. 17. Si difficile, et ambiguum apud te iudicium esse prospexeris, etc. Venies ad sacerdotes Leuitici generis, et ad Iudicem, qui fuerit illo tempore: quaeresque ab eis, qui iudicabunt tibi, iudicii veritatem. *Quam authoritatem urget Sayrus* lib. 12. cap. 8.

3 Now there is a twofold truth: one of the thing, another of conscience. And indeed Conscience is as it is thought to be; the truth of the thing is as it stands on the side of the thing itself. And that the truth may be obtained, and conscience be right, the Judge ought to be learned in Jurisprudence; for he ought to pronounce sentence according to the dispositions of the common law, *arg. cap. 1. de sent. et re iudic. in 6.* He ought to be learned in the municipal laws, which often detract from the common law.

EST autem duplex veritas. Alia rei: Alia conscientiae. Et quidem Conscientia est sicuti existimatur: Veritas rei est, ut se habet a parte rei. Et ut veritas obtineatur, et conscientia sit recta, debet esse Iudex eruditus in Iurisprudentia, debet enim secundum dispositiones iuris communis ferre sententias arg. cap. 1. de sent. et re iudic. in 6. *Debet esse eruditus in Iuribus municipalibus, quae saepe iuri communi detrahunt.*

4 But if the cause to be decided is not had expressly in the laws, he ought to weigh probable opinions and conduct himself as I said in *prima 2. tract. 2. disput. 17.* Thus acting he will be safe even from the Sindicatus, Felinus *cap. 1. de constitut. num. 54.*, Sayrus *lib. 12. cap. 9.* Otherwise, if ignorant, he is in an evil state, nor can he be absolved unless he resign, Reginaldus *lib. 25. num. 657.*, Nauar. *lib. 2. cap. 25. num. 12.* For rightly does D. August. *lib. 9. de civit. cap. 6.* say: *The ignorance of the judge often becomes the*

calamity of the innocent. Therefore he is bound to restore the damages of the injured party, the expenses, etc.

> *SI autem causa decernenda non habeatur expresse in iuribus, debet probabiles opiniones pensare, et se gerere ut dixi* prima 2. tract. 2. disput. 17. *Sic agens in tuto erit etiam a Sindicatu, Felinus* cap. 1. de constitut. num. 54. *Sayrus* lib. 12. cap. 9. *Alioqui si ignorans, est in malo statu, nec potest absolui, nisi renunciet, Reginaldus* lib. 25. num. 657. *Nauar.* lib. 2. cap. 25. num. 12. *Recte enim D. August*. lib. 9. de ciuit. cap. 6. *ait:* Ignorantiam iudicis, saepe fieri calamitatem innocentis. *Ideo tenetur restituere damna partis laesae, expensas, etc.*

5 He requires not exquisite, but competent knowledge, *arg. the chapter cum nobis olim, de elect*. It is indeed conceded that he may take an Assessor because of a defect of knowledge, at the expense of both parties, *the chapter statutum, §. Assessorem de rescript. in 6*. If he has erred, he is bound to admonish the injured party, that he provide for himself, as the Doctors say *in the chapter Praeterea, de test. cogendis*. So Caietan. 2. 2. *quaest. 70. art. 4.*, Lugo *de just. disp. 37. sect. 1.*, Bassaeus V. Iud. 11.

> *NON exquisitam, sed competentem exegit scientiam* arg. cap. cum nobis olim, de elect. *Conceditur vero assumere ex defectu scientiae Assessorem cum utriusque partis expensis,* cap. statutum, §. Assessorem de rescript. in 6. *Si errauerit, tenetur admonere laesum, ut sibi prouideat, ut aiunt DD.* in cap. Praeterea, de test. cogendis. *Ita Caietan.* 2. 2. quaest. 70. art. 4. *Lugo* de iust. disp. 37. sect. 1. *Bassaeus V. Iud. 11.*

6 It is DISPUTED here: whether one who knows someone to be innocent can condemn him, if he be guilty on the evidence alleged. On this I treated in *quaest. 12. of the preceding disp.*

> *DISPUTANT hic: an sciens aliquem esse innocentem possit damnare, si ex allegatis sit reus. De hoc egi* quaest. 12. disp. praeced.

7 They have also discussed whether he is bound to judge according to the words of the law; or rather to use Epieikeia. And indeed, as regards the natural laws which are comprehended in the Decalogue, it is not permitted, because they are indispensable, as I showed in the *Tract. de Legibus, disp. 3. quaest. 7.* The reason is, because the just in these laws arises from the very nature of things.

> *DISSERUNT etiam, an teneatur iudicare iuxta legis verba; num vero uti Epikeia. Et quidem quo ad leges naturales, quae clauduntur Decalogo, non licet, quia indispensables sunt, ut ostendi* Tract. de Legibus, disp. 3. quaest. 7. *Ratio est, quia iustum in his legibus ex ipsa rerum natura oritur.*

8 AS regards other positive [laws], the Judge is bound to judge according to the laws of superiors, because the Judge does not judge the law, but the matter according to the law, as is commonly said by all with D. Bonaventure in 1, dist. 3. part. 1. art. 1. quaest. 1. ad 4, and D. Augustine de vera relig. cap. 31., whom follow D. Thomas 2. 2. quaest. 60. art. 5., Salon. and Aragon. there, Sotus de Iust. Lib. 3. quaest. 4. art. 5., Valencia disp. 5. quaest. 4. puncto 2., Sayrus Lib. 12. cap. 9. num. 3. The reason of D. Bonaventure, upon which all rest, is, because to judge something, so as to approve or reprove it, denotes a pre-authority over it: but a Judge of this kind is subject to those laws which superiors have enacted: whence against a Judge nullity can be opposed if he has omitted these laws, Canons, or statutes in judging. So P. Eliseus tract. 2. quaest. 4. num. 16.

> *QUOAD alias positiuas, tenetur Iudex secundum leges superiorum iudicare, quia Iudex non iudicat legem, sed res secundum legem, ut dicitur communiter ab omnibus cum D. Bonavent. in primo, dist. 3. part. 1. art. 1. quaest. 1. ad 4 et D. Augustino de vera relig. cap. 31. quos sequuntur D. Thomas 2. 2. quaest. 60. art. 5. Salon. et Aragon. ibidem, Sotus de Iust. Lib. 3. quaest. 4. art. 5. Valentia disp. 5. quaest. 4. puncto. 2. Sayrus Lib. 12. cap. 9. num. 3. Ratio D. Bonaventurae, qua omnes nituntur, est, quia iudicare aliquid ad approbandum, vel reprobandum, dicit praeauctoritatem*

super illud: At Iudex huiusmodi est subditus illis legibus, quas superiores condiderunt: unde contra Iudicem potest de nullitate opponi, si has leges, Canones, vel statuta inter Iudicandum omiserit. Ita P. Elizzus tract. 2. quaest. 4. num. 16.

9 AS regards laws enacted by himself, enough has been done in the Tract. de Legibus, disp. 5. quaest. 14., where I showed that the Legislator cannot dispense in his own laws without a cause; for although before he was free to enact those Laws, nevertheless after they have been published for the common good, he is bound to keep them unimpaired.

QUOAD leges vero a se conditas, satis actum est, Tract. de Legibus, disp. 5. quaest. 14. ubi ostendi, non posse Legislatorem sine causa in suis legibus dispensare; quamvis enim ante liber esset ad eas Leges ferendas, tamen postquam ob commune bonum publicatae sunt, tenetur eas conservare illibatas.

10 INDEED, if, the words of the law being preserved, there would follow by reason of place, person, etc. some injustice, then they ought to judge according to Epieikeia. So D. Thom. 2. 2. quaest. 60. art. 5. ad 2., Salon. and Aragon. there, Sotus L. 3. quaest. 4. art. 3., Sayrus num. 4., and others.

ENIM vero, si verbis legis servatis, sequeretur ratione loci, personae, etc. aliqua iniustitia, tunc secundum Epikeiam iudicare debent. Ita D. Thom. 2. 2. quaest. 60. art. 5. ad 2. Salon. et Aragon. ibi, Sotus L. 3. quaest. 4. art. 3. Sayrus num. 4. et alii.

11 The REASON is, because Law is the rule and the explication of the just; but the judge is the guardian of Justice. It is confirmed, because a law, if it is unjust by reason of some circumstance, is no longer a law, nor a rule able to direct our actions, but a corruption, as D. Th. says most excellently in prima secundae, quaest. 96. art. 4., just as a clock, which does not agree with the motion of the Sun, is not a clock, but a disturbance of the hours.

RATIO est, quia Lex est regula, et explicatio iusti; iudex autem Iustitiae custos est. Confirmatur, quia lex, si ex aliqua circumstantia iniqua sit, non est amplius lex; neque regula, quae actiones nostras dirigere valeat, sed corruptela, ut optime ait D. Th. prima secundae, quaest. 96. art. 4. sicut Horologium, quod cum motu Solis non consentit, non est horologium, sed horarum perturbatio.

12 From the very name of Judge also it is evident that he ought to pronounce sentences according to the laws; for he is called Judge whose it is to terminate a cause according to the laws, as D. Bonaventure says in 2. dist. 25. part. 1. dub. 1. litt., or from declaring law (ius dicendo), as I admonished above from P. Eliseus ab Oriano, and as Becanus says, tract. 3. miscell. fol. 340., Fagundez num. 1. cap. 18.

E nomine etiam Iudicis constat, eum debere secundum leges sententias ferre; dicitur enim Iudex, cuius est secundum iura causam terminare, ut ait D. Bonavent. in 2. dist. 25. part. 1. dub. 1. litt. seu a ius dicendo, ut supra monui ex P. Elizzo ab Oriano, et ut ait Becanus tract. 3. miscell. fol. 340. Fagundez num. 1. cap. 18.

13 Fagundez truly notes, L. 8. cap. 18., that which he says Alensis noted, part. 3. quaest. 40. memb. 4., and Gabriel, 4. dist. 15. quaest. 6. not. 3.: in sacred page, Deuter. 1., this judgment is called the Judgment of God; for the judge bears the place of God; whence he ought to be conformed to God in three things: in Power or jurisdiction; in Truth, and in Goodness. Power consists in authority and superiority; the Truth of the Judge in discretion; Goodness in rectitude of soul. Whence in Deuter. 16. it is said: *Thou shalt appoint judges and masters in all thy gates:* behold authority. *That they may judge the people with just judgment:* behold the judgment of truth. *And they shall not decline to either side:* behold rectitude of soul. These things, however, the S. Doctor resolves more broadly in the places adduced,

in the Tract. de Prudentia, and in this Treatise, disp. 3., especially part. 2. de Ecclesiastica Hierarchia, cap. 2., and on cap. 6. of Sapientiae.

> *NOTAT vero Fagundez L. 8. cap. 18. id, quod ait adnotasse Alensem part. 3. quaest. 40. memb. 4. Gabrielem 4. dist. 15. quaest. 6. not. 3. in sacra pagina, Deuter. 1. Iudicium hoc vocari Iudicium Dei; gerit enim iudex, vices Dei; unde in tribus conformari debet Deo; In Potestate seu iurisdictione; in Veritate, et Bonitate. Potestas consistit in authoritate, et superioritate; Veritas Iudicis in discretione; Bonitas in rectitudine animi. Unde Deuter. 16. dicitur:* Iudices, et magistros constitues in omnibus portis tuis: *Ecce authoritas.* Ut iudicent iusto iudicio populum: *Ecce iudicium veritatis.* Nec in alteram partem declinent: *Ecce rectitudo animi: Haec tamen latius resolvit S. Doctor, locis adductis, Tract. de Prudentia, et Tractatu isto, disp. 3. praecipue part. 2. de Ecclesiastica Hierarchia, cap. 2. et ad cap. 6. sapientiae.*

14 From the defect of an incompressible power women are excluded; whence Deuter. 1. says: *Give men from among you.* And cap. 18: *Provide men*;[1] and because it was said to her in Genes.: *Thou shalt be under the power of the husband.* From which chapter servants also are excluded, whom Peter exhorts, prima, c. 1.: be ye subject.

1 Editor's note: the print reads 'cap. 18. Provide vires'; 'vires' (strengths) is apparently a print slip for 'viros' (men), as in the parallel Deuter. 1 'Date ex vobis viros'; rendered 'Provide viros' (provide men).

> *Ex defectu incompossibili potestatis excluduntur mulieres; unde Deuter. 1. dicitur:* Date ex vobis viros. *Et cap. 18.* Provide vires*, et quia dictum est ei Genes.* Sub potestate viri eris. *Ex quo capite excluduntur etiam servi, quos hortatur Petrus prima, c. 1. subditi essote.*

15 Because of a defect of judgment of discretion the deaf, the mute, the mentally deranged, the furious, and minors are rejected, as the Seraphic Doctor shows at length in the places adduced.

> *PROPTER defectum iudicii discretionis repelluntur surdi, muti, amentes, furiosi, et minores, ut late ostendit Seraphicus Doctor locis adductis.*

16 Because of a defect of probity heretics, the infamous, the excommunicate, and others probably suspect are rejected, as enemies or blood relations of the actor.

> *PROPTER defectum probitatis repelluntur haeretici, infames, excommunicati, et alii probabiliter suspecti, ut inimici, vel consanguinei actoris.*

Question III: Whether the acts of a judge who has not a true but only a putative title are valid, so that not even he sins

1 The FIRST opinion teaches that the acts and deeds done by such a Judge or Parish priest are invalid.

> An acta IUDICIS, non habentis titulum verum, sed putativum tantum, sint valida, ita ut neque ipse peccet.
>
> *PRIMA opinio docet, acta, gestaque per huiusmodi Iudicem, vel Parochum, esse invalida.*

2 The COMMON, however, and true opinion is that they are valid. So Lessius Tom. 1. lib. 2. cap. 29. dub. 8. num. 65., Filliucius Tomo 2. tract. 40. cap. 6. num. 162., Sanchez Lib. 3. de matrim. disp. 22. num. 5., Tanner disp. 4. quaest. 4. num. 21., Fagundez on the eighth precept of the decal. Lib. 8. cap. 19. num. 5. and 8., where he cites others, and so it was decided in both laws.

> *COMMUNIS tamen, et vera sententia est; ea esse valida. Ita Lessius Tom. 1. lib. 2. cap. 29. dub. 8. num 65. Filliucius Tomo 2. tract. 40. cap. 6. num. 162. Sanchez Lib. 3. de matrim. disp. 22. num. 5. Tanner. disp. 4. quaest. 4. num. 21.*

Fagundez in octavum praeceptum decal. Lib. 8. cap. 19. num. 5. et 8. ubi alios citat et ita decisum est in utroque iure.

3 As regards D. Bonaventure, I think he stands for this opinion, for in 4. dist. 17. part. 3. dub. 4., assigning the cases in which confession must be repeated, he lays down four. The first is, when the case is reserved and must be remitted to the superior having jurisdiction; and he seems to intimate that this happens only when an inferior, knowing, absolves, since he is bound to remit to the superior.

QUOAD D. Bonavent. arbitror stare pro hac sententia, nam in 4. dist. 17. part. 3. dub. 4. assignans casus, quando debet confessio iterari, ponit quatuor. Primus est, quando casus est reservatus, et debet remitti ad superiorem, habentem iurisdictionem, et videtur innuere id solum evenire, quando inferior, sciens, absolvit, cum teneatur ad superiorem remittere.

4 From which it is deduced that one going in good faith, and confessing a reserved sin only to him who thinks he has jurisdiction, and therefore is not bound to remit to the superior, is validly absolved. That the Seraphic Doctor thus thought is evident from disp. 19. art. 3. quaest. 1., which he proves on foundation 2, and 9. quaest. 2., where the nullity of the deeds is declared only against that case.

Ex quo deducitur, Euntem bona fide, et reservatum tantum confitentem illi, qui putat se habere iurisdictionem, et ideo non tenetur ad superiorem remittere, valide absolvi. Hoc autem ita sentire Seraphicum patet ex disp. 19. art. 3. quaest. 1. quod probat fundamento 2. et 9. quaest. 2. ubi nullitas factorum declaratur solum contra eum casum.

5 It is PROVED first from the *Leg. Barbarius, ff. de officio Praetoris*, where the case occurred that this Barbarius, a slave elsewhere, was assumed to the Praetorship at Rome, although slaves were incapable of this by reason of their servitude; and nevertheless his acts were ratified by the Roman senate, lest confusions arise; and the same case is defined in general, because it can be removed by that Prince who laid down the incapacity.

PROBATUR primo ex Leg. Barbarius, ff. de officio Praetoris*, ubi casus incidit, ut iste Barbarius, alibi servus, fuerit Romae ad Praeturam assumptus, cum tamen servi ad hoc essent inhabiles ex servitute, et tamen acta eius fuere a senatu Romano ratificata, ne exurgerent confusiones; et idem casus in genere definitur, quia potest ab eo Principe, qui inhabilitatem posuit, removeri.*

6 The same is had in the *Roman Synod, 3. quaest. 7. cap. 1.*, and it is reported in the *chapter infamis, V. verumtamen 3. quaest. 7.*, there: *If a slave, while he was thought free, gave sentence by delegation; although he was afterwards forced back into servitude, the sentence pronounced by him holds the firmness of a res judicata.*

IDEM habetur in Synodo Romana 3. quaest. 7. cap. 1. *et refertur,* cap. infamis, V. verumtamen 3. quaest. 7. *ibi:* Si servus, dum reputaretur liber, sententiam daret ex delegatione; quamvis postea in servitutem depulsus sit, sententia ab eo dicta, rei iudicatae firmitatem tenet.

7 The REASON is, because otherwise innumerable confusions would arise in the Republic, if all decrees and all decisions etc. were to be rescinded.

RATIO est, quia alioqui innumerae confusiones in Republica orirentur, si essent rescindenda omnia decreta, omnes decisiones, etc.

8 Therefore it is certain from the common doctrine that one elected invalidly, but continuously tolerated, provided nothing required by divine law be lacking, and provided there be in those electing

at least a colorable title, can validly exercise various acts of Jurisdiction. I said: provided nothing be lacking from divine law, etc., because if anyone be elected as Confessor who is not a Priest, his jurisdiction is null. So P. Eliseus tract. 10. quaest. 22. num. 15.

> *Certum itaque est ex communi doctrina, nulliter electum, sed iugiter toleratum, modo nil desit e iure divino requisitum, et modo in eligentibus sit saltem titulus coloratus, posse valide varios Iurisdictionis actus exercere. Dixi: modo nil desit e iure divino, etc. quia si quis eligatur in Confessarium, qui non sit Sacerdos, eius iurisdictio nulla est. Ita P. Elizzus tract. 10. quaest. 22. num. 15.*

9 The same thinks Lessius, when even the people doubt about the revocation of the power, because the condition of the possessor is better; likewise Diana with others, part. 2. tract. 16. resol. 45., and part. 5. tract. 4., affirm that the acts of a Judge having power only in the estimation of the people still hold; which the same Lessius and Suarez say, 3. part. tom. 4. disp. 26. sect. 6. num. 7., of a judge whose Jurisdiction attaches only to a probable opinion, although such an opinion be in itself false; for the contrary opinion, however, more fight.

> *Idem sentit Lessius, quando etiam populus dubitat de revocatione potestatis; quia melior est conditio possidentis; Item Diana cum aliis part. 2. tract. 16. resol. 45. et part. 5. tract. 4. affirmant acta Iudicis, potestatem tantum habentis in sola aestimatione populi, adhuc valere; Quod idem aiunt Lessius et Suarez 3. part. tom. 4. disp. 26. sect. 6. num. 7. de iudice, cuius Iurisdictio tantum appenditur opinioni probabili, licet talis opinio in se sit falsa; Pro contraria tamen sententia plures militant.*

10 From these another question is almost defined: What is to be said of a Judge delegated only to one cause or another, and deciding everything. That such acts indeed do not hold, Innocent teaches, the chapter cum dilecta, num. 10. de rescript.; Ioannes Andreas there, num. 14.; Abb. num. 10.; Guido Pap. decis. 322.; Alex. cons. 77. num. 7. lib. 2.

> *Ex his fere definitur alia quaestio: Quid dicendum de Iudice, delegato solum ad unam, vel alteram causam, et decernente omnia. Ea sane acta non valere docent Innocentius, cap. cum dilecta, num. 10. de rescript. Ioannes Andreas ibi, num. 14. Abb. num. 10. Guido Pap. decis. 322. Alex. cons. 77. num. 7. lib. 2.*

11 *The opposite* opinion, however, is that of Sanchez Tom. 1. Lib. 3. de matrim. disp. 22. num. 16., Anton. the chapter cum dilecta, de rescript. num. 15., Abb. there, number 10., Imola num. 11., Filliucius num. 3., saying that it is the opinion of all. Decius on the chapter sciscitatus, de rescript. num. 38., Bartol. on the Leg. Barbarius, ff. de offic. Praetor. in the second reading, num. 13. and 18., Paludanus 4. dist. 17. quaest. 6. art. 1., Henriquez lib. 5. de poenitent. cap. 14., Fagundez on the eighth Precept, Lib. 8. cap. 19., and others cited by Sanchez.

> Opposita *tamen sententia est Sanchez Tom. 1. Lib. 3. de matrim. disp. 22. num. 16. Anton. cap. cum dilecta, de rescript. num. 15. Abb. ibi, numero 10. Imola num. 11. Filliucius num. 3. dicens, esse omnium. Decius in cap. sciscitatus, de rescript. num. 38. Bartol. in Leg. Barbarius, ff. de offic. Praetor. in secunda lectura, num. 13. et 18. Paludanus 4. dist. 17. quaest. 6. art. 1. Henriquez lib. 5. de poenitent. cap. 14. Fagundez in octavum Praecept. Lib. 8. cap. 19. et alii apud Sanchez.*

12 *It is proved* from the said chapter infamis, where there is openly talk of a delegated Judge, and yet his sentence is sustained on account of the common error and utility, when he was not the true Judge.

> Probatur *ex dicto cap. infamis, ubi aperte est sermo de Iudice delegato, et tamen eius sententia sustinetur propter communem errorem, et utilitatem, cum verus Iudex non esset.*

13 *It is proved* secondly from the Law 1. Cod. de sentent. et interlocut., there: *If an arbiter given by the magistrates, after he pronounced sentence, was in servitude.* Thus the Gloss also expounds it, V. si arbiter.

> Probatur *secundo ex Lege 1. Cod. de sentent. et inte-loc. ibi:* Si arbiter datus a magistratibus, cum sententiam dixit, in libertate morabatur. *Sic exponit et Glossa V. si arbiter.*

14 *Thirdly*, because if a slave, who cannot be a witness, be employed in a testament, it is valid, as is evident from the Law 1. Cod. de testamento.

> Tertio*, quia, si servus, qui testis esse nequit, adhibeatur in testamento, valet, ut patet Lege 1. Cod. de testamento.*

15 *You will say.* In an ordinary judge there concurs a common utility, not so in one delegated to one cause.

> Dices. *In iudice ordinario concurrit communis utilitas, non sic in delegato ad unum.*

16 *It is answered*, that here too a common utility intervenes by reason of the office; for when a judge delegates to this one one cause, he constitutes him in a public office, *Leg. 3. ff. de iurisdictione omnium iudicum.* But the same thing proportionally in the case of the ordinary and the delegated [judge] the S. Doctor judges, 4. dist. 17. part. 3. quaest. 2.

> Respondetur*, intervenire etiam hic utilitatem communem ratione officii; nam, dum iudex delegat huic unam causam, constituit eum in officio publico* Leg. 3. ff. de iurisdict. omnium iudicum. *Idem autem proportionaliter in casu ordinarii, et delegati censet S. Doctor 4. dist. 17. part. 3. quaest. 2.*

Question IV: Whether the Pope can subject himself to someone's judgment

1 It is *certain* that this has at times been done; for thus Leo IV, as recorded by D. Thom. 2. 2. quaest. 67. art. 1. ad 2., as we read in dist. 2. quaest. 7. c. *Nos incompetenter*, submitted himself spontaneously to the judgment of Louis the second Emperor, and of Charlemagne his great-grandson, in a certain cause, saying: *Si iniuste aliquid egimus, cuncta volumus vestro emendare iudicio.*

> ***An possit PAPA se alicuius iudicio subiicere.***
>
> Certum *est aliquando id praestitum; Sic enim Leo IV. apud D. Thom. 2. 2. quaest. 67. art. 1. ad 2. ut legitur dist. 2. quaest. 7. c.* Nos incompetenter*; in causa quadam se sponte subiecit iudicio Ludovici secundi Imperatoris, et Caroli magni pronepotis, dicens:* Si iniuste aliquid egimus, cuncta volumus vestro emendare iudicio.

2 *He adds*, moreover, Valentia disp 5. quaest. 11. punct. 1., that in that case the Pontiff is bound to comply with him to whom he has spontaneously submitted himself, so that, if he does not obey, he sins.

> Addit *autem Valentia disp 5. quaest. 11. punct. 1. in eo casu teneri Pontificem patere ei, cui se sponte subiecit, ita ut, si non pareat, peccet.*

3 In which sense Sayrus *L. 12. cap. 8. num. 4.* admits that the sentence of an arbiter chosen has the force of compelling the Pontiff, though not so perfectly that the Pontiff can be compelled to obey by penalty. This the S. Doctor asserts more strongly; otherwise he could excommunicate himself, which is absurd.

> *Quo sensu admittit Sayrus* L. 12. cap. 8. num. 4. *iudicis arbitrarii sententiam vim habere cogendi Pontificem, quanquam non adeo perfectam, ut possit Pontifex ad parendum cogi per poenam. Hoc fortius adstertit S. Doctor; alioqui*

posset excommunicare seipsum, quod est absurdum.

4 *He superadds*, Sayrus, following Valentia *loco cit.*, Caietano 2. 2. quaest. 67. art. 1., Soto Lib. 5. de Iust. quaest. 4. art. 1., Aragon ad loco cit. D. Thom., Tanner. *disp. 4. quaest. 4. num. 25.*, that the Pope can revoke the arbiter elected by himself for a cause, and although revoking him without cause he would sin, yet the revocation would stand, and his sentence would be null.

Superaddit *Sayrus ex Valentia* loco cit. Caietano 2. 2. quaest. 67. art. 1. Soto Lib. 5. de Iust. quaest. 4. art. 1. Aragon ad loco cit. D. Thom. *Tanner.* disp. 4. quaest. 4. num. 25. *quod Papa potest eum arbitrum a se electum revocare ex causa, et licet repudians sine causa, peccaret, tamen esset revocatus, et eius sententia foret nulla.*

5 *Far* more certain, however, is it that the Pope can submit himself to another in the judgment of sacramental confession.

Multo *vero magis certum est, posse Papam se subiicere alteri in iudicio confessionis sacramentalis.*

6 *It is proved* most powerfully by the S. Doctor, because the Pontiff is a man in via, a sharer in human infirmity, and can sin, and therefore is bound to take up the necessary means instituted by Christ, which is the Sacrament of Penance for actual mortal sins; and this the S. Doctor confirms *from the Decretal of Gregory, de poenit. et remiss.*, where it is declared, and by this reason proved.

Probatur *validissime a S. Doctore, quia Pontifex est homo viator, particeps infirmitatis humanae, et potest peccare, atque adeo tenetur assumere medium necessarium, a Christo institutum, quod est Sacramentum poenitentiae pro mortalibus actualibus, et hoc confirmat S. Doctor* ex Decretali, quae est Gregorii, de poenit. et remiss. *ubi id declaratur, et hac ratione probatur.*

7 *Against* this assertion you will object first: The Pontiff cannot submit himself to another to be excommunicated or punished; as D. Bonavent. teach *here*, and D. Thom. 4. dist. 19. quaest. 1. art. 3., Richardus *dist. 18. art. 5.*, Paludanus *ibi, quaest. 2.* Therefore neither can he submit himself to be judged.

Contra *assertum obiicies primo. Pontifex non potest se alteri subiicere excommunicandum, aut puniendum; ut docent D. Bonavent.* hic*, et D. Thom. 4. dist. 19. quaest. 1. art. 3. Richardus* dist. 18. art. 5. *Paludanus* ibi, quaest. 2. *Ergo neque potest se subiicere iudicandum.*

8 *The S. Doctor answers ad 3.* first, that Excommunication and other penalties are against oneself, and therefore against the will of God, even though they be patiently endured on account of merit; wherefore no one can juridically decree penalties against himself, because they would be willing and violent. But that sentence concerning oneself be passed with the will of the Party, where the cause is doubtful, does not seem contrary to the rationale of the judicial fabric. Valentia uses this answer, *Quod ad iudicia extra confessionem.*

Respondet *S. Doctor* ad 3. *primo, Excommunicationem, et alias poenas esse contra se, atque adeo esse contra voluntatem Dei, esto patienter toleratae sint ad meritum, quapropter non potest aliquis iuridice contra se poenas decernere, quia essent libentes, et violentae; At vero quod ex voluntate Rei feratur sententia de se, ubi causa est anceps, non videtur contra rationem iudiciariae telae. Hoc responso utitur Valentia,* Quod ad iudicia extra confessionem.

9 Yet with this answer the S. Doctor is not content, for in choosing an arbiter he assents voluntarily even to any just sentence against himself, if it be handed down; and therefore it would follow that no one can choose an arbiter who could define anything against himself.

Hac tamen responsione non quiescit S. Doctor, nam eligens arbitrum assentitur voluntarie etiam cuique sententiae iustae contra se, si deferatur; atque adeo sequetur, nullum posse eligere arbitrum, qui posset contra se definire.

10 *He answers* therefore secondly, that the reason is not the same in Excommunication and similar penalties as in an arbitrary judgment, whether of confession or of another kind necessary for salvation; For Excommunication and the other penalties, which are common among men, denote a common jurisdiction over a man, such as is in prelates; But the jurisdiction of confession denotes a mediation between God and man unto reconciliation. And because it is necessary for a man, however great, to submit to the Judgment of God; hence it is that the Pontiff can submit himself to another for Sacramental absolution; indeed even for other matters that touch conscience, such as restitutions and the like, and therefore he can in these submit himself to a man, not as Pope, but as one offending before God, or in doubt about it; But the penalties of excommunication and other human penalties presuppose Prelacy, which cannot be over the Pope, nor can he, remaining Pope, simply acknowledge anyone as prelate over himself, as I showed *p. p. tract. 1. disp. 4. proaem. quaest. 8.*

Respondet *ergo secundo, non esse parem rationem in Excommunicatione, similibusque poenis, et in iudicio arbitrario, sive confessionis, sive alio ad salutem necessario; Nam Excommunicatio, et aliae poenae, quae sunt hominibus communes, dicunt iurisdictionem communem super hominem, qualis est in praelatis; At iurisdictio confessionis dicit meliationem inter Deum, et hominem ad reconciliationem. Et quia necesse est, hominem, quantumvis magnum, subiici Iudicio Dei; hinc est ut possit Pontifex se subiicere alteri ad absolutionem Sacramentalem; imo ad alia, quae tangunt conscientiam, puta restitutiones, et similia, atque adeo potest in his se subiicere homini, non ut Papa, sed ut delinquens coram Deo, vel dubius de hoc; At poenae excommunicationis, et aliae humanae supponunt Praelationem, quae non potest esse super Papam, nec potest is, manens Papa, aliquem sibi praelatum simpliciter agnoscere, ut ostendi* p. p. tract. 1. disp. 4. proaem. quaest. 8.

11 *From this* is clear the answer to the other argument they oppose; namely, whether the arbiter elected by the Pope is either equal to or superior to the Pope. If equal, he cannot judge him, because par in parem non habet imperium. Not superior: First, because the Pope is supreme. Second, because one cannot give authority above that which one is; for no one gives what he does not have. Therefore the Pope cannot make another superior in the power of the Pope.

Ex quo *patet ad aliud argumentum, quod opponunt; nempe, vel arbiter electus a Papa, est aequalis, vel Superior Papae. Si aequalis, non potest iudicare illum, quia par in parem non habet imperium. Non Superior: Primo, quia Papa est supremus. Secundo quia non potest supra id, quod est; nemo enim dat, quod non habet. Igitur Papa non potest facere alium superiorem potestate Papae.*

12 *Caietanus* and *Valentia answer* that the Pope is inferior secundum quid, or in this respect.

Respondet *Caietanus, et Valentia, Papam esse inferiorem secundum quid, seu quo ad hoc.*

13 But the S. Doctor persists, that he is not subject as Pope, but as a man, who has need to preserve equity in the judgment of God.

At S. Doctor persistit, non subiici illum, ut est Papa, sed ut homo, qui eget in iudicio Dei servare aequitatem.

14 *Now* the Doctors concede this hereditary right, granted by Christ to Pontiffs, in accord with *Matthew 17: Ergo liberi sunt filii:* For Christ was not, even as man, subject to earthly power, although he subjected himself to it, as he protests to Pilate, Ioan. 19: *Non haberes in me potestatem, nisi datum tibi esset desuper.* This exemption was due to him by reason of the hypostatic union, as Valentia says *disp 5.*

quaest. 11. puncto 1. Wherefore I do not see why he should make it hereditary in Pontiffs, since they are not hypostatically united to the Word.

> Hoc *autem ius haereditarium a Christo Pontificibus concedunt Doctores iuxta illud* Matthaei 17. Ergo liberi sunt filii: *Neque enim Christus fuit, etiam ut homo, subditus potestati terrenae, tametsi illi se subiecerit, ut protestatur Pilato, Ioan. 19.* Non haberes in me potestatem, nisi datum tibi esset desuper. *Haec autem exemptio erat illi debita ratione unionis hypostaticae, ut ait Valentia* disp 5. quaest. 11. puncto 1. *Quare non video, cur haereditariam eam faciat in Pontifices, cum ipsi non uniantur hypostatice verbo.*

15 It comes to them, therefore, from another source, namely from Divine Law, by which Christ constituted Pontiffs Fathers and Judges of the whole Church. Wherefore I judge that at that time he imposed upon them this dignity, Matth. 16., when Peter confessed Christ to be the Son of God, and God. And Ioan. 22., when he protested him to be beloved above all, as God.

> *Ex alio igitur capite illis obvenit, nempe ex Iure Divino, quo constituit Christus Pontifices Patres, et Iudices totius Ecclesiae. Ubi ideo arbitror, eo tempore imposuisse hanc dignitatem Matth. 16. quando Petrus confessus est, Christum esse filium Dei, atque Deum. Et Ioan. 22. cum eum super omnia dilectum, ut Deum, protestatus est.*

16 Interim, however, they are accustomed here to ask also: Whether Christ, as man, would be Rex Regum, and therefore by this reason above the power of the Emperor, which Pilatus had delegated, and accordingly Christ submitted himself to him spontaneously, not only as exempt by reason of the hypostatic union, but also by reason of his monarchic dignity.

> *SOLENT autem hic interim etiam quaerere: An Christus, ut homo, esset Rex Regum; atque adeo hac ratione supra Imperatoris potestatem, quam habuit Pilatus delegatam, ac proinde Christus se illi sponte subiecerit, non modo ut exemptus ratione unionis hypostaticae, sed etiam ratione dignitatis monarchicae.*

17 SOTUS *Lib. 4. quaest. 5. art. 1.*, Caietanus *loco cit.*, and Valentia deny that Christ subjected himself to Pilatus in this way, because he himself confesses: *Regnum meum non est de hoc mundo.*

> *SOTUS* Lib. 4. quaest. 5. art. 1. *Caietanus* loco cit. *et Valentia negant, Christum hoc pacto se Pilato subiecisse, quia ipse fatetur:* Regnum meum non est de hoc mundo.

18 BUT D. Bonavent., on Ioan. 19, professes that Pilatus usurped to himself the exercise of power against Christ, and had from above only the power of a Judge, not over Christ, who testified more than once that he was King, in accord with Psalm. 2: *Ego autem constitutus sum Rex ab eo, etc.*; and if he said: *Regnum meum non est hinc;* it is no obstacle, because, as the S. Doctor acutely observes, Christ did not say: My kingdom is not here, or not in this world, but: it is not of this world: *it is not hence*, because he did not hold royal power by the law of nations, but by natural divine law. Christ, therefore, was King, as I shall show *3. part. Tractatu 1. disp. 24. quaestione ultima.*

> *SED D. Bonavent. ad 19. Ioannis profitetur, Pilatum usurpasse sibi exercitium potestatis, contra Christum, et desuper habuisse tantum potestatem Iudicis, non super Christum, qui saepius testicavit, se Regem esse, iuxta id Psalm.* 2. Ego autem constitutus sum Rex ab eo, etc. *et si dixit:* Regnum meum non est hinc; *non obest, quia, ut acute observat S. Doctor; non dixit Christus: Regnum meum non est hic, vel non est in hoc mundo, sed: non est de hoc mundo:* non est hinc*, quia non iure gentium habebar regiam porestatem, sed iure divino naturali. Erat igitur Christus Rex, ut ostendam* 3. part. Tractatu 1. disp. 24. quaestione ultima.

Question V: Whether goodness is necessary in a judge

1 SOME of the SECTARIORS have dared to say that a Praelatum in mortal sin loses jurisdiction: which error I have often refuted, and it is condemned in the Council of Constance *sess. 8. art. 15. et sess. 15. art. 3.*, and it is plain from Matth. 23: *Reddite ergo quae sunt Caesaris, Caesari,* even to the impious.

> An bonitas sit IUDICI necessaria.
>
> *SECTARIORUM nonnulli ausi sunt dicere, Praelatum peccato mortali amittere iurisdictionem: quem errorem explosi saepius, et damnatur in Concilio Constantiensi* sess. 8. art. 15. et sess. 15. art. 3. *et patet Matth. 23.* Reddite ergo quae sunt Caesaris, Caesari, *licet impio.*

2 SOME say, however, that a Iudicem judging in mortal sin sins mortally; So Alens. *3. part. quaest. 40. memb. 3.*

> *DICUNT tamen aliqui, Iudicem in peccato mortali iudicantem, mortaliter delinquere; Ita Alens.* 3. part. quaest. 40. memb. 3.

3 ON the other hand, as to Ecclesiastics, D. Thom. *4. dist. 19. quaest. 2. art. 2. quaest. 2.*, Paludanus ibi *quaest. 3. art. 3.*, Sylvester *V. correctio, quaest. 16.* Hence that saying of Ioan. 8: *Qui sine peccato est vestrum, primus in eam lapidem mittat,* where the S. Doctor says: The law was written on stone on account of the hard of heart: now the Lord wrote on the ground, because he was seeking fruit. Let the law therefore be fulfilled, but should the adulteress be stoned by those who are to punish her? This is the voice of justice; let the sinner be punished, but not by sinners; and he alleges D. Augustinum *tract. 33*: Ad signandum ergo, quod legis praevaricatores non sunt digni ad iudicandum alios, ideo se sic inclinavit, et scripsit, as truly Anselmus says; Quantum est de ordine iustitiae non sunt digni punire, vel accusare, those who are in sin, especially when the sin is notorious, because then those judging and accusing give scandal.

> *DE Ecclesiasticis vero D. Thom.* 4. dist. 19. quaest. 2. art. 2. quaest. 2. *Paludanus ibi* quaest. 3. art. 3. *Sylvester* V. correctio, quaest. 16. *Unde illud Ioan. 8.* Qui sine peccato est vestrum, primus in eam lapidem mittat, *ubi S. Doctor, Lex scripta est in lapide propter duros: nunc autem scripsit Dominus in terra, quia fructum quaerebat. Impleatur ergo lex, sed numquid a puniendis lapidanda est adultera? Haec vox est iustitiae; puniatur peccatrix, sed non a peccatoribus, et allegat D. Augustinum* tract. 33. Ad signandum ergo, quod legis praevaricatores non sunt digni ad iudicandum alios, ideo se sic inclinavit, et scripsit, ut ait vere Anselmus; Quantum est de ordine iustitiae non sunt digni punire, vel accusare, *qui sunt in peccato, maxime quando peccatum est notorium, quia tunc iudicantes, et accusantes scandalizant.*

4 WHEN, however, the sin is hidden, then the one judging or accusing sins, because he knows himself to be in sin and yet does not purge himself. And therefore such judges act perilously, thus judging when they know themselves to be in sin.

> *QUANDO vero peccatum est occultum tunc peccat iudicans, vel acusans, eo quod cognoscit, se esse in peccato, et tamen se non purgat. Et ideo periculose faciunt tales iudices, sic iudicantes, cum sciant, se esse in peccato.*

5 The OPPOSITE opinion, however, is that no Iudicem sins by judging in mortal sin. So D. Thom. *2. 2. quaest. 33. art. 5. et quaest. 60. art. 2.*, Caietanus, Salonius, Aragonius, and Bannes *ibi*, Sotus lib. 3. de Iust. quaest 4. part. 1., Petrus Nauar. lib. 2. de restit. cap. 4. part. 4. dub. 4. num. 455., Martin Nauar.

in Rubric. de Iud. num. 42. Sayrus *vero Lib. 12. cap. 13.* makes certain distinctions. They speak, however, of external Judgment.

> *OPPOSITA vero sententia est, nullum Iudicem peccare, iudicando in peccato mortali. Ita D. Thom.* 2. 2. quaest. 33. art. 5. et quaest. 60. art. 2. *Caietanus, Salonius, Aragonius, et Bannes* ibi, Sotus lib. 3. de Iust. quaest 4. part. 1. Petrus Nauar. lib. 2. de restit. cap. 4. part. 4. dub. 4. num. 455. *Martin Nauar.* in Rubric. de Iud. num. 42. *Sayrus* vero Lib. 12. cap. 13. *aliqua distinguit. Loquuntur autem de Iudicio externo.*

6 The same hold Valentia *quaest. 4. puncto 2.*; Tannerus vero *disp. 4. quaest. 4. num. 16.* distinguishes, alleging others, among whom also Alensem *loco cit.*, as recorded by Sylvestrum, *V. Iud. §. 12.* So also Bassaeus *V. Iudex, num. 12.*, Lugo *de Iust. disp. 37. sect. 2.*, Sylvius *2. 2. quaest. 60. art. 2. et alii.*

> *IDEM sentiunt Valentia* quaest. 4. puncto 2. *Tannerus vero* disp. 4. quaest. 4. num. 16. *distinguit, alios allegans, inter quos etiam Alensem* loco cit. *apud Sylvestrum,* V. Iud. §. 12. *Sic et Bassaeus* V. Iudex, num. 12. *Lugo* de Iust. disp. 37. sect. 2. *Sylvius* 2. 2. quaest. 60. art. 2. et alii.

7 I ASSERT first, with D. Bonavent., that a Iudicem in mortal and scandalous sin, in handing down a sentence, even a just one, sins mortally. So D. Bonau., D. Thom. *art. cit.*, Caietanus, and all the others cited, among whom some say it is per accidens by reason of justice, which is interpreted as contempt.

> *ASSERO primo cum D. Bonavent. Iudicem in peccato mortali scandaloso, ferendo sententiam, etiam iustam, peccare mortaliter. Ita D. Bonau. D. Thom.* art. cit. *Caietanus, et alii omnes citati, e quibus aliqui dicunt, esse per accidens ratione iustitiae, quae exponitur contemptui.*

8 The RATIO of D. Bonavent., used by the others, is that from it arises the scandal of others, and justice passes into contempt; but this happens especially when a Iudex is besmirched with the same crimes that he punishes in others.

> *RATIO D. Bonavent. qui utuntur alii, est, quia inde oritur scandalum aliorum, et iustitia in vilipendium abit; maxime vero hoc evenit, quando Iudex eisdem criminibus obvolvitur, quae punit in aliis.*

9 I ASSERT second, that a Iudex in hidden mortal sin sins in some way. So judge among the Doctors, even of the second opinion, Caietanus, Sotus, Valentia, Martinus Nauarrus, and Sayrus, saying that he sins venially, because he does not exercise the act of justice from the inclination of justice. It is proved by the S. Doctor from *6. Sap.*, with those words of *Rom. 2*: *In quo alium iudicas, te ipsum condemnas.*

> *ASSERO secundo, Iudicem in peccato mortali occulto peccare aliquo modo. Ita censent e Doctoribus, etiam secundae sententiae, Caietanus, Sotus, Valentia, Martinus Nauarrus, et Sayrus, dicentes, peccare venialiter, eo quod actum iustitiae ex inclinatione iustitiae non exercet. Probatur a S. Doctore ad* 6. Sap. *illis verbis,* Rom. 2. In quo alium iudicas, te ipsum condemnas.

10 S. Bonavent. ADDS something further on account of the danger, because an impious man is easily corrupted into judging unjustly, especially by affections, gifts, etc.

> *ADDIT S. Bonavent. aliquid aliud ob periculum, quia homo impius facile corrumpitur ad inique iudicandum, maxime affectibus, muneribus, etc.*

Question VI: On the external purity of the hands of the judge

[1] EXTERNAL purity, necessary for a Iudici, consists especially in the hands, *arg. cap. statuum, §. Insuper de rescript. in 6.*; and it is twofold: The first is to refrain from injuries, contumelies, etc. The second, from gifts.

> De exteriori puritate manuum Iudicis.
>
> *EXTERIOR puritas, Iudici necessaria, consistit praecipue in manibus,* arg. cap. statuum, §. Insuper de rescript. in 6. *quae est duplex: Prima est continere se ab iniuriis, contumeliis, etc. Secunda a muneribus.*

[2] AGAINST the first he sins by beating, *Lex Nec magistratibus, ff. de iniuriis*, and he is bound to compensation for the injury inflicted.

> *CONTRA primum peccat verberando,* Lex Nec magistratibus, ff. de iniuriis, *et tenetur ad compensationem illatae iniuriae.*

[3] AGAINST the second he sins by extortions, *Titul. de concussione.* Concussion, however, as is gathered *ex cap. Iubemus, et seq.*, is when someone threatens another unless he give or do this or that; or when he puts his sentence up for sale, which otherwise he would not give, or the contrary. Therefore he who by extorsion of money, through the fear of extortion, receives something, steals, and is bound to restitution; or if on account of money received he omits to proceed further, he incurs the crime of concussion *Leg. 1. et 2. de concuss.*, and beyond the precept *Levit. 6.*, where nothing extorted is commanded to be taken. This the S. Doctor pursues in *speculo animae, cap. 2. ante medium.*

> *CONTRA secundum peccat concussionibus,* Titul. de concussione. *Est autem concussio, ut colligitur* ex cap. Iubemus, et seq. *dum quis minatur alicui, nisi hoc, vel illud des, aut facias; vel quando venalem dat sententiam; alias non daturus, vel e contra. Qui igitur extorextorsione pecuniae ex incussione metus aliquid accipit, furatur, et ad restitutionem tenetur; vel si ratione pecuniae acceptae ulterius procedere omittit, concussionis crimen incurrit* Leg. 1. et 2. de concuss. *et extra praeceptum* Levit. 6. *ubi iubetur nihil extorquendum. Quae prosequitur S. Doctor in* speculo animae, cap. 2. ante medium.

[4] *The chiefest* cleanliness of hands is from gifts, concerning which the S. Doctor, in the place just cited, says: *§. quartus fructus rapinae est munerum acceptio.*

> Praecipva *mundities manuum est a muneribus, de quibus S. Doctor allegato loco statim,* §. quartus fructus rapinae est munerum acceptio.

[5] I *suppose*, however, that Iudices and other Ministers of justice have just stipends from the Laws. Therefore if they receive anything further for exercising their office, they sin against justice, and are bound to restitution before the sentence of a judge, to be made to the party giving; after the sentence, however, to Superiors, or it is to be made to him to whom the sentence decrees. So S. Bonavent. *loco citato*, Molina tom. 1. de Iust. disp. 83., Covar. ad reg peccatum, part. 2. §. 3., Navar. summa lat. cap. 17. numero 23., Adrianus quodl. 10. art. 1. et in 4. quaest. 19., Gabriel in 4. dist. 15. quaest. 6. concl. 9., Lessius Lib. 2. cap. 14. dub. 9. num. 63., Caietanus 2. 2. quaest. 32. art. 7. This sin pertains to concussion and calumny, from D. Augustino, as related in *cap. militare, dist. 23. quaest. 1.*, by whom Ioannes Baptista *Lucae 3.* admonished the soldiers *ut abstinerent: Neminem concutiatis; contenti estote stipendiis vestris*, as S. Bonavent. explains *in comment.*

> Svppono *autem, Iudices, et alios iustitiae Ministros habere a Legibus iusta stipendia. Itaque si aliquid amplius pro suo munere exercendo accipiunt, peccant contra iustitiam, et restitutioni tenentur ante sententiam iudicis, parti danti*

faciendae; post sententiam vero Superioribus, ei facienda est, cui sententia decreverit. Ita S. Bonavent. loco citato, Molina tom. 1. de Iust. disp. 83. Covar. ad reg peccatum, part. 2. §. 3. Navar. summa lat. cap. 17. numero 23. Adrianus quodl. 10. art. 1. et in 4. quaest. 19. Gabriel in 4. dist. 15. quaest. 6. concl. 9. Lessius Lib. 2. cap. 14. dub. 9. num. 63. Caietanus 2. 2. quaest. 32. art. 7. *Hoc peccatum ad concussionem, et calumniam spectat ex D. Augustino, relato in* cap. militare, dist. 23. quaest. 1. *a quo Ioannes Baptista* Lucae 3. *milites admonebat,* ut abstinerent: Neminem concutiatis; contenti estote stipendiis vestris*, ut explicat S. Bonavent.* in comment.

6 *Both* Laws condemn these acceptances of gifts.

Has *munerum acceptiones damnant utraque Iura.*

7 *The* Canonical law indeed, *cap. statuimus, §. si quid, et §. insuper de rescript. lib. 6.*, where Iudices delegati are commanded to restore those things which beyond what is due to them and granted them by law they have received from the parties; and there it is said that the mere remission of him to whom this restitution is due does not suffice for the Iudex to be absolved from restitution. Panormitanus notes in *cap. cum ab omni de rescript.*, and Molina *disput. 84.*, Fagundez *Lib. 8. cap. 16. numero 2.*, that this applies a fortiori to ordinary judges.

Ivs *quidem Canonicum* cap. statuimus, §. si quid, et §. insuper de rescript. lib. 6. *ubi praecipiuntur Iudices delegati restituere ea, quae ultra sibi debita, et iure concessa, a partibus acceperunt, et ibi dicitur, non sufficere solam remissionem eius, cui haec restitutio debetur, ut Iudex a restitutione absolvatur. Notat autem Panormitanus in* cap. cum ab omni de rescript. *et Molina* disput. 84. *Fagundez* Lib. 8. cap. 16. numero 2. *id a fortiori urgere de iudicibus ordinariis.*

8 *Of* the common law also it is plain in *Leg. Plebiscito, ff. de offic. Praesid. et Leg. solet, §. ult. ff. de off. Proconsulis; et Authentica: Ut Iudices sine quoquo suffragio fiant, §. Scriptura est exemplar*, where, however, Xenia are not forbidden but granted, that is, little edible gifts, which are consumed within the space of two or three days; these the S. Doctor first calls Munera granted by law.

De *Iure communi etiam patet in* Leg. Plebiscito, ff. de offic. Praesid. et Leg. solet, §. ult. ff. de off. Proconsulis; et Authentica: Ut Iudices sine quoquo suffragio fiant, §. Scriptura est exemplar*, ubi tamen non prohibentur, sed conceduntur Xenia, idest munuscula esculenta, quae duorum, vel trium dierum spatio consumuntur; quae primo Munera vocat S. Doctor a iure concessa.*

9 *Navar.* admonishes, however, *opusc. de datis, et promiss. num. 47.*, Molina *disp. 83.*, Fagundez *num. 12.*, that if anyone asks of a judge some diligence beyond that to which he is bound, for instance that he make a journey; or requests a Tabellionem to write more diligently on parchment, etc., he may give something moderate.

Admonet *tamen Navar.* opusc. de datis, et promiss. num. 47. *Molina* disp. 83. *Fagundez* num. 12. *si quis a iudice petat aliquam diligentiam singularem, super eam ad quam tenetur puta, ut iter eo faciat; Sic Tabellionem postulet, ut scribat diligentius in membranis, etc. posse aliquid moderatum dare.*

10 *It is proved* by reason, because the Public gives them just stipends, as I suppose, on account of which he has obligated himself to those offices, and by the just law other things are forbidden him.

Probatur *ratione, quia Publicum eis dat stipendia iusta, ut suppono, ob quae se obligavit ad ea officia, et a lege iusta ei interdicuntur alia.*

11 *Many* say, however, that a Iudex can receive something for handing down a sentence for one party, when, since there is probability on both sides, it is in his discretion to pass sentence for either. But I laugh at this; for it is not in the power of the judge, when the reasons on both sides remain equal, to give to one by taking away from the other, but this will be a flaccid acceptance of persons, as I taught in prima secundae, *Tract. 2. disp. 17. de conscientia probabili, ad prop. 26. et hic disput. 25. quaest. 4.*

> Mvlti *dicunt tamen, posse recipere aliquid Iudicem pro ferenda sententia pro altera parte, quando utrinque, cum sit probabilitas, habet in suo arbitrio ferre sententiam pro alterutro. Sed hoc rideo; non enim est in potestate iudicis, stantibus utrinque paribus rationibus, dare uni, auferendo alteri, sed haec erit fracida personarum acceptio, ut docui prima secundae,* Tract. 2. disp. 17. de conscientia probabili, ad prop. 26. et hic disput. 25. quaest. 4.

12 *They raise* the question also: Whether a Iudex or tabellio can, under the title of mere liberality and friendship, receive gifts from litigants, or from him for whom he passed sentence; and whether they are bound to restitution.

> Movent *etiam quaestionem: An possit Iudex, vel tabellio, merae liberalitatis, et amicitiae titulo, munera recipere a litigantibus, vel ab eo, pro quo tulit sententiam, et : An teneantur restitutioni.*

13 *Some suppose*, however, considering the mere law of nature, that these gifts are not illicit, since anyone may give what is his own to whom he pleases. So Molina *disp. 88.*, Lessius *Lib. 2. cap. 14. num. 72.*, Fagundez *cap. 27. num. 3.*

> Svpponvnt *autem nonnulli, spectato solo iure naturae, non esse illicita haec munera, cum possit quisque suum cui libet donare. Ita Molina* disp. 88. *Lessius* Lib. 2. cap. 14. num. 72. *Fagundez* cap. 27. num. 3.

14 *Nor* does it stand in the way (they say) that of Exodus 23: *Non accipies munera; quia excaecant prudentes, et subvertunt verba iustorum.* Because here it is only held that they can rightly be forbidden.

> Nec *obstat (aiunt) id Exodi 23.* Non accipies munera; quia excaecant prudentes, et subvertunt verba iustorum. *Quia hic, solum habetur, recte ea posse prohiberi.*

15 *But* D. Bonavent. *locis allegatis* refers these to rapine, and the S. Doctor gives the reason; for gifts naturally corrupt justice, which ought to be done from the motive of honesty, as a judgment constituted by God, for which reason it is called the judgment of God, *2. Paral. 19.*

> Sed *D. Bonavent.* locis allegatis, *ad rapinam haec revocat, et rationem reddit S. Doctor; naturaliter enim munera corrumpunt iustitiam, quae debet fieri ex motivo honestatis, ut iudicium a Deo constitutum, quod ideo dicitur iudicium Dei,* 2. Paral. 19.

16 *Then* also, since a Iudex is bound, as Fagundez concedes, to do these things from honest stipends, he infers violence, and they are almost never given from friendship; and even if they were given under that title, they would still perilously tend to corrupting justice.

> Deinde *quia, cum teneatur Iudex, ut concedit Fagundez, haec agere ex honestis stipendiis, vim infert, et fere semper non ex amicitia dantur, et si hoc titulo darentur, adhuc tamen periculose ad corrumpendam iustitiam pellicerent.*

17 *That* these things are prohibited by the law of nature, the S. Doctor proves from Deuter. 16: *Non accipies personam, nec munera; quia munera excaecant oculos sapientum, et mutant verba iustorum. Iuste quod iustum est persequeris:* Behold, to justice belongs not receiving gifts; Wherefore by its nature he is bound to restitution. Very many hold this, even though they concede that gifts are forbidden only by positive law. Fagundez relates them *Lib. 8. cap. 27. num. 7.*, Ioan. Medina de *restit. quaest. 20.*,

Bartholomaeus Medina *de modo administrandi sacram. Poenit. fol. 226.*, Sotus *lib. 4. quaest. 7. art. 1. de Iustitia*, Gabriel *4. dist. 15. quaest. 6. concl. 4.*, Sylvester *V. Iudex 1. num. 23. quaest. 8.*; Lessius *lib. 2. cap. 14. dub. 9. num. 72.* inclines to it, Baldaeus *V. Iud. 12.*, with Ghisler. *de iud. cap. 6.*, Boverius *in direct. cap. 3.*

> Qvod *autem haec sint iure naturae prohibita, probat S. Doctor eo Deuter. 16.* Non accipies personam, nec munera; quia munera excaecant oculos sapientum, et mutant verba iustorum. Iuste quod iustum est persequeris: *En ad iustitiam spectat, non accipere munera; Quare ex natura sua tenetur ad restitutionem. Quod tenent etiam plurimi, quamvis concesserint solo iure positivo munera esse vetita. Eos refert Fagundez* Lib. 8. cap. 27. num. 7. *Ioan. Medina de* restit. quaest. 20. *Bartholomaeus Medina* de modo administrandi sacram. Poenit. fol. 226. *Sotus* lib. 4. quaest. 7. art. 1. de Iustitia, *Gabriel* 4. dist. 15. quaest. 6. concl. 4. *Sylvester* V. Iudex 1. num. 23. quaest. 8. *propendet Lessius* lib. 2. cap. 14. dub. 9. num. 72. *Baldaeus* V. Iud. 12. *cum Ghisler.* de iud. cap. 6. *Boverius* in direct. cap. 3.

18 *The ratio* of this is, because the laws render judges incapable of taking dominion over these things. Wherefore it matters little whether we hold this corruption of Iudicum to be forbidden by the law of nature or by positive law, concerning which see more Juxta Decretum Alexandri VII. *tomo 4. disp. 17. quaest. 10. ad proposit. 26.*

> Ratio *horum est, quia iura reddunt iudices inhabiles ad dominium harum rerum capescendum. Quare parum refert, an etiam Iure naturae, sive iure positivo sustineamus prohiberi hanc Iudicum corruptelam, de qua plura vide Iuxta Decretum Alexandri VII.* tomo 4. disp. 17. quaest. 10. ad proposit. 26.

Question VII: Whether excommunicated judges sin in judging, and judge invalidly

1 *Any* Iudex whatsoever, excommunicated after the Extravagant of Martin V. and the Council of Constance, from which it was extracted, if he be a hidden excommunicate, judges validly and licitly.

> Ivdex *quicunque excommunicatus post Extravagantem Martini V. et Concilium Constantiense, ex quo illa extracta est, si sit excommunicatus occultus, valide iudicat, et licite.*

2 *Before* these, however, some held that such a one sinned and acted invalidly. So the Glossa in *§. verum tamen, in cap. infamis, 3. quaest. 7.*, Sylvester *verbo excommunicatio 1. num. 6.*

> Ante *haec autem aliqui tenent, talem peccasse, et invalide egisse. Sic Glossa in* §. verum tamen, in cap. infamis, 3. quaest. 7. *Sylvester* verbo excommunicatio 1. num. 6.

3 *The opposite*, however, they assert even before the Council of Constance: Suarez *de censuris, disp. 14. sect. 1. num. 8.*, Sotus *4. dist. 22. quaest. 2. art. 1.*, Navar. *summa, cap. 27. num. 21.*, Covar. *in cap. Alma mater, part. 1. §. 11. num. 4.*, Richardus *dist. 18. art. 7. quaest. 1.*, Paludanus *quaest. 2. art. 3. et quaest. 4.*, Fagundez *in octavum praeceptum Decal. lib. 8. cap. 28. num. 3.*

> Oppositvm *tamen etiam ante Concilium Constantiae asserunt Suarez* de censuris, disp. 14. sect. 1. num. 8. *Sotus* 4. dist. 22. quaest. 2. art. 1. *Navar.* summa, cap. 27. num. 21. *Covar.* in cap. Alma mater, part. 1. §. 11. num. 4. *Richardus* dist. 18. art. 7. quaest. 1. *Paludanus* quaest. 2. art. 3. et quaest. 4. *Fagundez* in octavum praeceptum Decal. lib. 8. cap. 28. num. 3.

4 *But* if he be a public excommunicate, formerly before the Council of Constance and the Extravagant of Martin V. *Ad evitanda*, all judges sinned by judging, were bound to restitution, and their acts were null. Today, however, after the Council of Constance and the Extravag., it is probable that a Iudex

does not sin by force of the censure, and his acts are valid, unless he be to be avoided, namely, denounced by name, or a public striker of a cleric; so teach Lessius *lib. 2. cap. 29. dub. 7.*, who adds another condition, unless he thrust himself spontaneously into judgment; Filliucius *tomo 2. tract. 40. in octavum praeceptum Decal. cap. 6. num. 167.*, Navar. *cap. 27. num. 7.*, Henriquez *de excomm. cap. 7.*, Sotus *in 4. dist. 22. quaest. 2. art. 1.*, Suarez *de censuris, disp. 14. sect. 1. num. 13.*, Fagundez *Lib. 8. cap. 28. num. 5.*, Bassaeus V. *Iudex, num. 4.*

> Si *vero sit excommunicatus publicus, olim ante Concilium Constantiae, et Extravagantem Martini V.* Ad evitanda, *peccabant omnes iudices iudicando, et tenebantur ad restitutionem, et eorum acta erant nulla. Hodie vero post Concilium Constantiae, et Extravag. probabile est, non peccare Iudicem ex vi censurae, actaque eius esse valida, nisi sit vitandus, nempe, nominatim denunciatus, vel publicus clerici percussor, docent Lessius* lib. 2. cap. 29. dub. 7. *qui aliam apponit conditionem, nisi se sponte iudicio ingerat; Filliucius* tomo 2. tract. 40. in octavum praeceptum Decal. cap. 6. num. 167. *Navar.* cap. 27. num. 7. *Henriquez* de excomm. cap. 7. *Sotus* in 4. dist. 22. quaest. 2. art. 1. *Suarez* de censuris, disp. 14. sect. 1. num. 13. *Fagundez* Lib. 8. cap. 28. num. 5. *Bassaeus V.* Iudex, num. 4.

5 THAT such an excommunicate to be avoided sins by judging, and that his acts are irritus, is proved, because he lacks jurisdiction, in accord with *cap. ad probandum de sent. et re iudicat. cap. Audivimus, et cap. Miramur dist. 24. quaest. 1. et cap. Nos sanctorum, dist. 15. quaest. 6.* And that this also holds of a secular judge they assert: Lessius *lib. 2. cap. 19. num. 61.*, Tanner. *disp. 4. quaest. 4. num. 20. iuxta cap. Exceptionem, de exceptionibus, et citato cap. Nos sanctorum.*

> *TALEM igitur excommunicatum vitandum peccare iudicando, eiusque actus irritos esse probatur, quia caret iurisdictione, iuxta* cap. ad probandum de sent. et re iudicat. cap. Audivimus, et cap. Miramur dist. 24. quaest. 1. et cap. Nos sanctorum, dist. 15. quaest. 6. *Idque etiam de saeculari iudice procedere adstruunt Lessius* lib. 2. cap. 19. num. 61. *Tanner.* disp. 4. quaest. 4. num. 20. iuxta cap. Exceptionem, de exceptionibus, et citato cap. Nos sanctorum.

6 They EXCEPT, however, if the judge migrates to another place, or is not held to be to be avoided in the place of his jurisdiction; Then his acts are said to be valid, although he sins by thrusting himself into judgment.

> *EXCIPIUNT tamen, si iudex ad alium locum migret, aut in loco suae iurisdictionis non habeatur pro vitando; Tunc acta eius dicunt esse valida, licet peccet se ingetendo in iudicium.*

Question VIII: On the order to be observed by a judge

1 The S. Doctor places the fruits of INJUSTICE in *speculo animae, cap. 2.*, toward the end: *Iniustam sententiam, quae multos fructus reddit, qui sunt Iustitiae perversio, seu delatio ordinis, iuris mutatio, falsum testimonium, iniusta advocatio, litteratum abusio, quae omnia habent rationem mortalis, secundum quod cedunt in proximi nocumentum.* These are the words of S. Bonaventura, from which you have that a Iudex is gravely bound to observe the order of the Law.

> ***De ordine a IUDICE servando.***
>
> *INIUSTITIAE fructus ponit S. Doctor in* speculo animae, cap. 2. *circa finem,* Iniustam sententiam, quae multos fructus reddit, qui sunt Iustitiae perversio, seu delatio ordinis, iuris mutatio, falsum testimonium, iniusta advocatio, litteratum abusio, quae omnia habent rationem mortalis, secundum quod cedunt in proximi nocumentum. *Haec S. Bonaventura, ex quibus habes teneri graviter Iudicem servare ordinem Iuris.*

2 FIVE things, however, are required from a Iudice for the form of judgment necessary. The first is the substance of the sentence. The second, the mode of proceeding. The third, the safeguard of the judgment. The fourth is the quality and quantity of the penalty. The fifth, finally, is the execution.

> *QUINQUE autem requiruntur a Iudice ad formam iudicii necessariam. Primum est substantia sententiae. Secundum, modus procedendi. Tertium, tutela iudicii. Quartum est qualitas, et quantitas poenae. Quintum denique est executio.*

3 As TO the first, he is bound to keep the laws, or, if these be obscure, to follow the opinions of the Doctors, in the ways indicated by me at the beginning of the disputation, *quaest. 2. et prima secundae, tract. 2. disp. 17.*

> *QUOAD primum, tenetur servare leges, vel si hae obscurae sint, sequi Doctorum sententias, modis a me initio disputationis indicatis,* quaest. 2. et prima secundae, tract. 2. disp. 17.

4 As TO the mode and order of proceeding, it is threefold. The first is by Denunciation, and it is when officials denounce. The second by Inquisition, when a Iudex proceeds to the inquisition of crimes, as is had *in cap. Qualiter, et quando, dist. 2. de accusatore; et cap. licet Heli, de Simonia,* where the authores commonly teach after D. Thom. *2. 2. quaest. 67. art. 3.* that a Iudex cannot inquire without an Accusator, or without someone who functions in the right of an accuser. The third is by Accusation.

> *QUOAD modum, et ordinem procedendi, is triplex est. Primus est per Denunciationem, et est quando officiales denunciant. Secundus per Inquisitionem, quando Iudex procedit ad inquisitionem criminum, ut habetur* in cap. Qualiter, et quando, dist. 2. de accusatore; et cap. licet Heli, de Simonia, *ubi communiter tradunt authores post D. Thom.* 2. 2. quaest. 67. art. 3. *non posse Iudicem inquirere sine Accusatore, aut sine aliquo, qui iure accusatoris fungitur. Tertius est per Accusationem.*

Doubt I: On the mode of proceeding by denunciation

1 A criminal DENUNCIATION is the manifestation and revelation of a crime, without any action, or accusation, by which the Denunciator denounces the crime of his neighbor to the superior Judge, or Prelate, as to a Judge, so that he may do ex officio what seems right to him according to law.

> ***De modo procedendi per Denunciationem.***
>
> *DENUNCIATIO criminalis, est criminis manifestatio, et revelatio sine aliqua actione, vel accusatione, qua Denunciator crimen sui proximi superiori Iudici, seu Praelato, tanquam Iudici denunciat, ut ipse ex officio faciat, quod ei videtur secundum ius.*

2 ACCUSATION, however, is the bringing of a charge with an action, in which it is asked of the Judge, and he is himself compelled to punish the guilty party. But denunciation differs from accusation in many ways.

> *ACCUSATIO vero est delatio criminis cum actione, in qua a Iudice petitur, et ipse compellitur reum punire. Differt autem denunciatio ab accusatione in multis.*

3 FIRST, because a judicial Denunciator does not intend chiefly public vengeance and the punishment of the offense, but only his own interest, in which he was injured by the wrong: whereas the Accuser intends, first and per se, the public punishment of the offense for the public good.

> *PRIMO, quia Denunciator Iudicialis non intendit praecipue vindictam publicam, et punitionem delicti, sed solum interesse suum, in quo per iniuriam laesus fuit: Accusator vero, primo, et per se intendit punitionem publicam delicti ob bonum publicum.*

4 It DIFFERS secondly, because the Denunciator is not bound to prove the crime by witnesses, whereas the Accuser is bound to prove it, according to Arret. *§. fin. quaest. 7. et alios;* but I think even the denunciant is bound to prove it by one witness, as others teach, excepting the cases of the Holy Inquisition.

> *DIFFERT secundo, quia Denunciator non tenetur crimen probare testibus, Accusator vero tenetur probare, apud Arret.* §. fin. quaest. 7. et alios; *sed arbitror, etiam denunciantem uno teste probare teneri, ut docent alii, excipe casus Sancti Inquisitionis.*

5 It DIFFERS thirdly, in that on account of a denunciation the whole penalty of the law is not to be inflicted: on account of an accusation, however, the whole penalty is to be inflicted, if the crime be proved. So the Doctors commonly teach, in Fagundez *lib. 8. cap. 45. et* Saytum *lib. 12. cap. 10. and this last difference is gathered from the cap. Inquisitionis, de accusat. see on these tom. 4. disp. 27. de conscient. quaest. 10. sect. 5.*

> *DIFFERT tertio, quod ob denunciationem non est infligenda tota poena iuris: ob accusationem vero tota poena est infligenda, si crimen probetur. Ita docent communiter Doctores apud Fagundez* lib. 8. cap. 45. et *Saytum* lib. 12. cap. 10. et haec ultima differentia colligitur ex cap. Inquisitionis, de accusat. vide de his tom. 4. disp. 27. de conscient. quaest. 10. sect. 5.

6 THEREFORE, once the denunciation is presented, the Judge proceeds ex officio against the denounced, and so it is commonly observed in practice, as Pract. Papien. Boss. testifies *tit. de denunc.* Clato *§. fin. quaest. 7.* Philip of Bictis of Camerino *in Praxi crimin. tract. 2.* All of which (says Clarus,) must be understood both of the denunciation made by necessity of office, and of that made by anyone else whatsoever who can lawfully denounce.

> *IGITUR praesentata denunciatione, Iudex ex officio contra denunciatum procedit, et ita communiter in praxi servatur, teste Pract. Papien. Boss.* tit. de denunc. *Clato §.* fin. quaest. 7. *Philippo de Bictis Camerinensi* in Praxi crimin. tract. 2. *Quae omnia (ait Clarus,) intelligenda sunt, tam de denunciatione, quae fit ex necessitate officii, quam de ea, quae fit a quocumque alio, qui legitime denunciare potest.*

7 But I PREMISE that some crimes are private, which tend to private harm: others public, which rush into public harm. Of the former kind are sins of gluttony, pride, private theft, and the like; of the latter kind are those that are against God, such as heresy, blasphemy, the overthrow of temples, or their burnings; or against the Church, such as violation of immunity, the injury of the majesty of a Prince, rebellions, treasons, public banditry, and the like.

> *PRAEMITTO autem, delicta alia esse privata, quae in privatum vergunt damnum: Alia publica, quae in publicum damnum ruunt. Prioris generis sunt peccata gulae, superbiae, furti privati, et similia; posterioris generis sunt ea, quae contra Deum sunt, ut haeresis, blasphemia, eversio Templorum, vel eorum incendia; vel contra Ecclesiam, ut violatio immunitatis, maiestatis Principis laesio, rebelliones, proditiones, publica latrocinia, et similia.*

8 Among Religious there are some things which can tend to scandal and contagion, such as notorious fornication, and the like. And these are counted among public crimes, which are also called "excepted", as Rodriguez numbers *in ordine iudic. cap. 13. num. 6.* Valerius *de differ. utriusque fori, 2. inquisitio, diff. ultim.* Miranda *in ordin. iudic. quaest. 11. art. 2.* Ximenez *in declar. reg. cap. 10. quaest. 2. concl. 3. num. 17.* Camerinensis *num. 5. loco citato.*

> *IN Religiosis sunt aliqua, quae possunt vergere in scandalnm, et contagium, ut nota fornicatio, et similia. Et haec inter crimina publica, quae etiam excepta vocantur, numerant Rodriquez* in ordine iudic. cap. 13. num. 6. *Valerius* de differ. utriusque fori, 2. inquisitio, diff. ultim. *Miranda* in ordin. iudic. quaest. 11. art. 2. *Ximenez* in declar. reg. cap. 10. quaest. 2. concl. 3. num. 17. *Camerinensis* num. 5. loco citato.

9 To these give their assent Suarez *de Fide, Spe, et Charitate disp. 8. sect. 6.* Sanchez *Tom. 2. lib. 6. cap. 56. num. 50.* Bonet. *ibi, cap. 12.*

> *ARRIDENT Suarez* de Fide, Spe, et Charitate disp. 8. sect. 6. *Sanchez* Tom. 2. lib. 6. cap. 56. num. 50. *Bonet.* ibi, cap. 12.

10 In general, however, all crimes which the law declares are held as public, according to Bictus, such as homicide, are homicide, adultery, the crime of falsity, as appears in Lib. I. ff. de publ. iud. It is the common opinion of many Doctors, especially the Gloss on Rubr. 6. quaest. 1. Farinac. quaest. 49. Sotus on concealing a secret, memb. 2. quaest. 4. Rodriguez tom. 2. quaest. 5. art. 2. Miranda in ord. iud. quaest. 1. art. 2. The holy Doctor recalls many crimes of this kind in confessionali, cap. 9. and brings forward Canons imposing public penalties, plainly when they have been proclaimed.

> *In universum vero omnia delicta, quae a lege declarantur, ut publica habentur, apud Bictum, ut sunt homicidium, sunt homicidium, adulterium, crimen falsi, ut patet Lib. I. ff. de publ. iud. Est multorum Doctorum, praesertim Glossae in Rubr. 6. quaest. 1. Farinac. quaest. 49. Soti de tegendo secreto, memb. 2. quaest. 4. Rodriquez tomo 2. quaest. 5. art. 2. Mirandus in ord. iud. quaest. 1. art. 2. Plurima huiusmodi crimina recenset S. Doctor in confessionali, cap. 9. et Canones adducit iniungentes publicas poenas, sane cum proclamata sunt.*

11 Some assert that crimes of this kind can be denounced without previous fraternal correction.

> *Huiusmodi crimina posse absque praevia fraterna correptione denunciari asserunt aliqui.*

12 D. Thom. 1. 2. quaest. 33. art. 7. is brought forward, and others whom Bouer. in Direct. part. 1. cap. 13. cites; Bisctus quaest. 15. The reason is, because the common good ought to be preferred to the particular good of the delinquent, and a public sin is not to be left without public punishment, as Rodriguez notes part. 2. quaest. 6. art. 4. after D. Bonavent. loco cit. Among these place Fornication, at least if it be not secret. See Diana part. 2. tract. 2. resol. 69.

> *Adducitur D. Thom. 1. 2. quaest. 33. art. 7. et alii, quos referunt Bouer. in Direct. part. 1. cap. 13. Bisctus quaest. 15. Ratio est, quia bonum commune bono particulari delinquentis praeferri debet, et peccatum publicum sine publica punitione non est relinquendum, ut notat Rodriquez part. 2. quaest. 6. art. 4. post D. Bonavent. loco cit. Inter haec ponatur Fornicatio, saltem si secreta non sit. Vide Dianam part. 2. tract. 2. resol. 69.*

13 And they say the same must be asserted of crimes which are to another's harm pending in the future, according to almost all the Doctors, in Bouerius ibidem, cap. 14.

> *Et idem aiunt asserendum de criminibus, quae sunt in alterius damnum pendens in futurum, secundum omnes fere Doctores apud Bouerium ibidem, cap. 14.*

14 Similarly they say the same of crimes public, or notorious, in another sense, in a city, college, etc. of which D. Bonavent. 4. dist. 13. quaest. 4. For secrets of this kind do not need correction. So teach Sotus de teg. secret. mem. 2. quaest. 5. Bannes 2. 2. quaest. 33. art. 8. dub. 6. Valentia 2. 2. disp. 3. quaest. 10. puncto 5. Miranda in ordine iud. quaest. 11. art 1. and others commonly, to whom Camerinus subscribes.

Similiter idem dicunt de criminibus, alio sensu publicis, seu notoriis, in civitate, collegio, etc. de quibus D. Bonavent. 4. dist. 13. quaest. 4. Huiusmodi enim secreta non egent correptione, Id docent Sotus de teg. secret. mem. 2. quaest. 5. Bannes 2. 2. quaest. 33. art. 8. dub. 6. Valentia 2. 2. disp. 3. quaest. 10. puncto 5. Miranda in ordine iud. quaest. 11. art 1. et alii communiter, quibus subscribit Camerinus.

15 He extends these even to private crimes, that although hidden they can be denounced judicially, without previous correction, and he cites Sayrus lib. 12. cap. 10. Navar. in manu. cap. 18. num. 30. Adrianus in 4. de correp. fraterna, col. 17. Tranc. Aretinus in praxi, part. 2. cap. 9. art. 2.

Extendit is etiam haec ad crimina privata, etiamsi occulta, quod possint iudicialiter denunciari, sine praevia correptione, et allegat Sayrum lib. 12. cap. 10. Navar. in manu. cap. 18. num. 30. Adrianum in 4. de correp. fraterna, col. 17. Tranc. Aretinum in praxi, part. 2. cap. 9. art. 2.

16 Their reason is, because in such a denunciation, as also in an accusation, the amendment of the delinquent alone is not intended, but that the penalty due be imposed upon him, or the satisfaction due be shown to the injured party, as Reginaldus also notes tract. 2. lib. 25. cap. 32. Bonacina Tract. de Legibus, disp. 10. quaest. 2. puncto 5. and he refers to Diana p. p. tract. 4. resol. 2. where he cites many: Sanctarellus Tract. de haeres. cap. 9. Sanatius in select. disp. 11. num. 56. Bonac. tract. variar. disp. 6. part. 3. num. 9. Sylvius 2. 2. quaest. 33. art. 7. concl. 2. Villalob. sum. part. 2. tract. 4. diffic. 11. Suarez tract. de fide, disp. 20. sect. 4. num. 11. Azor. part. 1. l. 6. cap. 19. quaesito 9. Turtrianus 2. 2. tract. 1. disp. 58. dub. 3. Henriquez lib. 2. cap. 24. num. 10. in Glossa littera C. Simanca in Cathol. instit. titulo 19. numero 11.

Ratio eorum est, quia in tali denunciatione, sicut etiam in accusatione non intenditur sola emendatio delinquentis, sed ut poena ei debita iniungatur, vel satisfactio debita parti exhibeatur, ut notant etiam Reginaldus tract. 2. lib. 25. cap. 32. Bonacina Tract. de Legibus, disp. 10. quaest. 2. puncto 5. et remittit ad Dianam p. p. tract. 4. resol. 2. ubi citat multos, Sanctarellum Tract. de haeres. cap. 9. Sanatium in select. disp. 11. num. 56. Bonac. tract. variar. disp. 6. part. 3. num. 9. Sylvium 2. 2. quaest. 33. art. 7. concl. 2. Villalob. sum. part. 2. tract. 4. diffic. 11. Suarez tract. de fide, disp. 20. sect. 4. num. 11. Azor. part. 1. l. 6. cap. 19. quaesito 9. Turtrianum 2. 2. tract. 1. disp. 58. dub. 3. Henriquez lib. 2. cap. 24. num. 10. in Glossa littera C. Simancam in Cathol. instit. titulo 19. numero 11.

17 Therefore they infer that no sin has fraternal correction to be premised to it, since they say all sins are public.

Itaque nulli peccato fraternam correctionem praemittendam inferunt, dum omnia esse publica dicunt.

18 Yet the opposite opinion is true, which the holy Doctor defends in the places I cited, in the disputation on Charity, sect. 3. on Fraternal Correction. D. Thom. 2. 2. quaest. 35. art. 7. with all his disciples.

Opposita tamen sententia est vera, quam tuetur S. Doctor locis, a me adductis, disputatione de Charitate, sect. 3. de Correptione fraterna. D. Thom. 2. 2. quaest. 35. art. 7. cum omnibus discipulis.

19 Sotus de Iust. lib. 5. quaest. 5. art. 1. Canus de locis Theol. lib. 12. cap. 9. Sylvester V. correptio, quaest. 5. Lopez Instruct. part. 4. cap. 54. Ledesma sum. tom. 1. tract. 4. cap. 4. concl. 24. diffic. 2. fol. mihi 134. Ioan. de Cruz in direct. part. 1. prac. 5. quaest. 2. dub. 5. concl. 2. who speaks of the one solicited in confession, which orders the solicitor to be denounced to the Lords Inquisitors. Zanardus in direct. confess. part. 2. prac. 1. c. 23. quaest. 13. and others. So taught Castrus de haeret punic. lib. 2. cap. 25. Tolet. Lib. 5. cap. 57. Lazarus Tract. de blasphemia, quaest. 12. num. 31.

Homobon. tract. de cas. reser. part. 2. cap. 1. and de exam. Ecclesiae part. 2. tract. 9. cap. 13. quaest. 39. Angelus V. denunc. quaest. 2. Rosella V. Inquisitio, num 1.

> *Sotus de Iust. lib. 5. quaest. 5. art. 1. Canus de locis Theol. lib. 12. cap. 9. Sylvester V. correptio, quaest. 5. Lopez Instruct. part. 4. cap. 54. Ledesma sum. tom. 1. tract. 4. cap. 4. concl. 24. diffic. 2. fol. mihi 134. Ioan. de Cruz in direct. part. 1. prac. 5. quaest. 2. dub. 5. concl. 2. qui loquitur de sollicitata in confessione, quae iubetur denunciare Dominis Inquisitoribus sollicitantem. Zanardus in direct. confess. part. 2. prac. 1. c. 23. quaest. 13. et alii. Idem docuere Castrus de haeret punic. lib. 2. cap. 25. Tolet. Lib. 5. cap. 57. Lazarus Tract. de blasphemia, quaest. 12. num. 31. Homobon. tract. de cas. reser. part. 2. cap. 1. et de exam. Ecclesiae part. 2. tract. 9. cap. 13. quaest. 39. Angelus V. denunc. quaest. 2. Rosella V. Inquisitio, num 1.*

20 Indeed Portel. in dubiis regul. v. correclio fraterna, num. 1. extends it even to the crime of heresy. Likewise Reginaldus in prax. tract. 2. lib. 24. cap. 3. sect. 6. numero 51. provided, however, it be firmly judged that he ought to be amended.

> *Imo Portel. in dubiis regul. v. correclio fraterna, num. 1. id extendit etiam ad crimen haeresis. Itidem Reginaldus in prax. tract. 2. lib. 24. cap. 3. sect. 6. numero 51. si tamen firmiter existimetur emendandus.*

21 The Repertorium Inquisitorum adds, V. denunciator, Gundissalvus de haeret. quaest. 10. num. 10. Decianus tract. 1. lib. 5. cap. 30. And on the case of solicitation in confession Fagundez teaches it, de praec. Eccl. tract. 2. lib. 4. cap. 2. num. 31. where he says: Before the denunciation is made by the woman solicited in confession, fraternal correction must be premised, if there be hope of amendment, because the precept of correction is of natural and divine law; but the precept of this denunciation is human; hence it cannot prevail against the precept of natural law. But for fraternal correction to be judged profitable, it is not enough that it be done once and not profit; but it must be applied again and again, so long as amendment is hoped for on the judgment of a prudent man. So Fagundez, and recently Peirinus in Privil. Minim. tract. 2. constit. 4. of Gregory XV. §. 9. num. 26. and the constitut. of Paul V. §. 2. num. 26. Fagundez requires the same in 6. praec. Lib. 6. cap. 12. from D. Thom. 2. 2. quaest. 33. art. 3.

> *Addere Repertorium Inquisitorum, V. denunciator, Gundissalvum de haeret. quaest. 10. num. 10. Decianum tract. 1. lib. 5. cap. 30. Et de casu sollicitationis in confess. id docet Fagundez de praec. Eccl. tract. 2. lib. 4. cap. 2. num. 31. ubi ait : Antequam fiat denunciatio a muliere sollicitata in confessione, praemittenda est fraterna correctio, si detur spes emendationis, quia praeceptum correctionis est de iure naturali, et divino; praeceptum vero huius denunciationis est humanum; unde non potest praevalere adversus praeceptum iuris naturalis. Ut autem correctio fraterna iudicetur profutura, non satis est, semel fieri, et non prodesse; sed oportet iterum, atque iterum adhiberi, quamdiu indicio prudentis speretur emendatio. Haec Fagundez, et nouiter Peirinus in Privil. Minim. tract. 2. constit. 4. Gregorii XV. §. 9. num. 26. et constitut. Pauli V. §. 2. num. 26. Idem expetit Fagundez in 6. praec. Lib. 6. cap. 12. ex D. Thom. 2. 2. quaest. 33. art. 3.*

22 I add others who grant indeed that in the crime of formal heresy correction need not be premised; but in others, in those savoring of heresy, it must be premised. So Fagundez Tract. 2. lib. 6. cap. 4. num. 11. Mollesius in sum. tom. 1. tract. 7. cap. 24. num. 25. Ortiz. sum. cap. 21. num. 17. Homobon. de exam. Eccl. part. 1. tract. 7. cap. 6. quaest. 19. and from the Doctors cited in the second opinion.

> *Addo alios, qui concedunt quidem, in crimine formalis haeresis non esse praemittendam correptionem; in aliis tamen, haeresim sapientibus, praemittendam. Ita Fagundez Tract. 2. lib. 6. cap. 4. num. 11. Mollesius in sum. tom. 1. tract. 7.*

cap. 24. num. 25. Ortiz. sum. cap. 21. num. 17. Homobon. de exam. Eccl. part. 1. tract. 7. cap. 6. quaest. 19. et ex Doctoribus citatis in secunda opinione.

23 On this matter, besides those cited, treat Aldreta de relig. discip. tuenda, lib. 1. cap. 5. §. 4. numero 28. Onuphrius opusc. de sigillo, serm. 2. quaest. 2. dubio 4. P. Eliz. tract. 1. quaest. 14.

De hac vero materia agunt, praeter citatos, Aldreta de relig. discip. tuenda, lib. 1. cap. 5. §. 4. numero 28. Onuphr. opusc. de sigillo, serm. 2. quaest. 2. dubio 4. P. Eliz. tract. 1. quaest. 14.

24 Finally some, in Delrio tract. 3. disq. lib. 5. sect. 4. num. 6. say correction must be premised even if it be doubtful whether it would profit; which opinion he judges very equitable, though he himself, and deservedly, thinks the contrary.

Tandem aliqui apud Delrium tract. 3. disq. lib. 5. sect. 4. num. 6. dicunt, praemittendam correptionem, etiamsi dubium sit : An sit profutura; quam sententiam valde aequam existimat, licet ipse, et merito, contrarium sentiat.

25 You have very many authors in me loco citato de corrept. and in Bouerius in direct. part. 1. cap. 14.

Plurimos habes apud me loco citato de corrept. et Bouerium in direct. part. 1. cap. 14.

26 Philip Biscetus num. 5. says these are to be understood thus: that the Gospel requires correction to be made prior to evangelical denunciation, but not to judicial.

Philippus Bisctus num. 5. dicit, hos ita intelligendos, ut requirat Evangelium, correptionem fieri praeviam denuntiationi Evangelicae, non autem iudiciali.

27 Or if anyone intends him to speak even of the judicial, it is not to be followed, he says; and he wants what was said to proceed, attention being given to Canon law, according to which all crimes are public, as the Gloss delivers in cap. infames, verse Fures, 6. quaest. 1. and so he says the Canonists teach, as Baldus testifies, and of the common opinion Hostiensis is witness, whom Ananias follows cap. statuimus, after number 19. de maledict. and Julius Clarus subscribes to all these lib. 5. §. 1. v. hac tamen. But since correction is not to be premised to public crimes, it follows that it is now to be premised to none.

Vel si quis eotam de iudiciali loqui intendat, sequendum non esse, ait; et hoc quod dictum est procedere vult, attento iure Canonico, secundum quod omnia crimina sunt publica, ut tradit Glossa in cap. infames, versu. Fures, 6. quaest. 1. et ita ait docere Canonistas, ut testatur Baldus, et de communi, testis est Hostiensis, quem sequitur Ananias cap. statuimus, post numerum 19. de maledict. et his omnibus subscribere Iulium Clarum lib. 5. §. 1. v. hac tamen. Cum autem publicis criminibus non sit praemittenda correptio; sequitur, nulli iam esse praemittendam.

28 But Camer. num. 6. adds that correction is not required by justice, but can be made, so that it be required by Charity, if the delinquent be hidden and of good fame, and amendment be hoped for, and he cites Aretinus after D. Thom. 2. 2. quaest. 68. art. 1.

Addit vero Camer. num. 6. correptionem ex iustitia non requiri, sed fieri posse, ut requiratur ex Charitate, si delinquens sit occultus, et bonae famae, et speretur emendatio, et adducit Aretinum post D. Thom. 2. 2. quaest. 68. art. 1.

29 He observes also that although he be amended by correction, yet he could lawfully be denounced, or accused according to Gregory of Valencia disput. 5. quaest. 12. puncto 1. verse dico tertio, and he says this to be the mind of D. Thomas. For, the good of the corrected man being had, the denunciator or accuser can still lawfully propose to himself the aim of punitive justice, that is, the common good, that others may abstain from crimes through fear of the penalty; and therefore denounce, or accuse,

the man already amended. But these things are false even with regard to Religious, as they commonly teach with Diana part. 2. tract. 2. resol. 57.

> *Animadvertit etiam, quod licet ex correptione emendaretur, licite tamen ille posset denunciari, vel accusari secundum Gregorium de Valentia disput. 5. quaest. 12. puncto 1. vers. dico tertio, et ait, esse mentem D. Thomae. Nam habito bono correcti, potest licite denunciator, vel accusator adhuc sibi proponere Scopum punitivae iustitiae, idest bonum commune, ut alii formidine poenae a delictis abstineant; Et propterea denunciare, vel accusare emendatum. Sed haec, etiam quo ad Regulares falsa sunt, ut docent communiter cum Diana part. 2. tract. 2. resol. 57.*

30 AS TO solicitors indeed in confession, he teaches absolutely quaest. 122. quaest. 42. that correction is by no means to be premised, and he cites Henriquez, Paramus, Rodericus, Acugna, and Navar. in the places related, by Rodericus in compend. quaest. resol. resol. 13. and recalls very many others in Diana p. p. tract. 4. resol. 21. and part. 4. tract. 5. resol. 24.

> *QUOAD sollicitantes vero in confessione, absolute docet quaest. 122. quaest. 42. nullo modo praemittendam correptionem, et adducit Henriquez Paramum Roderiquum, Acugnam, et Navar. locis relatis, a Roderico in compend. quaest. resol. resol. 13. et alios plurimos recenset apud Dianam p. p. tract. 4. resol. 21. et part. 4. tract. 5. resol. 24.*

31 HE EXTENDS IT, even if he be amended, and refers to Suarez de Fide disp. 40. sect. 6. num. 13. Sancius in select. disp. 11. num. 52. and others in Diana tract. 4. resol. 3. Indeed, even if the Priest repent immediately after the solicitation, he is to be denounced. He asserts Bonacina tract. var. disp. 6. punct. 3. num. 4. Sanctarellus de haeresi, cap. 9. and 44. dubio unico.

> *AMPLIAT, etiamsi emendatus sit, et refert Suarez de Fide disp. 40. sect. 6. num. 13. Sancium in select. disp. 11. num. 52. et alios apud Dianam tract. 4. resol. 3. Imo, etiamsi ille Sacerdos statim post sollicitationem poeniteat, denunciandum. Asserit Bonacinam tract. var. disp. 6. punct. 3. num. 4. Sanctarellum de haeresi, cap. 9. et 44. dubio unico.*

32 I CONFESS that I mingle tears, while I put forward my opinion.

> *FATEOR, me lachrymis commisceri, dum meam profero sententiam.*

33 FIRST indeed I do not refuse that sins looking to public ruin be warded off as contagious, most of all heresy, which is the worst pest, like a creeping cancer. Therefore very recently the decree of the most holy Lord Alexander VII rightly came forth, gravely enjoining the denunciation of those suspected of heresy, with no previous correction. And this is to be observed; as we saw tom. 4. disp. 17. de conscientia, quaest. 10. sect. 5. ad propositionem 5.

> *PRIMO quidem non renuo, peccata publicam perniciem spectantia, tanquam contagiosa arcenda, maxime vero haeresim, quae est pestis pessima, ut cancer serpens. Ideo merito prodiit novissime decretum sanctissimi D. Alexandri VII. graviter iniungens denunciationem suspectorum de haeresi, nulla praevia correctione. Et hoc servandum est; ut vidimus tom. 4. disp. 17. de conscientia, quaest. 10. sect. 5. ad propositionem 5.*

34 AS TO the sin of solicitation, I see it to be dangerous, as showing a cauterized conscience, while it abuses the holy Sacrament of salvation, to the damnation of himself, and of others, even penitents; and therefore I do not dare to defend those saying that correction is to be premised absolutely, or that amendment is easily to be believed.

> *QUOAD peccatum sollicitationis, video, esse periculosum, ut indicans conscientiam cauteriatam, dum Sacramento sancto salutis abutitur, ad sui, et aliorum, etiam poenitentium damnationem, et ideo non audeo tueri, dicentes, praemittendam absolute correptionem, aut facile credendam emendationem.*

35 IF, however, the solicitor be truly amended, I do not condemn the opinion of those saying he is not to be denounced, which Sotus lib. 3. quaest. 5. art. 5. teaches, Molfesius in summa, tom. 1. tract. 7. cap. 24. num. 21. Genuensis in praxi, cap. 18. num. 6. Naldus in summa, verbo Accusator. Victorellus in notis ad manuale, Navar. cap. 25. num. 33. Filliucius de casib. reservat. casu 2. num. 8. Zanardus in Direct. confess. part. 3. cap. 31. Rodericus Acugna Tract. de confessoribus sollicitantibus, quaest. 3. num. 15. and there Freitas num. 34. Megala p. p. lib. 1. cap. 5. num. 26. Portell. in his additions to the dub. regular. sollicitare fam. num. 18. Peirinus in Privil. Minimorum, tract. 2. constitut. 4. of Gregory XV. § 6. num. 31. But the decree of the Holy Inquisition is to be set before the opinion of these men.

> *SI tamen vere sollicitans sit emendatus, non reprobo opinionem dicentium, non esse denunciandum, quod docent Sotus lib. 3. quaest. 5. art. 5. Molfesius in summa, tomo 1. tract. 7. cap. 24. num. 21. Genuensis in praxi, cap. 18. num. 6. Naldus in summa, verbo Accusator. Victorellus in notis ad manuale, Navar. cap. 25. num. 33. Filliucius de casib. reservat. casu 2. num. 8. Zanardus in Direct. confess. part. 3. cap. 31. Rodericus Acugna Tract. de confessoribus sollicitantibus, quaest. 3. num. 15. et ibi Freitas num. 34. Megala p. p. lib. 1. cap. 5. num. 26. Portell. additionibus ad dub. regular. sollicitare fam. num. 18. Peirinus in Privil. Minimorum, tract. 2. constitut. 4. Gregorii XV. § 6. num. 31. At decretum Sanctae Inquisitionis praeponendum est horum opinioni.*

36 There is certainly DIFFICULTY in knowing: *Whether he be amended.* Felinus in cap. testimonium de testibus asserts that sacramental Confession proves someone to be amended. Genuensis in praxi, cap. 18. num. 6. thinks amendment can be presumed, if such a one has obtained the Jubilee. Homobonus de exam. Eccl. part. 1. tract. 7. cap. 7. quaest. 33. Freitas in addit. ad tract. de confessor. sollicitantibus, quaest. 8. num. 32. Riccius part. 2. decis. 159. mem. 14. and others say that he who has lived well for three years is presumed amended.

> *DIFFICULTAS sane est in cognoscendo:* An sit emendatus. *Felinus in cap. testimonium de testibus, Confessionem Sacramentalem asserit probate, aliquem esse emendatum. Genuensis in praxi, cap. 18. num. 6. putat, posse praesumi emendationem, si talis consecutus est Iubilaeum. Homobonus de exam. Eccl. part. 1. tract. 7. cap. 7. quaest. 33. Freitas in addit. ad tract. de confessor. sollicitantibus, quaest. 8. num. 32. Riccius part. 2. decis. 159. mem. 14. et alii aiunt, quod qui per triennium bene vixerit, emendatus praesumitur.*

37 But SOME teach that this is left to the judgment of a good man, who, the quality of the persons having been considered, will judge the whole matter with prudence and maturity, because it is arduous to know the correction of such persons; and so speaking, Freitas noted it even of heretics quaest. 18. num. 139.

> *ALIQUI vero docent, id permitti iudicio boni viri, qui considerata qualitate personarum, totam rem iudicabit cum prudentia, et maturitate, quia arduum est cognoscere correctionem huiusmodi personarum, et ita loquens, etiam de haereticis notavit Freitas quaest. 18. num. 139.*

38 Yet Fagundez tract. 2. lib. 6. cap. 4. num. 17. LIMITS this opinion, and others, with regard to the formal heretic, about whom we can always doubt whether he is truly amended. For heretics are very crafty, and like a contagion they spread their virus. Therefore suitably provision was made against these by Alexand. VII.

> *LIMITANT tamen hanc sententiam Fagundez tract. 2. lib. 6. cap. 4. num. 17. et alii quo ad haereticum formalem, de quo semper dubitare possumus, an re vera sit emendatus. Sunt enim haeretici valde subdoli, et more contagiosi virus diffundunt. Ideo apte ab Alexand. VII. contra hos est provisum.*

39 FOR THE REST I could never perceive those little subtleties of Camerinus, and Caspensis, keenly devised with Cydonian zeal, while they decree all sins to be public and free them from correction.

> *DE caetero nunquam percipere potui argutulas illas Camerini, et Caspensis, Zelo Cydonico acriter conditas, dum omnia peccata esse publica statuunt, et a correptione liberant.*

40 ASSUREDLY the Gospel ought to be of greater weight to any Christian than the little reasonings of these men: *If thy brother sin against thee, etc.* which is the order from Christ the Lord, precepted by divine law, as D. Bonaventure notes, D. Thomas, and innumerable others in Diana part. 3. Tractat. 2. resolut. 37. But among them the Gospel of correction is wholly banished.

> *PROFECTO Evangelium cuilibet Christiano debet esse maioris ponderis, quam horum ratiunculae:* Si peccaverit in te frater tuus, etc. *qui ordo est a Christo Domino, lege divina praeceptus, ut notat etiam D. Bonaventura, D. Thomas, et innumeri apud Dianam part. 3. Tractat. 2. resolut. 37. Apud eos vero exulat omnino Evangelium correptionis.*

41 ADD also the natural law of preserving the good name of another. I do not refuse that the satisfactions due for the injury can be exacted from the insolent one, and restitution of goods from the thief; but that zeal of justice is not Christian, to exact vengeance.

> *ADDE et ius naturale servandi alienam famam. Non renuo, satisfactiones debitas exigi posse iniuriae a contumelioso, et facultatum a fure; sed zelus ille iustitiae non est Christianae, exigere vindictam.*

42 FURTHER, that distinction of Charity, and Justice is empty; for what is against Charity cannot be an act of justice, lest we should wish to stir up among the virtues an unjust offensive war; see what I related above *de correptione fraterna.*

> *PORRO distinctio illa de Charitate, et Iustitia inanis est; quod enim contra Charitatem est, nequit esse actus iustitiae, ne velimus inter virtutes iniustum bellum offensivum suscitare, vide quae supra retuli* de correptione fraterna.

43 But what Bictus says, that the authors of our opinion speak of evangelical denunciation, which correction precedes: Be it so. But if it is unjust to bring a charge, as to a Father, before correction; it is more unjust as to a Judge. Therefore Christ also speaks gradually: *If he hear thee not, tell the Church, and if he hear not the Church, let him be to thee as a heathen, etc.*

> *QUOD vero ait Bictus, authores nostrae sententiae loqui de denuntiatione Evangelica, quam praecedit correctio; Esto. Sed si iniquum est deferre, tanquam Patri, ante correptionem; iniquius est tanquam Iudici. Ideo et Christus gradatim loquitur:* Si te non audierit, dic Ecclesiae, et si Ecclesiam non audierit, sit tibi sicut Ethnicus, etc.

44 FURTHER we saw the authors speak of judicial denunciation, pertaining even to the Holy Office of the Inquisition, also in the gravest cases.

> *PORRO vidimus, authores loqui de denunciatione iudiciali, et ad sanctum officium Inquisitionis, etiam in casibus gravissimis pertinente.*

45 But what he miserably cites, that all sins are public, from cap. infamis, 6. quaest. 1. to compel all faults to the tribunals, is empty. For there the Gloss only says: *There is also a certain canonical infamy, which is inflicted from any mortal sin, as here, and 32. quaest. 5.* Indeed canonical Infamy is not to the point here; for even bigamists, and those defiled in body, are infamous according to the Canons. Therefore that is rather called a certain indecency which Bictus brings in beyond his purpose, to assert every sin to be public.

QUOD vero, ut omnes culpas ad tribunalia cogat, misere adducit, omnia peccata esse publica ex cap. infamis, 6. quaest. 1. inane est. Ibi enim Glossa solum ait: Est etiam quaedam infamia canonica, quae irrogatur ex quolibet peccato mortali, ut hic, et 32. quaest. 5. *Infamia quidem Canonica hic non facit ad rem; nam etiam bigami, et corpore vitiati sunt infames, secundum Canones. Ea igitur dicitur potius indecentia quaedam, quam extra propositum affert Bictus, ad omne peccatum publicum asseverandum.*

46 For truly 35. quaest. 5. cap. 21. where one leaving his wife, fornication excepted, is said to lose the testimony of generous dignity, or of fame, while he so remains separated, as the Gloss there says, or to bring in testimony among the other generous; is not to the point for inducing every sin to be public. For what did Christ wish to teach, saying: *If he sin against thee?*

ENIM vero 35. quaest. 5. cap. 21. ubi relinquens uxorem, excepta fornicatione, dicitur generosae dignitatis testimonium amittere, sive famae, dum sic manet separatus, ut ibi Glossa, seu, ut inter alios generosos inferat testimonium; non facit ad rem ad inducendum omne peccatum publicum esse. Quid enim voluit docere Christus, dicens: Si peccaverit in te?

47 HERE the author brings forward his own confrater Caspensis quaest. 16. and those related by Diana part. 7. tract. 3. resol. 44. Trullench. in Decal. Tom. 1. lib. 1. cap. 5. dub. 16. and others saying it is not necessary to premise previous correction to paternal denunciation, and he alleges S. Bonaventure, and S. Thomas in Caspensis, but undeservedly, as I showed in the *Disputation on Charity, sect. 3. on fraternal correction, question 1. and 2.* And Diana concludes thus: I judge both opinions probable, although I held the necessity of previous correction *p. 3. tract. 2. resol. 37.* and now I hold it. Truly I have already shown sufficiently that S. Bonaventure (whom Turrianus also opposes *2. 1. disput. 89. dub. 4.*) stands for us.

HIC author e nostris confratrem suum Caspensem adducit quaest. 16. et relatos a Diana part. 7. tract. 3. resol. 44. Trullench. in Decal. Tom. 1. lib. 1. cap. 5. dub. 16. et alios dicentes, non esse necessarium, praeviam correptionem denunciationi paternae praemittere, et allegat S. Bonaventuram, et S. Thomam apud Caspensem, sed immerito, ut ostendi Disputat. de Charitate, sect. 3. de fraterna correptione, quaestione 1. et 2. *Et Diana sic concludit: Ego utramque sententiam probabilem existimo esse, licet licet pro necessitate praeviae correptionis tenuerim* p. 3. tract. 2. resol. 37. *et nunc teneam. Sane D. Bonaventuram (quem opponit etiam Turrianus* 2. 1. disput. 89. dub. 4.*) iam satis ostendi pro nobis stare.*

48 ¶ To the argument they press from Valentia, I say, Christ knew very well that sin is against someone. Therefore he says: *If he sin against thee*, that he might express that secret correction is a precept, even in the greatest offenses that can be inflicted against us, and much more in the others which are committed by a neighbor before our eyes.

¶ *Ad rationem, quam ex Valentia inculcant, dico, Christum optime novisse, peccatum esse contra aliquem. Ideo ait:* Si peccaverit in te*, ut exprimeret, correptionem secretam esse praeceptum, etiam in maximis, quae possunt inferri, offensionibus contra nos, et multo magis in aliis, quae nobis videntibus patrantur a proximo.*

49 But I do not see how they wish to change the divine law itself, and violate the right which a neighbor has from birth, by bringing to the public tribunal a secret lapse, which otherwise does not tend to public ruin. For that others be deterred from sin by this is not enough, for the order of the Gospel to be changed, or the law of nature to be overthrown, by making known the secrets of each one; so that no place at all remain for the order instituted by Christ, or rather declared by natural law.

Non video autem, quo pacto divinam legem velint ipsi immutare, et ius quod habet proximus a nativitate violare, deferendo ad publicum tribunal secretum lapsum, qui alioqui non tendat in publicam perniciem. Quod enim alii per hoc

detetteantur a peccato, non est satis, ut immutetur ordo Evangelii, aut ius naturae evertatur, manifestando occulta cuiusque, ut sic nullus omnino locus ordini a Christo instituto, seu potius a naturali iure declarato, reliquus sit.

50 Let Valentia teach that; let Suarez also teach it in his Religione, in which right is renounced. And if this can be done legitimately without difficulty, why do they press this so much, that they have their novices renounce their right of nature?

Doceat id Valentia; doceat quoque Suarez in sua Religione, in qua renunciatur iuri. Et si id absque difficultate potest fieri legitime, cur ipsi in hoc adeo premunt, ut renuncient novitii eorum suo iuri naturae?

51 Why have Pontifical diplomas emanated, that this order may be sustained? Why so many volumes, that this rite, the renunciation being in place, may be defended against many?

Cur Pontificia emanarunt diplomata, ut ordinem hunc sustineant? Cur tot volumina, ut ritum hunc, posita renunciatione, tueantur contra multos?

52 ¶ I add that if to bring a charge to the Prelate, as to a father, these things were instituted by Christ as necessary preludes; much more strictly before they be brought to public judgment — which bringing the adversaries did not see, saying that correction must be premised before evangelical denunciation; but not before judicial. Certainly greater harm is inflicted on fame, while the sin is brought to a tribunal. But if the bringing to the Prelate, as to a Father, were greater, one could use that denunciation, so that he might proceed to judgment, which the adversaries themselves shrink from, as Bictus confesses *cap. 16. num. 6.* citing Sotus, Suarez above, and Cardinal de Lugo *de iust. tom. 2. disp. 37. sect. 7. num. 81.* Dianam *resol. 46. et 47.* and others among these.

¶ *Addo quod si deferre Praelato, ut patri, haec necessaria a Christo statuta sunt praeludia; multo arctius antequam in publicum iudicium deferantur, quam illationem non viderunt adversarii, dicentes, praemittendam correptionem ante denunciationem Evangelicam; non autem ante iudicialem. Profecto maius damnum infertur famae, dum peccatum defertur ad tribunal. Quod si maior esset delatio ad Praelatum, tanquam ad Patrem, posset ea denunciatione uti, ut procederet ad iudicium, quod ipsi adversarii exhorrent, ut fatetur Bictus* cap. 16. num. 6. *referens Sotum, Suarez supra, et Cardinalem de Lugo* de iust. tomo 2. disp. 37. sect. 7. num. 81. *Dianam* resol. 46. et 47. *et alios apud hos.*

53 ¶ I know some have said, while the crime is not wholly hidden, but can be proved in judgment, then charity, by which the cause has been begun, commands justice, that it begin the judicial process, if in such a way there were hope that the delinquent would be corrected. So Filliuc. *tom. 2. tract. 28. cap. 8. num. 164.* Sanchez *l. 2. l. 6. dub. 11. num. 11.* Trullench *in decal. l. 1. cap. 5. dub. 16. num. 8.* whom Bictus arrayed at his side, that he might show the firmness of his opinion.

¶ *Scio, nonnullos dixisse, dum crimen non esset omnino occultum, sed in iudicio posset probari, tunc charitatem, per quam inchoata est causa, imperare iustitiae, ut iudicialem incipiat processum, si tali modo spes esset, ut delinquens corrigeretur. Ita Filliuc.* tomo 2. tract. 28. cap. 8. num. 164. *Sanchez* l. 2. l. 6. dub. 11. num. 11. *Trullench* in decal. l. 1. cap. 5. dub. 16. num. 8. *quos sibi a latere struxit Bictus, ut ostendat suae opinionis firmitatem.*

54 But these men speak, when the amendment of the sinner could not be had with less harm to the sinner; for if there be hope of amendment through secret correction, they understand according to the Gospel that one is not to run to the tribunals; for then charity cannot command justice the defamation of a penitent sinner, unless his private penitence would leave the wounds open to the ruin of the Republic; because then charity, being ordered, is bound to provide for the common good.

> *At loquuntur isti, quando minori damno peccatoris non posset eius emendatio haberi; si enim sit spes emendationis per correptionem secretam; intelligunt iuxta Evangelium non esse ad tribunalia currendum, tunc enim charitas non potest imperare iustitiae diffamationem peccatoris poenitentis, nisi eius privata poenitentia relinqueret extra vulnera in Reipublicae perniciem, quia tunc ordinata charitas providere tenetur bono communi.*

55 ¶ Therefore, if the sinner should spurn the correction, or you knew that from correction he would rather draw poison, you could omit fraternal correction, as D. Bonavent. also teaches *ad 17. Lucae*, where this is treated.

> ¶ *Igitur, si peccator sperneret correptionem, vel scires, eum ex correptione venenum potius hausturum, posses omittere fraternam correptionem, ut docet etiam D. Bonavent.* ad 17. Lucae*, ubi de hoc agitur.*

56 But if the crime were to the grave harm of the Republic, the Judge could use the knowledge which he has as a Father, and obligate one who knows, and paternally denounces, to denounce judicially, while no other way is at hand for warding off that public harm, or even the private harm of an innocent.

> *Quod si crimen esset in grave Reipublicae damnum; posset Iudex uti notitia, quam habet, ut Pater, et obligare scientem, et paterne denunciantem ad iudicialiter denunciandum, dum non suppetit alia via ad illud damnum publicum, vel etiam privatum innocentis arcendum.*

57 But if he will not denounce, the Judge will be able to create a fiscal, who will denounce, while he hopes that he will have proofs. So Bictus, citing Caspensis *tom. 2. tract. 17. disp. 6. sect. 3. num. 35.* Suarez *de Relig. lib. 10. cap. 1. 2. et 12.* Dianam *resol. 46. et 47.* who however adds that one cannot proceed to judgment in this case, except so far as is necessary for obtaining amendment.

> *Quod si ille nolit denunciare, poterit Iudex fiscalem creare, qui denunciet, dum sperat, se habiturum probationes. Ita Bictus, adducens Caspensem* tomo 2. tract. 17. disp. 6. sect. 3. num. 35. *Suarez* de Relig. lib. 10. cap. 1. 2. et 12. *Dianam* resol. 46. et 47. *qui tamen subdit, non posse procedi ad iudicium in hoc casu, nisi quantum necesse est ad emendationem obtinendam.*

58 But Sayrus admonishes *l. 12. cap. 10. num. 7.* that it rarely happens before a secular Judge that a transition is made from evangelical denunciation to judicial, for the reason that crimes are not brought before secular judges, except by accusation, or judicial denunciation. Likewise a secular Judge never receives crimes, except that he punish publicly, and in writing before a Notary; among Ecclesiastical Judges, however, this happens.

> *Admonet vero Sayrus* l. 12. cap. 10. num. 7. *raro evenire apud Iudicem saecularem, fieri transitum a denunciatione Evangelica ad iudicialem, eo quod crimina apud iudices saeculares non deferuntur, nisi per accusationem, vel denunciationem iudicialem. Item Iudex saecularis nunquam excipit crimina, nisi, ut in publico puniat, et in scriptis coram Notario; Apud Iudices vero Ecclesiasticos id contingit.*

59 But all can denounce, certain conditions being posited.

> *Denunciare autem possunt omnes, positis nonnullis conditionibus.*

60 The first is, that the denunciant not be infamous, as Baiard. *ad Clarum §. fin. quaest. 7. num. 13.* Iodocus *in practic. crim. cap. 7.* note.

> *Prima est, ut denuncians non sit infamis, ut notant Baiard.* ad Clarum §. fin. quaest. 7. num. 13. *Iodocus* in practic. crim. cap. 7.

61 Secondly, that he not be an enemy. So the Doctors cited. Therefore a judge sins lethally by not refusing the denunciation of an enemy. So Innocentius, and Hostiensis *C. dudum, v. electionis de electione*. Archid. *in C. quaerendum, 2. quaest. 7.* Felin. *in cap. quae in Ecclesiarum num. 13. de constit.* Menoch. *de arbitr. iud. sem. 5. casu 481.* where, from the Doctors cited here, he says the denunciant is to be recognized as bringing the charge from zeal of vengeance, from the quality of the person, fierceness of countenance, manner of denouncing, etc. Megala *praxi crim. canonica, cap. 10.* follows.

> *Secundo ne sit inimicus. Ita Doctores citati. Quare peccat lethaliter iudex non recusando denunciationem inimici. Ita Innocentius, et Hostiensis* C. dudum, v. electionis de electione. *Archid.* in C. quaerendum, 2. quaest. 7. *Felin.* in cap. quae in Ecclesiarum num. 13. de constit. *Menoch.* de arbitr. iud. sem. 5. casu 481. *ubi e citatis hic Doctoribus ait, dignosci denunciatorem Zelo vindictae deferentem, ex qualitate personae, ferocitate vultus, modo denunciandi, etc. Sequitur Megala* praxi crim. canonica, cap. 10.

62 Thirdly, conspirators, and vile persons are repelled. So Barratd. Iodoc. above, and Bictus *quaest. 17. num. 5.*

> *Tertio repelluntur conspiratores, et personae viles. Ita Barratd. Iodoc. supra, et Bictus* quaest. 17. num. 5.

63 Fourthly, one excommunicated by name is not admitted to denounce. So Caiet. *2. 2. quaest. 68. art. 2.* Rodriquez *tom. 2. qq. Regul. quaest. 6. art. 3.*

> *Quarto excommunicatus nominatim denunciatus. Ita Caiet.* 2. 2. quaest. 68. art. 2. *Rodriquez* tom. 2. qq. Regul. quaest. 6. art. 3.

64 Fifthly, a Religious is excluded from denouncing in a case of blood, unless a protestation be added. So Couar. *in Clem. si furiosus, p. 2. §. 5.* Rodriquez above, and it is the common teaching. But in other cases he is admitted, since he is admitted to the greater, namely to accuse. Nor does Clem. *exiit §. proinde* stand in the way, where accusation concerning the ownership of things, which are forbidden to them by force of profession, is interdicted. So Elizeus *tract. 1. quaest. 13. num. 8.*

> *Quinto excluditur Religiosus a denunciando in casu sanguinis, nisi adhibita protestatione. Ita Couar.* in Clem. si furiosus, p. 2. §. 5. *Rodriquez supra, et est communis. In aliis vero casibus admittitur, cum admittatur ad maius, scilicet ad accusandum. Nec obstat Clem.* exivit §. proinde*, ubi interdicitur accusatio circa rerum dominia, quae ipsis ex vi professionis prohibentur. Ita Elizeus* tract. 1. quaest. 13. num. 8.

65 Sixthly, a Layman is not admitted to denounce an Ecclesiastic, unless he pursue his own injury. It is the common opinion, Gloss. *in summa 1. quaest. 7.* and all admit it, as Foller. *in pract. Crim. can. fol. 48. num. 45.* says. Clar. *§. fin. quaest. 14. verse propter reverentiam* subscribes. He gives the reason, because Laymen are wont to be ill-disposed toward Ecclesiastics, whence they are presumed to be moved rather by hatred than by Zeal. And it is a common saying: *Laymen are almost always hostile to clerics.* C. *Laïcos 2. quaest. 7.* Which aversion is often also that of Clerics against Religious, as the holy Doctor relates *quaest. 27. Super Regulam.*

> *Sexto Laïcus non admittitur ad denunciandum Ecclesiasticum, nisi suam prosequatur iniuriam. Est communis opinio Gloss.* in summa 1. quaest. 7. *et omnes admittunt, ut ait Foller.* in pract. Crim. can. fol. 48. num. 45. *Subscribit Clar.* §. fin. quaest. 14. versu, propter reverentiam. *Reddit rationem, quia Laïci solent esse malevoli Ecclesiasticorum, unde potius odio, quam Zelo moveri praesumuntur. Et est vulgatum id:* Laïci fere semper clericis infesti. *C.* Laïcos 2. quaest. 7. *Quae aversio est saepe etiam Clericorum adversus Regulares, ut refert S. Doct.* quaest. 27. Super Regulam.

66 It is limited to excepted crimes, in which a Layman is admitted to denounce an Ecclesiastic, as the Gloss proves *in cap. cum P. Manconella, de accusat.* provided, however, he be of good fame, as the Gloss says *ibi.*

> *Limita in criminibus exceptis, in quibus admittitur Laïcus ad denunciandum Ecclesiasticum, ut probat Glossa* in cap. cum P. Manconella, de accusat. *si tamen sit bonae famae, ut ait Glossa* ibi.

67 You will find more persons repelled from denouncing in the *following doubt*, where accusation is discussed.

> *Plures a denunciando repelli invenies* dub. sequent. *ubi de accusatione disseretur.*

68 But the Denunciation ought to contain the name of the denunciant, and of the Denounced, of the Judge, of the crime committed, of the place, and of the time. So Elizeus ubi supra *num. 7.* otherwise it would be invalid. So commonly in Clarus *quaest. 10. verse Scias autem §. fin.* And it ought to produce a witness, without which the Judge cannot examine in singular, unless in place of a witness indications, or infamy, or something similar occur, as Caiet. *quaest. 69. art. 2.* Valentia *quaest. 13. punct. 2.* Deltius *l. 5. disq. sect. 1.* Sà *v. Iudiciales actus.* Tanner. *disp. 4. quaest. 4. num. 73.* say, with D. Bonau. *4. dist. 13. quaest. 4. ad arg.*

> *Debet autem Denunciatio continere nomen denunciantis, et Denunciati, Iudicis, Criminis commissi, loci, et temporis. Ita Elizeus ubi supra* num. 7. *alias esset invalida. Ita communiter apud Clarum* quaest. 10. vers. Scias autem §. fin. *Debet et testem producere, sine quo non potest Iudex examinare in singulari, nisi loco testis indicia, vel infamia, vel quid simile occurrat, ut aiunt Caiet.* quaest. 69. art. 2. *Valentia* quaest. 13. punct. 2. *Deltius* l. 5. disq. sect. 1. *Sà* v. Iudiciales actus. *Tanner.* disp. 4. quaest. 4. num. 73. *cum D. Bonau.* 4. dist. 13. quaest. 4. ad arg.

69 But the denunciation CAN either be presented in writing, as concerning accusation Bartol. and Card. and others hold, in Clarum *quaest. 12.* Or be merely verbal, and written by a Notary, as Salyc. holds *in Leg. poen. Cod. de accusat. num. 2.* according to the form of the *Leg. Libellorum, ff. de accusat.* and it can also be done by letters, as Abbas holds *in C. Licet a beato, de accusat.* Bettus *in praxi tit. 7. cap. 5.* Arretin. *in praxi, cap. 9. num. 4.*

> *POTEST autem denunciatio vel porrigi in scriptis, ut de accusatione tenent Bartol. et Card. et alii apud Clarum* quaest. 12. *Vel esse tantum verbalis, et a Notario scribi, ut tenet Salyc.* in Leg. poen. Cod. de accusat. num. 2. *iuxta formam* Leg. Libellorum, ff. de accusat. *et potest etiam fieri per litteras, ut tenent Abbas* in C. Licet a beato, de accusat. *Bettus* in praxi tit. 7. cap. 5. *Arretin.* in praxi, cap. 9. num. 4.

70 The day of the date OUGHT also to be added, without which the complaint, or denunciation, would be invalid. So commonly in Clarus *quaest. 10. cited,* who however thinks it not necessary by the *Lex Libellorum, ff. de accusat.* where it is said: *Neither the day, nor the hour, shall he unwillingly comprehend.*

> *DEBET etiam adscribi dies datae, sine qua invalida esset querela, seu denunciatio. Ita communiter apud Clarum* quaest. 10. cit. *qui tamen id non putat necessarium* Lex Libellorum, ff. de accusat. *ubi dicitur:* Nec diem autem, nec horam invitus comprehendet.

71 But the Judge OUGHT gravely weigh the denunciation, and inquire into the probity of the denunciant, as Innocentius admonishes *de C. Nulli, de accusat.* Oldrad. *cons. 224.* Clar. *§. fin. quaest. 15.*

> *DEBET autem Iudex graviter perpendere denunciationem, et quaerere de probitate denunciantis, ut monet Innocentius* de C. Nulli, de accusat. *Oldrad.* cons. 224. *Clar.* §. fin. quaest. 15.

72 Let him also WEIGH the person of the denounced, as Innocentius, Oldradus, and Clarus admonish; and if he be of most upright life, and of authority, let him not easily be admitted, lest the fame of a grave man perish, according to *cap. si quis sunt*, and *C. quaerendum, 2. quaest. 7.* and D. Thom. *2. 2. quaest. 68. art. 1. ad 2.* Indeed against such men let the Judge receive not a denunciation, but only an accusation, which obliges the accuser to the penalty of talion, as is gathered *from C. repellantur, de accusat.* and as Speculat. *de denunc. §. Hostiensis, titulo de iniquis, §. 2.* Glossa *in c. Cum contingat de rescript.* teach.

> *PERPENDAT etiam personam denunciati, ut monent Innocentius, Oldradus, et Clarus, et si vitae integerrimae, et authoritatis sit, non facile admittatur, ne fama gravis viri pereat, iuxta* cap. si quis sunt, *et* C. quaerendum, 2. quaest. 7. *et D. Thom.* 2. 2. quaest. 68. art. 1. ad 2. *Imo contra tales non denunciationem, sed accusationem tantum recipiat Iudex, quae ad poenam talionis accusatorem obliget, ut colligitur* ex C. repellantur, de accusat. *et docent Speculat.* de denunc. §. Hostiensis, titulo de iniquis, §. 2. *Glossa* in c. Cum contingat de rescript.

73 As to the law, the Denunciator is bound to prove, as Clar. notes *quaest. 7.* by the text in *Leg. Divus. And in Leg. ab accusatione, §. nunciatores, ff. ad Turpill.* yet common practice does not admit this, as they say in Clarum, Mariam. Salic. and Cardin. Alex. but understand that fully. P. Eliz. *tract. 1. quaest. 13. num. 25.*

> *DE iure Denunciator tenetur probare, ut notat Clar.* quaest. 7. *per textum in* Leg. Divus. Et in Leg. ab accusatione, §. nunciatores, ff. ad Turpill. *tamen communis praxis hoc non admittit, ut dicunt apud Clarum, Mariam. Salic. et Cardin. Alex. sed id intellige plene. P. Eliz.* tract. 1. quaest. 13. num. 25.

74 Therefore WHEN the denunciation is apt, the Judge ought to admit the denunciation, and meanwhile the denounced is unfit for dignities, *C. Omnipotens Deus, de accusat.*

> *QUANDO igitur denunciatio est apta, debet Iudex denunciationem admittere, et interim denunciatus ad dignitates est inhabilis,* C. Omnipotens Deus, de accusat.

75 ONCE the denunciation is admitted, the Judge is bound to inquire, otherwise he sins by neglecting justice, as the Doctors commonly hold, especially the Gloss in *C. Excommunicamus, verse neglexerit, de haeret.* Panormitanas in *C. cum dilectus de accusat.* D. Thom. *2. 2. q. 54. art. fin.* D. Bonau. *in speculo animae, cap. 2.* toward the end, Bossius *tit. de offic. corrup.* Roder. *t. 2. quaest. 39. art. 1.* Let him take heed, however, lest he inquire before it be established concerning the body of the delict, as I shall say in doubt 3.

> *ADMISSA denunciatione tenetur Iudex inquirere, alias peccat negligendo iustitiam, ut tenent communiter Doctores, praesertim Glossa in* C. Excommunicamus, vers. neglexerit, de haeret. *Panormitanas in* C. cum dilectus de accusat. *D. Thom.* 2. 2. q. 54. art. fin. *D. Bonau.* in speculo animae, cap. 2. *circa finem, Bossius* tit. de offic. corrup. *Roder.* t. 2. quaest. 39. art. 1. *Caueat tamen ne inquirat, antequam constet de corpore delicti, ut dicam dubio 3.*

Doubt II: On the mode of proceeding by accusation

1 AN ACCUSATION is the bringing of some crime to public vindication, with the lawful subscription intervening. Thus the Doctors commonly hold, as Clarus testifies, *quaest. 12.* Lessius *T. 1. l. 2. cap. 30.* Azor. *l. 13. cap. 19.* Filliuc. *Tom. 2. tract. 40. cap. 7. num. 201.* Roder. *de ord. iud. cap. 5.* Fagundez on the *eighth precept of the Decalogue, cap. 47.* P. Eliz. *tract. 1. quaest. 12.*

ACCUSATIO est delatio alicuius criminis ad vindictam publicam, legitima interveniente subscriptione. Ita communiter Doctores, teste Claro quaest. 12. *Less.* T. 1. l. 2. cap. 30. *Azor.* l. 13. cap. 19. *Filliuc.* Tom. 2. tract. 40. cap. 7. num. 201. *Roder.* de ord. iud. cap. 5. *Fagundez in* octavum praeceptum Decal. cap. 47. *P. Eliz.* tract. 1. quaest. 12.

2 VERY MANY are those who are barred from accusing by the common law, whom Clarus reports, *quaest. 14.* and St. Antoninus *3. p. tit. 9. cap. 8. §. 2.* Bouër. *in direct. p. 2. cap. 17.* Farin. *quaest. 12.* among whom I have also noted some who are likewise forbidden to denounce. Excluded are criminals, apostates from the faith, heretics or those suspected of heresy, pagans and Jews, who cannot accuse Christians (*cap. non potest* and *cap. pagani, 2. quaest. 7.*), and calumniators (*C. similiter 3. quaest. 5.*).

PLURIMI sunt, qui iure communi ab accusando repelluntur, quos refert Clatus quaest. 14. *et S. Antoninus* 3. p. tit. 9. cap. 8. §. 2. *Bouër.* in direct. p. 2. cap. 17. *Farin.* quaest. 12. *e quibus aliquos etiam recensui, qui itidem denunciare prohibentur. Excluduntur Criminosi, Apostatae a fide, Haeretici, vel de ea suspecti, Pagani, et Iudaei, qui non possunt Christianos accusare* cap. non potest *et* cap. pagani, 2. quaest. 7. *et Calumniatores* C. similiter 3. quaest. 5.

3 LIKEWISE litigants are readily excluded, by the said *C. similiter*. Likewise enemies, and those recently reconciled, *cap. accusatores 3. quaest. 5.* Likewise the kinsmen of enemies, and their friends and household servants *cap. accusatoribus 3. quaest. 5.* Likewise an accomplice in the crime, minors, those under twenty years of age, a soldier, and a woman, and those who are barred from giving testimony. Likewise one who is in mortal sin by canon law. See Clarus *quaest. 14.* reporting others as well. And the Gloss on *C. si legitimas, de accusat.*, where he enumerates them thus:

ITEM de facili litigantes, dicto C. similiter. *Item inimici, et de recenti reconciliati,* cap. accusatores 3. quaest. 5. *Item consanguinei inimicorum, et familiares, ac domestici eorum* cap. accusatoribus 3. quaest. 5. *Item socius criminis, Impubes, Minorque viginti annorum, Miles, et mulier, et qui a testimonio ferendo repelluntur. Item constitutus in peccato mortali de iure canonico. Vide Clarum* quaest. 14. *alios etiam referentem. Et Glossam in* C. si legitimas, de accusat. *ubi sic eos enumerat:*

4 *A woman, a ward, one denounced, one caught in crime. One suspected of gain, a corrupt man, a soothsayer, One infamous, a slave, a poor man, with a soldier, a Prince, A freedman, a comrade against his comrade, nor the enemies' kin, No cleric may bring an accusation against the Church.*

Foemina, pupillus, delatus, crimine tentus. Suspectus quaestu, corruptus, sortilegusque, Infamis, servus, pauper, cum milite, Princeps, Libertus, socius socium, nec non inimici, Clericus Ecclesiam nullus deferre valebit.

5 TRULY the accuser is a hated figure, and is presumed to act not from charity but from spite, according to the Gloss on *cap. decreto, 2. quaest. 6.* and the text in *C. Si omnes, 6. quaest. 1.*; and hence an accusation is called *an offensive intention*, *C. si quis Episcopus, 2. quaest. 7.*, which can scarcely be exercised without fault, according to the same Gloss, and after it Foller. in *praxi, crim. can. 4. num. 9.*

PROFECTO accusator odiosus est, et non ex charitate, sed ex livore agere praesumitur, iuxta Glossam in cap. decreto, 2. quaest. 6. *et ex text. in* C. Si omnes, 6. quaest. 1. *et hinc est, quod accusatio* illandabilis intentio *nuncupatur,* C. si quis Episcopus, 2. quaest. 7. *quae vix sine culpa exerceri potest, secundum eandem Glossam, et post eam Foller. in* praxi, crim. can. 4. num. 9.

6 Hear St. Gregory *l. 6. Moral. cap. 13.* quoted by St. Bonaventure in *Phar. l. 3. cap. 3.*: *While the envious cannot accuse the good they see, blinded by malice they seek out for accusation the evil they do not see.* Yet he can

also be an executor of justice, *C. illud 23. quaest. 4.*

> *AUDI D. Gregorium* l. 6. Moral. cap. 13. *apud D. Bonau. in* Phar. l. 3. cap. 3. Invidi dum bonum, quod vident, accusare nequeunt, excaecati malitia, malum quod non vident, ad accusationem quaerunt. *Tamen potest esse etiam iustitiae executor* C. illud 23. quaest. 4.

7 But the Judge ought to weigh deeply that saying of St. Isidore in the *Synonyms, cap. 16.*: *First prove, and so judge. For not the one who is accused, but the one who is convicted, is guilty.* St. Bonaventure sets this forth deeply in the place cited from the *Pharetra*.

> *DEBET autem Iudex alte pensitare illud D. Isidori in* Synonim, cap. 16. *effatum.* Ante proba, et sic iudica. Non enim qui accusatur, sed qui convincitur, reus est. *Id alte proponit D. Bonaventura* loc. cit. Pharetrae.

8 The Accusator is bound first to the things I said of the denunciator, and further he is bound to write everything and subscribe his name, under penalty of talion if he does not prove the crime, as Bartolus and Aretinus declare, and Clarus follows, *quaest. 12.* P. Eliz. *num. 9.*

> *TENETUR primo Accusator ad ea, quae de denunciatore dixi, et amplius tenetur totum scribere, et se subscribere ad poenam talionis, nisi crimen probauerit, ut declarat Bartol. et Aretinus, et sequitur Clarus* quaest. 12. *P. Eliz.* num. 9.

9 Although by civil law this penalty is not observed, as Clarus notes, yet he says it is observed by canon law. Cardinal Alexander agrees, in *C. libellorum near the end, 2. quaest. 8.* So in the chapter *qualiter et quando, 2. de accusat.*

> *QUAMVIS autem de iure civili haec poena non servetur, ut notat Clarus, tamen de iure Canonico servari ait. Consentit Card. Alex. in* C. libellorum circa finem 2. quaest. 8. *Sic capite* qualiter, et quando, 2. de accusat.

10 Once the accusation has been presented, he is bound not to conceal the true crimes, as St. Thomas notes, *2. 2. q. 68. art. 3.* Sotus *de teg. secreto, membr. 2. quaest. 5. col. 6.* Navarr. in *Manuali, cap. 25. num. 3.*

> *PRAESENTATA accusatione, tenetur vera crimina non abscondere, ut notant D. Thom.* 2. 2. q. 68. art. 3. *Sotus* de teg. secreto, membr. 2. quaest. 5. col. 6. *Navar. in* Manuali, cap. 25. num. 3.

11 At the request of the party, the accuser is bound to take the oath of calumny. Farin. *quaest. 16. num. 28.* citing Doctors on *Leg. 2. Cod. de fin. instrum.*; and Bartolus testifies to the common observance of Italy in *Lege 1. num. 6. Cod. de iuram. calum.*, and Clarus holds it, *§. fin. quaest. 18.*, citing many.

> *PARTE petente, tenetur accusator calumniae iuramentum praestare. Farin.* quaest. 16. num. 28. *citans Doctores in* Leg. 2. Cod. de fin. instrum. *et de communi Italiae observantia testatur Bartol. in* Lege 1. num. 6. Cod. de iuram. calum. *et tenet Clarus,* §. fin. quaest. 18. *allegans multos.*

12 THREE things must be guarded against in an accusation: Calumnia, Praevaricatio, and Tergiversatio (calumny, prevarication, and tergiversation), as Fagundez notes, *l. 8. cap. 47. num. 11.*

> *TRIA in accusatione cavenda sunt: Calumnia, Praevaricatio, et Tergiversatio, ut notat Fagundez* l. 8. cap. 47. num. 11.

13 CALUMNY is a false imputation made knowingly, and it binds the calumniator to the duty of restitution. He also is said to calumniate who knowingly accuses of a true but hidden crime, which cannot be proved in court, and in the same way he is bound to restitution of the damage; thus St. Thomas 2. 2. quaest. 68. art. 8., Sotus de teg. secr. in 2. quaest. 5. concl. 5., Sayrus cap. 15. on the eighth precept, num. 12., Roder. de ord. iud. cap. 6., Fagundez in the place cited.

CALUMNIA est falsa imputatio, facta scienter, et incutrit calumniator debitum restitutionis. Calumniari etiam ille dicitur, qui de vero crimine, sed occulto, quod in iudicio probari non potest, scienter accusat, eodemque modo tenetur ad restitutionem damni; ita D. Thom. 2. 2. quaest. 68. art. 8. Sotus de teg. secr. in 2. quaest. 5. concl. 5. Sayrus cap. 15. in octavum praeceptum, num. 12. Roder. de ord. iud. cap. 6. Fagundez loco citato.

14 PRAEVARICATION occurs in a twofold case. First, when the accuser secretly favors the Accused. Second, when he is silent and conceals true and greater crimes, setting out lesser ones in the libel.

PRAEVARICATIO duplici casu occurrit. Primo dum accusator in occulto favet Reo. Secundo quando tacet, ac tegit vera crimina, et maiora; exponens in libello minora.

15 This kind of prevarication can occur also in a Judge, namely by accepting false exceptions, testimonies, and instruments so as to free the accused, as St. Bonaventure notes in the Speculum animae, cap. 2. near the end; and beyond the sin he commits, he is bound also to restitution, because he acted against Justice and his office, seeking unjustly to oppress the accuser and to shield the accused.

Hoc praevaricationis genus contingere potest etiam in Iudice, acceptando scilicet falsas exceptiones, testimonia, et instrumenta, ut reum liberet, ut notat D. Bonan. in speculo animae, cap. 2. ad finem, et ultra peccatum, quod committit, tenetur etiam restitutioni, quia contra Iustitiam, et officium suum egit, quaerens accusatorem inique opprimere, et reum subtrahere.

16 It occurs also in Advocates, by showing to the adverse party the foundations of their client's case, or by not defending faithfully, or by opening to the adversaries the way to win the cause unjustly; all of which are iniquitous, against justice, as the Saintly Doctor teaches above, Sotus loc. cit. concl. 5., and Navarr. cap. 25. num. 10., Rodriquez num. 5., St. Thomas quaest. cit. art. 3. ad 2., Sayrus num. 14., Fagundez num. 13., who agree that they are bound to restitution.

CONTINGIT etiam in Advocatis ostendendo parti adversae fundamenta sui clientis, vel non fideliter defendendo, vel aperiendo adversariis viam ad causam inique vincendam, quae omnia iniqua sunt contra iustitiam, ut docet S. Doctor supra, Sotus loc. cit. concl. 5. et Navar. cap. 25. num. 10. Rodriquez num. 5. D. Thom. quaest. cit. art. 3. ad 2. Sayrus num. 14. Fagundez num. 13. qui consentiunt, cum teneri ad restitutionem.

17 TERGIVERSATION is, when without just cause he desists from the accusation, when he is bound to its prosecution for the common good.

TERGIVERSATIO est, quando sine iusta causa desistit ab accusatione, cum ad prosecutionem eius ob bonum commune tenetur.

18 CASES are nevertheless given in which he may desist. First, in crimes that do not conduce to the good of the Republic. Second, when he begins the case in good faith and soon sees his error. Third, on account of grave fear. Fourth, if he is repelled by the command of the Prince. See Sayrus lib. 12. at the end, Lessius l. 2. cap. 30. dub. 3. num. 15., Sotus loc. cit.

DANTUR tamen casus, in quibus potest desistere. Primo in criminibus, quae ad bonum Reipublicae non conducunt. Secundo, quando bona fide incipit causam, et mox suum videt errorem. Tertio propter metum gravem. Quarto, si imperio Principis repellatur. Vide Sayrum lib. 12. in fine, Less. l. 2. cap. 30. dub. 3. num. 15. Sotum loc. cit.

19 FAGUNDEZ num. 14, who at num. 16 raises the question: whether correction must always precede an accusation. And he answers negatively, if the offense can be proved, whether one intends vindication of one's own injury or the good of the Republic; and he says this is the common view of

the Doctors, citing Lessius l. 1. cap. 30., Filliuc. tome 2. tract. 40. cap. 7. num. 103., the Gloss on C. licet, de simonia, 2. quaest. 8., Sylvester v. accusatio, quaest. 3., Cajetan 2. 2. quaest. 33. art. 7., Navarr. Summa Lat. cap. 18. num. 30., Driedo de libertate Christiana cap. 10., Roder. de ord. iudic. cap. 6., and others; and in this he distinguishes denunciation, which is directed to amendment, from accusation, which tends to the vindication of the crime for the public good. But Rodriquez loc. cit., citing Corduba, adds that one is bound to correction, if he hopes for amendment. Sotus adds, loc. cit. concl. 4., Durandus 4. dist. 19. The reason is, because the principal end ought to be the amendment of the Accused. But Fagundez himself persists: if the offense is public and can be proved, the Accused is in the case; because his own offense made it public. I certainly do not refuse this, when the offense is public, according to what I said in the first doubt.

> *FAGUNDEZ num. 14. qui num. 16. instituit quaestionem: An ante accusationem semper sit praemittenda correptio. Et respondet negative, si possit delictum probari, sive intendat vindictam propriae iniuriae, sive bonum Reipublicae, et ait, esse communem Doctorum, et allegat Less. l. 1. cap. 30. Filliuc. tomo 2. tract. 40. cap. 7. num. 103. Gloss. in C. licet, de simonia, 2. quaest. 8. Sylvest. v. accusatio, quaest. 3. Caietanum 2. 2. quaest. 33. art. 7. Navar. Summa Lat. cap. 18. num. 30. Driedonem de libertate Christiana cap. 10. Roder. de ord. iudic. cap. 6. et alios, et in hoc distinguit denuntiationem, quae ad emendationem dirigitur, ab accusatione, quae tendit ad vindictam sceleris, ob publicum bonum. Sed Rodriquez loc. cit. adducto Corduba, addit, teneri quamvis ad correptionem, si emendationem sperat. Addit Sotus loc. cit. concl. 4. Durand. 4. dist. 19. Ratio est, quia finis principalis debet esse emendatio Rei. Sed ipse Fagundez persistit, si delictum est publicum, et possit probari, et in hoc esse Reum in causa; quia suum delictum fecit publicum. Non renuo sane, quando delictum est publicum, iuxta ea quae dixi dubitatione prima.*

20 NOTE that civil and canon law command Judges not to proceed in criminal causes without an accuser, C. si legitimus, de accusat. and Leg. Illicitus, ff. de officio Praesidis; and St. Thomas teaches this, 2. 2. quaest. 7. art. 3. in the body, Cajetan there, and other Thomists, Roderiq. de ordine iudic. cap. 5., Fagundez cap. 48. num. 3., and St. Bonaventure passim.

> *ADVERTE, ius Civile, et Canonicum Iudicibus praecipere, ne in causis criminalibus procedant absque accusatore C. si legitimus, de accusat. et Leg. Illicitus, ff. de officio Praesidis, et docent D. Thom. 2. 2. quaest. 7. art. 3. in corp. Caietanus ibi, et alii Thomistae Roderiq. de ordine iudic. cap. 5. Fagundez cap. 48. num. 3. et D. Bonaventura passim.*

21 IT IS PROVED by the Saintly Doctor on John 8, where he observes that the judgment was truncated, because the accusers withdrew. Therefore Christ says: *Where are they who accused you? No one has condemned you; nor will I condemn you.* And he warns that the accusers withdrew because they were unfit to accuse, since they themselves were criminals.

> *PROBATUR a S. Doctore ad 8. Ioannis, ubi observat, truncatum fuisse iudicium, quia illi accusatores recesserunt. Ideo ait Christus:* Ubi sunt qui te accusabant? Nemo te condemnavit: Nec ego te condemnabo. *Accusatores autem recessisse admonet, quia inepti erant ad accusandum, cum ipsi essent criminosi.*

22 IT IS PROVED secondly by the Saintly Doctor on John 5, in the words *As I hear, so I judge*, where he discourses at length, bringing in St. Gregory in *Moral. cap. 14.* on Job 29: *The cause which I knew not, I searched out most diligently*, where he says: *Note concerning judgment, that we ought not to hasten to render an iniquitous sentence, that we judge not rashly without examination, that no evil report whatsoever should move us, that we believe not reports everywhere without proof, etc.*

> *PROBATUR secundo a S. Doctore ad 5. Ioan. in ea verba:* Sicut audio, sic iudico, *ubi late disserit, afferens D. Gregorium in* Moral. cap. 14. *in id Iob. 29.* Causam, quam nesciebam, diligentissime investigabam, *ubi ait:*

> Nota de Iudicio, ne ad proferendam sententiam iniquam praecipites esse debeamus, ne temerarie indiscussa iudicemus, ne qualibet mala audita nos moveant, ne passim dictis sine probatione credamus, etc.

23 GOD himself, to whom all things are naked and open, uses examinations in his judgments; as is plain in Joel 3: *I will bring them into the valley of Josaphat, and I will plead with them.* He repeats this in *Matth. 25.*

> *IPSE Deus, cui omnia nuda sunt, et aperta, in suis iudiciis examina adhibet; ut patet Ioelis 3.* Deducam eos in vallem Iosaphat, et disceptabo cum eis. *Id repetit* Matth. 25.

24 Whence it is read of the Lord in *Genesis 18: I will go down and see whether the cry that comes to me has been fulfilled in deed.* Then the Saintly Doctor continues the exposition of the same chapter thus: Second, it is figured that judgment ought to be just in its process. Whence he says: *My judgment is just.* And Deuteronomy 19: *You shall appoint Judges and Masters, that they may judge with just judgment*; for, as Tullius says in *de off. l. 1.*, it belongs to a judge in causes to follow the truth, neither to defend the guilty nor to condemn the innocent: *He who justifies the wicked, and he who condemns the just, both are alike abominable before God.* Likewise it is here intimated that judgment ought to be orderly in sentencing. He has the same on chapter seven.

> *Unde et de Domino legitur* Genesi. 18. Descendam, et videbo utrum clamorem, qui venit ad me, opere compleverint. *Deinde sic prosequitur explicationem eiusdem capitis S. Doctor: Secundo figuratur, quod iudicium debet esse in processu iustum. Unde ait.* Iudicium meum iustum est. *Et Deuter. 19.* Iudices, et Magistros constitues, ut iudicent iusto iudicio*, ut enim ait Tullius de* off. l. 1. *Iudicis est in causis verum sequi, nec nocentem defendere, nec condemnare innocentem:* Qui iustificat impium, et qui condemnat iustum, abominabilis est uterque apud Deum. *Item insinuatur hic quod iudicium debet esse in sententiando ordinatum. Idem habet ad cap. septimum.*

25 From these you also have those cases in which judges may proceed without an accuser by the way of inquisition.

> *Ex quibus habes etiam illos casus, in quibus possunt iudices sine accusatore procedere via inquisitionis.*

26 THE FIRST is, if the Judge with others sees the crime being committed. The second, when there are public indications and clamorous fame. The third is, when a juridical denunciation precedes, to public vindication of the offenses, as is done in the tribunal of the Holy Inquisition; but it differs from an accusation, because he is not bound to prove. Here too it is intimated that in graver offenses, where there is no accuser, the Fiscal holds the place of the accuser; and he is bound to prove, and unless he can prove, the accuser sins, as Aragon says, 2. 2. quaest. 67. art. 3. at the end, Roder. de ord. iud. cap. 5. num. 3.

> *PRIMUS est, si Iudex cum aliis videat, crimen perpetrari. Secundus, quando sunt publica indicia, et fama clamorosa. Tertius est, cum praecedit denunciatio iuridica ad vindictam publicam delictorum, ut fit in tribunali Sanctae Inquisitionis: Differt autem ab accusatione, quia non tenetur probare. Ubi etiam indicatur, in delictis gravioribus, ubi non est accusator, Fiscalem habere locum accusatoris; et hic tenetur probare, et nisi possit probare, accusans peccat, ut aiunt Aragon. 2. 2. quaest. 67. art. 3. in fine, Roder. de ord. iud. cap. 5. num. 3.*

27 AS TO the obligation of accusing. First, he who sees some harm threatening the Republic, or even others who are innocent, and it cannot otherwise be prevented, is bound to accuse; he is bound from charity to denounce it to the Judge. Thus the Doctors commonly: St. Thomas 2. 2. quaest. 68. art. 1.,

Sotus loc. cit. quaest. 5., Sylvester v. *Accusat.* quaest. 2., Gomez Tom. 3. var. cap. 1. num. 9.; and it is proved by *C. sicut dignum, §. illis etiam, de homicidio.* Indeed in the external forum, one who knowingly conceals an offense about to be committed against the Prince or the Republic, and does not reveal it, is punished as an author of the offense, by Battol. in *Leg. virum, ff. ad Leg. Pomp. de parric.* and *Leg. 1. §. occisorum, ff. ad Syllan.*, Salicetus in *Leg. prima, Cod. ad legem Cornel. de sicar.*, Gomez loc. cit. num. 8.; and the French laws command this in the Kingdom of France.

> *QUOAD obligationem accusandi. Primo tenetur accusare, qui vident damnum aliquod Reipublicae imminere, vel etiam aliis insontibus, et alia via nequit impediri; tenetur ex charitate Iudici denunciare. Ita communiter Doctores. D. Thom. 2. 2. quaest. 68. art. 1. Sotus loc. cit. quaest. 5. Sylvester v.* Accusat. *quaest. 2. Gomez Tom. 3. var. cap. 1. num. 9. et probatur,* C. sicut dignum, §. illis etiam, de homicidio. *Imo in foro externo, sciens delictum committendum contra Principem, vel Rempublicam, et non revelans, punitur, ut auctor delicti, Batthol. in* Leg. virum, ff. ad Leg. Pomp. de parric. et Leg. 1. §. occisorum, ff. ad Syllan. *Salicetus in* Leg. prima, Cod. ad legem Cornel. de sicar. *Gomez loc. cit. num. 8. et Leges Gallicae in Regno Galliae id praecipiunt.*

28 YET he is not bound to accuse who cannot prove; for no one is bound to ward off another's evil at his own grave loss, which he incurs by accusing and not proving. Thus St. Thomas 2. 2. quaest. 68. in the place cited, and others in Fagundez cap. 49. num. 4.

> *NON tenetur tamen accusare is, qui probare non potest; nemo enim tenetur alterius malum arcere gravi suo damno, quod subit accusans, et non probans. Ita D. Thom. 2. 2. quaest. 68. loco citato, et alii apud Fagundez cap. 49. num. 4.*

29 BUT he sins only against charity who does not accuse when bound, unless he be an official of justice; for such a one sins against Justice, as Fagundez notes, num. 8.

> *PECCAT autem tantum contra charitatem, qui non accusat, cum tenetur, nisi sit officialis iustitiae; quia hic contra Iustitiam peccat, ut notat Fagundez num. 8.*

30 THERE arises also a doubt, because kinsmen are admitted to demand just vindication of their own up to the fourth degree, as is more probable in Fagundez *l. 8. cap. 48. num. 10.*, and it is gathered from *Leg. petitionum, Cod. de advocat.*: whether, when several kinsmen come together to accuse someone of some offense, all of them can be admitted by the Judge.

> *ORITUR etiam dubium, quia consanguinei admittuntur ad iustam vindictam petendam suorum usque ad quartum gradum, ut probabilius est apud Fagundez* l. 8. cap. 48. num. 10. *et colligitur ex* Leg. petitionum, Cod. de advocat. *An, quando plures consanguinei concurrunt ad accusandum reum de aliquo delicto, omnes possint a Iudice admitti.*

31 Motla asserts it in *Emporio iuris, titulo de Legibus, quaest. 14. num. 9.*, and the Senate of Lisbon in the year 1616, as Melchior Phoebus reports, *tit. 1. decis. decisione 9. num. 10.*; and the reason is, because the right of vindicating the death of the deceased is in each of the heirs in the whole, not by part, *Leg. portiones, ff. de his, quibus ut indign.*

> *ASSERUNT Motla in* Emporio iuris, titulo de Legibus, quaest. 14. num. 9. *et Senatus Ulyssiponae anno 1616. ut refert Melchior Phoebus* tit. 1. decis. decisione 9. num. 10. *et ratio est, quia ius vindicandi mortem defuncti, est penes quemcumque ex haeredibus in solidum, et non pro parte,* Leg. portiones, ff. de his, quibus ut indign.

32 OTHERS deny it, but hold that the judge ought to choose one kinsman, nearer and more suitable, *Leg. si plures, ff. de accusat.* and *Leg. si vero, §. haec autem, ff. de his qui occiderunt, vel effuderunt.* And Gomez

teaches, *t. 3. variarum, tit. de delict. cap. 1. num. 35.*, Vincentius Franchus in *1. p. decis. 382.*, Fagundez *l. 8. cap. 50.*

NEGANT alii; sed debere iudicem eligere unum propinquiorem magis idoneum, Leg. si plures, ff. de accusat. et Leg. si vero, §. haec autem, ff. de his qui occiderunt, vel effuderunt. *Et docent Gomez* t. 3. variarum, tit. de delict. cap. 1. num. 35. *Vincentius Franchus in* 1. p. decis. 382. *Fagundez* l. 8. cap. 50.

Doubt III: On the mode of proceeding by inquisition

1 INQUISITION is the third mode of proceeding, distinct from accusation and denunciation, while the two former are often exercised separately; often also they are, as it were, the handmaids of the latter, since they follow it in order better to inquire into the crime: That this mode of proceeding is lawful no one skilled in canon law doubts, since various texts there plainly intimate it, *as C. qualiter et quando 2. de accusat. C. inquisit. eodem*, as P. Elizzus has it, *tract. 2. de modo proced. quaest. 1. num. 3.*, where he also gathers the authors. The reason is public security, upon which the Judge has undertaken the burden of providing, which he cannot discharge unless he also inquire into offenses; and when an end is enjoined upon anyone, the means of attaining that end are commanded to him.

INQUISITIO est tertius procedendi modus, ab accusatione et denunciatione distinctus, cum duae priores saepe seorsim exerceantur; saepe etiam sunt velut posterioris Pedissequae, cum ipsam sequantur ad melius inquirendum de crimine: Hunc procedendi modum licitum esse nullus Iuris canonici gnarus ambigit, cum variis ibi textibus aperte insinuetur, ut C. qualiter et quando 2. de accusat. C. inquisit. eodem, *ut habet P. Elizzus* tract. 2. de modo proced. quaest. 1. num. 3. *ubi authores etiam aggregat. Ratio est publica securitas, cui Iudex subiit onus prospiciendi, quod nequit praestare, nisi etiam de delictis inquirat, cum autem alicui iniungitur finis, mandantur ei media talem finem attingendi.*

2 FURTHERMORE, it falls to the Judge by a stronger right to inquire than to the Plaintiff to act; for that concerns more the substance of the judgment; but the laws command the Plaintiff to put forward an action, as P. Elizzus has it, *tract. 2. ubi supra;* and he proves it in *tract. 1. quaest. 10. num. 14.*

PRAETEREA potiori iure incumbit Iudici inquirere, quam Actori agere; illud enim magis respicit iudicii substantiam; sed iura mandant Actori, ut actionem obtendat, ut habet P. Elizzus tract. 2. ubi supra; *et probat* tract. 1. quaest. 10. num. 14.

3 Whether however it is lawful also by civil law or by custom in the secular court is disputed before the same Elizzus *num. 4.*; see him.

An vero etiam Iure civili, vel consuetudine sit in Curia saeculari licitus, controvertitur apud eundem Elizzum num. 4. *ipsum vide.*

4 From these, Inquisition is defined as a certain lawful investigation, which the Judge carries out ex officio, inquiring into some crimes, or into some offender laboring under the infamy of a crime, intending primarily his amendment. Thus Iodoc in *pract. crim. tit. de Inquis. cap. 8.*, Clar. *§. fin. quaest. 3.*, Farinac. *quaest. 1. num. 3.*, Rodriquez *Tract. de Ordinario, cap. 2.*; and it is plain from *C. qualiter, et quando, 2. de accusat.*

Ex his Inquisitio definitur legitima quaedam investigatio, quam Iudex ex officio efficit inquirens de aliquibus criminibus, aut de aliquo delinquente, infamia delicti laborante, emendationem illius primario intendens. Ita Iodoc in pract. crim. tit. de Inquis. cap. 8. *Clar.* §. fin. quaest. 3. *Farinac.* quaest. 1. num. 3. *Rodriquez* Tract. de Ordinario, cap. 2. *et patet ex* C. qualiter, et quando, 2. de accusat.

5 INQUISITION, moreover, is twofold. The first is general, in which, the offender being uncertain, it is generally inquired, who committed the offense? Particular is that which is done specially against some person.

> *DUPLEX est autem Inquisitio. Prima est generalis, qua, incerto delinquente, generaliter inquiritur, quis delictum commiserit? Particularis est, quae fit specialiter contra aliquam personam.*

6 A GENERAL, or most general, inquisition, of which in *C. perniciosa, de off. Ord.* and *C. Trident. sess. 7. cap. 7. et sess. 24. cap. 3.*, can be made in Visitations without preceding infamy, according to *cap. Romana, §. sane, de censibus in 6.* and *C. Trident. cap. 8. et 20. de reform. sess. 7.*; and Bonac. notes this, citing others, *de praeceptis decal. disp. 10. quaest. 2. p. 5.*, Fagundez *in octavum Praeceptum decal. lib. 8. cap. 46. num. 7.*, where he says it is the common view of the Doctors, except Alciato *cap. 1. de off. ordin. num. 5.*

> *INQUISITIO generalis, seu generalissima, de qua in* C. perniciosa, de off. Ord. *et* C. Trident. sess. 7. cap. 7. et sess. 24. cap. 3. *nulla praecedente infamia fieri potest in Visitationibus, iuxta* cap. Romana, §. sane, de censibus in 6. *et* C. Trident. cap. 8. et 20. de reform. sess. 7. *et notant Bonac. alios adducens* de praeceptis decal. disp. 10. quaest. 2. p. 5. *Fagundez* in octavum Praeceptum decal. lib. 8. cap. 46. num. 7. *ubi ait, esse communem Doctorum, excepto Alciato* cap. 1. de off. ordin. num. 5.

7 IN this inquisition, however, one cannot inquire about Peter or Titius; or whether he committed such or such an offense, but only, who offended in such a matter, or in such. Thus Rodriquez *tract. de ord. iudic. cap. 2.*, Sayrus *l. 12. cap. 10. num. 19.*, Angel. *v. Inquis. §. 1.*, Sylvest. *ibi, quaest. 4.*, Sotus *l. 1. de Iust. quaest. 6. art. 5. concl. 5. et relect. de reg. secreto, quaest. 6. membr. 2.*, Salon. *2. 2. quaest. 69. art. 12. controv. 6.*, Aragon. and Bannes *ibidem.*, Navar. *Man. Lat. cap. 18. num. 38.*, Valentia *disp. 5. quaest. 14. p. 1.*, Tanner. *disp. 4. quaest. 4. num. 74.* It is gathered expressly from *C. qualiter, et quando, dist. 2. and C. cum oporteat. And C. Inquisitionis, de accusat. and C. Heli, de simonia, and C. Deus omnipotens, dist. 2. quaest. 1.*

> *IN hac autem inquisitione non potest inquiri de Petro, vel Titio; vel an tale, vel tale delictum commiserit, sed solum, quis in tali re deliquerit, vel tali. Ita Rodriquez* tract. de ord. iudic. cap. 2. *Sayrus* l. 12. cap. 10. num. 19. *Angel.* v. Inquis. §. 1. *Sylvest.* ibi, quaest. 4. *Sotus* l. 1. de Iust. quaest. 6. art. 5. concl. 5. et relect. de reg. secreto, quaest. 6. membr. 2. *Salon.* 2. 2. quaest. 69. art. 12. controv. 6. *Aragon. et Bannes* ibidem. *Navar.* Man. Lat. cap. 18. num. 38. *Valentia* disp. 5. quaest. 14. p. 1. *Tanner.* disp. 4. quaest. 4. num. 74. *Colligitur expresse ex* C. qualiter, et quando, dist. 2. et C. cum oporteat. Et C. Inquisitionis, de accusat. et C. Heli, de simonia, et C. Deus omnipotens, dist. 2. quaest. 1.

8 IT IS PROVED by these authorities in Fagundez *num. 9.*, many from St. Bonaventure, from that *Genesis 18.*, where the Lord awaited the cry of the Pentapolitans, and soon says: *I will go down and see whether the cry that comes to me has been fulfilled in deed.*

> *PROBATUR ab istis apud Fagundez* num. 9. *multis authoritatibus ex D. Bonav. ex illo* Genesis 18. *ubi Dominus expectavit clamorem Pentapolitanorum, et mox ait:* Descendam, et videbo, utrum clamorem, qui venit ad me, opere compleverint.

9 IT IS PROVED secondly by St. Bonaventure *ad 16. Lucae*, that parable of the steward who was defamed, because he had wasted the goods; for he is not called to singular examination before a clamorous defamation. For this reason, because he neglected his reputation, he merited to be called to question by severe inquisition.

PROBATUR secundo a D. Bonav. ad 16. Lucae, *illa parabola Villici, qui diffamatus est, quia bona dissipasset; non enim vocatur ad singulare examen ante clamorosam diffamationem. Ideo enim famam negligens meruit inquisitione severa ad quaestionem vocari.*

10 IT IS PROVED thirdly by St. Bonaventure in *Diaeta, tit. 10. cap. 3.*; for the Lord did not proceed to the inquisition of fratricide against Cain until he heard the voice of his brother's blood crying out and invoking the justice of God. The Pontiff relies on this testimony in the said *cap. qualiter, et quando.*

PROBATUR tertio a D. Bonav. in Diaeta, tit. 10. cap. 3. *nam Dominus non processit ad inquisitionem fratricidii contra Caïn, quo usque non audivit vocem sanguinis fratris eius clamantem, et invocantem iustitiam Dei. Hoc testimonio nititur Pontifex in dicto* cap. qualiter, et quando.

11 IT IS PROVED fourthly by St. Bonaventure *ad 3. Ioan.*, from the act of Christ, who tolerated Judas as long as he could hope for his amendment; and because the crime was still secret, he corrected him so as if between himself alone; for none of the disciples understood. The Pontiff determines the same, *C. si quis potestatem 23. quaest. 4.*, where it is said: *It is not for a judge to condemn without an accuser, as neither did Christ cast off Judas.*

PROBATUR quarto a D. Bonav. ad 3. Ioan. *ex facto Christi, qui quousque valuit habere emendationis Iudae, eum toleravit, et quia crimen adhuc erat secretum, ita eum correxit, ac si inter ipsum solum; nemo enim discipulorum intellexerit; id ipsum determinat Pontifex,* C. si quis potestatem 23. quaest. 4. *ubi dicitur:* Iudicis non est sine accusatore damnare, sicut nec Christus Iudam abiecit.

12 HENCE, although a Judge may know of an offense of his subject, of which there is no public judgment, nor clamorous intimation, or scattered rumor; but it is still altogether hidden; and he even knows that three or four witnesses know of it; he cannot inquire into it specially by the way of particular inquisition in order to punish him. Thus Innocent III declares expressly, *C. Inquisitionis de accusat. §. Tertia dubitatio ibi*: It does not suffice for inquiring specially against someone not defamed, even if two or three sworn witnesses, even greater by exception, assert that they saw the man commit that offense; and this is the practice of the whole world, as Farinac. testifies, *quaest. 9.*, and others cited by him. For an accuser is necessarily required to punish anyone, or clamorous intimation, and such indications as take the place of an accuser and virtually accuse, as the Fiscal and the promoter of justice, who is bound ex officio to accuse, and who even in conscience cannot accuse unless what he can prove, and unless sufficient indications precede. This truth Cajetan hands down, *2. 2. quaest. 69. art. 1. et 2.*, Sotus *relect. de teg. secr. membr. 2. quaest. 6.*, Navar. in *C. inter verba, 11. quaest. 3. concl. 6. coroll. 48. num. 579.*, Salon. *2. 2. quaest. 69. art. 2. controv. 6.*, Aragon. *quaest. 67. art. 3.*, Valentia *disput. 5. quaest. 14. p. 1.*, Sayrus *l. 12. cap. 10. num. 200.*, Rodriquez *de ord. iud. cap. 3. num. 4.*, Fagundez *l. 8. cap. 46. num. 10.*, Tanner. *loc. cit.*

HINC, quamvis Iudex delictum sui subditi agnoscat, de quo nullum est iudicium publicum, nec clamorosa insinuatio, vel sparsus rumor; sed adhuc est omnino occultum; et sciat etiam, tres, vel quatuor testes id scire; nequeat via inquisitionis particularis de illo specialiter inquirere, ut eum puniat. Sic expresse declarat Innocentius III. C. Inquisitionis de accusat. §. Tertia dubitatio ibi. Non sufficere ad inquirendum specialiter contra aliquem, non infamatum, etiamfi duo, vel tres testes iurati, etiam exceptione maiores, asserant, se vidisse hominem aliquem delictum illud commisisse: *Et haec totius mundi praxis, ut testatur Farinac.* quaest. 9. *et alii apud illum. Nam accusator necessario requiritur ad puniendum aliquem, vel clamorosa insinuatio, et talia indicia, quae vicem accusatoris subeant et virtualiter accusent, ut Fiscalis, et iustitiae promotor, qui ex officio tenetur accusare, qui etiam in conscientia non potest accusare, nisi id, quod potest probare, et nisi praecedant indicia sufficientia. Hanc veritatem tradit Caietanus*

2. 2. quaest. 69. art. 1. et 2. *Sotus* relect. de teg. secr. membr. 2. quaest. 6. *Navar. in* C. inter verba, 11. quaest. 3. concl. 6. coroll. 48. num. 579. *Salon.* 2. 2. quaest. 69. art. 2. controv. 6. *Aragon.* quaest. 67. art. 3. *Valentia* disput. 5. quaest. 14. p. 1. *Sayrus* l. 12. cap. 10. num. 200. *Rodriquez* de ord. iud. cap. 3. num. 4. *Fagundez* l. 8. cap. 46. num. 10. *Tanner.* loc. cit.

[13] BUT if a general inquisition is made into crimes, a particular one cannot be made about Peter or Paul, unless they labor under infamy, as Cajetan teaches, *2. 2. quaest. 69. art. 1. et 2.*, Sayrus *l. 12. cap. 10. num. 22.*, Salon. *2. 2. quaest. 69. art. 2. controv. 7.*, Sotus *de seg. secr. membr. 2. quaest. 6.*, Palud. 4. dist. 19., Adrian. quodl. 11., Aragon. ibi disp. 2., Ioannes ibi disp. 10., Valentia, and Tanner. with Rodriguez above.

QUOD si inquisitio fit generalis de sceleribus; non potest fieri particularis de Petro, vel Paulo, nisi laborent infamia, ut docent Caietanus 2. 2. quaest. 69. art. 1. et 2. *Sayrus* l. 12. cap. 10. num. 22. *Salon.* 2. 2. quaest. 69. art. 2. controv. 7. *Sotus* de seg. secr. membr. 2. quaest. 6. *Palud. 4. dist. 19. Adrian. quodl. 11. Aragon. ibi disp. 2. Ioannes ibi disp. 10. Valentia, et Tanner. cum Rodriguez supra.*

[14] *It is proved*, because one is presumed good while he does not labor under infamy; and therefore a grave injury is inflicted upon him by inquiring whether he is a wrongdoer.

Probatur*, quia praesumitur quis bonus, dum non laborat infamia; et ideo gravis ei iniuria infertur inquirendo, an sit facinorosus.*

[15] *And* the same follows, if some crime has been perpetrated, and Peter does not labor under infamy, one cannot inquire in particular whether he is the perpetrator. Thus the Doctors cited; suppose, for instance, that the corpse of the slain lies in the road. And this alone the Doctors cited wish, Cajet. and Adrian., as cited by Diana *p. 1. tract. 13. resol. 63.* Sotus alone refuses it. Yet one may inquire in genus: Who committed it? and hunt for indications; *for example*, who passed through there at that time? whether armed? whether in haste and fleeing? and from those indications proceed to the person who has begun to be defamed. Thus the Doctors commonly, Rodriq. *num. 5.*, Sayrus *num. 21.*, Sotus *de teg. secr. membr. 2. quaest. 6.*, Nauarrus *C. inter verba, concl. 6. correl. 46. num. 214.*, Corduba *Summa, quaest. 64. p. 1.*, Petrus Nauar. *l. 1. de restit. cap. 4. num. 154.*, Aragon. *loc. cit.*, Fagundez *num. 18.*, Malderus *2. 2. Tract. 6. cap. 1. disp. 119.*, Villalob. *Tom. 2. tract. 14. diff. 7.*, Valentia, and Diana *loc. cit.*, Bannes *2. 2. quaest. 70. art. 1. disp 2.*, Sà under the word Iudiciales actus §. *de modo procedendi*, Salonius *controv. 7.*, Tabiena, *v. Inquisitio, §. 8.*; and of this opinion was also St. Thomas, as Sylvester reports, *v. corrept. quaest. 8.* St. Bonaventure seems to think the same, *serm. 3. in decem praecepta*, where he teaches that this is to be observed as to substance, in the purgation which was made by oath by the nearer population, when a corpse was found whose killer was unknown, after inquiry had been made about the killer and he had not been found.

Quod *idem sequitur, si crimen aliquod sit patratum, et non laboret Petrus infamia, non potest inquiri in particulari: an ille sit patrator. Ita Doctores citati; puta si cadavet occisi sit in via. Et hoc solum volunt Doctores citati, Caiet. et Adrianus, adducti a Diana* p. 1. tract. 13. resol. 63. *Solus Sotus renuit; potest tamen inquirere in genere: Quis commiserit? et venari indicia;* verbi gratia*, quis eo tempore illuc transierit? an armatus? an praeceps, et fugiens? et ex illis inditiis ad personam, quae caepit infamari, procedere. Ita communiter Doctores, Rodriq.* num. 5. *Sayrus* num. 21. *Sotus* de teg. secr. membr. 2. quaest. 6. *Nauarrus* C. inter verba, concl. 6. correl. 46. num. 214. *Corduba* Summa, quaest. 64. p. 1. *Petrus Nauar.* l. 1. de restit. cap. 4. num. 154. *Aragon.* loc. cit. *Fagundez* num. 18. *Malderus* 2. 2. Tract. 6. cap. 1. disp. 119. *Villalob.* Tom. 2. tract. 14. diff. 7. *Valentia, et Diana* loc. cit. *Bannes* 2. 2. quaest. 70. art. 1. disp 2. *Sà verbo Iudiciales actus §.* de modo procedendi*, Salonius* controv. 7. *Tabiena,* v.

> Inquisitio, §. 8. *et huius opinionis fuit etiam D. Thom. ut refert Sylvester,* v. correpт. quaest. 8. *Idipsum videtur sentire D. Bonavent.* serm. 3. in decem praecepta*, ubi hoc observandum accinit, quoad substantiam, ad purgationem, quae iuramento fiebat a populo viciniori, invento cadavere, cuius interfector ignorabatur, postquam inquisitum esset de interfectore, et non fuisset inventus.*

16 BUT this has been introduced by custom, that in such a case one proceeds without an accuser; yet a custom, lawfully prescribed, can take away or limit positive law, *C. ult. de consuetudine, et Leg. de quibus, ff. de Legibus*; and Innocent says this is observed in the whole world in *C. Bona memoriae*, and the Canonists in *C. Inquisitionis*, and Diana *p. 2. Tract. 15. resol. 63.*, where he cites many.

> *Hoc autem consuetudine invectum est, ut sine accusatore in tali casu procedatur; potest autem consuetudo, legitime praescripta, tollere, vel limitare ius positivum* C. ult. de consuetudine, et Leg. de quibus, ff. de Legibus*, et hoc in toto mundo servari ait Innocentius in* C. Bona memoriae *et Canonistae in* C. Inquisitionis*, et Diana* p. 2. Tract. 15. resol. 63. *ubi multos adducit.*

17 Yet neither will the accused be bound at once to betray himself; for, although the Judge has the right of interrogating witnesses, he does not yet have the right of interrogating the accused, whether he is the one, except after it has been sufficiently proved, as I shall say in the following question.

> *Neque tamen illico tenebitur reus se prodere; quia, licet Iudex habeat ius interrogandi testes, non tamen habet ius interrogandi reum: an sit ipse, nisi postquam satis probatum sit, ut dicam quaestione sequenti.*

18 *But* if only one knows the Offender, he is not bound to betray him, as Sayrus notes, *l. 12. cap. 10. num. 26.*, Fagundez *num. 20.*; then, however, they say he is bound to confess, when there are several who know the crime.

> Quod *si unus tantum sciat Reum, non tenetur eum prodere, ut notant Sayrus* l. 12. cap. 10. num. 26. *Fagundez* num. 20. *tunc autem aiunt teneri confiteri, quando sunt plures, qui crimen sciunt.*

19 I add, that if someone is defamed of one crime and not of another, one may inquire only about that of which there is infamy.

> *Addo, quod si aliquis de uno crimine sit infamatus, et de alio non; potest inquiri de illo tantum, de quo est infamia.*

20 BUT here it is necessary to explain what it is to be defamed of some crime, or clamorously defamed. *Infamy is the frequent voice of good and honest men, which renders a man suspect of such a crime.* It is said, *the voice of good men*, to exclude rumor even among the wicked. It is said, *of such a crime*, so that it is implied that one cannot inquire about another. Thus Cajet. *2. 2. quaest. 69. art. 1.*, Sotus *l. de iust. quaest. 6. art. 2.*, Sayrus *l. 12. cap. 10. num. 12.* Whence Sotus rightly inveighs against magicians or soothsayers, who by diabolical art inquire into the crimes of others, and he sharply reproaches those judges who, from their utterances, inquire into something in particular against anyone. The same the Pontiffs gravely rebuke in St. Bonaventure, *in confessionali, cap. 3. particula 37. et 38.*; and against proceeding with such, he notes *ex dist. 26. quaest. 5. Non oportet, si quis Episcopus.*

> *Oportet autem hic explicare, quid sit esse infamatum de aliquo crimine, vel clamosose infamatum.* Infamia est frequens vox bonorum, et proborum hominum, quae hominem de tali crimine suspectum reddit. *Dicitur:* vox bonorum*, ut excludatur rumor etiam inter malos. Dicitur:* de tali crimine*, ut inferatur, non posse de alio inquiri. Ita Caiet.* 2. 2. quaest. 69. art. 1. *Sotus* l. de iust. quaest. 6. art. 2. *Sayrus* l. 12. cap. 10. num. 12. *Unde Sotus merito invehitur in Magos, sive Ariolos, qui arte diabolica inquirunt aliorum scelera, eosque iudices acriter reprehendit, qui, ex illorum dictis, aliqua in particulari contra aliquem inquirunt. Eosdem graviter Pontifices apud D. Bonau.* in

confessionali, cap. 3. particula 37. et 38. *increpant, et contra huiusmodi procedendum notat* ex dist. 26. quaest. 5. Non oportet, si quis Episcopus.

21 THIS infamy, however, Beia says, *casu 32.*, with the experts of both laws, must be proved by at least two witnesses, who depose that they heard it so publicly, or that it is so said everywhere, as Lessius also says, *cap. 29. dub. 16.*

Hanc vero infamiam ait Beia casu 32. *ex iuris utriusque peritis, esse probandam duobus saltem testimoniis, qui deponant, se ita publice audivisse, vel ita passim dici, ut ait etiam Less.* cap. 29. dub. 16.

22 The other conditions required for proving fame Delrius recounts, *l. 5. sect. 5.*, citing many jurists who say they never saw a process in which fame was proved by statute.

Alias conditiones, ad probandam famam requisitas, recenset Delrius l. 5. sect. 5. *referens Iuristas multos, dicentes, nunquam, se vidisse processum, in quo fama esset statis probata.*

23 The Doctors, however, labor in assigning a necessary number of men for proving infamy; the Canonists in *C. Inquisitionis, de accusat.* teach that the number of ten is necessary. See Tannerus, saying from the common view *num. 76.* that the greater part of the people or parish is required.

Laborant autem Doctores in assignando numero hominum ad convincendam infamiam necessario; Canonistae in C. Inquisitionis, de accusat. *docent, denarium numerum esse necessarium. Tannerum vide, ex communi dicentem* num. 76. *requiri maiorem partem populi, vel parochiae.*

24 Truly nothing is defined by law, as Sotus notes, *l. 3. de Iustitia, quaest. 6. art. 2. concl. 6. et relect. de teg. secr. membr. 2. quaest. 6. disp. 3.*, Sayrus *l. 12. cap. 10. num. 13.*, Salon. *2. 2. quaest. 69. art. 2. controv. 1.*, Fagundez *l. 8. cap. 46. num. 26.* Thus it is left to the judgment of the prudent man. Clamorous intimation is the voice of the people, or public rumor among many about such a crime outside of court, as Baffaeus says, *v. Indicium publ. num. 4.*

Verum nihil de iure definitum est, ut advertunt Sotus l. 3. de Iustitia, quaest. 6. art. 2. concl. 6. et relect. de teg. secr. membr. 2. quaest. 6. disp. 3. *Sayrus* l. 12. cap. 10. num. 13. *Salon.* 2. 2. quaest. 69. art. 2. controv. 1. *Fagundez* l. 8. cap. 46. num. 26. *Ita relinquitur iudicio prudentis. Clamorosa insinuatio est vox populi, vel publicus rumor inter multos de tali crimine extra iudicium, ut ait Baffaeus,* v. Indicium publ. num. 4.

25 As to the indications, or circumstances, they must gravely indicate the fact, as St. Thomas notes, *quaest. 69. art. 2.*, Cajetan, and Salon. there, Sotus *l. 5. de Iustitia, quaest. 6. art. 2.*, Valentia *disp. 5. quaest. 13. p. 2.*, Sayrus *l. 12. cap. 10. num. 13.*; such as, if one is found naked in bed with a naked woman, they gravely indicate the crime of fornication. If someone is caught with a drawn, bloodstained sword beside the slain, and the like, they indicate homicide.

Quoad indicia, vel circumstantias, debent graviter indicare factum, ut notant D. Thom. quaest. 69. art. 2. *Caietanus, et Salon. ibi, Sotus* l. 5. de Iustitia, quaest. 6. art. 2. *Valentia* disp. 5. quaest. 13. p. 2. *Sayrus* l. 12. cap. 10. num. 13. *qualia sunt, si in lecto nudus cum nuda inveniatur, crimen fornicationis graviter indicant. Si quis districto ense cruentato iuxta occisum deprehenditur, et similia; homicidium indicant.*

26 Now if one begins to name someone as guilty of an offense, that naming will open the way to inquiring specially against the one named, that is, to taking against him other informations: Thus Farinac. *quaest. 1. num. 49.*, Innocent. above, who says the whole world observes this by custom, Bart. in *Leg. 2. §. si publico, num. 9. ff. de adult.*, Baldus in *Leg. edita Cod. de eden.* and others cited by Clatus, *§.*

fin. quaest. 5., Aretin. in *C. cum oportet, num. 44. de accusat.* and Nauar. *rubric. de Iudice, post numerum 88.*, where he says the opinion of Innocent has been received in theory and practice: Thus also Tannet *num. 79.*, Lessius *cap. 89. disp. 15. numero 124.*

> *Iam vero si unus incipiat nominare aliquem, ut reum delicti, ista nominatio viam aperiet ad inquirendum specialiter contra nominatum, idest ad assumendum contra eum alias informationes: Ita Farinac.* quaest. 1. num. 49. *Innocent. supra, qui ait, hoc de consuetudine servare totum mundum, Bart. in* Leg. 2. §. si publico, num. 9. ff. de adult. *Baldus in* Leg. edita Cod. de eden. et alii apud Clatum, §. fin. quaest. 5. *Aretin. in* C. cum oportet, num. 44. de accusat. *et Nauar.* rubric. de Iudice, post numerum 88. *ubi ait, opinionem Innocentii in Theorica, et praxi receptam esse: Ita etiam Tannet* num. 79. *Lessius* cap. 89. disp. 15. numero 124.

27 Yet Philippus de Bictis notes, *quaest. 11. primum testem*, that the one who names the offender is held as a denunciator, with Deciano *resp. 93. num. 125.*; therefore, since the denunciator does not prove, and against Judges acting to the contrary Dettas exclaims, *conf. 251. n. 103.*, and Guez follows, *defens. 29. cap. 2. num. 18.*

> *Notat vero Philippus de Bictis* quaest. 11. primum testem*, qui nominat delinquentem, haberi pro denunciante, cum Deciano* resp. 93. num. 125. *ideo, ut denunciator non probat, ac contra Iudices oppositum facientes exclamat Dettas* conf. 251. n. 103. *et sequitur Guez* defens. 29. cap. 2. num. 18.

28 Bictis adds, that if someone, juridically interrogated, unduly reveals a hidden author, the judge may nevertheless proceed to a special inquisition against the one detected, according to Nauar. *rubr. de ind. num. 87.*; Franciscus Arretinus does not object, in *pract. cap. 13.*, nor Less. *de iustitia, et iure lib. 2. cap. 29. dub. 15.*, where against Sotus he holds that the judge not only may, but is bound to proceed; Thomas a Iesu and Lezana concur, *tract. 1. cap. 27. num. 4.* The reason is, because the Judge uses his own right, since the crime is already public, even though impiously detected; provided, however, that the informer is not the cause of that impiety.

> *Addit Bictus, quod si quis interrogatus iuridice detegat indebite occultum auctorem, poterit tamen iudex ad inquisitionem specialem contra detectum procedere, secundum Nauar.* rubr. de ind. num. 87. *non obstat Franciscus Arretinus in* pract. cap. 13. *et Less.* de iustitia, et iure lib. 2. cap. 29. dub. 15. *ubi contra Sotum tenet, non modo posse, sed teneri procedere; subsistunt Thomas a Iesu, et Lezana* tract. 1. cap. 27. num. 4. *Ratio est, quia Iudex utitur iure suo; cum iam crimen sit publicum, esto impie detectum; si tamen index non est causa illius impietatis.*

29 Yet this opinion is false, as Bouerius notes in *Direct. p. 2. cap. 4. v. 3.*, who with Soto, Navarro, and Sayrus judges it better, in the proposed case, to abstain from proceeding.

> *Attamen haec opinio est falsa, ut notat Bouerius in* Direct. p. 2. cap. 4. v. 3. *qui cum Soto, Nauarro, et Sayro existimat, melius esse in proposito casu abstinere a procedendo.*

30 Hence I wish to examine the doctrine of Tannerus *disp. 4. quaest. 4. num. 73.* in the way of judicial denunciation; when no witness is produced, a general inquisition indeed can be instituted; but neither the Accused, nor others about the Accused, can be interrogated specifically, unless perhaps in place of an accusation there occur indications, or infamy, or something similar; but it is otherwise, he says, when one proceeds by the way of fraternal enunciation, for then, indeed, it suffices that the denouncer [act], and he brings in Valentia quaest. 13 p. 2., where he nevertheless says that regard must be had to the estimation owed to the brother.

Hinc libet examinare doctrinam Tanneri disp. 4. quaest. 4. num. 73. *in via Iudiciae denunciationis; quando nullus testis est productus, institui quidem posse generalem inquisitionem; sed neque Reum, vel alios de Reo speciatim interrogari posse, nisi forte loco accusationis fationis indicia, vel infamia, vel quid simile occurrat; at secus esse, ait, dum proceditur via enunciationis fraternae, tunc nempe sat esse denunciantem, et adducit Valentiam quaest. 13 p. 2. ubi tamen aestimationis fratri debitae rationem habendam ait.*

31 This last doctrine is certainly to be moderated with this caution, because even in a paternal inquisition a stain can be brought upon the fame and good estimation of the one about whom the inquiry is made.

Haec ultima doctrina hac sane cautione est moderanda, quia etiam in paterna inquisitione potest macula inferri famae, et bonae existimationi eius, de quo inquiritur.

32 HE ADDS at num. 81. that the practice of judges is to be approved, who proceed from denunciation to seeking indications, so as thus to form the libel of inquisition; and he thinks Lessius holds that infamy precedes, which from the common teaching of the Theologians is necessary, and from the canons; but this with Navarro in rubr. de Indiciis, num. 66., I think is false. For what infamy precedes here? They fear perhaps lest crimes remain unpunished; but let them be punished by the proper means.

ADDIT etiam num. 81. approbandam praxim iudicum, qui ex denunciatione procedunt ad quaerenda indicia, ut sic forment libellum inquisitionis, et putat Lessius, sic praecedere infamiam, quae ex communi Theologorum est necessaria, et ex canonibus, sed hoc cum Nauarro in rubr. de Indiciis, num. 66. falsum esse reor. Quae enim infamia hic praecedit? Timent forsan ne scelera impunita maneant; sed puniantur debitis modis.

33 THIS indeed I affirm with Tannerus: that a Judge, on account of a denunciation made to him not as Judge but as a private person, cannot proceed to a special inquisition; otherwise the whole process is null by law, as Clarus quaest. 5. num. 4. and Less. dub. 15. n. 136. also teach; for it can tend only to a general inquisition, as Tannerus notes, num. 84., with Cajetan and Salonius.

Hoc sane etiam cum Tannero affirmo, Iudicem ob delationem sibi, non ut Iudici, sed ut privato factam, non posse ad specialem inquisitionem procedere; alioqui totus processus est iure nullus, ut docent etiam Clarus quaest. 5. num. 4. Less. dub. 15. n. 136. solum enim ad generalem inquisitionem tendere potest, ut notat Tannerus num. 84. cum Caetano, et Salonio.

34 THIS, as a crown, is to be gravely noted, and underlies every inquisition, namely the body of the crime, without whose notice the Judge cannot proceed. Thus all the Doctors exclaim, in Farinac. quaest. 2. num. 1. and Clarus §. fin. quaest. 4., who at quaest. 66. says: *If the body of the crime is not established, the Accused cannot be condemned, even if he were convicted. Nay, neither can he be tortured, Leg. 1. §. Item illud, ff. ad Sillan. Nay, neither can the Accused be examined, as the Doctors say in Farinac. quaest. 2. Nor can he be seized, as Marsil. Bossius and others testify in the same Farinacius, among whom Bonacos attests it is of the common teaching of the Doctors; and if a Cleric is seized while the body of the crime is not established, the Judge is excommunicated, as Farinac. notes there after Ioan. Andr. and Cornerus, who attests it is common. Nor can one inquire specially against the Accused. Farinac. quaest. 7. per Leg. necessario, §. 1. ff. ad Sillan., and many other laws, citing Baldus, Angelus, Marsilius, Boss. and others, and he says it is common.* Finally, unless the offense is established, the Judge ought neither to inquire generally nor proceed to any act. Thus Clar. quaest. 4., Bouër. p. 2. cap. 7. §. primo modo, who cites many Doctors.

Hoc pro coronide graviter notandum, quod omni inquisitioni supponitur, nempe corpus delicti, sine cuius notitia non potest Iudex procedere. Ita omnes Doctores exclamant apud Farinac. quaest. 2. num. 1. et Clarum §. fin. quaest. 4. qui quaest. 66. ait: Si non constat de corpore delicti, non posse condemnari Reum, etiamsi esset convictus. Imo neque potest torqueri Leg. 1. §. Item illud, ff. ad Sillan. Imo neque potest examinari Reus, ut dicunt Doctores apud Farinac. quaest. 2. Neque potest capi, ut testantur apud eundem Farinacium Marsil. Bossius et alii, inter quos Bonacos testatur de communi Doctorum; et si capiatur Clericus, dum non constat de corpore delicti, Iudex est excommunicatus, ut notat Farinac. ibi post Ioan. Andr. et Cornerum, qui testatur, esse communem. Neque potest contra Reum specialiter inquiri. Farinac. quaest. 7. per Leg. necessario, §. 1. ff. ad Sillan. et plura alia iura, citans Baldum, Angelum, Marsilium, Boss. et alios, et ait, esse communem. *Tandem nisi constet de delicto, nec generaliter inquirere, nec ad aliquem actum procedere debet Iudex. Ita Clar. quaest. 4. Bouër. p. 2. cap. 7. §. primo modo, qui citat multos Doctores.*

35 THE REASON of these things is, because where the Law disposes about some matter, that matter must first be established, *Leg. Decime, ff. de testam. milit.*; and he who wishes to prove a quality must first prove the substance in which that quality is founded, *Gloss. in Leg. si arbiter, ff. de probat.*

RATIO horum est, quia ubi Lex disponit de aliqua re, debet prius de ea re constare, Leg. Decime, ff. de testam. milit. *et qui vult probare qualitatem, debet prius probare substantiam, in qua illa qualitas fundatur,* Gloss. in Leg. si arbiter, ff. de probat.

36 NOR must only the body of the crime be established, say a homicide; but also its qualities; and therefore the universal practice is that the Judge go, or send a notary, to visit the corpse of the slain, and reduce to the acts how many blows or wounds it has, by stabbing or cutting, and in what part of the body it has them, and the like. See Clarus quaest. 4., Farinacius quaest. 2.

NEQUE solum debet constare de corpore delicti, puta homicidio; sed etiam de illius qualitatibus; et ideo praxis universalis est, ut Iudex vadat, vel mittat notarium ad visitandum cadaver occisi, et in actis redigat, quot habeat percussiones, seu vulnera punctim, seu caesim, et in qua parte corporis ea habeat, et similia. Vide Clarum quaest. 4. Farinacium quaest. 2.

37 THE corpse must also be recognized by witnesses, if possible. This, however, it does not compel, if the corpse is proved to have been burned or cast into the sea, as Baiard. says, quaest. 4. ad Clarum, citing very many. See Biotus quaest. 12.

DEBET etiam cadaver cognosci per testes, si potest. Hoc tamen non cogit, si cadaver probetur combustum, vel iactum in mare, ut ait Baiard. quaest. 4. ad Clarum, plurimos adducens. Vide Biotum quaest. 12.

38 AFTER the body of the crime has been established, the Judge is bound to pursue the cause diligently, and if he neglects it he can be punished, Clar. quaest. 4., Bursat. and Guaz. tract. ad defens. cap. 1. num. 22. defens. 4., Baiard. ad Clarum quaest. 66. num. 7.; and St. Bonaventure presses this gravely, *in speculo animae, cap. 2. et in Apolog. Min. quaest. 2.*

POSTQUAM vero constiterit de corpore delicti, tenetur Iudex causam diligenter prosequi, et si neglexerit, puniri potest, Clar. quaest. 4. Bursat. et Guaz. tract. ad defens. cap. 1. num. 22. defens. 4. Baiard. ad Clarum quaest. 66. num. 7. et graviter premit S. Bonaventura in speculo animae, cap. 2. et in Apolog. Min. quaest. 2.

39 These things, however, are not understood in the general inquisition of Visitations, and in the syndicate of our Prelates.

Haec tamen non intelliguntur in generali Visitationum inquisitione, et sindicatu nostrorum Praelatorum.

40 LIKEWISE neither in offenses that leave no signs, as in fornication, nor in hidden offenses of difficult proof, as in theft, while it ends in breaking. Yet one cannot proceed to condemnation before the stolen thing has been found. Likewise neither in cases in which it is ambiguous whether an offense intervened, as in someone found suffocated in a well, killed by poison, etc.

> *SIMILITER nec in delictis, quae signa non relinquunt, ut in fornicatione, neque in delictis occultis difficilis probationis, ut in furto, dum sit fine fractura. Non potest tamen procedi ad condemnationem, antequam reperta sit res furata. Similiter nec in casibus, in quibus ambiguum est: An intervenerit delictum, ut in aliquo reperto suffocato in puteo, occiso veneno, etc.*

41 BUT in these cases he must first inquire into the truth of the fact, and so, the crime detected, proceed further; otherwise, let the process be silent. Clar. quaest. 4., Farinac. quaest. 2. num. 29., whom see also at num. 30. On this matter see Clarus §. fin. quaest. 4. 55. 64. and 66., Farinac. quaest. 2., Guaz tract. ad defensam, defens. 4.

> *DEBET autem in his casibus prius inquirere de veritate facti, et sic scelere detecto, ultra procedere; Secus autem, sileat processus. Clar. quaest. 4. Farinac. quaest. 2. num. 29. quem vide etiam num. 30. De hac materia vide Clarum. §. fin. quaest. 4. 55. 64. et 66. Farinac. quaest. 2. Guaz tract. ad defensam, defens. 4.*

42 NOTE further that, although against ordinary persons fame suffices for instituting a cause, yet against Prelates and eminent persons clamorous intimation is required, and that the same fame has often come to the ears of the Judge, according to Card. Alex., who says the Doctors commonly hold thus, C. *accusatoris*, and Clar. quaest. 6. and 7. and Farinac. quaest. 9., where he warns that the fame must be proved in the process through witnesses, who must at least depose that they heard it so publicly, or that it is so said everywhere among the honest, Bald. *Leg. litteras, num. 2. de praesumpt.*; and thus it is observed passim, as Clarus testifies, quaest. 6.

> *ADVERTE adhuc, quamvis contra personas ordinarias sufficiat fama, ut instituatur causa; tamen contra Praelatos, et eximias personas requiritur clamorosa insinuatio, atque ut eadem fama saepe ad aures Iudicis devenerit, secundum Card. Alex. qui ait, ita tenere communiter Doctores C.* accusatoris*, et Clar. quaest. 6. et 7. et Farinac. quaest. 9. ubi admonet, famam debere esse in processu probatam per contestes, qui saltem debent deponere, se ita publice audivisse, vel ita passim inter probos dici, Bald.* Leg. litteras, num. 2. de praesumpt. *sicque passim servatur, teste Claro quaest. 6.*

43 BUT the Judge, being cautious, if he sees anyone's fame unjustly darkened, ought not to accept denunciations, as Bouerius warns, p. 2. cap. 4., with Soto *de teg. secr. quaest. 2.*, Navarro C. *inter verba, 11. quaest. 3.*, Sayro *l. 2. cap. 9. num. 18.*

> *DEBET autem Iudex cautus, si videat famam alicuius iniuste denigrari, delationes non recipere, ut monet Bouerius p. 2. cap. 4. cum Soto* de teg. secr. quaest. 2. *Nauarro C.* inter verba, 11. quaest. 3. *Sayro* l. 2. cap. 9. num. 18.

44 IN more atrocious cases, however, one may proceed from grave indications without fame, as on heresy, he holds in C. *Excommunicavimus, §. adiicimus*, with all the Interpreters; and Farinac. notes it, quaest. 9. num 14., citing Bartolus, Bossius, Menochius, Felinus, who attests it is of the common view; and Clarus reports it, quaest. 6., and Decianus with others, concerning the crime of lèse-majesté and other enormous crimes. It is the common opinion of the Doctors in C. *qualiter, et quando, de accusat.*, and Farinac. held it, above num. 15., with Gigante, Alciat., Cephalus, and Decianus.

> *IN casibus tamen atrocioribus procedi potest ex inditiis gravibus sine fama, ut de haeresi tenet in C.* Excommunicavimus*, §.* adiicimus*, ubi omnes Interpretes; et notat Farinac. quaest. 9. num 14. citans Bartolum,*

Bossium, Menochiam, Felinum; qui testatur de communi, et refert Clarum quaest. 6. et Decianum cum aliis de crimine laesae maiestatis, et aliis enormibus. Est communis sententia D. D. in C. qualiter, et quando, de accusat. *eamque tenuit Farinac. supra num. 15. cum Gigante, Alciat. Cephalo, et Deciano.*

45 IN these cases indeed the inquisition must be made upon the indications; these failing, since neither does fame precede, the inquisition would be null. Farinac. quaest. 1., where he cites innumerable ones. See him, differing in much.

IN his vero casibus facienda est inquisitio de indictis, quibus deficientibus, cum neque praecedat fama, esset inquisitio nulla. Farinac. quaest. 1. ubi innumeros adducit. Eum vide multa differentem.

46 HERE they ask lastly: whether the Judge can relax the punishment, on which St. Thomas, *art. 4.*

HIC quaerunt ultimo: An Iudex possit poenam relaxare, de quo D. Thom. art. 4.

47 THE GENERAL RULE is, that it cannot be done to the prejudice of a party. See Valentia *p. 4.* and St. Bonav. *ad 8. Ioan.*, in the sentence pronounced against the adulteress, where Christ the Judge absolves her.

REGULA generalis est, non posse in praeiudicium partis. Vide Valentiam p. 4. *et D. Bonav.* ad 8. Ioan. *in sententia lata pro adultera, ubi Christus Iudex eam absolvit.*

48 HE SINS also unto death by absolving the Accused to the prejudice of the public good, giving the wicked occasion to sin more freely: Thus Molina *tomo 4. tract. 3. disp. 48.*, Clau. *Reg. l. 12. cap. 12.* and others cited by Bassaeus, v. Indicium publ. num. 12.

PECCAT etiam lethaliter absolvendo Reum in praeiudicium boni publici, dando ansam improbis peccandi libertius: Ita Molina tomo 4. tract. 3. disp. 48. *Clau.* Reg. l. 12. cap. 12. et alii apud Bassaeum, v. Indicium publ. num. 12.

Disputation XXIX: On the Accused

1 The accused is one who, charged with some matter, is lawfully brought before a Judge; wherefore the discussion concerning him, as the correlate of the Judge, is rightly undertaken next after the Judge. Whole volumes have been woven together on this subject by as many as have labored at forensic matters; therefore only those points in this matter that concern conscience will be briefly examined by us. Moreover, the first step by which the accused is led to the tribunal is the lawful citation, which is threefold. The first, to appear, is so necessary by the law of Nature that whatever is done by the Judge without it is approved by no law. The second is for making allegations. The third, for making a definition. Our Eliseus loudly proclaims that the two latter belong to positive law, following the common opinion of the Jurists, *tract. 7. quaest. 1. num. 5.* We shall begin with the first citation, from which the rest open out of themselves.

> ***De Reo.***
>
> *Reus est, qui, de re aliqua accusatus, coram Iudice iuridice sistitur, quare de ipso post Iudicem, tanquam de ipsius correlativo, recte disputatio instituitur. De hoc integra; volumina contexere quotquot rebus forensibus operam navarunt; ideo quae conscientiam tantum concernunt hac in re, breviter nobis discutienda sunt. Porro primus passus, quo Reus ad tribunal ducitur, est citatio legitima, quae triplex est: Prima ad comparendum, quae adeo de iure Naturae est necessaria, ut quicquid absque ea a Iudice geritur, nullo iure comprobetur. Secunda est ad allegandum. Tertia, ad definiendum: Duas postremas de iure esse positivo acclamat Elizaeus noster e communi Iuristarum sensu* tract. 7. quaest. 1. num. 5. *a prima citatione, unde reliquae ex se patent, exordiemur.*

Question I: On the bringing of the accused to the tribunal

1 First there is need of a valid citation of the Accused, as we have already intimated; otherwise the case will be built upon sand. So the celebrated *§. fin. quaest. 31.* Gloss on *Leg. si accusatoribus, Cod. de accusat.*; and it is the common view, as Bossius reports, *de citationibus, num. 13.*

> ***De deductione Rei ad Tribunal.***
>
> *Necessaria est primo citatio Rei valida, uti iam insinuavimus, alioqui super arenam aedificabitur causa. Clar.* §. fin. quaest. 31. *Gloss. in* Leg. si accusatoribus, Cod. de accusat. *et est communis, ut refert Bossius* de citationibus, num. 13.

2 But there must be against him sufficient proofs, as I shall say below, in order that he may be lawfully cited; otherwise the summoning of the Accused will be unjust, and a mortal sin, as D. Bonav. notes, *in speculo animae, cap. 2.*, and he hints, *in apolog. Fratr. Min. quaest. 2.*

> *Debet autem contra eum esse probationes sufficientes, ut infra dicam ad hoc, ut legitime citetur, alioqui erit iniusta Rei advocatio, et peccatum mortale, ut notat D. Bonau.* in speculo animae, cap. 2. *et innuit* in apolog. Fratr. Min. quaest. 2.

3 Now the Scacc. 8., Guaz as cited by Bictus, *quaest. 95.*, and Menochius, *de praesumpt. l. 1. quaest. 88. num. 21.*, say that one witness is a sufficient lawful indication, likewise the complaint of a wounded man in the article of death, the flight of the Accused together with certain other indications; such that such indications are greater than a simple presumption, and less than a semi-full proof. So P. Elizeus, where above *num. 3.*

Dicunt autem Scacc. 8. Guaz apud Bictum quaest. 95. *et Menochius* de praesumpt. l. 1. quaest. 88. num. 21. *legitimum inditium sufficiens esse unum testem, querelam vulnerati, in articulo mortis constituti, fugam Rei cum aliquibus aliis indiciis; ita ut talia indicia maiora sint, quam simplex praesumptio, et minora, quam semiplena probatio. Ita P. Elizeus, ubi supra* num. 3.

4 But if a Judge were to condemn someone not cited, the sentence would be invalid, as all say, because this is of natural law, as I said above; and hence it cannot be omitted even by the Prince. But if he condemned one not cited, he would sin mortally, as D. Bonav. teaches, *in speculo animae, cap. 2.*, whom the Arretin. follow, *in pract. crim. cap. 1. de Reis*, Bouer. *p. 2. cap. 34.*, Nauar. *in Man. cap. 25. num. 13.*

Quod si Iudex aliquem non citatum damnaret, invalida esset sententia, ut dicunt omnes, quia est iuris naturalis, ut supra dixi, atque adeo neque a Principe potest omitti. Quod si damnaret non citatum, peccaret mortaliter, ut docet D. Bonau. in speculo animae, cap. 2. *quem sequuntur Arretin.* in pract. crim. cap. 1. de Reis, *Bouer.* p. 2. cap. 34. *Nauar.* in Man. cap. 25. num. 13.

5 Now, if flight is feared, the Accused is wont to be imprisoned. There are three kinds of prisons: the first for custody; the second for torture; the third for punishment, as P. Elizeus has it, *tract. 7. quaest. 2. num. 1.*

Solet autem, si timetur fuga, Reus carcerari, Tres autem sunt carceres; Primus ad custodiam; Secundus ad torturam; Tertius ad poenam, ut habet P. Elizeus tract. 7. quaest. 2. num. 1.

6 The prison for custody must be humane; for inhumane prisons are censured by Bossius, *tit. de carcere.*

Carcer ad custodiam debet esse humanus; nam carceres inhumani vituperantur a Bossio tit. de carcere.

7 When it is for custody, it must be set forth in the acts, so that he does not thereby incur the legal infamy that follows upon the prison of punishment, as Bouer. notes, *cap. 34.* Nor indeed should a Religious be imprisoned for every crime, or lightly, because his prejudice is irreparable, as Baldus notes, whom Felin. follows, *in C. cum super, de re iudic.*; otherwise the Judge will sin mortally, as D. Bonau. teaches, *in speculo animae, cap. 2.*, and he will be bound to restitution, as Nauar. says, *in rubr. de iud. num. 83.*; whose doctrine, as noteworthy, our Fathers mark, *in modo nostro procedendi, cap. 2. in secundo substantiali;* although they might have better alleged this as the doctrine of D. Bonaventura.

Quando quidem est ad custodiam debet in actis explicari, ut sic non contrahat iuris infamiam, quae sequitur ad carcerem poenae, ut notat Bouer. cap. 34. *Neque vero pro omni crimine, vel leviter debet carcerari Religiosus, quia eius praeiudicium est irreparabile, ut notat Baldus, quem sequitur Felin.* in C. cum super, de re iudic. *alioqui Iudex peccabit mortaliter, ut docet D. Bonau.* in speculo animae, cap. 2. *et ad restitutionem tenebitur, sequitur Nauar.* in rubr. de iud. num. 83. *cuius doctrinam, ut insignem, notant Patres nostri* in modo nostro procedendi, cap. 2. in secundo substantiali; *cum melius allegare potuissent hanc, ut doctrinam D. Bonaventurae.*

8 Therefore the Judge must first have certainty of the body of the crime, and grave indications must precede; otherwise, if the person be honest, it will be a mortal sin, and he will be compelled to restitution; if a Clerk, excommunication will follow, as the Doctors commonly teach, cited by Clarus, *quaest. 28.*, Farinac. *quaest. 27. num. 74.*, and Ioan. Andreas, *in C. si clericus, de sent. excom. in 6.*

Debet igitur primo constare Iudici de corpore delicti, et indicia gravia praecedere; alioqui si sit persona honesta, erit peccatum mortale, et ad restitutionem coget; si Clericus, subibit excommunicationem, ut communiter docent Doctores

apud Clarum quaest. 28. *Farinac.* quaest. 27. num. 74. *et Ioan. Andream* in C. si clericus, de sent. excom. in 6.

9 This applies much more to Religious, for whom arrest carries a smell of infamy, as Bouer. notes, *p. 2. cap. 34.*

Hoc multo magis de religiosis procedit, quibus captura infamiam redolet, ut notat Bouer. p. 2. cap. 34.

10 That one imprisoned cannot justly escape, the following teach: Clarus, *quaest. 21.*, and very many cited by Couar., *l. 1. variarum resol. cap. 2.*, and Angelus, *v. fugere*; and thus Barthol., Felinus, and Bossius say that one who flees sins mortally.

Non posse autem carceratum iuste aufugere, docent Clarus quaest. 21. *et plurimi apud Couar.* l. 1. variarum resol. cap. 2. *et Angelus* v. fugere*, et sic fugientem peccare mortaliter dicunt Barthol. Felinus, et Bossius.*

11 But in truth that to flee from prison is not a sin, very many teach, cited by Azor., *p. 3. l. 13. cap. 14.*, and Diana, *p. 3. tract. Miscell. 5. resol. 102.*, saying that one condemned to death can break out of prison; and this is the common opinion, which I maintained in my *Tract. de Legibus.* And I say the same with Diana, Bonacina, Tanner, and others, even of one condemned to prison for a time: yet a Religious lawfully detained ought to take care lest in fleeing he fall into Apostasy, as Rodriquez admonishes, *T. 2. qq. Regul. quaest. 23. art. 6.*, and Bictus, *quaest. 79.*

Enim vero e carcere fugere non esse peccatum docent plurimi apud Azor. p. 3. l. 13. cap. 14. *Dianam* p. 3. tract. Miscell. 5. resol. 102. *dicentes, posse damnatum morte confringere carcerem; et est communis sententia, quam ego sustinui* Tract. de Legibus. *Et hoc idem dico cum Diana, et Bonacina, Tannero, et aliis, etiam de damnato ad tempus carcere: Cavere tamen debere Religiosum iuste detentum, ne fugiens in Apostasiam cadat, admonent Rodriquez* T. 2. qq. Regul. quaest. 23. art. 6. *Bictus* quaest. 79.

12 From which indeed it follows that the breaker of a prison is not to be held as one confessing, as very many teach with Farinac., *quaest. 30. a num. 20. ad 21.*; and Bertaz says this opinion, there, is common. See Bictus, *quaest. 79. de Reo.*

Ex quibus vero sequitur, non esse habendum, ut confessum, carceris effractorem, ut docent plurimi cum Farinac. quaest. 30. a num. 20. ad 21. *et hanc opinionem ait Bertaz* ibi*, esse communem. Vide Bictum* quaest. 79. de Reo.

Question II: Whether the accused is bound to confess a crime half-proven

1 A semiplene proof is the testimony of one witness above every exception, as all confess. The Gloss on *C. in omni*, where it cites many laws.

An teneatur Reus confiteri delictum, semiplene probatum.

Semiplena probatio est unius testis omni exceptione maioris, ut omnes fatentur. Glossa C. in omni*, ubi citat multa Iura.*

2 Nor does a denunciator suffice, because no one is a competent witness in his own cause, *L. Nullus ff. de testibus.* But what Sotus observes from *Matth. 18.*, where the one correcting is bidden to take with him one or two, and it is added: *That in the mouth of two or three witnesses, etc.*, is not pressing; for there the mere salvation of the corrected one is intended: *If he hear thee, thou shalt gain thy brother*; and in these subtleties even Less. has been deceived, *l. 2. cap. 30.*, and Fagundez, *in octavum Praeceptum, l. 8. cap. 39. num. 14.*

Neque sufficit denunciator, quia nullus in causa propria est idoneus testis, L. Nullus ff. de testibus. *Quod vero Sotus observat ex* Matth. 18. *ubi iubetur corrigens assumere unum, vel duos, et subditur:* Ut in ore duorum, vel trium testium, etc. *Non est urgens, nam ibi intenditur mere salus correpti:* Si te audierit, lucratus eris fratrem, *et in has subtilitates decepti sunt etiam Less.* l. 2. cap. 30. *Fagundez* in octavum Praeceptum, l. 8. cap. 39. num. 14.

3 The first opinion is that not only a semiplene proof suffices, but even something less, such as indications, or at least presuppositions, or even suspicions. So *Bess. tit. de exam. reorum, num. 6.* and *Carthar. in praxi interrog. Reorum, l. 1. cap. 2.* But Clarus, *quaest. 20.*, says that grave indications suffice for examining a person reputed as an Accused. They will assert the same thing much more strongly, saying that indications which do not amount to a semiplene proof suffice not only for questioning but even for torturing the accused.

Prima opinio est, non modo sufficere semiplenam probationem, sed minorem etiam, ut indicia, vel saltem praesuppositiones, vel etiam suspiciones. Ita Bess. tit. de exam. reorum, num. 6. Carthar. in praxi interrog. Reorum, l. 1. cap. 2. *Clarus vero* quaest. 20. ait, *gravia indicia sufficere ad examinandum reputatum, tanquam Reum. Idipsum multo magis asseverabunt dicentes, non modo ad interrogandum, sed etiam ad torquendum reum sufficere inditia, quae semiplenam probationem non inducant.*

4 GLOSS on *Leg. cum probatio, ff. de probat;* which there *Bald.* and *Salicet.* followed, and with them held it *Albertus, Alex., Angel.,* Aymo *Blan., Bossius, Castrensis,* and *Corneus,* who testifies of the common view, also *Conrad., Gomez, Mascard.,* and very many others, whom *Farinac. quaest. 36. num. 218.* reports; but in this matter of torture he does not follow them, *as is clear at num. 224.*

GLOSSA in Leg. cum probatio, ff. de probat; *quam ibi secuti sunt* Bald. *et* Salicet. *et cum his tenuere* Albertus, Alex. Angel. *Aymo* Blan. Bossius, Castrensis, *et* Corneus, *qui testatur de communi,* Conrad. Gomez, Mascard. *et quamplures alii, quos refert* Farinac. quaest. 36. num. 218. *sed in hoc de tortura eos non sequitur,* ut patet num. 224.

5 To this first opinion *Caiet. 2. 2. quaest. 69. art. 2.* seems to lend favor, and D. Thomas himself there, while they say that in a process by denunciation or accusation fame suffices for questioning the accused. And yet in criminal matters fame does not prove semiplenely, according to *Decianus, Bertran., Saccum, Clarus quaest. 21., Baldus, Bero, Butrium, Abb., Felinus, Imola;* and so *Blancus, Bonacos., Crass., Duen.* testify of the common view, whom *Farinac. quaest. 47. num. 59.* follows, where, citing several others, he brings forward a decision of the Roman Rota in corroboration, before *Rebufferio decis. 82. p. 1.* The same at last Nauar. murmurs, *in Rubr. de iud. numero 25.*

HVIC primae opinioni videtur favere Caiet. 2. 2. quaest. 69. art. 2. *et ipse D. Thom. ibi, dum aiunt in processu per denuntiationem, vel accusationem sufficere famam ad reum interrogandum. Et tamen fama in criminalibus semiplene non probat secundum* Decianum, Bertran. Saccum, Clarum quaest. 21. Baldum, Bero, Butrium, Abb. Felinum, Imolam, *et ita de communi testantur* Blancus, Bonacos. Crass. Duen. *quos sequitur* Farinac. quaest. 47. num. 59. *ubi plures alios citans inducit in comprobationem Romanae Rotae decisionem, coram* Rebufferio decis. 82. p. 1. *Idem tandem mussitat* Nauar. in Rubr. de iud. numero 25.

6 THE SECOND opinion, acclaimed with great applause, is that a semiplene proof suffices for questioning the Accused, that is, one given by the deposition of a single ocular witness above every exception, or by indications of equal force. That the Jurists, the Theologians, and all the Summists concur in this, and triumph without controversy, *Philippus de Bictis de Reo, quaest. 80.* loudly proclaims; and *Tanner. disp. 4. quaest. 4. num. 72.* says it is common in criminal matters not excepted.

SECUNDA sententia, magno plausu acclamata, est, ad interrogandum Reum sufficere semiplenam probationem, quae est per depositionem unius testis oculati, omni exceptione maioris, vel per indicia aequipollentia. In hac concordare Iuristas, Theologos, et Summistis omnes, et sine controversia triumphare clamat Philippus de Bictis de Reo, quaest. 80. *et* Tanner. disp. 4. quaest. 4. num. 72. *ait esse communem in criminibus non exceptis.*

7 THIS is the opinion of D. Thom., *2. 2. quaest. 69. art. 1.*, and of all the Thomists. So *Caietanus, Salonius, Bannes, Aragon.* there; *Alphonsus de Vega in Summa T. 2. cap. 89. casu 1.; Ledes. in Summa, tomo 2. tract. 8. cap. 24. concl. 2.; Turrian. 2. 2 t. 2. disp. 50. dub. 2.; Pistigian. in pract. crimin. p. 1. cap. 7.; Sotus de iust. l. 5. quaest. 6. art. 2.; Corduba in qq. l. 1. quaest. 43. dub. 3.; Azor p. 3. l. 13. cap. 25. quaestio 5.; Sayrus in Clau. reg. l. 12. cap. 16.; Valentia T. 3. disp. 5. quaest. 13. punct. 1.; Sylvest. v. accusatio, quaest. 13. et v. confessio delicti, quaest. 1.; Navar. in Man. cap. 18. num. 57. et cap. 25. num. 36. et C. inter verba, dist. 21. quaest. 3. concl. 6. corol. 50.; Tolet. l. 5. Instruct. Sacerd. cap. 58.; Tabiena et Sà v. Testis.; Gabr. dist. 15. quaest. 6. art. 2.; Henricus quodl. 1. quaest. 33.; Palud. dist. 19. quaest. 4.; Couar. qq. pract. quaest. 6.; Gomezius t. 2. cap. 12.*, cited by Sayrus, *loc. cit.*; and Lessius, to be cited below; and *Sylvester in 2. 2. quaest. 69. art. 4.* upholds it; *Homob. tract. de stat. p. 2. cap. 4.; Miranda in l. ordin. Iudic. t. 2. quaest. 19. art. 8.; Aldret. de Relig. discipl. l. 1. tom. 1. num. 5. et l. 1. cap. 4. num. 8. et 24.; Cruz in Direct. p. 1. praecep. 8. art. 3. dub. 8. conclus. 2.; Clarus quaest. 20.; Graff. l. 3. decis. cap. 7.*

HAEC est sententia D. Thom. 2. 2. quaest. 69. art. 1. *et omnium Thomistarum. Ita* Caietanus, Salonius, Bannes, Aragon. *ibi* Alphonsus de Vega in Summa T. 2. cap. 89. casu 1. Ledes. in Summa, tomo 2. tract. 8. cap. 24. concl. 2. Turrian. 2. 2 t. 2. disp. 50. dub. 2. Pistigian. in pract. crimin. p. 1. cap. 7. Sotus de iust. l. 5. quaest. 6. art. 2. Corduba in qq. l. 1. quaest. 43. dub. 3. Azor p. 3. l. 13. cap. 25. quaestio 5. Sayrus in Clau. reg. l. 12. cap. 16. Valentia T. 3. disp. 5. quaest. 13. punct. 1. Sylvest. v. accusatio, quaest. 13. et v. confessio delicti, quaest. 1. Navar. in Man. cap. 18. num. 57. et cap. 25. num. 36. et C. inter verba, dist. 21. quaest. 3. concl. 6. corol. 50. Tolet. l. 5. Instruct. Sacerd. cap. 58. Tabiena et Sà v. Testis. Gabr. dist. 15. quaest. 6. art. 2. Henricus quodl. 1. quaest. 33. Palud. dist. 19. quaest. 4. Couar. qq. pract. quaest. 6. Gomezius t. 2. cap. 12. *apud Sayrum* loc. cit. *et Lessium infra citandum, eamque sustinet* Sylvester in 2. 2. quaest. 69. art. 4. Homob. tract. de stat. p. 2. cap. 4. Miranda in l. ordin. Iudic. t. 2. quaest. 19. art. 8. Aldret. de Relig. discipl. l. 1. tom. 1. num. 5. et l. 1. cap. 4. num. 8. et 24. Cruz in Direct. p. 1. praecep. 8. art. 3. dub. 8. conclus. 2. Clarus quaest. 20. Graff. l. 3. decis. cap. 7.

8 Yet this opinion does not swallow up everyone, as our Bictus boasts; for *Ioannes Valerius in diff. utriusque fori, diff. 49., Villalob. in Summa, tomo 2. tract 16. diff. 1. num. 10., Ioseph a S. Maria in Tribun. Relig. tract. 4. cap. 14. num. 5., Filliuc. tomo 2. tract. 40. num. 266.* steadily maintain that a semiplene proof does not suffice for questioning the Accused; and, calling their own opinion the more probable, some on the opposing side imply this one to be probable: *Less. de iust. l. 2. cap. 31. dub. 3. num. 18.; Navar. de rest. l. 2. cap. 4. num. 142.; Rodr. t. 2. qq. 19. art. 4.; Salzed. tract. crim. Piaz. cap. 128.; Malder. 2. 2. t. 6. cap. 3. sect. 3.* Finally it is taught by *Sancius, Select. disp. 43.; Petri. de relig. subd. l. 1. quaest. 1. cap. 16.; Octavian Spatarius in praxi crim. t. 9. cap. 7. et seq.*, saying ardently that it is practiced throughout the whole world in all courts, that by this right the Accused be permitted to use it short of a full proof, where a most grave punishment is imminent. *Bassaeus v. Reus, num. 4.*, together with *Reginald. t. 2. l. 24. cap. 3. sect. 3. and others*, mildly follows him, whom *Diana p. 1. tract. 15. resol. 27.* praises, proclaiming that opinion most probable and safe in practice.

NON omnes tamen haec opinio absorbet, ut gloriatur Bictus noster; nam Semiplenam probationem non sufficere ad interrogandum Reum constanter, et probabilissime tuetur Ioannes Valerius in diff. utriusque fori, diff. 49. Villalob. in Summa, tomo 2. tract 16. diff. 1. num. 10. Ioseph a S. Maria in Tribun. Relig. tract. 4. cap. 14.

num. 5. Filliuc. tomo 2. tract. 40. num. 266. *et ex adversis aliqui suam probabiliorem vocantes, hanc probabilem innuunt* Less. de iust. l. 2. cap. 31. dub. 3. num. 18. Navar. de rest. l. 2. cap. 4. num. 142. Rodr. t. 2. qq. 19. art. 4. Salzed. tract. crim. Piaz. cap. 128. Malder. 2. 2. t. 6. cap. 3. sect. 3. *Denique eam docent* Sancius, Select. disp. 43. Petri. de relig. subd. l. 1. quaest. 1. cap. 16. Octavian Spatarius in praxi crim. t. 9. cap. 7. et seq. *ardenter dicens in toto orbe practicari in omnibus iudiciis, ut citra plenam probationem sinatur Reus hoc iure uti, ubi maxime gravis poena instat. Hunc placide sequitur* Bassaeus v. Reus, num. 4. cum Reginald. t. 2. l. 24. cap. 3. sect. 3. et aliis, *quos Laudat* Diana p. 1. tract. 15. resol. 27. *Qui eam probabilissimam, et tutam in praxi acclamat.*

9 To all these I subscribe. Wherefore confessors ought not to force penitents to confess, if they have hope of escaping death, mutilation, the galleys, confiscation, or some grave disgrace, as Sà admonishes. But the more do I adhere to this opinion, since I see that it accords with the mind of the Seraphic Doctor, who even supplies an argument for this opinion.

HIs omnibus subscribo. Quapropter Confessarii, ne cogant poenitentes confiteri, si spem evadendi mortem, mutilationem, triremes, confiscationem, aut grave aliquod dedecus habeant, monet Sà. Eo autem magis huic sententiae adhaereo cum videam, eam ad mentem Seraphici Doctoris, qui etiam argumentum huic sententiae administrat.

10 He therefore says, *in 4. dist. 17. p. 2. art. 1. quaest. 1. in corpore*, that to confess one's sins to men is not dictated by nature, except in a general way, insofar as nature dictates that one must be reconciled to God by all the means instituted by the Divine majesty; and *ad 4.* he says that the accusation and disclosure of one's own sin for one's salvation is conformable to nature, if it be necessary by the institution of God, just as the disclosure of a wound, even in a shameful part, for the necessary remedy is conformable to nature; but that otherwise it is in accord with nature to blush and not disclose one's crime.

Is igitur in 4. dist. 17. p. 2. art. 1. quaest. 1. in corpore *ait, confiteri peccata sua hominibus non dictari a natura, nisi in generali, quatenus dictat reconciliari oportere Deo, omnibus modis a Divina maiestate institutis: Et* ad 4. *dicit, accusationem, et propalationem sui peccati ad sui salutem, esse conformem naturae, si sit necessaria ex institutione Dei, sicuti est conformis naturae detectio vulneris, etiam in parte pudenda ad necessariam medelam; at vero aliter esse naturae consonum erubescere, et suum scelus non propalare.*

11 AND if it were for condemnation, it would be against nature; but by divine necessity it profits, that glory be given to God, according to that *Iosue 7. Da gloriam Deo, confitere quid feceris* (Give glory to God, confess what thou hast done), which he had also said, the foundation being *4. and in confessionali, cap. 1. particula 5.* Now the confession which Josuë demanded from Achan was when the theft was already made known before the people by lots, a divine miracle revealing it. Therefore S. Bonavent. everywhere infers that, by Divine decree, that confession from Achan was established, required, and extorted; otherwise he would not have been bound. Wherefore the Clavis Regia ineptly brings forward this passage, that it may conclude that it is lawful absolutely to extort a confession from an accused person.

ET si ad condemnationem, esset contra naturam; ex divina vero necessitate prodest, ut detur gloria Deo, iuxta id Iosue 7. Da gloriam Deo, confitere quid feceris, quod idem dixerat fundamento 4. et in confessionali, cap. 1. particula 5. *Erat autem confessio, quam Iosuë ab Achan exigebat, iam propalato coram populo ex sortibus, divino miraculo revelantibus huius furtum. Infert igitur S. Bonavent. ubique, ex Divino decreto statutum, atque exigi, et extorqueri ab Achab confessionem illam, alioqui non fuisse obligatum. Quare insulse Clavis Regia hunc locum affert, ut concludat, licere confessionem extorquere a reo absolute.*

12 From these things is drawn a most valid reason, which the authors of our opinion extol in Diana. That which is against nature is not to be done, unless God establish honesty in it and command it; but to deliver oneself to death, or to grave loss of life, or indeed even of honor and possessions, is against nature; nor is God found to have commanded that we disclose our hidden sin, from which our ruin would flow: Ergo. Let them then find for themselves the law of God compelling to this, as it had to be found for sacramental confession of hidden sins (as D. Bonaventure says), and the more is it required, the graver this confession is.

> *Ex his eruitur validissima ratio, quam nostrae sententiae authores apud Dianam magnificant. Id, quod est contra naturam, non est faciendum, nisi Deus in eo honestatem constituat, et praeceptum; sed tradere se morti, vel gravi damno vitae, imo etiam honoris, et facultatum, est contra naturam, nec invenitur Deus praecepisse, ut peccatum nostrum propalemus occultum, ex quo nostra pernicies emanet: Ergo. Inveniant igitur isti legem Dei ad hoc me cogentem, sicuti invenienda fuit ad confessionem Sacramentalem occultorum (ut ait D. Bonavent.) et eo magis exigitur, quo gravior est haec confessio.*

13 ALL the adversaries answer in droves that the Judge has from God the power of judging, as is said, *Rom. 13. et Sap. 6. et Psalm. 2.*; and therefore, since a matter not juridically presented cannot be judged, he can question, and the accused is bound to obey him as a superior; nor can it be that the Judge have the power of questioning and the Accused the power of keeping silent; otherwise there will be a war just on both sides. This is the Achilles of the adversaries. This venerable asylum.

> *RESPONDENT catervatim omnes adversarii, Iudicem habere a Deo potestatem iudicandi, ut dicitur* Rom. 13. et Sap. 6. et Psalm. 2. et ideo*, cum nequeat iudicari res non exposita iuridice, potest interrogare, et reus ei tenetur obedire tanquam superiori; neque vero potest esse, ut Iudex habeat potestatem interrogandi, et Reus habeat tacendi; alioqui erit bellum utrinque iustum. Hic est adversariorum Achilles. Hoc venerandum asylum.*

14 Yet it is an unwarlike defense. For first I say that, since the sin is in the knowledge of one witness, it is not yet public but hidden, as is gathered from *C. Inquisitionis, de accusat.* Therefore the Accused is questioned against the law of nature.

> *IMBELLIS tamen defensio. Primo enim dico, quod cum peccatum sit, in unius testis scientia, non adhuc est publicum, sed occultum, ut colligitur ex* C. Inquisitionis, de accusat. *Ideo contra ius naturae interrogatur Reus.*

15 FURTHER, it is not repugnant that there be a war just on both sides, just as it is lawful for the Judge to forbid a condemned man under the last punishments to flee, and the Accused can flee, as Pesantius notes, *quaest. 77. quaest. unica,* and the precept in such a case can be judged given for terrifying the Accused. So Sancius, Reginaldus, Lessius, and others in Diana. For no one is bound to furnish arms against himself for his own killing, or to deprive himself of his goods, or to throw himself into prison.

> *DEINDE non repugnat, dari bellum ex utraque parte iustum, sicuti licitum est Iudici, damnato ultimis suppliciis; praecipere, ne fugiat; et Reus potest fugere, ut notat Pesantius* quaest. 77. quaest. unica*, et praeceptum in tali casu potest censeri datum ad Reum terrendum. Ita Sancius, Reginaldus, Lessius, et alii apud Dianam. Nullus enim tenetur contra se arma ministrare ad sui occisionem, aut se suis bonis privare, aut se coniicere in carcerem.*

16 In the same way, however, they do who disclose their sin when it is not fully proved: and indeed, as long as there is hope of escaping, it is safest to keep this precept, which scarcely one in a thousand would wish to observe, because it is against the dictate of nature; but human precepts ought to be conformable to the law of nature, not above it or against its powers.

PERINDE autem faciunt revelantes suum peccatum, cum non est plene probatum: Et sane quamdiu est spes evadendi, tutissimum est hoc praeceptum, quod vix e mille unus vellet servare, quia est contra dictamen naturae; praecepta autem humana debent esse conformia iuri naturae, et non supra, aut contra vires eius.

17 MOREOVER no one in criminal matters is bound, or can be compelled, to testify against his kinsmen, as is clear from *Leg. 4. ff. de Testibus*, when the truth can be had otherwise, as Lazarius Papiensis teaches, *lib. de quaest. canon. sect. 3. quaest. 11.*, and Rodriquez, *T. 1. Summae cap. 69.*, except in a cause of faith, or on account of the good of the Republic, or of the Prince. But who is more akin to me than I am to myself? Nor say that the law speaks of hidden crimes. For it is against it, otherwise there would be no benefit of the law toward kinsmen; for indeed even strangers cannot be compelled to disclose hidden crimes.

PRAETEREA nemo in criminalibus tenetur, aut cogi potest ad testificandum contra consanguineos, ut patet Leg. 4. ff. de Testibus*, quando veritas aliter haberi potest, ut docet Lazarius Papiensis* lib. de quaest. canon. sect. 3. quaest. 11. *Rodriquez* T. 1. Summae cap. 69. *nisi in causa fidei, aut propter bonum Reipublicae, aut Principis. At quis mihi magis consanguineus, quam ego mihi? Neque dicas, loqui legem de occultis criminibus. Contra enim est, alioqui nullum esset beneficium legis erga consanguineos; etenim neque extranei cogi valent ad dicenda crimina occulta.*

18 FOR these reasons, according to others also, the Accused is not bound at least to answer for the avoiding of a grave temporal punishment; nevertheless, if the questioning be for a spiritual punishment, such as irregularity, excommunication, or interdict, which are easily removed and are rather medicines than punishments, it is otherwise. For this they bring forward Abbas, *in cap. cum super, de confess.*; Angelus, *v. confessio delicti*; Sylvest., *v. delicti confessio quaest. 1.*; Armilla, *ibi, quaest. 8.*; Alcozer., *Summae cap. 16. §. et reo*; Lessius, *l. 2. cap. 31. dub. 3. num. 16.*; Filliuc., *tract. 40. in octavum Praeceptum Decal. cap. 9. num. 266.*; Sà, *v. reus.*; Petrus Navar., *l. 2. de restit. cap. 4. num. 136.* Also Navar. is cited, *C. Inter verba, coroll. 64. num. 733.*; Vega, *Summae cas. l. 5. casu 603.*

OB has rationes secundum alios etiam, saltem pro gravi poena vitanda temporali, non tenetur Reus respondere, attamen si ad poenam spiritualem sit interrogatio, qualis est irregularitas, excommunicatio, vel interdictum, quae facile tolluntur, et sunt potius medicinae, quam poenae. Secus facien tum afferunt Abbas in cap. cum super, de confess. *Angelus* v. confessio delicti, *Sylvest.* v. delicti confessio quaest. 1. *Armilla* ibi, quaest. 8. *Alcozer.* Summae cap. 16. §. et reo *Lessius* l. 2. cap. 31. dub. 3. num. 16. *Filliuc.* tract. 40. in octavum Praeceptum Decal. cap. 9. num. 266. *Sà* v. reus. *Petrus Navar.* l. 2. de restit. cap. 4. num. 136. *Citatur etiam Navar.* C. Inter verba, coroll. 64. num. 733. *Vega* Summae cas. l. 5. casu 603.

19 FINALLY Fagundez also judges it most probable, *in octavum praeceptum Decal. l. 8. cap. 31. a num. 11.*, and Bictus does not reject it, *quaest. 81. num. 21.*; who adds, *num. 25.*, that even one convicted can deny the external fact, if it be not criminal, as when he killed a man thinking it to be a wild beast. So also others with Diana, *3. p. Tract. 5. resol. 66.*

TANDEM eam probabilissimam censet etiam Fagundez in octavum praeceptum Decal. l. 8. cap. 31. a num. 11. *eamque non renuit Bictus* quaest. 81. num. 21. *qui addit* num. 25. *posse etiam convictum negare factum externum, si non sit criminosum, ut cum occidit hominem, putans esse feram. Ita etiam alii cum Diana* 3. p. Tract. 5. resol. 66.

20 The opposing arguments collapse in four words, saying that, even given that the Judge use his right to question, and the Accused use his right to save his life, etc., and hence a war can be waged and carried on justly on both sides by reason of probability; nevertheless the right of nature to

preserve life is stricter than that of obeying the Judge, because the former is merely natural; the latter, however, is mixed with human law, or with power and human law compelling to confession.

> *ARGUMENTA adversa quatuor verbis corruunt, dicendo, dato etiam, Iudicem uti iure suo ad interrogandum; et Reum uti iure suo ad salvandam vitam, etc. atque adeo utrinque ratione probabilitatis posse agi, et geri iuste bellum; attamen arctius esse ius naturae ad conservandam vitam, quam ad obediendum Iudici, quia illud est mere naturale; hoc vero mixtum iure humano, seu potestate, et lege humana cogente ad confitendum.*

21 But as to what they infer, that shortly the places will be filled with evildoers, as is gathered from *C. cum dilecti, de accusat. et cap. 2. de confession.* — I say that this follows per accidens, for the wicked are not to be extirpated for any reason whatsoever, but by the best right.

> *QUOD vero inferunt, futurum brevi, ut loca malefactoribus repleantur, ut colligitur ex* C. cum dilecti, de accusat. et cap. 2. de confession. *Dico, per accidens id sequi, non enim extirpandis sunt pravi quacumque ratione, sed optimo iure.*

22 Much less, however, is the Accused bound — indeed even a witness — to confess, if there be doubt whether the inquiry is juridical. So commonly in Baffaeo.

> *MULTO vero minus tenetur Reus, imo et testis confiteri, si dubium sit, an iuridice inquiratur. Ita communiter in Baffaeo.*

Question III: Whether an accused, defamed for one crime, can be questioned about others also

1 They AFFIRM: Tabiena, *v. accusatio, num. 20. dub. ult.*; D. Anton., *3. p. tit. 9. cap. 7. §. 3. v. Inquisitio, 1. quaestione 3.*; Palud., *4. dist. 19. quaest. 4. in fine.*

> An REUS, in uno crimine infamatus, possit de aliis etiam interrogari.
>
> *AFFIRMANT Tabiena* v. accusatio, num. 20. dub. ult. *D. Anton.* 3. p. tit. 9. cap. 7. §. 3. v. Inquisitio, 1. quaestione 3. *Palud.* 4. dist. 19. quaest. 4. in fine.

2 The SECOND denies that it is lawful, and indeed asserts that the Accused is not bound to answer such a questioning. So the Doctors commonly: D. Thom., *2. 2. quaest. 69. art. 2. et quaest. 8. art. 1.*, where he speaks of witnesses, "and much less will the Accused be bound." They follow Tolet., *l. 5. summae, cap. 58.*; Salon, *2. 2. quaest. 69. art. 2. cont. 8.*; Aragon., *ibidem, et*; Bannes, *disp. 1. concl. 3.*; Navar., *C. inter verba, 11. conclus. 6. quaest. 3. coroll. 51. num. 588.*; Valentia, *disp. 5. quaest. 23. punct. 2.*; Petrus Navar., *l. 2. de restit. cap. 5. p. 2. dub. 5. num. 170.*; Caiet., *2. 2. quaest. 69. art. 2.*; Soto, *l. 5. de Iust. quaest. 6. concl. 5. et de reg. secr. membr. 2. quaest. 6. disp. 5.*; Angelus, *v. Inquisitio, §. 11.*; Sayrus, *l. 11. cap. 16.*; Fagundez, *l. 8. cap. 34. constit. 58. pro statu Ecclesiae*, as Bictus reports, *quaest. 80. num. 28.* So also Baffaeus, *v. Reus, num. 6.*

> *SECUNDA negat licere, atque adeo asserit, non teneri Reum ad eam interrogationem respondere: Ita communiter DD. D. Thom.* 2. 2. quaest. 69. art. 2. et quaest. 8. art. 1. ubi de testibus, et multo minus tenebitur Reus. *Sequuntur Tolet.* l. 5. summae, cap. 58. *Salon* 2. 2. quaest. 69. art. 2. cont. 8. *Aragon.* ibidem, et *Bannes* disp. 1. concl. 3. *Navar.* C. inter verba, 11. conclus. 6. quaest. 3. coroll. 51. num. 588. *Valentia* disp. 5. quaest. 23. punct. 2. *Petrus Navar.* l. 2. de restit. cap. 5. p. 2. dub. 5. num. 170. *Caiet.* 2. 2. quaest. 69. art. 2. *Soto* l. 5. de Iust. quaest. 6. concl. 5. et de reg. secr. membr. 2. quaest. 6. disp. 5. *Angelus* v. Inquisitio, §. 11. *Sayrus* l. 11. cap. 16. *Fagundez* l. 8. cap. 34. constit. 58. pro statu Ecclesiae, ut refert Bictus quaest. 80. num. 28. *Sic et Baffaeus* v. Reus, num. 6.

[3] Yet make an exception: if one defamed of one crime has another connected with it, or indications toward it; thus a woman defamed of adultery, if her husband is presently found slain, can be questioned about this. The Holy Doctor seems to prove this, *in Confessionali cap. 2. part. 1.*, by that text of *Deuter 24. Cum repetes a proximo tuo rem aliquam; quam debet tibi, non ingredieris domum eius* (When thou shalt demand from thy neighbor any thing that he oweth thee, thou shalt not go into his house).

> *EXCIPE tamen, si infamatus de uno sit, quod habeat aliud connexum, vel indicia ad illud; sic infamata de adulterio, si mox invenitur maritus eius occisus, potest de hoc interrogari. Id probare videtur S. Doctor* in Confessionali cap. 2. part. 1. *illo* Deuter 24. Cum repetes a proximo tuo rem aliquam; quam debet tibi, non ingredieris domum eius.

[4] The opinion of Bruno pleases me, *de indiciis, secunda parte, quaest. 5. num. 66.*: that this is true when he is of that kind of evil fame, as a robber, a highwayman. Bictus subscribes, *quaest. 80. num. 27.*

> *MIHI placet sententia Bruni* de indiciis, secunda parte, quaest. 5. num. 66. *Id verum esse, quando in eo genere est malae famae, ut latro, viarum grassator. Subscribit Bictus* quaest. 80. num. 27.

Question IV: Whether one convicted of a crime can be questioned about hidden accomplices of whom there is no ill repute

[1] They ASSERT: Bartol., *in Leg. Repetita, ff. de quaest.*; Iulius Clarus, *l. 5. quaest. 21.*; Palud., *4. dist. 19. art. 4. in fine,*; Sylvester, *verbo Inquisitio, quaest. 3.*

> An convictus de crimine, possit interrogari de sociis occultis, de quibus nulla est infamia.
>
> *ASSERUNT Bartol.* in Leg. Repetita, ff. de quaest. *Iulius Clarus* l. 5. quaest. 21. *Palud.* 4. dist. 19. art. 4. in fine, *Sylvester* verbo Inquisitio, quaest. 3.

[2] The common and true opinion denies it (except heresy, lèse-majesté, treason against the fatherland, and the coining of false money.) So Caietanus, *1. 2. quaest. 69. art. 1.*; Salon., *ibi, controv. 8.*; Aragon., *ibi dub. 3.*; Bannes, *disp. 1.*; Sotus, *l. 5. de iustitia, quaest. 6. art. 2. concl. 5.*; Navar., *Summae Lat. cap. 18. num. 58. et in C. inter verba, 11. quaest. 3. concl. 6. corrolario 49. num. 584.*; Baff., *num. 7.*; Tolet., *l. 5. Summae cap. 58.*; Sà, *v. Iudicium, num. 15.*; Angel., *v. confessio delicti, §. 4.*; Petrus Navar., *l. 2. de restit. cap. 4. p. 2. disp. 5. num. 173.*; and others, as is clear from *in Leg. finali, Cod. de accusat. et Cod. repetita, ff. de quaest.* And from Canon Law, *C. Nemini 15. quaest. 3.*, there: Nemini (except for the crime of lèse-majesté) ought credit be given concerning another's crime on one's own confession: since confession of this, and of every matter, is perilous, and ought not to be admitted against anyone. And the same is had in *Cod. Monasterium de confessis.* But how it is perilous, the Emperor Severus teaches, *Leg. 1. ff. de quaest. §. Divus Antoninus*, because the accused can seize an occasion of avenging himself upon his enemies, or upon those whose help he sought and they refused, by making them partners of his crime.

> *COMMUNIS, et vera sententia negat (excipe haeresim, Laesam maiestatem, Proditionem patriae, et falsae monetae excusionem.) Sic Caietanus* 1. 2. quaest. 69. art. 1. *Salon.* ibi, controv. 8. *Aragon.* ibi dub. 3. *Bannes* disp. 1. *Sotus* l. 5. de iustitia, quaest. 6. art. 2. concl. 5. *Navar.* Summae Lat. cap. 18. num. 58. et in C. inter verba, 11. quaest. 3. concl. 6. corrolario 49. num. 584. *Baff.* num. 7. *Tolet.* l. 5. Summae cap. 58. *Sà* v. Iudicium, num. 15. *Angel.* v. confessio delicti, §. 4. *Petrus Navar.* l. 2. de restit. cap. 4. p. 2. disp. 5. num. 173. *et alii, ut patet* in Leg. finali, Cod. de accusat. et Cod. repetita, ff. de quaest. *Et ex Iure Canonico* C. Nemini 15. quaest. 3. ibi: Nemini (praeter quam de crimine laesae maiestatis) de se confesso super alienum crimen credi oportet: quoniam eius, atque omnis rei confessio periculosa est, et admitti adversus quemlibet non

debet. *Et idipsum habetur* Cod. Monasterium de confessis. *Quomodo autem periculosa sit, docet Imperator Severus* Leg. 1. ff. de quaest. §. Divus Antoninus, quia reus ansam arripere potest se vindicandi de suis inimicis, vel de illis, quorum opem imploravit, et noluere, faciendo eos sui criminis socios.

3 This is indeed the opinion of D. Bonav.; for in *4. dist. 21. p. 2. art. 1. quaest. 3.*, where, though he speaks of sacramental confession, he nevertheless denies that the crimes of others can be uncovered, while we can reveal our own without those of others: and in *dist. 19. dub. 5.*, speaking of the Judge, he implies that the same is to be said proportionally of him as of confession.

Haec est profecto D. Bonav. opinio; nam in 4. dist. 21. p. 2. art. 1. quaest. 3. ubi, licet de confessione Sacramentali loquatur, negat tamen, posse aliorum crimina detegi; dum possumus nostrum sine alienis revelare: Et dist. 19. dub. 5. loquens de Iudice innuit, proportionaliter idem de ipso, ac de confessione dicendum.

4 This opinion they maintain commonly, cited by Farinac., *quaest. 43.*; for according to the statutes of both laws one cannot be questioned about the associates of others, as D. Bonaventure also teaches, expounding that passage of Deuter. 24.

Hanc opinionem tuentur communiter apud Farinac. quaest. 43. nam secundum utriusque iuris statuta; super aliorum consociis interrogari non potest, ut docet etiam D. Bonavent. exponens locum illum Deuter. 24.

5 They except, however, the case where the crime is such that it cannot be done mortally without an associate, e. g. such a robbery.

Excipiunt tamen, si crimen tale sit, ut mortaliter sine socio fieri nequeat, v. g. talis rapina.

6 Similarly in the falsification of a Scripture not pertaining to oneself, or in the examination of a false witness at the instances of others; for inquiry must be made at whose instance he deposed falsely. Similarly in a homicide who had no cause; for inquiry can be made of the one who ordered it, Farinac., *quaest. 43. num. 91.*, citing others.

Similiter in falsificatione Scripturae ad se non spectantis, vel in examine testis falsi ad aliorum instantias; debet enim inquiri ad cuius instantiam falsum deposuit. Similiter in homicida, qui nullam habuit causam; potest enim inquiri de mandante, Farinac. quaest. 43. num. 91. alios adducens.

7 Bictus nevertheless concludes, *quaest. 80. num. 36.*, that by custom it is observed that one convicted be questioned about his accomplices and abettors and favorers, as very many have it, cited by Guze, defensione 30. cap. 9., Gandinus Iacobus de Belvis, and Blanch., *tract. de Inditiis, num. 374.*, and Vulpel. and Mascar., *de prob. concl. 1311. vol. 3.*, who says it is thus observed in the general custom of Italy. And Baiard., who refers this to Clar., *quaest. 21.*, says he has seen the same observed in whatsoever crime; and Cason. asserts this most recently, *tract. de torm. cap. 16. num. 6.*, and Giacharius ad Clarum, who nevertheless says that at Milan this custom is not observed, but the common law, except in certain excepted cases; and he adds that, where there is no such custom, it is laudable to stand by the common law.

Concludit tamen Bictus quaest. 80. num. 36. consuetudine servari, ut convictus interrogetur de sociis complicibus; mandatotibus, fautoribus, ut habent plurimi apud Guze defensione 30. cap. 9. Gandinus Iacobus de Belvis, et Blanch. tract. de Inditiis, num. 374. et Vulpel. et Mascar. de prob. concl. 1311. vol. 3. qui ait, ita servari in generali consuetudine Italiae. Et Baiard. qui hoc refert ad Clar. quaest. 21. ait, se vidisse idem observari in quocumque delicto, et hoc asserit novissime Cason. tract. de torm. cap. 16. num. 6. et Giacharius ad Clarum, qui tamen ait, Mediolani hanc

non servari consuetudinem, sed ius commune, nisi in casibus aliquibus exceptis; et subdit, laudabile esse, ubi non est talis consuetudo, stare iuri communi.

8 Bictus indeed admonishes, *num. 38.*, the Judges to beware, even where this custom exists, of suggestion, or of naming any person, as Chart. and Ambrosin. also admonish, *de modo formandi processus in foro, l. 6. cap. 4. num. 10.*, unless sufficient indications against that person are at hand; otherwise it would be a suggestion, and the Judge would sin gravely, and the process would be null of itself. Clar., *quaest. 21.*, and Barac. on him, *num. 28.*, citing Castrensis, and Fuller., teach that such a questioning would be suggestive; Farinacius also refers to others, *quaest. 43. num. 132.*, who at *num. 33.* admonishes that in this case the indications must be all too manifest.

Monet vero Bictus num. 38. Iudices, ut caveant, ubi etiam esset haec consuetudo, a suggestione, seu a nominanda aliqua persona, ut monent etiam Chart. et Ambrosin. de modo formandi processus in foro, l. 6. cap. 4. num. 10. nisi contra eam adsint indicia sufficientia; alias esset suggestio, et Iudex peccaret graviter, atque processus esset ipso iure nullus. Clar. quaest. 21. et ad eum Barac. num. 28. referens Castrensem, et Fuller. Talem interrogationem fore suggestivam, docent etiam alios referens Farinacium quaest. 43. num. 132. qui num. 33. monet, indicia in hoc casu esse debere nimis manifesta.

9 But in truth Sayrus proclaims this custom unjust, *lib. 12. cap. 17. num. 9.*, because it is against the law of nature. So also Salon., *2. 2. quaest. 69. art. 2. controu. 8.*; Caietanus there; Sotus, *lib. 5. de Iustitia, quaest. 6. art. 2. concl. 5.*; and others cited by Fagundez, *in 8. praeceptum, l. 8. cap. 34. num. 13.* They understand it, however, of private crimes, which do not require an accomplice, as simple homicide, theft, etc.; for in crimes that require an associate, as sodomy, adultery, highway robbery, one may question about the associates, and much more in the excepted cases against the Republic, as conspiracies, treasons, false coinings, etc., as I said.

Enim vero hanc consuetudinem proclamat iniquam Sayrus lib. 12. cap. 17. num. 9. quia est contra ius naturae. Sic etiam Salon. 2. 2. quaest. 69. art. 2. controu. 8. Caietanus ibi, Sotus lib. 5. de Iustitia, quaest. 6. art. 2. concl. 5. et alii apud Fagundez in 8. praeceptum, l. 8. cap. 34. num. 13. Intelligunt autem de delictis privatis, quae non exigunt complicem, ut simplex homicidium, furtum, etc. nam in criminibus, quae socium requirunt, ut Sodomia, adulterium, viarum grassationes, licet de sociis interrogare, et multo magis in casibus exceptis contra Rempublicam, ut coniurationibus, proditionibus, falsis monetis, etc. ut dixi.

Question V: Whether an accused who unjustly denies a true crime, for which he was to be condemned to a fine, is bound to pay it, and is liable to restitution

1 The first opinion is affirmative: Molina, de iust. tomo 1. tract. 2. disp. 95.; Soto, l. 1. quaest. 6. art. 6.; Castridel., paen. l. 2. cap. 12.; Layman, l. 3. sect. 5. tract. 2. cap. 7. num. 4.

An Reus, negans iniuste verum crimen, propter quod erat damnandus poena pecuniaria, teneatur solvere, et sitne restitutioni obnoxius.

Prima opinio affirmativa est Molinae de iust. tomo 1. tract. 2. disp. 95. Soti l. 1. quaest. 6. art. 6. Castridel. paen. l. 2. cap. 12. Layman l. 3. sect. 5. tract. 2. cap. 7. num. 4.

2 But the opposite opinion is that of Tanner, 2. 2. disp. 4. quaest. 6. dub. 2. num. 76.; Nauarr, cap. 18. ad num. 46.; Azor, t. 1. l. 5. cap. 8. quaestio 5.; Vazquez, prima secundae, disp. 175. cap. 12.; Less., l. 2. cap. 13. dub. 10.; Sanchez, Summ. tom. 1. l. 2. cap. 22. num. 22., and lib. 10. de matrim. disput. 8. num. 14.; Medina, lib. 1. Summae cap. 14. §. is; Angles, in flor. 2. p. de restit. legis paen. art. un. diff.

un. concl. 3. fol. 248.; Aragon., 2. 2. quaest. 62. art. 3. fol. 228., and there Salon, controu. 2.; Bannes, art. 3. disp. 2.; Lud. Lopez, p. 1. Instruct. cap. 159.; Rodriquez, T. 1. Sum. in secunda edit. cap. 186. num. 6.; Graff, p. 1. decis. l. 3. cap. 7. num. 25.; Azor, t. 1. l. 5. cap. 8. quaestio 5., and l. 8. cap. 12. quaest. 5.; Vasquez, prima 2. disp. 175. cap. 12. num. 13.; Fagundez, in octavum praeceptum decal. l. 8. cap. 30.; Palac., l. 4. de contract. cap. 5. resol. 52., and p. 4. Tract. 4. resol. 65., where he reports that one condemned to a pecuniary punishment appeals unjustly; Diana, p. 3. Tract. 5. resol. 52., and p. 4. Tract. 4. resol. 65., where he reports that the opinion of Layman is that he is bound to the punishment by force of the crime, as imposed upon him by that very fact, not at the discretion of the Judge to be inflicted. Bassaeus makes an exception, num. 17., namely that he would not be bound before the sentence.

Opposita tamen sententia est Tanneri 2. 2. disp. 4. quaest. 6. dub. 2. num. 76. Nauarri cap. 18. ad num. 46. Azorii t. 1. 5. cap. 8. quaestio 5. Vazquez prima secundae, disp. 175. cap. 12. Less. l. 2. cap. 13. dub. 10. Sanchez Summ. tom. 1. l. 2. cap. 22. num. 22. et lib. 10. de matrim. disput. 8. num. 14. Medina lib. 1. Summae cap. 14. §. is, Angles in flor. 2. p. de restit. legis paen. art. un. diff. un. concl. 3. fol. 248. Aragon. 2. 2. quaest. 62. art. 3. fol. 228. et ibi Salon controu. 2. Bannes art. 3. disp. 2. Lud. Lopez p. 1. Instruct. cap. 159. Rodriquez T. 1. Sum. in secunda edit. cap. 186. num. 6. Graffii p. 1. decis. l. 3. cap. 7. num. 25. Azorii t. 1. l. 5. cap. 8. quaestio 5. et l. 8. cap. 12. quaest. 5. Vasquez prima 2. disp. 175. cap. 12. num. 13. Fagundez in octavum praeceptum decal. l. 8. cap. 30. Palac. l. 4. de contract. cap. 5. resol. 52. et p. 4. Tract. 4. resol. 65. ubi refert damnatus poena pecuniae, inique appellat. Diana p. 3. Tract. 5. resol. 52. et p. 4. Tract. 4. resol. 65. ubi refert opinionem Layman esse, teneri ad poenam ex vi criminis, ut ipsi ipso facto imposita, non de inferenda arbitrio Iudicis. Excipit Bassaeus num. 17. modo non teneretur ante sententiam.

[3] Yet he is bound, they say, to the costs of the suit, says Diana, tract. 5. p. 3. resol. 52., with Sanchez, de matrimonio l. 10. d. 8. num. 14.

Teneri tamen, aiunt ad litis expensas ait Diana tract. 5. p. 3. resol. 52. cum Sanchez de matrimonio l. 3. l. 10. d. 8. num. 14.

[4] Hence also Tanner, num. 8., and others with Azor ad 4., pursue the point: Less., lib. 2. cap. 13. dub. 10. num. 7.; Granado, prima 2. controu. 7. tract. 3. p. 1. disput. 14. sect. 2.; Vasquez, p. 2. disp. 168. num. 30.; Sala, de leg. disp. 13. sect. 8. num. 105.; Sà, verbo restit. num. 46., and v. poena, num. 14.; Diana, p. 1. Tract. 10. resol. 23., and p. 3. Tract. 5. resol. 52.: that a Fiscal who does not accuse, or a Judge who does not condemn — who are the cause of injustice, so that the Accused is not condemned to a pecuniary punishment — is not bound to restitution. Say the same of the keeper of the woods who does not accuse the one cutting the wood. The reason is that these do not sin against commutative or distributive justice, but against public vindicative justice, and the treasury has no right to the punishment directly, but only indirectly, and by means of the sentence of the Judge. Therefore a Judge without a sentence is not bound by justice to exact that punishment.

Hinc etiam prosequuntur Tannerus num. 8. et alii cum Azorio ad 4. Less. lib. 2. cap. 13. dub. 10. num. 7. Granado prima 2. controu. 7. tract. 3. p. 1. disput. 14. sect. 2. Vasquez p. 2. disp. 168. num. 30. Sala de leg. disp. 13. sect. 8. num. 105. Sà verbo restit. num. 46. et v. poena, num. 14. Diana p. 1. Tract. 10. resol. 23. et p. 3. Tract. 5. resol. 52. Fiscalem non accusantem, vel Iudicem non damnantem, qui sunt causa iniqua, ut Reus poena pecuniaria non damnetur, non teneri restitutioni. Idem dic de custode Sylvarum, non accusante caedentem ligna: Ratio est, quia non peccant hi contra commutativam, vel distributivam, sed contra vindicativam publicam, et fiscus non habet ius ad poenam directe, sed solum indirecte, et mediante Iudicis sententia. Itaque Iudex absque sententia non cogitur ex iusticia illam poenam exigere.

Question VI: Whether an accused who has unjustly denied the truth when he was to be condemned is bound to retract before the end of the trial

[1] They affirm: Sayrus, l. 12. cap. 17. num. 13.; Angles, in flor. 2. p. q. de correct. fraterna, art. 3. diffic. 7.; Malder., 2. 2. tract. 6. cap. 3. dub. 1. assert. 4.; and others cited by Sanchez. But Sanchez, cited above, steadily denies, citing Philiarcus, Bonac., *Tract. de Legibus* disp. 10. quaest. 3. punct. 1. num. 8.; Azor., p. 3. l. 13. cap. 25. dub. 5., who nevertheless adds that the confessor is bound to admonish the accused to be ready for the truth if he is questioned again. Yet this displeases Diana, tract. 15. resol. 26. p. 1., and deservedly, because it exposes the Accused to peril; but it is enough to admonish him to amendment. The same think all who deny that he is bound to confess the truth in a capital case: Panorm., in *C. cum super de confess.*; Angelus, *v. Confessio delicti*; Sylvest., ibidem; Petrus Navar., l. 2. *de restit.* cap. 4. a num. 142.; and Sà judges it probable, *v. Iudex*; Less., dub. 3. cap. 31.; Tanner., disp. 4. quaest. 5. Their reason is that in every other matter extreme necessity excuses from payment of a debt. Therefore Sà admonishes confessors not to compel an accused acting on this opinion. Bassaeus also admonishes this, *v. Reus*, num. 5.

An Reus, negans veritatem indebite, quandamnaretur, teneatur retractare ante finem Iudicii.

Affirmant Sayrus l. 12. cap. 17. num. 13. Angles in flor. 2. p. q. de correct. fraterna, art. 3. diffic. 7. Malder. 2. 2. tract. 6. cap. 3. dub. 1. assert. 4. et alii apud Sanchez NEGANT vero constanter Sanchez citatus, citans Philiarcum, Bonac. Tract. de Legibus *disp. 10. quaest. 3. punct. 1. num. 8. Azor. p. 3. l. 13. cap. 25. dub. 5. qui tamen addit, teneri confessarium monere reum, ut sit paratus ad veritatem, si iterum interrogetur. Hoc tamen displicet Dianae tract. 15. resol. 26. p. 1. et merito, quia est exponere Reum periculo; sed satis est eum monere ad emendationem. Idem sentiunt quotquot negant, teneri in causa mortis fateri veritatem: Panorm. in* C. cum super de confess. *Angelus* v. Confessio delicti*, Sylvest. ibidem, Petrus Navar. l. 2.* de restit. *cap. 4. a num. 142. et probabilem censet Sà* v. Iudex*, Less. dub. 3. cap. 31. Tanner. disp. 4. quaest. 5. Eorum ratio est, quia in omni alia materia, extrema necessitas excusat a redditione debiti. Itaque Sà monet Confessarios, ne reum hac opinione operantem cogant. Id monet etiam Bassaeus* v. Reus*, num. 5.*

[2] THIS second opinion holds much more after the sentence has been given; for then the judgment is finished, and he has ceased in that cause to be Judge, as S. Antonin. weighs, 3. p. tit. 9. cap. 16. §. 8.; Sylvester, *v. iudicium* in fine; Diana with Sanchez above; and it is the text in *Leg. Iudex, ff. de re iudiciaria*; and consequently the accused is no longer bound to answer the judge, Navar., *Man.* cap. 25. numero 38.; Rodriquez, tomo 2. quaestione 18. art. 9.; Pingianus, in *pract. crim. can.* cap. 3. fol. 258.; Segura Davolos, in *direct. iudicii*, cap. 17. num. 36.; Villalobos, tomo 2. tract. 16. diff. 3. num. 4; Diana, p. 3. tract. 5. resol. 103.; Dictus, quaest. 81. num. 10., against Ledesma, tomo 2. tract. 8. cap. 24.; Salon, 2. 2. quaest. 69. art. 2. concl. 3.; Vega, Tom. 2. cap. 89. casu 2. et 3.; Bannes, 1. 2. quaest. 69. art. 2.; Medina, in *Summa*, l. 1. cap. 14. §. 35.; Corduba, *Sum.* quaest. 64 p. 2.; and others who relied on this reason: because in such a case he who denied his true crime, and yet is condemned to death, exposes himself as one unjustly condemned by the judge, and therefore defames him and stirs up the people against him.

HAEC secunda sententia multo magis valet post latam sententiam; tunc enim iudicium est finitum, et desiit in illa causa esse Iudex, ut ponderant S. Antonin. 3. p. tit. 9. cap. 16. §. 8. Sylvester v. iudicium *in fine, Diana cum Sanchez supra; et est textus in* Leg. Iudex, ff. de re iudiciaria*, et consequenter reus non tenetur amplius iudici respondere, Navar.* Man. *cap. 25. numero 38. Rodriquez tomo 2. quaestione 18. art. 9. Pingianus in* pract. crim. can. *cap. 3. fol. 258. Segura Davolos in* direct. iudicii*, cap. 17. num. 36. Villalobos tomo 2. tract. 16. diff. 3. num. 4 Diana p. 3. tract. 5. resol. 103. Dictus quaest. 81. num. 10. contra Ledefmam tomo 2. tract. 8. cap. 24. Salonium 2. 2. quaest. 69. art. 2.*

concl. 3. Vegam Tom. 2. cap. 89. casu 2. et 3. Bannes 1. 2. quaest. 69. art. 2. Medinam in Summa*, l. 1. cap. 14. §. 35. Corduba* Sum. *quaest. 64 p. 2. et alios, qui hac ratione nitebantur, quia in tali casu, iis, qui negavit suum crimen verum, et tamen morte damnatur, exponit se, tanquam iniuste a iudice damnatum, atque ideo eum infamat, et suscitat contra eum gentem.*

3 BUT it is answered that no infamy is thence brought upon the Judge, or even upon the witnesses. For the Accused are wont to deny, and the presumption stands in place of the judge's sentence. Therefore judges should beware lest they lead accused of this kind to a recantation.

SED respondetur, nullam inde infamiam Iudici, vel etiam testibus afferri. Sunt enim soliti Rei negare, et praesumptio stat pro iudicis sententia. Itaque caveant iudices, ne reos huiusmodi ad palinodiam inducant.

4 Sanchez ADDS, num. 12., that if the Accused has by force of torture imposed upon himself a false crime, for which he is condemned, he is not bound to retract, unless the infamy would redound to others.

ADDIT Sanchez num. 12. si Reus vi torturae sibi falsum crimen imposuit, propter quod damnatur, non teneri retractare, nisi infamia in alios redundaret.

Question VII: Whether, if the accused is interrogated again, he can give only a relative answer, saying: as I answered

1 They SUPPOSE that the Judge is given the right to compel the accused to answer clearly, so that he be tortured if he will not answer: Chart., in *praxi interr. reorum*, l. 3. cap. 2. num. 11. et 25.; Iason, in *Leg. Praescriptione, Cod. si contra ius vel util. publ.*; Baldus, leg. Barb.; and Boss., tit. *de responsis reo faciendis*, num. 4. And the aforesaid torture is given to the accused, not for eliciting the truth about the crime; for to that effect preceding indications sufficient for torture are required, as Clarus says with the common view, §. fin. quaest. 64., and Chart. above num. 4. But torture in this case is given for extorting a precise assertive or negative answer, Carrer. Paris. de Pat., Bald., Bossius, Brunus, Clarus, Cason, cited by Chart. above. Indeed Follerus and Millcius add with him that an Accused refusing to answer is to be punished as a criminal; but this is admitted in a civil matter, not in criminal causes, as Socinus, Bettandus, and Chart. note, where above num. 9.; for in criminal causes silence is an indication for torture.

An si Reus iterum interrogetur, possit solam responsionem relatiuam dare, dicendo, ut respondi.

SUPPONUNT, dari Iudici ius, ut cogat reum respondere clare, ita ut torqueatur, si nolit respondere, Chart. in praxi interr. reorum*, l. 3. cap. 2. num. 11. et 25. Iason in* Leg. Praescriptione, Cod. si contra ius vel util. publ. *Baldus, leg. Barb. et Boss. tit.* de responsis reo faciendis*, num. 4. et praedicta tortura datur reo, non ad eruendam veritatem de delicto; nam ad hunc effectum requiruntur indicia praecedentia, ad torturam sufficientia, ut cum communi ait Clarus, §. fin. quaest. 64. et Chart. supra num. 4. Sed tortura in hoc casu datur ad extorquendam praecisam responsionem assertivam, vel negativam, Carrer. Paris. de Pat. Bald. Bossius, Brunus, Clarus, Cason, apud Chart. supra. Imo addunt cum eo Follerus, et Millcius, Reum, recusantem respondere, puniendum, tanquam Reum; sed hoc in re civili admittitur, non in criminalibus, ut notant Socinus, Bettandus, et Chart ubi supra num. 9. in criminalibus enim silentium est inditium ad torturam.*

2 THEREFORE, for our matter: in the case where the Judge again wishes to examine, whether he may answer relatively so dryly: *I say, as I answered before;* whether the Judge is bound to accept such an answer.

AD rem igitur nostram, in casu, quo Iudex rursum velit examinare; an possit relative sic aride respondere: Dico, ut alias respondi; *num tenetur Iudex acceptare talem responsionem.*

3 MANY, whom Chart. follows, loc. cit. l. 3. cap. 2. num. 83. et 84., say the Judge can again require that he answer integrally.

MULTI, quos sequitur Chart. loc. cit. l. 3. cap. 2. num. 83. et 84. dicunt, posse Iudicem iterum exigere, ut integre respondeat.

4 I SUPPOSE that the accused can ask that his first answers be read out, Boss., tit. *de respons. a reo facienda*, num. 3., and others cited by Chart., num. 86.

SUPPONO, posse reum petere, ut suae primae responsiones perlegantur, Boss. tit. de respons. a reo facienda, *num. 3. et alii apud Chart. num. 86.*

5 He can also answer with a protestation, as he now recollects; but refer himself to the first answers, about which he recollected better.

POTEST etiam cum protestatione respondere, ut nunc recordatur; sed remittere se ad primas responsiones, de quibus melius recordabatur.

6 But beware that at times the judge, whether covetous of money or urged on by others, presses the accused too severely; and then indeed, if the accused proceeds candidly, he is not bound to answer, as Menochius and others cited by Chartar. note, num. 87.

Sed cauere te, aliquando iudicem, vel affectatum pecunia, vel ab aliis impulsum, nimis severe reum premere, et tunc sane, si reus candide incedit, non tenetur respondere, ut notant Menochius, et alii apud Chartar. num. 87.

7 AND if the Accused doubts whether the Judge interrogate him first and second, he is not bound to answer. So Bannes, Henriquez, Less., Salas, Sanchez, Sotus, and others cited by them. And Diana asserts this as more probable, p. 3. tract. 5. resol. 106., bringing forward Lessius, l. 2. cap. 31. dub. 3.; Sanchez, T. 2. l. 6. cap. 3. num. 24.; Salas, p. 2. quaest. 21. tract. 8. d. un. sect. 17. num. 155.; Henriquez, l. 14. cap. 3. num. 3. in Gloss. littera X.; Bannes, Soto, Medina, and others, against Sancius, *Select.* disp. 43. num. 28. The reason is that it is a greater evil that a man be killed on my confession, than that I not obey the Judge, uncertain in possession of the right of questioning him. Moreover, everyone is presumed good until he be proved bad; and the laws favor the accused as one in possession.

ET si Reus dubitat; an Iudex eum primo, et secundo interroget, non tenetur respondere. Ita Bannes, Henriquez, Less. Salas, Sanchez, Sotus, et alii ab his citati. Et hoc probabilius asserit Diana p. 3. tract. 5. resol. 106. adducens Lessium l. 2. cap. 31. dub. 3. Sanchez T. 2. l. 6. cap. 3. num. 24. Salam p. 2. quaest. 21. tract. 8. d. un. sect. 17. num. 155. Henriquez l. 14. cap. 3. num. 3. in Gloss. littera X. Bannes, Sotum, Medinam, et alios, contra Sancium Select. *disp. 43. num. 28. Ratio est, quia maius malum est, ex mea confessione occidi hominem, quam non obediti Iudici incerta in possessione illum interrogandi. Praeterea unusquisque praesumitur bonus, quoadusque probetur malus; et iura favent reo, ut possessori.*

8 But the Accused thus presumptively in possession can require that the depositions of the witnesses be given to him; and as long as they are not given, he can reasonably doubt whether he is being questioned lawfully. So Aldiete. of the Society of Jesus, *de Religiosa disciplina tuenda*, l. 2. cap. 4. num. 7.; Caietanus, and Aragon., 2. 2. quaest. 69. art. 2.; Ioan. de Cruz, in *direct.* p. 1. tract. 8. art. 8. dub. 9.

concl. 1.; Sanchez, in *Summa* t. 1. disp. 3. cap. 7. num. 15.; Salon., 2. 2. quaest. 69. art. 2. controv. 2.; Lessius, l. 2. cap. 31. dub. 3. num. 10.; Segura de Auolos., in *direct. iud.* p. 2. cap. 24. num. 3.; Miranda, in *ord. iudic.* T. 2. quaest. 19. art. 13.; Diana, p. 3. Tract. 5. resol. 91., where, with Salzedo, in *pract.* cap. 126., he praises the rite of certain Judges who, before the confession of the Accused, order the Tabellion or Notary that the depositions of the witnesses be read in the presence of the Accused without their names, whence he may have proven what stands against him.

> *POTEST autem Reus praesumptus requirere, ut dentur sibi depositiones testium; et quamdiu non dantur, potest rationabiliter dubitare, an legitime interrogetur. Ita Aldiete. Societ. Iesu* de Religiosa disciplina tuenda*, l. 2. cap. 4. num. 7. Caietanus, et Aragon. 2. 2. quaest. 69. art. 2. Ioan. de Cruz in* direct. *p. 1. tract. 8. art. 8. dub. 9. concl. 1. Sanchez in* Summa *t. 1. disp. 3. cap. 7. num. 15. Salon. 2. 2. quaest. 69. art. 2. controv. 2. Lessius l. 2. cap. 31. dub. 3. num. 10. Segura de Auolos. in* direct. iud. *p. 2. cap. 24. num. 3. Miranda in* ord. iudic. *T. 2. quaest. 19. art. 13. Diana p. 3. Tract. 5. resol. 91. ubi cum Salzedo in* pract. *cap. 126. litt. laudat ritum nonnullorum Iudicum, qui ante Rei confessionem praecipiunt Tabellioni, vel Notario, ut testium depositiones coram Reo legantur sine eorum nominibus, unde probatum habeat, quid contra ipsum constet.*

9 ADVERTISE, however, that the Doctors alleged assert the same even concerning regular Judges, as Diana notes. Wherefore Ioseph a S. Maria is deceived, in *Tribun. Relig.* tract. 4. cap. 17. §. 3., saying these rules do not obtain in the judgment of Regulars. To them add Navar., in *Summa*, cap. 25. num. 35.; Rodriquez, in *ord. iud.* cap. 10. n. 3.; Bonacina, in *Decalogum* disp. 10. q. 3. p. 2.; Dictus, q. 81. num. 37.

> *ADVERTE autem, allegatos Doctores idem asserere, quoad Iudices regulares, ut notat Diana. Quare decipitur Ioseph a S. Maria in* Tribun. Relig. *tract. 4. cap. 17. §. 3. dicens, haec veta non esse in Iudicio Regularium. Illis adde Navar. in* Summa*, cap. 25. num. 35. Rodriquez in* ord. iud. *cap. 10. n. 3. Bonacinam in* Decalogum *disp. 10. q. 3. p. 2. Dictum q. 81. num. 37.*

10 NEITHER does it avail in this case to say that the Prelate is in possession of superiority, as Lorca objects, 2. 2. sect. 3. disp. 53. num. 8. et 9. For Dictus answers that this is true in simple extrajudicial obedience, of which the objection is verified; but otherwise in judicial obedience, in which a superior, even a Regular, is not in possession unless the order of law is observed.

> *NEQUE valet in hoc casu dicere, Praelatum esse in possessione superioritatis, ut opponit Lorca 2. 2. sect. 3. disp. 53. num. 8. et 9. Respondet enim Dictus, hoc verum in simplici obedientia extraiudiciali, de qua verificatur obiectio; secus autem in obedientia iudiciali, in qua superior etiam Regularis non est in possessione, nisi iuris ordine servato.*

11 Diana, 4. p. Tract. 8. resol. 130., treats of this question again, p. 4. tract. 8. resol. 130., treating of the judgment of the Holy Inquisition, where greater severity is required; and he says that in that forum it is not required that the witnesses and other indications be made manifest. Lodovicus Peguera notes the same, in praxi crim. cap. 12. §. 5. num. 13. For the rest he refers himself to those things which he had said, tract. 5. resol. 91., in 3. p.; and he brings forward also Suarez de Paz., in praxi, tom. 3. p. 5. cap. 3. num. 14., constantly confirming that it is certain the Judge is bound to notify the Accused of the depositions of all the witnesses; otherwise he is most wretchedly deceived.

> *Diana 4. p. Tract. 8. resol. 130. de hac quaestione iterum agit p. 4. tract. 8. resol. 130. agens de Iudicio Sanctae Inquisitionis, ubi maior severitas requiritur, et dicit, in eo foro non requiri, ut manifestentur testes, et alia indicia. Idem advertit Lodovicus Peguera in praxi crim. cap. 12. §. 5. num. 13. De caetero se remittit ad ea, quae dixerat tract. 5.*

resol. 91. in 3. p. et adducit etiam Suarez de Paz. in praxi, tom. 3. p. 5. cap. 3. num. 14. constanter confirmans, esse certum, teneri Iudicem notificare Reo testium omnium depositiones; alioqui miserrime falli.

12 Whence you have that it was badly said, quaest. 81. num. 39., that it would drive us to straits to say that Diana moderates that opinion which he had handed down in that resol. 91., and to think it enough if the Accused be told by the Judge that he is held, so that proceedings be taken against him; and he brings forward also Bouentius, in direct. p. 2. cap. 55., verbo Reus.

Ex quo habes, male dictum quaest. 81. num. 39. ut ad angustias cogeret, dicere, Dianam moderari illam sententiam, quam tradiderat ea resol. 91. et satis existimare, si Reo dicatur a Iudice, haberi, ut procedatur contra eum, et adducit etiam Bouentium in direct. p. 2. cap. 55. verbo Reus.

Question VIII: How the accused ought to conduct himself in his examination, when pressed by the judge's unjust questions

1 Judges are accustomed to tender to the Accused an oath concerning the truth to be told, according to the opinion of Bartolus on the Leg. Inter omnes, §. recte, ff. de furtis, and the common opinion at August. ad Ang. de malef. on the verse, Comperuerunt. And in the Leg. 1. Cod. de iuram. calumn. where Baldus also, who also say that this is observed throughout all Italy. So too D. Thom. 2. 2. question 69. art. 1. and 2. More on this Chartar. l. 3. cap. 3. num. 11 has.

Quomodo se gerere debet REUS in examine, a Iudicis pressus iniquis interrogationibus.

Solent Iudices Reo iuramentum deferre de veritate dicenda, iuxta sententiam Bartoli in Leg. Inter omnes, §. recte, ff. de furtis, et communem sententiam apud August. ad Ang. de malef. in versu, Comperuerunt. Et in Leg. 1. Cod. de iuram. calumn. ubi etiam Baldus, qui etiam dicunt, id servari in tota Italia. Sic etiam D. Thom. 2. 2. quaestione 69. art. 1. et 2. Plura de hac habet Chartar. l. 3. cap. 3. num. 11.

2 But whatever oath may have been taken, if he is interrogated iniquitously, he is not bound to confess the truth, as Henry admonishes quodl. 1. quaest. 14. Sylvester v. Confessio delicti, quaest. 1. Petrus Nauar. l. 2. cap. 4. num. 136. it is gathered from C. Qualiter, et quando, and C. Inquisitionis, de accusat. Lessius l. 2. cap. 3. dub. 3. Tolet. Sum. l. 5. cap. 58. yet neither ought he to lie, as the Saintly Doctor says in spec. animae, cap. 1.

Sed quocumque dato iuramento, si inique interroget, non tenetur fateri veritatem, ut admonent Henricus quodl. 1. quaest. 14. Sylvester v. Confessio delicti, quaest. 1. Petrus Nauar. l. 2. cap. 4. num. 136. colligitur ex C. Qualiter, et quando, et C. Inquisitionis, de accusat. Lessius l. 2. cap. 3. dub. 3. Tolet. Sum. l. 5. cap. 58. neque tamen debet mentiri, ut ait S. Doct. in spec. animae, cap. 1.

3 Then indeed the Judge does not legitimately interrogate, when he does not observe the order prescribed by the Law; but he interrogates suggestively those things which he cannot, and by seeking to extort, and by suggesting, and by deceptive cavils drawing one into snares, so that at times the Accused, reduced to straits, can neither deny, nor assert, nor keep silent, nor use any of the usual amphibologies.

Tunc vero Iudex legitime non interrogat, quando non servat ordinem a Lege praescriptum; sed suggestive interrogat ea, quae non potest, et quaerendo extorquere, et suggerendo, et cavillis deceptoriis trahendo ad laqueos, ita ut aliquando Reus in angustias deductus, neque negare queat, neque asserere, neque tacere, aut aliqua ex usitatis uti amphibologiis.

4 Sotus l. 5. quaest. 6. art. 1. thinks that the accused cannot employ words signifying an express negation of the truth, and is bound rather to meet death. Couar. l. 1. var. cap. 2. follows; the reason is, because this is openly to lie, which is never licit.

> *Sotus l. 5. quaest. 6. art. 1. putat, non posse reum verbis significantibus expresse negationem veritatis adhibere, et teneri potius mortem oppetere. Sequitur Couar. l. 1. var. cap. 2. ratio est, quia hoc est aperte mentiri, quod nunquam licet.*

5 On the contrary, they commonly grant that it is licit for him even to use those modes of speaking. Adrian. in 4. quaest. de sigillo, confess. Caietanus opusc. 17. respons. 5. Maior in 4. dist. 15. quaest. 18. Nauar. Man. cap. 12. num. 9. and cap. 18. num. 61. Valentia disp. 5. quaest. 13. p. 1. Tanner. disp. 4. quaest. 4. dub. 5. Less. de iust. cap. 31. dub. 2. and others at these places. And this is the opinion of D. Bonau. in 3. dist. 38. quaest. 2. in resolut. where he teaches, the discord between understanding and speech remaining; that all fault can be removed, and there, and dub. 3. litt. ad mendacium he requires two things; the false signification of the voice, as the material, and the wicked intention of deceiving, as the formal, which dub. 2. he calls the desire to lie. And disp. 39. art. 3. quaest. 1. fundamento 1. he brings forward that saying of D. Gregory. *Words serve the intention, and God judges such words as those from which they are uttered from the innermost heart; and therefore on the ultimate foundation* he says, those words, confirmed by oath, are to be measured according to the intention of the one swearing. Therefore when he is interrogated iniquitously, he can employ whatever words he pleases from the intention of signifying whatever he wants; so that just as, if no one were interrogating, he could turn those words to any sense he pleased; so also now, where the Interrogator is illegitimate. Whence Valentia answers all the objections; for that is not formally a lie in which the intention is right, although the words sound the opposite outwardly: but this is forbidden, as the Doctors say at Valentia, that the speaker should not intend to deny that which is true, and which he is bound to say, but not to use extraordinary amphibologies. Wherefore, since words are pure matter, they can take on whatever form from the intention.

> *E regione communiter concedunt, licere illi etiam illis modis loquendi uti. Adrian. in 4. quaest. de sigillo, confess. Caietanus opusc. 17. respons. 5. Maior in 4. dist. 15. quaest. 18. Nauar. Man. cap. 12. num. 9. et cap. 18. num. 61. Valentia disp. 5. quaest. 13. p. 1. Tanner. disp. 4. quaest. 4. dub. 5. Less. de iust. cap. 31. dub. 2. et alii apud hos. Et haec est sententia D. Bonau. in 3. dist. 38. quaest. 2. in resolut. ubi docet, manente intellectus, et sermonis discordia; posse amoveri omnem culpam, et ibi, et dub. 3. litt. ad mendacium requirit duo; falsam vocis significationem, ut materiale, et intentionem pravam fallendi, ut formale, quam dub. 2. libidinem ad mentiendum vocat. Et disp. 39. art. 3. quaest. 1. fundamento 1. affert illud D. Gregorii.* Verba deserviunt intentioni, et Deus talia verba iudicat, qualia ex intimis proferuntur; et ideo fundamento ultimo *dicit, verba illa, iuramento firmata, mensuranda iuxta intentionem iurantis. Itaque cum inique interrogatur, potest adhibere quaecumque verba ad placitum ex intentione significandi quodcumque vult; ita ut sicuti, si nullus interrogaret, posset ea verba in sensum omnem ad placitum revolvere; ita et nunc, ubi illegitimus est Interrogator. Ex quo respondet Valentia ad omnes obiectiones; illud enim non est formaliter mendacium, in quo intentio est recta, licet verba extrinsecus sonent oppositum: hoc vero vetitum est, ut aiunt Doctores apud Valentiam, ut non intendat loquens negare id, quod est verum, et tenetur dicere, non autem uti amphibologiis extraordinariis. Quare verba cum sint pura materia, quamcumque formam ex intentione inducere poterunt.*

Question IX: Whether it is lawful for the accused to appeal to another judge

1 To appeal is licit for one who has been aggrieved. For so the Apostle *Act. 25. appealed to Caesar*, and it is granted in dist. 2. quaest. 6. C. omnis, where Anacletus the Pope, epist. 1. says: *Let every oppressed*

man freely, if he wishes, appeal to the judgment of Priests, and let him be prohibited by no one, but be supported and delivered by them.

> An liceat REO alium Iudicem appellare.
>
> *Appellare licet gravato. Sic enim Apostolus* Act. 25. Caesarem appellavit*, et conceditur dist. 2. quaest. 6. C. omnis, ubi Anacletus Papa epist. 1. ait:* Omnis oppressus libere Sacerdotum, si voluerit, appellet iudicium, et a nullo prohibeatur, sed ab iis fulciatur, et liberetur.

2 And this has also been granted to Regulars, as the Sacred Congregation over Bishops and Regulars declared in the year 1587, of which Sorbus in Compend. Privilig. Mendic. v. Appellare, and Lezana notes t. 1. cap. 9. num. 7. with D. Bonau. in spec. animae, cap. 1. §. Item ex tertio.

> *Et hoc etiam regularibus concessum est, ut declaravit Sacra Congregatio super Episcopos, et Regulares, anno 1587. de quo Sorbus in Compend. Privilig. Mendic. v. Appellare, et notat Lezana t. 1. cap. 9. num. 7. cum D. Bonau. in spec. animae, cap. 1. §. Item ex tertio.*

3 So that not only one condemned from indicia, but even one convicted can appeal, l. 2. §. 1. where the Glossa Bart. Cyn. and Castrens. Cod. whose appell. Vivian. opinione 50. Guaz defens. 36. cap. 11. Farinac. quaest. 101. num. 131. Scacc. de appell. quaest. 17. lim. 4. num. 7. asserting this to be the common opinion.

> *Ut non modo ex inditiis condemnatus, sed etiam convictus appellare queat l. 2. §. 1. ubi Glossa Bart. Cyn. et Castrens. Cod. quorum appell. Vivian. opinione 50. Guaz defens. 36. cap. 11. Farinac. quaest. 101. num. 131. Scacc. de appell. quaest. 17. lim. 4. num. 7. asserens communem esse.*

4 That one who is not aggrieved cannot appeal, all teach with Baldus on the Leg. un. Bartolo Castrensi, Salyceto, Cod. whose appell. Scac. quaest. 5. num. 94. See below on the Aduocato quaest. 6.

> *Non gravatum vero appellare non posse, docent omnes cum Baldo in Leg. un. Bartolo Castrensi, Salyceto, Cod. quorum appell. Scac. quaest. 5. num. 94. Vide infra de Aduocato quaest. 6.*

5 Therefore one who has confessed, and one convicted, for that reason they say cannot appeal, unless he brings forward some grave cause. See Farinacium quaest. 101. num. 143. Scac. quaest. 17. lim. 4. num. 15.

> *Confessum igitur, et convictum, ideo dicunt appellare non posse, nisi aliquam gravem causam afferat. Vide Farinacium quaest. 101. num. 143. Scac. quaest. 17. lim. 4. num. 15.*

6 Since therefore the Judge proceeds by the right order, and there is no cause for the Accused, because the sentence has been laid down according to the sense of the Doctors, it is not licit to appeal.

> *Cum itaque recto ordine Iudex procedit, et nulla Reo est causa, eo quod sententia lata sit iuxta Doctorum sensum, non licet appellare.*

7 Three conditions they require for a just appeal. The first is, that it be made within ten days. The second, that the Judge be ordinary, or delegate, not arbiter. The third, that one not be appealed more than three times from the same sentence. So Tanner. disp. 4. quaest. 4. dub. 5. See other conditions in Sylvestro under the word appellatio.

Tres conditiones requirunt ad iustam appellationem. Prima est, ut fiat inter decem dies. Secunda, ut Iudex sit ordinarius, vel delegatus, non arbiter. Tertia, ut non plusquam ter appelletur ab eadem sententia. Ita Tanner. disp. 4. quaest. 4. dub. 5. Vide alias conditiones in Sylvestro verbo appellatio.

8 But if the sentence is manifestly iniquitous, one can appeal even without those conditions. So Tanner. num. 100. with Valentia quaest. 11. p. 3.

Si vero manifeste iniqua est sententia, potest appellari etiam sine illis conditionibus. Ita Tanner. num. 100. cum Valentia quaest. 11. p. 3.

9 But here a grave question occurs: Whether when the Judge has judged according to the more probable opinion, the appeal is licit.

Occvrrit vero hic gravis quaestio: An quando Iudex iudicavit secundum probabiliorem sententiam, licita sit appellatio.

10 I SUPPOSE, however, that the Judge is bound in judging to follow the more probable opinion. So commonly at Sanchez *Tom. 1. Lib. 1. cap. 9. num. 37.* and Dianam *part. 2. Tract. 13. resol. 3.*

SUPPONO autem, Iudicem teneri in iudicando sequi probabiliorem sententiam. Ita communiter apud Sanchez Tom. 1. Lib. 1. cap. 9. num. 37. *et Dianam* part. 2. Tract. 13. resol. 3.

11 THAT, however, in absolving and condemning he might act on a probable opinion, leaving the more probable aside, many have taught, at Sanchez *num. 46.* Dianam *part. 2. tract. 13. resol. 3.* where he reports Alvarez, Bonacina, Lorcam, Ruam, Delrium. Others subscribe to these at Dianam *part. 3. in addit. secundariis, resolutione 13.*

QUOD tamen in absolvendo, et condemnando possit opinione probabili, relicta probabiliori, docuere multi apud Sanchez num. 46. *Dianam* part. 2. tract. 13. resol. 3. *ubi refert Alvarez, Bonacinam, Lorcam, Ruam, Delrium. His subscribunt alii apud Dianam* part. 3. in addit. secundariis, resolutione 13.

12 INDEED I in *prima secunda, Tract. 2. disp. 17. de opinione probabili* judged that in criminal matters the Judge ought to hold that opinion which favors the Accused, even if less probable. So with Diana *part. 3. addit secund. resol. 13.* from which it follows that if he judges, following the more probable opinion against the Accused, the latter can appeal. In this, however, there is a great controversy: Whether he can licitly appeal.

EGO quidem prima secunda, Tract. 2. disp. 17. de opinione probabili *censui, in criminalibus debere Iudicem tenere opinionem illam, quae favet Reo, etiamsi minus probabilem. Ita cum Diana* part. 3. addit secund. resol. 13. *ex quo fit, ut si iudicet, probabiliorem sequendo contra Reum, possit is appellare. In hoc vero est grandis controversia: An licite appellare queat.*

13 The FIRST opinion entirely denies it. So Petrus Ledesma *tom. 2. tract. 8. cap. 24. concl. 8. diff. 2.* adducing Bannes, and it is held by those who say the Judge is not obliged, for the favor of the Accused, to follow even a less probable opinion. Sancius in *select. disp. 44. num. 52.* Bonacina *de Legibus, disp. 2. quaest. 4. puncto 9. num. 15.* Philippus dictus noster *quaest. 143. num. 6.*

PRIMA opinio penitus negat. Ita Petrus Ledesma tom. 2. tract. 8. cap. 24. concl. 8. diff. 2. *adducens Bannem, et eam tuentur illi, qui dicunt non obligari Iudicem ad favorem Rei sequi etiam minus probabilem. Sancius in* select. disp. 44. num. 52. *Bonacina* de Legibus, disp. 2. quaest. 4. puncto 9. num. 15. *Philippus dictus noster* quaest. 143. num. 6.

14 BUT woe, woe to the Accused, the Advocates, and the Procurators (Diana cries out, *part. 3. resol. 104.*) if that opinion were true. Therefore he asserts that the Accused can in this case appeal on account of a cause of blood, with Ioan de la Cruz *in direct. part. 1. pract. 8. art. 3. dub. 11. concl. 2.* Salon *2. 2. q. 69. art. 3. concl. 2.* Sylvius inclines *in 2. 2. D. Thom. quaest. 64. art. 5.* and Turrianus holds it absolutely *2. 2. Tom. 2. disp. 51. dub. 1.*

> *SED vae, vae Reis, Advocatis, et Procuratoribus (clamat Diana* part. 3. resol. 104.*) si ea opinio esset vera. Itaque asserit, posse Reum in hoc casu, ob causam sanguinis appellare, cum Ioan de la Cruz* in direct. part. 1. pract. 8. art. 3. dub. 11. concl. 2. *Salon* 2. 2. q. 69. art. 3. concl. 2. *Inclinat Sylvius* in 2. 2. D. Thom. quaest. 64. art. 5. *et absolute eam tenet Turrianus* 2. 2. Tom. 2. disp. 51. dub. 1.

15 I ADD with Diana, against Salonium, Sylvius above, and Malderum *2. 2. tract. 6. cap. 3. dub. 4.* that this is true also in civil causes, even if the inferior Judge has rendered sentence according to the more probable opinion. Which opinion Cruz holds only in the case where the appellant is in possession; but Diana says it is always true generously, provided the contrary opinion, for which the appeal is made, be probable.

> *ADDO cum Diana, contra Salonium, Sylvium supra, et Malderum* 2. 2. tract. 6. cap. 3. dub. 4. *hoc verum etiam in causis civilibus, etiamsi Iudex inferior sententiam tulerit secundum sententiam probabiliorem. Quam sententiam Cruz tenet solum in casu, quo appellans sit in possessione; sed semper veram ait Diana generose, dummodo contraria opinio, pro qua appellatur, probabilis sit.*

16 YOU WILL SAY. In a civil cause the superior Judge will be bound to judge according to the more probable opinion, as you said in prima secundae, at the place cited, and the inferior has already judged according to this.

> *DICES. In causa civili tenebitur Iudex superior iudicare secundum probabiliorem, ut dixisti prima secundae, loco cit. et secundum hanc iudicavit iam inferior.*

17 Diana answers that the Judge can judge according to a probable opinion, leaving the more probable aside, as the Doctors teach, whom he adduced in *Tract. de Parlam. resol. 20. and Tract. de opinione probabili resol. 3.*

> *RESPONDET Diana, posse Iudicem iudicare secundum opinionem probabilem, relicta probabiliori, ut docent Doctores, quos adduxit* Tract. de Parlam. resol. 20. et Tract. de opinione probabili resol. 3.

18 But the RATIONALE in the criminal case is more solid, because it is licit to defend one's life by an honest means. Therefore the appellant, resting on a probable opinion, acts reasonably and licitly; why then is he compelled to undergo death, if he is held on a probable basis to defend his life?

> *RATIO vero pro criminali solidior est, quia tueri vitam via honesta licet. Itaque appellans, nixus opinione probabili, rationabiliter, et licite operatur; cur igitur is cogitur subire mortem, si probabiliter tenetur vitam tueri?*

19 THIS follows more concerning reputation than concerning the goods of riches: For reputation is a good which for the most part I preserve for myself without the loss of any good in another nearby; But riches, if they are given to me, are taken away from another.

> *HOC magis de fama, quam de bonis divitiarum sequitur: Nam fama est bonum, quod plerumque mihi conservo sine amissione alicuius boni in proximo; At opes, si mihi dantur, auferuntur ab alio.*

Question X: Whether, and how, the accused can defend himself

1 The ACCUSED, if he confesses the crime, will leave only slight means of defense for his cause; for in one who has confessed there are no parts for the Judge, except condemning, as Clarus notes, *§. fin. quaest. 65.* Farinacius *quaest. 81.* and others at these places.

> ***An, et quomodo REUS se defendere possit.***
>
> *REUS, si confiteatur delictum, modicam relinquet suae causae defensionem; nam in confessum Iudicis partes non sunt, nisi condemnando, ut notat Clarus,* §. fin. quaest. 65. *Farinacius* quaest. 81. *et alii apud hos.*

2 SIMILARLY while he is convicted by two witnesses, who are contestes, as Farinac. notes, *quaest. 63. num. 133.* For two witnesses suffice in every cause for perfect proof, *cap. in omni negotio, de testibus.* But who are contestes I shall say in *disp. 30.*

> *SIMILITER dum est convictus per duos testes, qui sint contestes, ut notat Farinac.* quaest. 63. num. 133. *Duo enim testes sufficiunt in omni causa ad perfectam probationem,* cap. in omni negotio, de testibus. *Qui autem sint contestes dicam* disp. 30.

3 THEREFORE the Accused can then be condemned just as if he had confessed, *Leg. qui sententia,* and there the Doctors *Cod. de custodia reorum, cap. At si clerici.* where all. See Farinac. *quaest. 81.*

> *TUNC igitur ita potest condemnari Reus, ac si esset confessus,* Leg. qui sententia*, et ibi Doctores* Cod. de custodia reorum, cap. At si clerici. *ubi omnes. Vide Farinac.* quaest. 81.

4 YET by Canon law, on one convicted a lesser penalty is to be imposed, as the Doctors teach with Farinac. *loco cit.*

> *TAMEN de iure Canonico convicto, minor est poena imponenda, ut docent DD. cum Farinac.* loco cit.

5 BUT the contestes ought to be sworn, and exempt from every exception, *Leg. ubi numerus, ff. de testibus, cap. in omni negotio, on the same title.*

> *DEBENT autem contestes esse iurati, et omni exceptione maiores,* Leg. ubi numerus, ff. de testibus, cap. in omni negotio, eodem tit.

6 The Accused is found convicted also by undoubted indicia *Leg. 2. Cod. quorum appellatio.* Likewise by an instrument made by mandate, or by the consent of the Accused. By these three modes he is convicted *Leg. sciant cuncti,* where Bal. and Sylvius *in sum. Cod. de prob.* and Farinacius *quaest. 84.*

> *CONVICTUS reperitur Reus etiam indiciis indubitatis* Leg. 2. Cod. quorum appellatio. *Similiter instrumento de mandato, seu de consensu Rei facto. His tribus modis convincitur* Leg. sciant cuncti*, ubi Bal. et Sylvius* in sum. Cod. de prob. *et Farinacius* quaest. 84.

7 BY the way of Notoriety also the Accused is convicted, as Boss. has, *tit. de convictis, and tit. quomodo procedatur in crimine notorio.* We speak, however, of a Notorious fact.

> *PER viam etiam Notorii convincitur Reus, ut habet Boss.* tit. de convictis, et tit. quomodo procedatur in crimine notorio. *Loquimur autem de Notorio facti.*

8 A fact is called notorious, moreover, when it has been committed before the whole people, or its greater part. So Cyn. whom Clar. follows *in §. fin. quaest. 9.* Farinac. *quaest. 21. num 41.* and others at his side.

DICITUR autem notorium factum, quando coram toto populo, vel eius maiori parte factum est. Ita Cyn. quem sequitur Clar. in §. fin. quaest. 9. *Farinac.* quaest. 21. num 41. *et alii apud eum.*

9 MOREOVER, the Accused can legitimately defend himself in many ways.

CAETERUM, se multis modis potest Reus legitime defendere.

10 The FIRST is by inducing the nullity of the process, whether by alleging a defect of jurisdiction, which is the foundation. Guaz. *defens. 1. cap. 1.* Bald. *in Rubr. Cod. si a competente Iudice;* For that is unjudged which is done by one not having the right of judging; *Lib. 1. ff. haec autem, ff. quod quisque iuris.*

PRIMUS est nullitatem processus inducendo, sive allegando defectum iurisdictionis, quae est fundamentum. Guaz. defens. 1. cap. 1. *Bald.* in Rubr. Cod. si a competente Iudice; *Est enim iniudicatum, quod a non habente ius dicendi, fit;* Lib. 1. ff. haec autem, ff. quod quisque iuris.

11 BUT it lacks jurisdiction for many reasons, as Guaz. reports, *defens. 1. cap. 21.* and on the Judge suspect Laurentius a Benevento published an entire volume.

MULTIS autem ex capitibus caret iurisdictione, ut refert Guaz. defens. 1. cap. 21. *et de Iudice suspecto integrum volumen edidit Laurentius a Benevento.*

12 The SECOND is, if there be no constancy regarding the body of the crime, Guaz. *defens. 4. Bouer. decis. 259.*

SECUNDUS est, si non constet de corpore delicti, Guaz. defens. 4. Bouer. decis. 259.

13 The THIRD, if the Accused has not been legitimately cited, Guaz. *defens. 10. Farinac. consil. 14.*

TERTIUS, si Reus non est legitime citatus, Guaz. defens. 10. Farinac. consil. 14.

14 The FOURTH, unless a copy of the process has been offered, Guaz. *defens. 22. and 24.* So Paul V. decreed in his Constitution for the Roman Curia.

QUARTUS, nisi oblata fuerit copia processus, Guaz. defens. 22. et 24. *Ita decrevit sua Constit. Paulus V. in Romana Curia.*

15 There are many other modes by which the process is made null, from illegitimate testimony, series, etc.

MULTI sunt alii modi, quibus processus fit nullus ex illegitima testificatione, serie, etc.

16 SIMILARLY from the denial of the Accused, grave defenses are brought forth.

SIMILITER ex negatione Rei, graves defensiones eruuntur.

17 Therefore, when the Plaintiff, or the fisc, does not prove, and the Accused denies, the Accused is to be absolved, Clar. *quaest. 62. Guaz. defensione 29.*

Itaque Actore, vel fisco non probante, et Reo negante, absolvendus est Reus, Clar. quaest. 62. Guaz. defensione 29.

18 Thus the best defense will be, if the Accused shows that what he did was done licitly, Clar. §. fin. quaest. 56. where Alexand. Iason, Decius, who says; the whole world follows this doctrine, and the fact is always to be interpreted in favor of the Accused, Guaz. defens. 29.

Sic optima erit defensio, si ostendat Reus, licite fieri id, quod fecit, Clar. §. fin. quaest. 56. ubi Alexand. Iason, Decius, qui ait; hanc doctrinam totus mundus sequitur, et semper in favorem Rei interpretandum factum, Guaz. defens. 29.

19 So also, if it is shown that the fact is not punishable, Guaz. defens. 2. even if it were otherwise punishable. But nearly all crimes are prescribed by a space of twenty years, Leg. Querela Cod. de falsis. Farinac. quaest. 10. Guaz. with others there, defens. 2.

> *Sic etiam, si ostendatur factum non esse punibile, Guaz. defens. 2. et si alias fuerit punibile. Omnia autem delicta fere spatio viginti annorum praescribuntur Leg. Querela Cod. de falsis. Farinac. quaest. 10. Guaz. cum aliis ibi, defens. 2.*

20 For there are some crimes which are not prescribed, as the supposition of a birth, Farinac. quaest. 10. n. 29. Guaz. defens. 2. num. 2. Likewise not parricide, Farinac. num. 29. Guaz. num. 78. The same of the nefarious vice, Guaz. num. 29. and others there.

> *SUNT enim aliqua delicta, quae non praescribuntur, ut suppositio partus, Farinac. quaest. 10. n. 29. Guaz. defens. 2. num. 2. Similiter nec parricidium, Farinac. num. 29. Guaz. num. 78. Idem de vitio nefando, Guaz. num. 29. et alii ibi.*

21 SIMILARLY neither the crime of lèse-majesté, heresy, assassination, false coinage, simony, abortion are ever prescribed, Guaz. num. 81. Farinac. num. 29. and 90.

> *SIMILITER nec crimen laesae Maiestatis, haeresis, assassinii, falsae monetae, simoniae, abortus nunquam praescribuntur, Guaz. num. 81. Farinac. num. 29. et 90.*

22 There is also a good defense, if he proves that there were not present indicia sufficient for the inquisition. Clar. quaest. 20. Farinac. quaest. 1. For then there is no inquisition. See other matters in the said Tract. 8.

> *EST etiam bona defensio, si probet, non affuisse inditia ad inquisitionem sufficientia. Clar. quaest. 20. Farinac. quaest. 1. Tunc enim nulla est inquisitio. Vide alia in dicto Tract. 8.*

23 AS TO violent defenses of flight, breaking of prison, and the like, I have spoken in the Tract. de Legibus, disp. 5. quaest. 10. and in the Dispm. de Iudice here: and I shall speak in the following quaest.

> *QUOAD defensiones violentas fugae, fractionis carceris, et similes, dixi Tract. de Legibus, disp. 5. quaest. 10. et Dispm. de Iudice hic: et dicam quaest. sequenti.*

24 For it is CERTAIN first, that one condemned from an iniquitous initiation of the cause, which the Judge had conducted without observing the order, can defend himself even with injury to the Judge; So D. Thom. 2. 2. quaest. 69. art. 4. Caietanus there, Sotus Lib. 5. de iust. quaest. 3. art. 4. Fagundez L. 8. cap. 32. num. 4.

> *CERTUM est enim primo, damnatum ex iniqua institutione causae, quam fecerat Iudex non servato ordine, posse se defendere cum Iudicis etiam laesione; Ita D. Thom. 2. 2. quaest. 69. art. 4. Caietanus ibi, Sotus Lib. 5. de iust. quaest. 3. art. 4. Fagundez L. 8. cap. 32. num. 4.*

25 But if he has been condemned through the error of the Judge, he cannot inflict violence on the Judge. So D. Thom. at the place cited. Sotus art. 5. Lessius Lib. 2. cap. 31. de Reo, et Advoc. disp. 4. num. 24. Filliucius tomo 2. tract. 40. in octavum praeceptum, cap. 9. num. 268. Innocent. in cap. Quia plerique, de Immunitate Ecclesiae. Fagundez at the place cited, num. 2.

> *Si vero ex errore Iudicis damnatus sit, non potest vim Iudici inferre. Ita D. Thom. loco cit. Sotus art. 5. Lessius Lib. 2. cap. 31. de Reo, et Advoc. disp. 4. num. 24. Filliucius tomo 2. tract. 40. in octavum praeceptum, cap. 9. num. 268. Innocent. in cap. Quia plerique, de Immunitate Ecclesiae. Fagundez loco citato, num. 2.*

Question XI: Whether the accused can flee, and how, and when

1 The COMMON opinion of all the Doctors is that the Accused, once taken into custody and inquired against with death or mutilation, can licitly flee before the sentence. So D. Thom. 2. 2. q. 69. art. 4. ad 2. Lessius Lib. 2. cap. 31. dub. 5. num. 31. Filliucius tract. 40. in octavum praeceptum decal. cap. 9. num. 270. Couar. lib. 11. variarum, cap. 2. num. 7. Sotus lib. 5. de iustitia, quaest. 6. art. 4. Sà V. Reus, num. 9. Aragon. 2. 2. quaest. 69. art. 4. Vasquez prima secunda, disp. 174. Sylvest. et Angel. V. Fugere, Nauar. sum. Lat. cap. 17. num. 102. Driedo Lib. 2. de libertate Christiana, cap. 6. Maior 4. dist. 15. quaest. 22. Fagundez in 8. praeceptum, Lib. 8. cap. 33. Tannerus disp. 4. quaest. 4. dub. 6.

> ***An Reus possit fugere, et quomodo, ac quando.***
>
> *COMMUNIS omnium Doctorum sententia est, posse Reum custoditum, inquisitum ad mortem, vel mutilationem, ante sententiam licite fugere. Ita D. Thom. 2. 2. q. 69. art. 4. ad 2. Lessius Lib. 2. cap. 31. dub. 5. num. 31. Filliucius tract. 40. in octavum praeceptum decal. cap. 9. num. 270. Couar. lib. 11. variarum, cap. 2. num. 7. Sotus lib. 5. de iustitia, quaest. 6. art. 4. Sà V. Reus, num. 9. Aragon. 2. 2. quaest. 69. art. 4. Vasquez prima secunda, disp. 174. Sylvest. et Angel. V. Fugere, Nauar. sum. Lat. cap. 17. num. 102. Driedo Lib. 2. de libertate Christiana, cap. 6. Maior 4. dist. 15. quaest. 22. Fagundez in 8. praeceptum, Lib. 8. cap. 33. Tannerus disp. 4. quaest. 4. dub. 6.*

2 He cannot, however, injure the ministers of justice, by whom he is not injured contrary to justice, as Diana notes, part. 3. Tract. 5. resol. 102.

> *NON potest tamen laedere ministros iustitiae, a quibus non laeditur contra iustitiam, ut notat Diana part. 3. Tract. 5. resol. 102.*

3 But when a sentence unjust has been laid down, he can flee even by injuring those resisting: for he uses his own right.

> *LATA vero sententia iniusta, potest etiam laedendo resistentes, fugere: nam utitur iure suo.*

4 But there can be a QUESTION: whether one justly condemned to death, or to the loss of some member, or to infamy, or to the Galleys, or to perpetual imprisonment, can flee, and break the prisons.

> *QUAESTIO vero esse potest: an iuste damnatus capite, vel membro aliquo, vel infamia, aut ad Triremes, vel carcere perpetuo, possit fugere, et carceres frangere.*

5 The FIRST opinion is that of Henrici de Gandavo quodlib. 9. quaest. 25. Sylvester V. Accusatio. Couar. Lib. 1. variar. cap. 2. at Dianam, denying that such a one can flee by breaking the prison.

> *PRIMA sententia est Henrici de Gandavo quodlib. 9. quaest. 25. Sylvester V. Accusatio. Couar. Lib. 1. variar. cap. 2. apud Dianam, negans, posse talem fugere, frangendo carcerem.*

6 Yet the COMMON opinion is affirmative, as to flight. So D. Thom. 2. 2. quaest. 69. art. 4. with Caietanus there, Sotus at the place cited. Lessius num. 33. Filliucius at the place cited. Sà V. Reus. Sylvester V. Accusatio, num. 12. and at the place cited. Tabien. V. Carcer. Vasquez at the place cited. cap. 17. And commonly the Canonists on the Clementina Pastoralis de re iudicata; indeed Couar. Lib. 1. var. cap. 2. n. 11. adds that the Judge cannot punish this flight. The same Cruz teaches p. p. part. 8. art. 3. disput. 12. Villalob. tom. 2. tract. 16. diff. 11. num. 16. Sylvius 2. 2. quaest. 69. art. 4. quaestione 2. who cites Bannes, and Salonium. Azorium part. 3. lib. 13. cap. 24. Turrianus 2. 2. disp.

51. dub. 3. with others commonly, to whom Diana above, and Fagundez subscribe. All indeed agree concerning the penalty of death and mutilation.

> *COMMUNIS tamen sententia est assertiva, quo ad fugam. Ita D. Thom. 2. 2. quaest. 69. art. 4. ubi Caietanus, Sotus loco cit. Lessius num. 33. Filliucius loco cit. Sà V. Reus. Sylvester V. Accusatio, num. 12. et loco cit. Tabien. V. Carcer. Vasquez loco cit. cap. 17. Et communiter Canonistae in Clementina Pastoralis de re iudicata; imo Couar. Lib. 1. var. cap. 2. n. 11. addit, non posse Iudicem hanc fugam punire. Idem docent Cruz p. p. part. 8. art. 3. disput. 12. Villalob. tom. 2. tract. 16. diff. 11. num. 16. Sylvius 2. 2. quaest. 69. art. 4. quaestione 2. qui citat Bannem, et Salonium. Azorium part. 3. lib. 13. cap. 24. Turrianus 2. 2. disp. 51. dub. 3. cum aliis communiter, quibus subscribunt Diana supra, et Fagundez. Omnes quidem de poena mortis, et mutilationis consentiunt.*

7 It is PROVED from D. Thom. because no one can be compelled to something in which death follows close upon him, unless the reason of the public good demands it.

> *PROBATUR a D. Thom. quia nemo potest cogi ad aliquid, in quo ei mors proxime succedat, nisi ratio boni publici id exigat.*

8 Many of these agree even concerning those condemned to prison, or perpetual exile, and servitude, or confinement to places pestilential in the air. So Lessius cap. 31. Fagundez, Salon. and others.

> *MULTI ex his consentiunt etiam de damnatis ad carcerem, vel exilio perpetuo, ac servitute, vel de confinio ad loca pestifera aëris. Ita Lessius cap. 31. Fagundez, Salon. et alii.*

9 That he can even break the prison, Lessius, Filliucius, Nauar. Caietanus, Sotus, Salon, Sà, Vasquez above teach, and Driedo Lib. 2. de libertate Christ. cap. 6. Cruz, Villalobos, Sylvester above, and many say the same even if he has been condemned to prison for a time, Bonacina de Legibus, disp. 10. at Dianam, who subscribes with Tannerus 2. 2. disput. 4. quaest. 4. dub. 5. num. 103. and even if he has been condemned to the galleys.

> *QUOD vero possit etiam carcerem frangere, docent Lessius, Filliucius, Nauar. Caietanus, Sotus, Salon, Sà, Vasquez supra, et Driedo Lib. 2. de libertate Christ. cap. 6. Cruz, Villalobos, Sylvester supra, et multi etiam id dicunt, si damnatus sit carceri ad tempus, Bonacina de Legibus, disp. 10. apud Dianam, qui subscribit cum Tannero 2. 2. disput. 4. quaest. 4. dub. 5. num. 103. et etiamsi damnatus sit ad triremes.*

10 From which I deduce also, against Valentia disp. 5. quaest. 13. puncto 4. Sotum, Toletum, and Gtaffium at Malderum,[1] 2. 2. Tract. 6. cap. 3. disp. 7. that instruments can be supplied to him for breaking the prison. So Maldetus, and Diana at the place cited. Villalobos, Caietanus, Vasquez, Lessius, Cruz, Sylv. Bannes, Salon. Azorius, and Turrianus above; Religious, however, must be cautioned, because fleeing they give scandals.

[1] Editor's note: the print reads 'et Gtaffium apud Malderum'; the surname is OCR/print-corrupt and cannot be resolved with certainty (perhaps 'Graffium'); kept as printed in the Latin, rendered here as 'Gtaffium'.

> *Ex quo deduco etiam contra Valentiam disp. 5. quaest. 13. puncto 4. Sotum, Toletum, et Gtaffium apud Malderum 2. 2. Tract. 6. cap. 3. disp. 7. posse ipsi subministrari instrumenta ad confringendum carcerem. Ita Maldetus, et Diana loco cit. Villalobos, Caietanus, Vasquez, Lessius, Cruz, Sylv. Bannes, Salon. Azorius, et Turrianus supra; Religiosis tamen cavendum, quia fugientes scandala dant.*

11 Sylvius ADDS that it makes no difference, even if others also flee. So also Villalob. at the place cited, and Reginaldus tract. 2. Lib. 24. cap. 7. sect. 7. num. 152. and others.

ADDIT Sylvius, non referre, etiamsi alii etiam fugiant. Ita etiam Villalob. loco citato, ac Reginaldus tract. 2. Lib. 24. cap. 7. sect. 7. num. 152. et alii.

12 Nor will he be bound to make restitution of the damages that followed. So Diana, Cruz at the place cited. Tanacrus num. 104. Fagundez num. 15. in secundo responso, with Vasquez. The reason is, because one may assume the means necessary to a licit end.

NEQUE tenebitur restituere damna secuta. Ita Diana, Cruz loco cit. Tanacrus num. 104. Fagundez num. 15. in secundo responso, cum Vasquez. Ratio est, quia licet assumere media necessaria ad rem licitam.

13 Fagundez ADDS, with Filliucio, Angelo, Azorio, and Sayto, that it is licit to corrupt even the guards with money: But this does not please me, because the guards are bound by justice and a just oath to keep guard. Which argument Fagundez calls Achillean, who afterward too subtly says that it suffices to abstract by the intellect from inducing the guards.

ADDIT Fagundez cum Filliucio, Angelo, Azorio, et Sayto licere pecunia etiam corrumpere custodes: Sed mihi non placet, quia custodes ex iustitia, et iuramento iusto tenentur custodire. Quod argumentum Achilleum vocat Fagundez, qui nimis postea subtiliter ait, satis esse praescindere per intellectum ab inducendo custodes.

14 He answers second, that the Accused are bound only out of Charity to avoid the sin of injustice of the guards, which they are not bound to avoid at so great an inconvenience to themselves. Therefore if, from the sole intention of procuring their liberty, not of inducing the guards to evil, they induce it, they do not sin.

RESPONDET secundo, Reos solum ex Charitate teneri vitare peccatum iniustitiae custodum, quod vitare non tenentur tanto suo incomodo. Itaque si ex intentione sola procurandi suam libertatem, non inducendi custodes ad malum, inducant, non peccant.

15 Yet this answer is not good. For how can I directly induce the guards to open, and not intend to induce them to the act forbidden by oath?

HAEC tamen responsio non est bona. Quomodo enim directe possum inducere custodes ad aperiendum, et non intendere inducere eos ad actum vetitum iuramento?

16 Nor is it even licit to give them a sleeping potion to seize the keys, or to make them drunk, as Fagundez says num. 15. because this is mortal.

NEQUE etiam licet dare illis potionem somniferam ad claves arripiendas, vel inebriare, ut ait Fagundez num. 15. quia hoc est mortale.

17 It is doubted, however, whether others can help these by filing the chains, iron, etc. All constantly deny it, at Fagundez num. 19. for this is gravely to violate the public custody to the detriment of the good of the Republic.

Dubitatur vero an possint alii hos adiuvare radendo catenas, ferra, etc. Negant omnes constanter apud Fagundez num. 19. nam hoc est custodiam publicam in detrimentum boni Reipublicae gravis violare.

18 Nor is it the same concerning one who persuades, or supplies the iron; for he is a mere instrument, and has no other malice than that of the principal cause; But the breakers are the principal causes.

> *Neque est simile de suadente, vel ferrum praebente; is enim est merum instrumentum, et non habet aliam malitiam a causa principali; Frangentes vero sunt causae principales.*

Disputation XXX: On Witnesses

1 Since the whole truth of the Judgment hangs on the words of the Witnesses, the Judge ought before all else to be most well instructed in examining these with the greatest care, whose first duty in this office is to admonish the witnesses how grave and criminal a thing is the crime of falsehood; second, he is bound to commit to writing the things which they depose against or for the Accused; and if he believes them reasonably suspect, in the sifting of the truth he ought to employ every diligence, and even acuteness; yet not suggestion, or cavillation: Third, he is bound to search out all the circumstances of the fact, from which its gravity, or levity can be discerned; finally, omitting all the crimes of the witnesses themselves, except those which plead unfitness; he ought not, however, to examine Clerics, or Religious without the license of their superiors; yet once examined they are bound; These things seen, we must speak of the obligation of the witnesses themselves.

> *Tota Iudicii veritas e Testium dictis cum pendeat, in his apprime examinandis debet ante omnia Iudex esse optime instructus, cuius primum in hoc munere officium est testes admonere, quam graue et facinorosum sit falsitatis crimen; secundo, scriptis tenetur mandare, ea quae contra vel pro Reo, deponunt, quos si rationabiliter suspectos credat, in veritatis excussione omnem debet solertiam, etiam et argutiam adhibere; non tamen suggestionem, aut cavillationem: Tertio perscrutari tenetur omnes facti circumstantias, ex quibus gravitas eius, vel levitas dignosci queat; denique omnia ipsorum testium crimina praetermittendo, praeter ea quae inhabilitatem obtendunt; non debet autem Clericos, aut Religiosos absque superiorum licentia examinare; examinati tamen tenent; His visis, de testium ipsorum obligatione dicendum est.*

Question I: Whether anyone is sometimes bound to bear witness

1 When proceedings are conducted by way of denunciation or accusation, the witnesses are already presumed to be named. When, however, by special inquisition, they come forward of their own accord when requested, or are named by those requested. That witnesses are at times bound to answer the truth is certain, when the Judge exercises his power justly.

> *Cum proceditur per viam denunciationis, vel accusationis, nominati iam supponuntur testes. Cum vero per inquisitionem specialem, seipsos produnt requisiti, vel a requisitis nominantur. Teneri autem aliquando Testes respondere veritatem, certum est, cum Iudex exerceat iuste suam potestatem.*

2 Therefore, if a witness is juridically interrogated, he is bound to answer out of obedience and Charity: whether, however, he is also bound out of Justice.

> *Igitur si iuridice testis interrogetur, tenetur ex obedientia, et Charitate respondere: An vero teneatur etiam ex Iustitia.*

3 The negative opinion is upheld by Sylvius 2. 2. quaest. 71. art. 1. quaeritur 1. concl. 6. Ioan. de Cruz part. 1. pract. 8. art. 4. disp. 13. concl. 6. Pitig. prac. part. 2. cap. 6. fol. 191. It pleases Julius Clar. L. 5. sent. §. falsum, num. 19., who nevertheless speaks paradoxically; Valencia disp. 5. quaest. 14. puncto 1.

> *Negativam sententiam astruunt Syluius 2. 2. quaest. 71. art. 1. quaeritur 1. concl. 6. Ioan. de Cruz part. 1. pract. 8. art. 4. disp. 13. concl. 6. Pitig. prac. part. 2. cap. 6. fol. 191. arridet Iulius Clar. L. 5. sent. §.falsum, num. 19. qui tamen paradoxe loquitur, Valentia disp. 5. quaest 14. puncto 1.*

4 The second opinion is that persons of this sort sin against Justice and are bound to restitution. So St. Thomas 2. 2. quaest. 70. art. 4. in corpore. Navarr. sum. Lat. cap. 25. num. 40. and 41. Lessius Lib. 2. cap. 30. dub. 8. num. 54. Filliucius Tom. 2. tract. 4. cap. 8. n. 288. Salon 2. 2. quaest. 70. art. 1. Sotus Lib. 2. de Iust. quaest. 7. art. 1. Bannes loco cit. D. Thom. (though Valencia is falsely alleged.) Petrus Nauarrus, Fagundez on the tenth precept Lib. 8. cap. 42. Malder. 2. 2. tract. 6. cap. 2. disp. 9. Turrianus 2. 2. disp. 52. num. 2. Azor. part. 3. lib. 13. cap. 27. dub. 4. Medina, Sotus, Orellana, and others in Diana part. 3. tract. 5. resol. 101, among them Octauianus Spartatius in pract. regul. tract. 7. cap. 11. num. 7. Molina Tom. 1. de iust. tract. 2. disp. 83. §. de teste, and tom. 4. disp. 700. num. 4. teaches that a witness who either speaks falsely in judgment or keeps silent about the truth sins against justice and is bound to restitution of damages; but that if by fraud, flight, or some fiction he has prudently declined the judgment, and by that declination has been the cause of damage, he is not bound to restitution; and that this is not improbable, says Lessius num. 59, where he says that on this point learned men of the University of Louvain were consulted by him, and so they answered him. Diana judges it more probable, and Villalobos tomo 2. tract. 12. diffi. 23. num. 12. Tanner indicates it disput. 4. quaest. 4. dub. 6. number 110. Bassaeus says this is most probable, V. Testis 11.

> *Secunda sententia est, huiusmodi, contra Iustitiam peccare, et ad restitutionem teneri. Ita D. Thomas 2. 2. quaest. 70. art. 4. in corpore. Nauar. sum. Lat. cap. 25. num. 40. et 41. Lessius Lib. 2. cap. 30. dub. 8. num. 54. Filliucius Tom. 2. tract. 4. cap. 8. n. 288. Salon 2. 2. quaest. 70. art. 1. Sotus Lib. 2. de Iust. quaest. 7. art. 1. Bannes loco cit. D. Thom. (Valentia vero falso allegatur.) Petrus Nauarrus, Fagundez in decimum praeceptum Lib. 8. cap. 42. Malder. 2. 2. tract. 6. cap. 2. disp. 9. Turrianus 2. 2. disp. 52. num. 2. Azor. part. 3. lib. 13. cap. 27. dub. 4. Medina, Sotus, Orellana, et alii apud Dianam part. 3. tract 5. resol. 101. inter quos Octauianus Spartatius in pract. regul. tract. 7. cap. 11. num. 7. Molina Tom. 1. de iust. tract. 2. disp. 83. §. de teste, et tom. 4. disp. 700. num. 4. docet, testem, qui vel falsum dicit in iudicio, vel verum tacet, contra iustitiam peccare, et ad restitutionem teneri damnorum; at vero si fraude, fuga, fictioneve aliqua, caute iudicium declinauerit, et ea declinatione fuerit in causa damni, non teneri ad restitutionem; et hoc non esse improbabile, ait Lessius num. 59. ubi de hoc a se consultos, ait, viros doctos Louaniensis Academiae, et ita sibi respondisse. Eam probabiliorem censet Diana, et Villalobos tomo 2. tract. 12. diffi. 23. num. 12. Indicat Tanner. disput. 4. quaest. 4. dub. 6. numero 110. Hanc probabilissimam esse ait Bassaeus, V. Testis 11.*

5 This seems to me the opinion of St. Bonaventure p. p. censil. sect. 13. and in the Mirror of the Soul, cap. 1, in which places he numbers among Detractors, liable to restitution, those who keep silent against a detractor when they know the slandered person to be innocent. Now the reason is the same, and the necessity and obligation; indeed greater in the case of one who, summoned juridically to judgment to defend the truth and innocence of someone, either evades the judgment or in judgment keeps silent about the truth.

> *Haec mihi videtur sententia D. Bonaventurae p. p. censil. sect. 13. et in speculo animae, cap. 1. quibus locis inter Detractores, restitutioni obnoxios, numerat tacentes contra detrahentem, cum sciant, infamatum esse insontem. Est autem eadem ratio, necessitasque et obligatio; imo maior eius, qui vocatus ad iudicium iuridice, ut veritatem, et innocentiam alicuius tueatur, vel subrefugit iudicium, vel in iudicio veritatem tacet.*

6 I assert, with this opinion, that such a person, so close to the one doing the damaging, sins against Justice.

> *Assero cum hac sententia, talem, ita proximum Damnificantem, contra Iustitiam peccare.*

7 *It is proved*, because he cooperates in the damaging of his neighbor, when he is bound not only to obey Justice, but also not to squander the goods of his neighbor to its damage — not only of the damaged party, but also of the whole Commonwealth, which will suffer grave detriment if a way is opened for hiding the truths of justice.

> Probatur, *quia is cooperatur Damnificationi proximi, cum teneatur non modo Iustitiae obedire, sed etiam res proximi non dissipare in damnum, non solum damnificati, sed etiam totius Reipublicae, quae graue patietur detrimentum, si via aperiatur ad veritates iustitiae occultandas.*

8 Therefore this obligation is enjoined by justice, lest Justice, by which Commonwealths are governed, perish; to which obligation all and singular those who are members of the Commonwealth are bound, whether they will or not: for the Commonwealth could impose an obligation of this kind for its own preservation: *For without justice Kingdoms and Empires are not preserved*, as Fagundez defers to the point at num. 14, and Lessius loco cit., after St. Bonaventure on Ecclesiastical Hierarchy, part. 2. cap. 2. and on cap. 6 of Wisdom.

> *Itaque haec obligatio ex iustitia iniuncta est, ne Iustitia, qua Respublicae gubernantur, pereat, ad quam obligationem velint, nolint, ex Iustitia tenentur omnes, et singuli, qui membra sunt Reipublicae; potuit enim huiusmodi obligationem Respublica imponere ad sui conseruationem:* Non enim sine iustitia Regna, et Imperia conseruantur, *ut ad rem differit Fagundez num. 14. et Lessius loco cit. post D. Bonavent. de Ecclesiast. Hierarchia, part. 2. cap. 2. et in cap. 6. sapientiae.*

9 From this the argument of Molina collapses, which was taken from the fact that, just as no one is bound to accept the office of tutor, so neither the parts of justice; and Diana's reason, that since before the judge's mandate he would not be bound by commutative justice, and after the mandate he is bound only by Legal justice, he is not bound by Commutative Justice.

> *Ex quo ruit argumentum Molinae, quod sumebatur ex eo, quod, sicuti nemo tenetur munus tutoris acceptare; Ita neque partes iustitiae; Et ratio Dianae, quod cum ante iudicis mandatum non teneretur ex iustitia commutatiua, et post mandatum teneatur solum ex iusticia Legali, non tenetur ex Commutatiua Iustitia.*

10 I add, however, that it is probable, as Diana subjoins with Malderus, that one who has imprudently damaged someone by his word, thinking himself legitimately interrogated about this, is not bound to restitution of the damage inflicted; he is bound, however, to retract it if he can.

> *Addo tamen, probabile esse, quod subdit Diana cum Maldero, eum, qui incaute suo dicto damnificauit aliquem, putans se de hoc legitime interrogatum, non teneri restitutioni damni illati; teneri tamen retractare, si potest.*

11 A question arises, however: whether a witness who doubts whether the Judge interrogates juridically is bound to answer.

> *Suboritur vero quaestio; num testis dubitans: an Iudex iuridice interroget, teneatur respondere.*

12 Pitigianus teaches affirmatively in *pract. crim. can. de secundo substantiali iudicii, c. 3. fol. mihi 175.*, and it seems the opinion of *St. Bonaventure*, as I said, *prima secundae, Tract. 2. disp. 17. de Conscientia dubia.* But the reason seems different here.

> *Assertive docet Pitigianus in* pract. crim. can. de secundo substantiali iudicii, c. 3. fol. mihi 175. *et videtur sententia* D. Bonavent. *ut dixi* prima secundae, Tract. 2. disp. 17. de Conscientia dubia. *Sed ratio videtur hic diversa.*

13 Yet they deny it: *Lessius lib. 2. cap. 31. dub. 3. num. 10. Sanchez tract. 2. lib. 6. cap. 3. num. 24. Salas prima secundae, quaest. 21. tract. 8. disp. unic. sect. 13. n. 155. Henriquez Lib. 14. cap. 3. in Glossa, letter X. Bannes, Sotus, Medina, and others cited by them, with whom Diana subscribes, part. 3. tract. 5. resol. 106.*

> *NEGANT tamen* Lessius lib. 2. cap. 31. dub. 3. num. 10. Sanchez tract. 2. lib. 6. cap. 3. num. 24. Salas prima secundae, quaest. 21. tract. 8. disp. unic. sect. 13. n. 155. Henriquez Lib. 14. cap. 3. in Glossa, littera X. Bannes, Sotus, Medina, et alii penes ipsos, quibus subscribit Diana part. 3. tract. 5. resol. 106.

14 I ASSERT, therefore, that the first opinion is probable.

> *ASSERO ergo, primam sententiam esse probabilem.*

15 The *reason of St. Bonaventure, which the others use, is*, that *in doubtful matters the condition of the possessor is better;* but the superior is in possession of the power of commanding; the subject is certainly a subject; but only merely doubtful for this case; but *St. Bonaventure* speaks only in relation to ordinary religious obedience; but in relation to judging the life of one's neighbor, by no means; because there is another grave reason on the opposite side, because that neighbor is in possession of life, honor, and wealth, and it is a most grave matter, and higher than the obedience owed to a superior, which rests almost solely on human law; and therefore he is bound not to prejudice the life of another who exists in possession, provided I sustain as doubtful the jurisdiction of Man in this matter.

> *RATIO* D. Bonavent. qua caeteri utuntur, est, *quia* in dubiis melior est conditio possidentis; *at superior est in possessione praecipiendi; subditus vero certo est subditus; at mere dubius solum pro hoc casu; sed* D. Bonavent. *loquitur solum in ordine ad obedientiam religiosam ordinariam; at vero in ordine ad iudicandam vitam proximi, nequaquam; quia est alia ratio gravis in oppositum, quia proximus ille est in possessione vitae, honoris, opum, atque est res gravissima, et altior, quam obedientia debita superiori, quae iure humano solo fere nititur; atque ideo tenetur, non praeiudicare vitae, alterius in possessione existentis, ut dubiam in hoc iurisdictionem Hominis sustineam.*

16 Therefore the second opinion seems to me truer, and more according to the mind of the Seraphic Doctor.

> *Ideo mihi videtur sententia secunda verior, et magis ad mentem Seraphici.*

17 They raise another question: whether, if the deed is notorious, but the perpetrator is hidden — for instance, if a slain corpse lies in the road and is recognized by the Judge, who inquires about the killer — the neighbors who know are bound to reveal it.

> *Aliam quaestionem instituunt: An si factum sit notorium; sed occultus patrator, puta si cadaver trucidatum iacet in via, et recognitum est a Iudice, qui inquirit de occisore, teneantur vicini scientes revelare.*

18 I SUPPOSE, from what was said in *disput. de Iudice, quaest. 8. dub. 3.*, that the Judge legitimately inquires in this manner about the Accused, nor do the Canons stand in the way: *cap. cum oporteat, cap. Inquisitionis, cap. Qualiter, et quando,* for there it is only prohibited that inquiry be made about someone in particular against whom no infamy has preceded, *e. g.* by suggesting: *Say: Whether Paul killed;* but in general.

> *SUPPONO ex dictis* disput. de Iudice, quaest. 8. dub. 3. *Iudicem legitime inquirere hoc pacto de Reo, nec obstare Canones* cap. cum oporteat, cap. Inquisitionis, cap. Qualiter, et quando, *ibi enim solum prohibetur, ne inquiratur de aliquo particulari, de quo non praecessit infamia,* v. g. *suggerendo:* Dic: An Paulus occiderit; *sed in genere.*

19 They ASSERT, therefore, that they are bound to answer and reveal: *Aragon. 2. 2. quaest. 69. art. 2. disp. ult. Ioan. Valer. in diff. utriusque fori, v. Inquisitio, num. 9. Miranda de ord. iudic. tom. 1. quaest. 6. art. 6. concl. 3. and others alleged in the place cited, especially our Father Eliseus.*

> *ASSERUNT igitur, teneri respondere, et revelare,* Aragon. 2. 2. quaest. 69. art. 2. disp. ult. Ioan. Valer. in diff. utriusque fori, v. Inquisitio, num. 9. Miranda de ord. iudic. tom. 1. quaest. 6. art. 6. concl. 3. et alii allegati loco citato, praecipue P. Eliseus noster.

20 Their REASON is that, since in the proposed case the judge has the right of proceeding for the sake of the common good to be preserved, and of interrogating witnesses manifestly, it follows that they themselves also are bound, for the sake of the same common good to be preserved, to speak the truth and reveal the accused; otherwise innumerable crimes would go unpunished, and a broad way would be opened to assassins for bloodshed.

> *RATIO eorum est, quia, cum iudex in proposito casu ius habeat procedendi propter bonum commune conservandum, et testes interrogandi manifeste; sequitur quod teneantur et ipsi, propter idem bonum commune conservandum, veritatem dicere, et reum revelare; alioqui innumera scelera impunita abirent, et aperiretur via ampla sicariis ad sanguinem.*

21 But that they are not yet bound, the Neoterics commonly teach, in *Diana p. p. Tract. 15. Miscell. resol. 63. So Turrianus tract. 2. in 2. 2. disp. 50. dub. 5. Filliucius tomo 2. tract. 40. cap. 6. num. 185. Lessius lib. 2. cap. 29. dub. 14. num. 118. Bonac. de Legibus disp. 10. quaest. 2. part. 5. num. 14. Navar. de restit. lib. 2. cap. 4. num. 67. Salon. 2. 2. tract. 1. quaest. 63. art. 2. controu. 7. and others.*

> *ENIM vero adhuc non teneri, docent communiter Neoterici apud* Dianam p. p. Tract. 15. Miscell. resol. 63. Sic Turrianus tract. 2. in 2. 2. disp. 50. dub. 5. Filliucius tomo 2. tract. 40. cap. 6. num. 185. Lessius lib. 2. cap. 29. dub. 14. num. 118. Bonac. de Legibus disp. 10. quaest. 2. part. 5. num. 14. Navar. de restit. lib. 2. cap. 4. num. 67. Salon. 2. 2. tract. 1. quaest. 63. art. 2. controu. 7. et alii.

22 The REASON is that when it is doubtful whether the judge interrogates juridically, and the probable opinion is that he does not judge juridically, and consequently (which is the same thing) that he is not a judge, in that case the subject is not bound to obey, because he may embrace the probable opinion which asserts that the Judge in that case has no right. So *Turrianus*, who reproves *Peter Navarrus*, saying that in this case there is given a just war on both sides, so that the judge, according to a probable opinion, has the right; and the subject, according to the probable opposite, is not bound to manifest the truth — which response *Filliucius* defends. Whatever may be said of the reason, *Diana* concludes that those holding the opposite opinion tremble at the airs.

> *RATIO est, quia quando dubium est; an iudex iuridice interroget, et probabilis sententia est, eum non iudicare iuridice; ac proinde (quod idem est) eum non esse iudicem; in eo casu subditus non tenetur obedire, quia potest amplecti probabilem opinionem, quae asserit, Iudicem in eo casu non habere ius. Ita* Turrianus, *qui reprobat* Petrum Navarrum, *dicentem, in hoc casu dari bellum iustum utrinque, ut et iudex, iuxta probabilem opinionem, habeat ius; et subditus, iuxta probabilem oppositam, non teneatur veritatem manifestare, quam responsionem tuetur* Filliucius. *Quidquid sit de ratione concludit* Diana, *oppositum sentientes, trepidare ad auras.*

23 It will seem to someone that the Holy Doctor opposes this in *prima secundae, Tract. 1. disp. 17.*, because the Judge seems to be the possessor of the right of inquiring. But this right is only probable: nor is the case similar to that of a Prelate, having a certain right of commanding subjects; and to this mere probability those are bound to acquiesce in the way of *St. Bonaventure*, with a genuinely higher motive, namely, that the Prelate is given by God as a leader to life; not so the judge.

VIDEBITUR alicui, S. Doctorem adversari ex prima secundae, Tract. 1. disp. 17. *quia Iudex videtur possessor iuris inquirendi. At hoc ius est solum probabile: nec est simile de Praelato, habente ius certum praecipiendi subditis; et ad hoc solam probabilitatem, qui tenentur acquiescere in via* D. Bonavent. *sane altiori motivo, nempe, quia Praelatus a Deo datus est, ut ductor ad vitam; non sic iudex.*

24 WHEREFORE with excessive hyperbole *Clarus says, §. fin. quaest. 5. citing Innocent in cap. bonae memoriae,* that in the whole world an affirmative opinion is sustained. They follow it: *Megala in Praxi, cap. 11. Farinac. quaest. 1. num. 49. and the Doctors on cap. Inquisitionis, de Accus. especially Ananias num. 4. Felin. num. 6. and Ambrosin. de modo formandi processum, Lib. 1. cap. 1.*, saying that it is the universal custom, as *Bictus quaest. 11. num. 8.* relates.

QUARE nimia Hyperbole ait Clarus, §. fin. quaest. 5. citans Innocentium in cap. bonae memoriae, *in universo mundo assertivam sustineri sententiam. Eam sequuntur* Megala in Praxi, cap. 11. Farinac. quaest. 1. num. 49. et Doctores in cap. Inquisitionis, de Accus. praesertim Ananias num. 4. Felin. num. 6. et Ambrosin. de modo formandi processum, Lib. 1. cap. 1. *dicens, esse universalem consuetudinem, ut refert* Bictus quaest. 11. num. 8.

25 WHETHER, indeed, one who by his testimony could free someone from an unjust death or oppression, and who truly is not interrogated by the Judge, could nonetheless do so — whether he sins mortally and is bound to restitution.

AN vero is, qui suo testimonio potest aliquem ab iniusta morte, vel oppressione liberare, et vere non inquiritur a Iudice, possit tamen; peccet mortaliter, et ad restitutionem teneatur.

26 I SAY that this man sins mortally against Charity, not against justice, and accordingly is not bound to restitution. *St. Bonaventure* so holds in the Mirror of the Soul, cap. 1., where he condemns this dissimulation of damaging as a mortal fault; he does not, however, bind to restitution. They follow: *Navar. sum. Lat. cap. 25. n. 47. and in cap. Inter verba, 12. quaest. 3. num. 638. 706. and 722. Gabriel. in 4. dist. 15. quaest. 6. art. 2. concl. 7. St. Thom. 2. 2. quaest. 70. art. 1. in corpore, Lessius lib. 2. cap. 30. dub. 8. num. 58. Sotus Lib. 5. de Iust. quaest. 7. art. 1. Salonius 2. 2. quaest. 70. art 1. disp. 3. Fagundez on the eighth precept, Lib. 8. cap. 42. num. 6.*

DICO, hunc peccare mortaliter contra Charitatem, non contra iustitiam, atque adeo non teneri ad restitutionem. Id sentit D. Bonavent. in speculo, animae, cap. 1. *ubi hanc dissimulationem damnificationis, lethali culpa damnat; non tamen obligat restitutioni. Sequuntur* Navar. sum. Lat. cap. 25. n. 47. et in cap. Inter verba, 12. quaest. 3. num. 638. 706. et 722. Gabriel. in 4. dist. 15. quaest. 6. art. 2. concl. 7. D. Thom. 2. 2. quaest. 70. art. 1. in corpore, Lessius lib. 2. cap. 30. dub. 8. num. 58. Sotus Lib. 5. de Iust. quaest. 7. art. 1. Salonius 2. 2. quaest. 70. art 1. disp. 3. Fagundez in octavum praeceptum, Lib. 8. cap. 42. num. 6.

27 This seems commanded, *Proverb. 24: Rescue those who are led to death; if you say: strength does not suffice me: He who inspects the heart, He himself understands.* Thus it is proved by *St. Bonaventure de Ecclesiast. Hierarch. part. 2. cap. 2.*, where he also hints that one is not bound to expose himself to his own grave damage to testify to the innocence of an innocent person; and if he is compelled by a judge, he may equivocate. So also *Lessius num. 56. Navar. num. 50. Baldus in cap. cum nuncius de testibus, Sylvester V. denunciatio, q. 1. and V. correctio, §. 7. Filliucius tom. 2. tract. 40. num. 255. Sayrus lib. 12. cap. 20. num. 24. Sotus de teg. secreto, mem. 2. disp. 3. quaest. 7. Fagundez on the 8th precept of the decal. Lib. 8. cap. 42. num. 7.*

ID videtur praeceptum, Proverb. 24. Erue eos, qui deducuntur ad mortem: si dixeris: vires mihi non suppetunt: qui inspector est cordis, ipse intelligit. *Sic probatur a* D. Bonavent. de Ecclesiast. Hierarch.

> part. 2. cap. 2. *ubi etiam innuit, non teneri suo gravi damno aliquem se exponere ad testificandam insontis innocentiam; et si cogatur a iudice, posse tergiversari. Ita etiam* Lessius num. 56. Navar. num. 50. Baldus in cap. cum nuncius de testibus, Sylvester V. denunciatio, q. 1. et V. correctio, §. 7. Filliucius tom. 2. tract. 40. num. 255. Sayrus lib. 12. cap. 20. num. 24. Sotus de teg. secreto, mem. 2. disp. 3. quaest. 7. Fagundez in 8. praeceptum decal. Lib. 8. cap. 42. num. 7.

Question II: Who can be witnesses in a trial

1 MANY are indeed excluded by law from being judicial witnesses, as *St. Thomas says, and it is plain from Can. si testes.*

> Qui possint esse T*ESTES* in iudicio.
>
> *MULTI quidem a iudiciariis testibus repelluntur in iure, ut ait* D. Thomas, et patet Can. si testes.

2 FIRST, in criminal causes slaves and women, and criminals, are excluded by Canon law, *cap. serus de verb. signific. and cap. mulierem 33. quaest. 5.*

> *PRIMO in causis criminalibus repelluntur iure Canonico servi, ac foeminae, facinorosique,* cap. serus de verb. signific. et cap. mulierem 33. quaest. 5.

3 By civil law, however, women are admitted in common, *Leg. ex eo, ff. de Testibus.* Except in a testament *Leg. qui testamento, §. mulier, ff. de testamentis.* So the Doctors commonly teach, as *Lessius* teaches Lib. 2. cap. 30. dub. 5. num. 36. Gomez cap. 2. num. 53.

> *IURE tamen civili in communi admittuntur foeminae* Leg. ex eo, ff. de Testibus. *Praeterquam in testamento* Leg. qui testamento, §. mulier, ff. de testamentis. *Ita communiter Doctores, ut docet* Lessius Lib. 2. cap. 30. dub. 5. num. 36. Gomez cap. 2. num. 53.

4 A harlot, however, cannot be a witness in a criminal cause, as Julius Clar. hands down *quaest. 24. num. 14.*, and so the Doctors commonly, as Jason testifies in *Leg. cunctos populos, Cod. de summa Trinitate,* and Cartad. in praxis, fol. 80. num. 18. But who is to be called a harlot, Julius Clar. teaches *Leg. 1. sem. §. meretrix.*

> *Meretrix tamen non potest esse testis in causa crim. ut tradit Iul. Clar.* quaest. 24. num. 14. *et ita communiter Doctores, ut testatur Iason in* Leg. cunctos populos, Cod. de summa Trinitate, et Cartad. in praxi, fol. 80. num. 18. *Quae autem dicatur meretrix docet Iulius Clar.* Leg. 1. sem. §. meretrix.

5 SECOND, by common law in criminal causes one under twenty years is excluded, *by the Law in testimonium, ff. de testibus;* yet his statement makes an indication sufficient for capture, not for torture, as Gomez and Lessius teach, alleged above, and Fagundez *Lib. 8. cap. 40. num. 29.*

> *SECUNDO de iure communi in causis criminalibus repellitur minor viginti annis,* Lege in testimonium, ff. de testibus, *dictum tamen illius facit indicium sufficiens ad capturam, non ad torturam, ut docet Gomez, et Lessius allegati, atque Fagundez* Lib. 8. cap. 40. num. 29.

6 If, however, he be pubescent, that is, a male of fourteen years, or a female of twelve, he is admitted in civil causes.

> *Si tamen sit puber, idest quatuordecim annorum masculus, et duodecim foemina, admittitur in civilibus.*

7 THIRD, enemies are excluded in criminal and civil causes, except in those crimes and lawsuits in which other witnesses not otherwise suitable are admitted, as in proving simony, heresy, and the like, *cap. per tuas, de simonia.*

> *TERTIO repelluntur inimici in criminalibus, et civilibus, exceptis iis criminibus, et litibus, in quibus alii testes non idonei admittuntur, ut in probanda simonia, haeresi, et similibus,* cap. per tuas, de simonia.

8 FOURTH, the ascendants and descendants of the accuser; likewise collaterals; but these only up to the fourth degree. So Gomez *cap. 12. num. 15.* Lessius *Lib. 2. cap. 30. disp. 7. num. 37.* The same holds of the kinsmen of the blood; yet the relatives of the Accused are at times received to confirm his innocence, as Clarus teaches *quaest. 24. num. 12.*; for so usage carries it, when his innocence cannot otherwise be proved; So Lessius *num. 38.* with St. Bonaventure *in 4. dist. 41. dub. 2.*

> *QUARTO, ascendentes, et descendentes accusatoris; item collaterales; sed isti usque ad quartum gradum tantum. Ita Gomez* cap. 12. num. 15. *Lessius* Lib. 2. cap. 30. disp. 7. num. 37. *Idem de affinibus consanguinei, tamen et affines Rei aliquando recipiuntur ad eius innocentiam comprobandam, ut docet Clarus* quaest. 24. num. 12. *sic enim usus fert, quando eius innocentia aliunde probari non potest; Ita Lessius* num. 38. *cum D. Bonavent.* in 4. dist. 41. dub. 2.

9 FIFTH, the domestics of the accuser and his familiars are excluded, and those infamous with legal infamy, in criminal causes; and this is most certain without controversy, as Julius Clar. teaches *quaest. 24. num. 23.* Lessius *num. 38.* But one infamous in fact is at times admitted, when the truth cannot otherwise be had; but with torture. So Clarus *quaest. 24. n. 23.* Lessius *loco cit.* our Father Eliseus in *his new Criminal Practice.*

> *QUINTO repelluntur domestici accusatoris, et familiares illius, et infames infamia Iuris, in criminalibus; et hoc est certissimum absque controversia, ut docet Iulius Clar.* quaest. 24. num. 23. *Lessius* num. 38. *Infamis vero infamia facti aliquando admittitur, quando aliter veritas haberi non potest; sed cum tortura. Ita Clarus* quaest. 24. n. 23. *Lessius* loco cit. *P. Eliseus noster in* sua nova Practica criminali.

10 SIXTH, those who have committed perjury before, according to the common rule: *Once wicked, he is always presumed wicked in the same kind, cap. si quis consentiens, and cap. parvuli 22. quaest. 5.* as St. Bonaventure relates *in confessionali, cap. 3. particula 33.*

> *SEXTO periuri alias, iuxta communem regulam:* Semel malus, semper praesumitur in eodem genere malus, cap. si quis consentiens, et cap. parvuli 22. quaest. 5. *ut refert D. Bonavent.* in confessionali, cap. 3. particula 33.

11 SEVENTH, partners in the crime are excluded, *Leg. fin. Cod. de accusat. and cap. veniens, cap. de testibus.* So Lessius *num. 39.* Fagundez *num. 23.* Yet some crimes are excepted, as heresy, sodomy, the crime of false coinage, Lèse-majesté, notorious theft, philiri, and sorceries.

> *SEPTIMO repelluntur socii criminis* Leg. fin. Cod. de accusat. et cap. veniens, cap. de testibus. *Ita Lessius* num. 39. *Fagundez* num. 23. *Excipiuntur tamen aliqua crimina, ut haeresis, sodomia, crimen falsae monetae, Laesae maiestatis, furtum famosum, philiri, et sortilegia.*

12 EIGHTH, vile and poor persons are excluded, because they are suspect of being corrupted by payment, *Leg. 3. and § 4. ff. de testibus.* Syluester *V. testis, quaest. 1.* Lessius *lib. 2. cap. 30. dub. 5. num. 38.* Farinacius *decis. 138.* A vile person, moreover, means a hireling and a dishonorable woman, Farinacius

decis. 79. Felinus *in cap. Quoties, de testibus.* But a poor man is one who is compelled to seek his daily livelihood with his hands; Glossa *in Leg. Paupertas, ff. de excusat. tutor.* Farinac. *decis. 109.*

> *OCTAVO excluduntur viles, et pauperes personae, quia suspicioni sunt, ne pretio corrumpantur* Leg. 3. et § 4. ff. de testibus. *Syluester* V. testis, quaest. 1. *Lessius* lib. 2. cap. 30. dub. 5. num. 38. *Farinacius* decis. 138. *Vilis autem persona dicitur satelles, et mulier inhonesta, Farinacius* decis. 79. *Felinus* in cap. Quoties, de testibus. *Pauper autem dicitur, qui manibus victum cogitur quaerere quotidianum; Glossa* in Leg. Paupertas, ff. de excusat. tutor. *Farinac.* decis. 109.

13 NINTH, corrupted witnesses, who are proved in judgment to have accepted something for giving judgment, *cap. 1. Si testes, de testibus,* and Molina teaches *disput. 83. §. de teste.*

> *NONO testes corrupti, qui in iudicio probantur aliquid accepisse ad iudicium ferendum* cap. 1. Si testes, de testibus, *et docet Molina* disput. 83. §. de teste.

14 THEN they must be sworn witnesses, *cap. nuper, de testibus, and cap. tuis quaestionibus, on the same title;* for the divine testimonial is a bridle for us, lest we wander beyond the truth. This reason is adduced by all, by Lessius *Lib. 2. cap. 30. disp. 4. num. 32.* Sayro *lib. 12. cap. 20.*, where from many laws he proves that a statement against a third party has no force unless confirmed by oath. Thus especially from *Leg. Iurisiurandi, Cod. de testibus.* St. Thom. *2. 2. quaest. 70. art. 3. ad 2.* Couar. *Lib. 2. var. cap. 13. num. 3.* with St. Bonavent. *in 3. dist. 39. dub. 5. and 5, letter, and art. 2. quaest. 1.*

> *DEINDE debent esse iurati* cap. nuper, de testibus, et cap. tuis quaestionibus, eodem tit. *nam divinum testimonium fraenum nobis est, ne ultra veritatem divagemur. Haec ratio ab omnibus affertur a Lessio* Lib. 2. cap. 30. disp. 4. num. 32. *Sayro* lib. 12. cap. 20. *ubi ex multis iuribus probat, non valere dictum contra tertium, nisi iuramento firmatum. Sic praecipue ex* Leg. Iurisiurandi, Cod. de testibus. *D. Thom.* 2. 2. quaest. 70. art. 3. ad 2. *Couar.* Lib. 2. var. cap. 13. num. 3. *cum D. Bonavent.* in 3. dist. 39. dub. 5. et 5. littera, et art. 2. quaest. 1.

15 UNDERSTAND this, however, unless the adverse party remits the oath, *cap. tuis quaestionibus, de testibus,* except in a matrimonial cause, Sanchez *Lib. 3. disp. 41. num. 5.* Mascardus *de probationibus, concl. 1024. number 13.*

> *HAEC tamen intellige, nisi pars adversa iuramentum remittat,* cap. tuis quaestionibus, de testibus, *excepto in causa matrimonii, Sanchez* Lib. 3. disp. 41. num. 5. *Mascardus* de probationibus, concl. 1024. numero 13.

16 MOREOVER, to make the proof there must be several concurrent witnesses, that is, of the same fact; for single witnesses do not prove, and this occurs when one testifies to one crime, *e. g.* theft of a horse; another to another, *e. g.* theft of a purse, etc., all of whom prove their own statement, not another's. So Lessius *num. 23.* Sayrus *Lib. 12. cap. 21. num. 15.* St. Thom. *2. 2. quaest. 70. art. 2.* Cajetanus, Salonius, Aragon. *ibidem,* Filliucius *Tomo 2. tract. 40. on the eighth precept, cap. 8. num. 236.* and it is found in cap. licet universis, de testam. and cap. Licet causam, de probationibus.

> *PRAETEREA oportet ad convincendum esse plures contestes, idest de eodem facto; nam singulares testes non probant, et sunt quando unus unum crimen,* v. g. *furtum equi testatur; alter alterum,* v. g. *furtum crumenae, etc. qui omnes suum dictum probant, non alterius. Ita Lessius* num. 23. *Sayrus* Lib. 12. cap. 21. num. 15. *D. Thom.* 2. 2. quaest. 70. art. 2. *Caietanus, Salonius, Aragon.* ibidem, *Filliucius* Tomo 2. tract. 40. in octavum praeceptum, cap. 8. num. 236. et habetur cap. licet universis, de testam. et cap. Licet causam, de probationibus.

17 Concurrent witnesses are those who depose about the same number of the crime and the same circumstances. Hence, to be concurrent, they must agree in time, place, and the species and number

of the crime.

> *TESTES contestes sunt, qui deponunt de eodem numero delicto, iisdemque circumstantiis. Unde, ut contestes sint, debent convenire in tempore, loco, et delicti specie, et numero.*

18 ANOTHER condition is that they perceived the fact by some sense, *Leg. folium, de testibus,* where the Gloss, and Lessius *num. 34.* Fagundez *Lib. 8. cap. 40. num. 14.* they must have seen the fact, or, if the crime lies in speech, heard it; in which case it is their cunning custom to hear through a wall the voice of a confessor, provided it is very well known, so as to lead him to confession in judgment. See Sayrum *lib. 12. cap. 21. num. 22.* and our Father Eliseus in *prax. crim. de Testibus.*

> *ALIA conditio est, ut sensu aliquo factum perceperint* Leg. folium, de testibus, *ubi Glossa, et Lessius* num. 34. *Fagundez* Lib. 8. cap. 40. num. 14. *debent autem factum vidisse, vel si delictum in voce sit, audivisse; in quo casu vafre solent vocem e pariete audire confitentis, dummodo optime nota sit, ut inducant ad confessionem in iudicio. Vide Sayrum* lib. 12. cap. 21. num. 22. *et P. Eliseum nostrum in* prax. crim. de Testibus.

19 The FOURTH condition is that the witnesses be exempt from every exception, so that nothing can be opposed to them in law, and they suffer no exceptions; Lessius *lib. 2. c. 30. dub. 5. num. 25.* Fagundez *cap. 40. num. 16.* This was said above, when we excluded the unsuitable.

> *QUARTA conditio est, ut testes sint omni exceptione maiores, quibus nihil iure opponi queat, nullasque patiantur exceptiones, Lessius* lib. 2. c. 30. dub. 5. num. 25. *Fagundez* cap. 40. num. 16. *De hoc supra dictum est, dum inidoneos exclusimus.*

20 Now TWO witnesses exempt from every exception suffice; both in a criminal cause, even for condemning to death, and in any other grave cause.

> *SUFFICIENT autem duo testes omni exceptione maiores; tam in causa criminali, etiam ad morte damnandum; tum in qualibet alia gravi.*

21 It is PROVED from *Deuter. 17 and 19: By the mouth of two or three witnesses shall he perish who is to be slain, and 1 ad Timot. 5: Against a priest receive not an accusation, except under two or three witnesses.* And And *from cap. licet causam, de probat. and cap. cum esset, de testam.* So the Doctors commonly teach; St. Thom. *quaest. 70. art. 2.* where Caiet. Aragon. Bannes, Salon. Lessius *Lib. 2. cap. 30. dub. 4. num. 24.* Sayrus *Lib. 12. cap. 21. num. 15.* Filliucius *tract. 40. on the eighth precept of the decal. cap. 8. num. 243.* Sanchez *Lib. 2. de matrim. disp. 45. num. 30.* Fagundez *on the eighth precept. Lib. 8. cap. 39. num. 1.* and it is supposed by St. Bonavent. *3. dist. 39. and on the eighth precept, at the beginning of the opusculum,* and he indicates *ad 9. Lucae.*

> *PROBATUR ex* Deuter. 17. et 19. In ore duorum, vel trium testium peribit, qui interficietur, et prima ad Timot. 5. Adversus presbyterum accusationem noli recipere, nisi sub duobus, aut tribus testibus. *Et* ex cap. licet causam, de probat. et cap. cum esset, de testam. *Sic docent communiter Doctores, D. Thom.* quaest. 70. art. 2. *ubi Caiet. Aragon. Bannes, Salon. Lessius* Lib. 2. cap. 30. dub. 4. num. 24. *Sayrus* Lib. 12. cap. 21. num. 15. *Filliucius* tract. 40. in octavum praecept. decal. cap. 8. num. 243. *Sanchez* Lib. 2. de matrim. disp. 45. num. 30. *Fagundez* in octavum praecept. Lib. 8. cap. 39. num. 1. *et supponitur a D. Bonavent.* 3. dist. 39. et in octavum praeceptum, initio opusculi, *et indicat* ad 9. Lucae.

22 By common civil law in closed testaments seven witnesses are required: males, free, or reckoned as free, pubescent, requested, who come together at the same time and are present, and hear, see, and understand the testator's will, whether written or established by voice alone. If the testament be

made by voice alone without any writing, subscription or seal is not necessary, *Leg. hac consultissima, §. per nuncupationem, Cod. de testamentis, and Institut. de testamentis, §. ult. and Leg. Haeres palam, ff. on the same title;* nor is it enough that they be present and hear the testator's voice, but it is also required that they see him. In open testaments, five: In Codicils, five: In graver causes, except a cause of death, one witness of exceptional authority suffices, as a King, Pope, Cardinal, as Sayrus notes *lib. 12. cap. 21. num. 15.* Filliucius *tom. 1. tract. 40. on the eighth precept, cap. 8. num. 236.* Fagundez *lib. 8. cap. 39. num. 9.*

> *DE iure communi civili in testamentis clausis requiruntur septem testes masculi, liberi, aut pro liberis reputati, puberes, rogati, et qui simul conveniant, et praesentes sint, et audiant, videant, intelligant testatoris voluntatem, vel scriptam, vel voce tenus probatam. Si voce tenus testamentum absque ulla scriptura conditum fuerit, non est necessaria subscriptio, aut sigillum,* Leg. hac consultissima, §. per nuncupationem, Cod. de testamentis, et Institut. de testamentis, §. ult. et Leg. Haeres palam, ff. eodem titulo, *nec satis est, ut praesentes sint, et audiant vocem testatoris, sed opus est etiam, ut illum videant. In apertis quinque: In Codicillis quinque: In causis gravioribus, excepta causa mortis, sufficit unus testis eximiae authoritatis, ut Rex, Papa, Cardinalis, ut notant Sayrus* lib. 12. cap. 21. num. 15. *Filliucius* tom. 1. tract. 40. in octavum praeceptum, cap. 8. num. 236. *Fagundez* lib. 8. cap. 39. num. 9.

23 By Canon law, however, that testament is valid which the parishioners make before their Priest, or Pastor, and three, or two other suitable persons, *cap. cum esses, de testamentis.*

> *DE iure vero Canonico validum est testamentum, quod parochiani conficiunt coram Presbytero, seu Parocho suo, et tribus, vel duobus aliis idoneis,* cap. cum esses, de testamentis.

24 For marriage two witnesses are required, and the Parish Priest; otherwise it is null, as the Holy Council of Trent decrees, *sess. 24. cap. 1.* And Sanchez notes it, *lib. 3. de matrim. cap. 41.*

> *AD matrimonium requiruntur duo testes, et Parochus, alioqui irritum est, ut decernit S. Concilium Trident.* sess. 24. cap. 1. *Et advertit Sanchez* lib. 3. de matrim. cap. 41.

Question III: On the injustice of false witnesses

1 If a Witness, whether knowingly and observantly, or out of crass ignorance, has given false testimony by which he unjustly injured another, that he is bound to restitution of the damage in full — Lessius asserts it *lib. 2. cap. 30. disp. 7. num. 52.* and they prove it *from cap. si sua culpa, de iniuriando, and damn. dat. and from cap. Paroch. de sententia excom.* Bartol. *in Leg. Nunquam plura, ff. de privat. delict.* Bald. *in Leg. Quicumque, Cod. de serv. fuga, and in Leg. cum ancillam, Cod. de incest. nupt.* Anan. *in cap. 1. de crim. falsi.* Farinac. *part. 2. praxis quaest. 62. num. 5.* Fagundez *Lib. 8. cap. 42. num. 1.* and not only in the forum of conscience is he bound to make good all damages, but even in the external forum the damaged party can bring a civil action against this false witness, for the damage done to him and the interest. So Abbas *in dict. cap. 1. de crim. falsi.* Anchar. *there,* Butrieus *in the same place, num. 4.* and Socinus *num. 109.* Castrens. *in Leg. Presbyteri, num. 3. Cod. de Episcopis, et Clericis,* Iason *in Leg. Praescriptione, num. 8. Cod. si contra ius, vel utilitatem publicam;* Tindar. *de testimoniis, part. 1. cap. 9. num. 6.* Angelus de Perus. *in addit. circa materiam testium, num. 15.* Iulius Clarus, *§. falsum,* Suarez *in sua collecta com. opin. Littera T. number 155.* Simanch. *de Cathol. instit. tit. 64. Rubr. de testam. num. 85.* Moncada *ad Crot. de testibus, part. 9. num. 379.* Bossius *tit. de test. falsis, num. 149.* and others in Bassaeus.

> *SI Testis vel sciens, et animadvertens, vel ex crassa ignorantia falsum testimonium dixit, ratione cuius, alterum iniuste laesit, teneri eum ad restitutionem damni in solidum, asserunt Lessius* lib. 2. cap. 30. disp. 7. num. 52. *et probant* ex

cap. si sua culpa, de iniuriando, et damn. dat. et ex cap. Paroch. de sententia excom. *Bartol.* in Leg. Nunquam plura, ff. de privat. delict. *Bald.* in Leg. Quicumque, Cod. de serv. fuga, et in Leg. cum ancillam, Cod. de incest. nupt. *Anan.* in cap. 1. de crim. falsi. *Farinac.* part. 2. praxis quaest. 62. num. 5. *Fagundez* Lib. 8. cap. 42. num. 1. *et non solum in foro conscientiae tenetur ad interesse omnium damnorum, sed etiam in foro externo potest damnificatus actionem intentare civilem contra falsum hunc testem, de damno sibi dato, et interesse. Ita Abbas* in dict. cap. 1. de crim. falsi. *Anchar.* ibi, *Butrieus* ibidem, num. 4. *et Socinus* num. 109. *Castrens.* in Leg. Presbyteri, num. 3. Cod. de Episcopis, et Clericis, *Iason* in Leg. Praescriptione, num. 8. Cod. si contra ius, vel utilitatem publicam; *Tindar.* de testimoniis, part. 1. cap. 9. num. 6. *Angelus de Perus.* in addit. circa materiam testium, num. 15. *Iulius Clarus,* §. falsum, *Suarez* in sua collecta com. opin. Littera T. numero 155. *Simanch.* de Cathol. instit. tit. 64. Rubr. de testam. num. 85. *Moncada* ad Crot. de testibus, part. 9. num. 379. *Bossius* tit. de test. falsis, num. 149. *et alii apud Bassaeum.*

2 But Fagundez wonders *num. 2.* at Farinacius *num. 6.* Julius Clarus, *§. falsum, at the verse poena autem,* after Vincentius and Corsetus and the others he alleges, for having said that they are bound only in the Contentious Forum, not in the forum of conscience.

MIRATUR autem Fagundez num. 2. *Farinacium* num. 6. *Iulium Clarum,* §. falsum, versu poena autem, *post Vincentium, et Corsetum, et alios, quos allegat, dixisse, teneri solum in Foro contentioso, non in Foro conscientiae.*

3 But if he has testified out of ignorance, or non-culpable inadvertence, or oblivion — at least not mortal — whereby someone is condemned, then he says, *num. 5.*, with Diana *P. 3. Tract. 5. resol. 105.*, that he is not bound to restitution: he alleges Cajetan *2. 2. quaest. 70. art. 4.* Peter Navarrus *lib. 2. cap. 2. num. 253.*, with whom, he says, Lessius does not entirely disagree *lib. 2. cap. 7. dub. 6.* He adds *part. 4. Tract. 4. resol. 99.* Becanus *Quaesito 70. quaest. 5. concl. 2. against Strauesdorf. concl. 3.* who asserts it. Add Bassaeus *V. testis, num. 10.*

SI vero ex ignorantia, vel inadvertentia non damnabili, vel oblivione, saltem non mortifera, testificatus est, unde aliquis damnatur, tunc ait num. 5. *cum Diana* P. 3. Tract. 5. resol. 105. *non teneri restitutioni: Allegat Caietanum* 2. 2. quaest. 70. art. 4. *Petrum Navarrum* lib. 2. cap. 2. num. 253. *quibus non omnino renuere ait Lessium* lib. 2. cap. 7. dub. 6. *Addit* part. 4. Tract. 4. resol. 99. *Becanum* Quaesito 70. quaest. 5. concl. 2. contra Strauesdorf. concl. 3. *qui asserit. Adde Bassaeum* V. testis, num. 10.

4 If, however, he had been convicted as guilty by other witnesses; then, since the concurring testimony accomplishes nothing, they believe he is not bound to restitution. So Pitigian. *in praxi. crim. can. de test. cap. 6. fol. 193.* Diana *loco cit.* and others.

SI tamen ille erat per alios testes reus convictus; tunc, cum testimonium accedens nihil efficiat, credunt, non teneri restitutioni. Ita Pitigian. in praxi. crim. can. de test. cap. 6. fol. 193. *Diana* loco cit. *et alii.*

5 Diana adds *part. 4. Tract. 4. resol. 79.* and deservedly, that he is bound to retract the falsehood if he sees that it would be of profit, even though he should fear for himself the danger of a similar penalty. So also Lessius *Lib. 2. cap. 30. dub. 7. num. 53.* Peter Navar. *lib. 2. cap. 3. num. 251.* against Vulterus Strouesdorff, who teaches too rigidly that he is bound even if he doubts whether the retraction would be of profit.

ADDIT Diana part. 4. Tract. 4. resol. 79. *et merito, teneri falsum retractare, si videat, id profuturum, quamvis periculum sibi poenae similis timeret. Ita etiam Lessius* Lib. 2. cap. 30. dub. 7. num. 53. *Petrus Navar.* lib. 2. cap. 3. num. 251. *contra Vulterum Strouesdorff. nimis rigide docentem, teneri, etiamsi dubitet, an retractatio sit profutura.*

6 What St. Bonaventure thinks of all these, I shall say: *In the Mirror of the Soul, cap. 2, past the middle §. This he also teaches from St. Jerome Lib. 1. on Jeremiah cap. 4, and it is related, dist. 22. quaest. 2. cap. animadvertendo, that an Ought ought to have three companions: Truth, Judgment, and Justice. An oath lacks Judgment, when made without discretion and deliberation. An unlawful Oath, which is to the detriment of eternal salvation, lacks Justice. But it lacks Truth, when what is false is sworn: next, §. Item, as has been said, he places false testimony under injustice, obliging to restitution; but a false Oath, he says, §. circa iuramentum, is an oath "ancisorium", when what is false, or believed false, is sworn, which of its genus is mortal; this, however, seems to be so understood, when one sins with deliberation and is aware that he is sinning.*

> *QUID sentiat de his omnibus D. Bonavent. dicam:* In speculo animae, cap. 2. post medium §. Haec etiam docet ex D. Hieronymo Lib. 1. in Hierem. cap. 4. et refertur, dist. 22. quaest. 2. cap. animadvertendo, ait Iuramentum tres comites habere debere, Veritatem, Iudicium, et Iustitiam. Iudicio caret iuramentum, absque discretione, et deliberatione factum. Iustitia caret Iuramentum illicitum, quod est in detrimentum salutis aeternae. Veritate autem caret, cum falsum iuratur: mox, §. Item, ut dictum, falsum testimonium sub iniustitia collocat, obligante ad restitutionem; Iuramentum autem falsum ait, §. circa iuramentum, Iuramentum ancisorium esse, cum iuratur falsum, vel quod creditur falsum, quod ex suo genere est mortale; hoc autem sic intelligendum videtur, cum quis ex deliberatione peccat, et se peccare advertit.

7 WHEREFORE an oath made out of ignorance — at least inculpable — does not oblige to restitution.

> *QUARE iuramentum ex ignorantia, saltem inculpata, non cogit ad restitutionem.*

8 They doubt, however, besides: whether witnesses, or the Judge, or the notary may accept some remuneration for a just satisfaction, sentence, and writing.

> *DUBITANT autem praeterea: An possint testes, aut Iudex, aut tabellio pro iusta satisfactione, vel sententia, et scriptura accipere aliquam remunerationem.*

9 FIRST, indeed, that for a just deposition or sentence they cannot accept a certain fee; and if they accept anything, they are bound to restore everything before the sentence.

> *PRIMO sane, pro iusta testificatione, vel sententia non posse munus accipere certum, et si quid accipiant, tenentur ante sententiam omnia restituere.*

10 It is PROVED from what was said in *disp. de Iudice, quaest. 6.* For whatever is given for a just testimony or just sentence is reckoned involuntary, given out of fear of an unjust attestation or sentence, as Lessius teaches *lib. 2. cap. 14. dub. 8. num. 55.* Fagundez *lib. 8. cap. 42. num. 18.*

> *PROBATUR ex dictis* disp. de Iudice, quaest. 6. *Nam quidquid datur pro iusto testimonio, vel iusta sententia censetur involuntarium, datum timore iniustae attestationis, vel sententiae, ut docet Lessius* lib. 2. cap. 14. dub. 8. num. 55. *Fagundez* lib. 8. cap. 42. num. 18.

11 SECOND, because there is nothing there saleable for which they could accept a price, for each is bound to testify justly or to decree justly: Therefore they act against justice by accepting something. So Navarrus *cap. 25. num. 45. and cap. 17. num. 33. in summa Latina, and cap. Inter verba, 11. quaest. 3. concl. 6. corol. 63.* Molina *tract. 1. de iust. disp. 83.* Fagundez *num. 18.*, where he says that all those are bound to assert it who assert that a Witness, juridically interrogated, is bound by justice to confess the truth; and that he does an injury to the party, the judge, and the Commonwealth by not testifying to

the truth; among whom is also St. Bonavent. *cited in quaest. 1.* He has the same thing *in Diaeta, title 3. cap. 7. and it is plain from cap. cum ab omni specie, de vita, et honestate clericorum, where it is said: Since neither may a just judgment be sold by a judge, and venal sentences are reproved even by the secular laws themselves,* which the Holy Doctor has almost word for word in the Mirror of the Soul, c. 2. §. Quartus fructus rapinae, around the middle.

> *SECUNDO quia nihil est ibi vendibile, pro quo pretium accipere possint, nam uterque tenetur ad iuste testandum, vel decernendum: Ergo contra iniustitiam faciunt aliquid accipiendo. Ita Navarrus* cap. 25. num. 45. et cap. 17. num. 33. in summa Latina, et cap. Inter verba, 11. quaest. 3. concl. 6. corol. 63. *Molina* tract. 1. de iust. disp. 83. *Fagundez* num. 18. *ubi ait, teneri id asserere eos omnes, qui asserunt, teneri Testem, iuridice interrogatum, ex iustitia veritatem fateri; et iniuriam facere parti, iudici, et Reipublicae, non testificando veritatem; inter quos est etiam S. Bonavent.* citatus quaest. 1. *Idipsum habet* in Diaeta, titulo 3. cap. 7. et patet ex cap. cum ab omni specie, de vita, et honestate clericorum, ubi dicitur: Cum nec iustum iudicium iudici vendere liceat, et venales sententiae ab ipsis etiam legibus saecularibus reprobentur, quae fere ad verbum habet S. Doctor in speculo animae, c. 2. §. Quartus fructus rapinae, circa medium.

12 The GREATER doubt is: whether the witness, Judge, and Notary are bound to restore what they accept for an unjust testimony, sentence, or instrument.

> *MAIUS dubium est: An testis, Iudex, et Tabellio teneantur restituere id, quod pro testimonio, sententia, aut instrumento iniusto accipiunt.*

13 But there is NO doubt that they are bound to restore the damage inflicted on the party, as Fagundez notes *num. 19.* with St. Bonaventure in the places adduced, and *cap. 1. speculi, §. Item damnificatio.* But the whole question is: whether, besides restitution of the damage, they are bound also to restore the whole sum accepted for that injustice.

> *NON est autem dubium, quin teneantur restituere damnum illatum parti, ut notat Fagundez* num. 19. *cum D. Bonavent. locis adductis, et* cap. 1. speculi, §. Item damnificatio. *Sed tota quaestio est: An, praeter restitutionem damni, teneantur etiam restituere totum acceptum pro ea iniustitia.*

14 The FIRST opinion denies it. So Lessius *tract. 1. cap. 14. dub. 8. from num. 52.* Molina *Tom. 1. disp. 89.* Navar. *sum. Lat. cap. 17. num. 30. and cap. 25. num. 45.* Toletus *Lib. 5. of the summa, cap. 21. and cap. 59.* Peter Navar. *lib. 4. de restit. cap. 2. after doubt 11. num. 132.* Rodriquez *summa, part. 2. cap. 40. concl. 2.* St. Thom. *2. 2. q. 32. art. 1. and quaest. 67. art. 5.* and others adduced in the *disput. de Iudice.*

> *PRIMA opinio negat. Sic Lessius* tract. 1. cap. 14. dub. 8. a num. 52. *Molina* Tom. 1. disp. 89. *Navar.* sum. Lat. cap. 17. num. 30. et cap. 25. num. 45. *Toletus* Lib. 5. summae, cap. 21. et cap. 59. *Petrus Navar.* lib. 4. de restit. cap. 2. post dubium 11. num. 132. *Rodriquez* summa, part. 2. cap. 40. concl. 2. *D. Thom.* 2. 2. q. 32. art. 1. et quaest. 67. art. 5. *et alii adducti* disput. de Iudice.

15 The SECOND opinion asserts that all these are bound to restitution: Sayrus *Lib. 10. cap. 2. n. 12.* Cajetanus *2. 2. quaest. 32. ¶* 4. Fagundez on the eighth precept, Lib. 4. cap. 42.

> *SECUNDA sententia asserit, hos omnes restitutioni teneri: Sayrus* Lib. 10. cap. 2. n. 12. *Caietanus* 2. 2. quaest. 32. ¶ *4. Fagundez in octavum praeceptum, Lib. 4. cap. 42.*

16 Such is the opinion of St. Augustine, epist. 54. to Macedonius, where he says: *More justly it is said to the Advocate: Restore what you have received, when you stood against the truth, you favored iniquity, you deceived the judge, you won by falsehood. What is another's must be restored, which is obtained in that very forum where sins*

are punished, while the laws forbid it; more wickedly is money accepted for an unjust sentence than for a just one, and for false testimony than for true.

> *EST autem sententia D. Augustini epist. 54. ad Macedonium, ubi dicit:* Iustius dicitur Advocato: redde quod accepisti, quando contra veritatem exstitisti, iniquitati affuisti, iudicem fefellisti, de falsitate vicisti. Restituendum est alienum, quod in ipso foro, ubi peccata puniuntur, legibus id prohibentibus, obtinetur; sceleratius accipitur pecunia pro sententia iniusta, quam pro iusta; et pro testimonio falso, quam pro vero.

17 From Sermon 19 on the words of the Lord, in St. Bonav. Lib. one of the Pharetra, cap. 26: *So deeply has the evil of cupidity grown, that now by custom Judges are sold, laws are corrupted, and the very sentence is venal, and no cause can now be without a "cause".*

> *Ex serm. 19. de verbis Domini, apud D. Bonav. Lib. primo Pharetrae, cap. 26.* Usque adeo cupiditatis inolevit malum, ut iam ex consuetudine vendantur Iudices, corrumpantur iura, ipsaque sententia venalis sit, et nulla iam causa possit esse sine causa.

18 With this second opinion St. Bonaventure thinks, cap. 1. of the Mirror of the Soul, §. Quartus fructus rapinae; where he cries out that gifts accepted for rendering an unjust sentence, or for violating justice in any way whatever, are mortal sin and robbery.

> *CUM hac secunda sententia sentit D. Bonavent. cap. 1. speculi animae, §. Quartus fructus rapinae; ubi munera accepta pro iniusta sententia ferenda, vel quomodolibet violanda iustitia culpam mortalem, rapinamque conclamat.*

19 It is PROVED by the reason drawn from St. Bonaventure in the place adduced, which Fagundez uses, num. 25.

> *PROBATUR ratione elicita ex D. Bonavent. loco adducto, qua utitur Fagundez, num. 25.*

20 To the same virtue of justice belongs commanding works of justice and forbidding works of injustice; but that unjust acceptance is a work of injustice: Therefore it is forbidden by the virtue of justice: Therefore the one who accepts is bound to restore what he accepted unjustly; since he accepted it against justice.

> *Ad eandem virtutem iustitiae pertinet praecipere opera iustitiae, et prohibere opera iniustitiae; sed illa iniusta acceptio est opus iniustitiae: Ergo prohibetur per virtutem iustitiae: Ergo tenetur accipiens restituere id, quod iniuste accepit; siquidem contra iustitiam accepit.*

21 To WHOM, however, it must be restored, the Holy Doctor admonishes in the Mirror of the Soul, cap. 2, at the end: that these are things which have not passed into the dominion of the receiver, since it is robbery; therefore they stand as an invalid contract, which must be rescinded, and restored to the giver; and it proceeds pari passu also with what is given and accepted through simony, to be rendered back to him who gave, as many Doctors note in Fagundez num. 30.

> *CVI autem restituendum sit, admonet S. Doctor in speculo animae, cap. 2. ad finem; haec de iis esse, quae non transiere ad dominium recipientis, cum sit rapina; ideo se habere ut contractus invalidus, qui debet rescindi, et restitui danti, et pari passu incedit etiam datum, et acceptum ex simonia reddendum ei, qui dedit, ut notant multi Doctores apud Fagundez num. 30.*

22 The assertion is PROVED next by the reason of St. Bonaventure loco cit. §. Quartus fructus rapinae. That price which is accepted against justice is liable to restitution by the law of nature, and

therefore before every sentence: Such are gifts for rendering an unjust sentence: Therefore. The minor is proved, for the Witness, Judge, and Notary are bound to bear true testimony, a just sentence, to write a truthful instrument, and accordingly not an unjust one. Therefore they accept against justice, so as to damage their neighbor and act unjustly; and it certainly seems clear that it is against the law of nature, from which results the obligation of restoring damages inflicted on another.

> *PROBATUR deinde assertio ratione D. Bonaventurae loco cit. §. Quartus fructus rapinae. Illud pretium, quod accipitur contra iustitiam, est obnoxium restitutioni ex iure naturae, et ideo ante omnem sententiam: Talia sunt munera ad ferendam iniustam sententiam: Ergo. Minor probatur, nam Testis, Iudex, et Tabellio tenentur ferre testimonium verum, sententiam iustam, scripturam veridicam scribere, atque adeo non iniustam. Igitur contra iustitiam accipiunt, ut damnificent proximum, et iniuste agant; et sane certum videtur, esse contra ius naturae, ex quo resultat obligatio restituendi damna, alteri illata.*

23 Fagundez nevertheless notes, num. 32., with Sayro num. 16., that absolution must not be denied to the penitent who, having followed the former opinion, is unwilling to restore.

> *ADVERTIT tamen Fagundez num. 32. cum Sayro num. 16. non esse negandam absolutionem poenitenti, qui priorem secutus sententiam, nollet restituere.*

Question IV: What penalties are established for false witnesses

1 A false witness offends God, the Judges, and the litigating party, and commits in one sin a threefold deformity, which must be expounded in confession: perjury against God, injustice against men, against whom he gives false testimony; and a lie against the Judge, by which he perverts the forensic judgment. On this account heavy penalties are established for them in the law, as Fagundez teaches, cap. 43, after D. Bonaventura in the places cited, especially in the Diaeta, tit. 3, cap. 7. The same is found in the Canon law, cap. 1, de crimine falsi, where he says so threefold a penalty is to be inflicted on the false witness.

> Quae poenae statutae sint falsis Testibus.
>
> *TESTIS falsus Deum, Iudices, et partem litigantem offendit, triplicemque in uno peccato committit deformitatem, necessario in confessione explicandam; periurii in Deum, iniustitiae in homines, contra quos falsum dicit testimonium; et mendacium in Iudicem, quo iudicium forense pervertit, ob id graves poenae in iure eis statuuntur, ut docet Fagundez cap. 43. post D. Bonaventuram locis citatis, praecipue in Diaeta, tit. 3. cap. 7. Idipsum habetur in iure Canonico, cap. 1. de crimine falsi, ubi triplicem adeo poenam ait infligendam falso testi.*

2 FIRST, because he offends God by his perjury, a fast on bread and water for forty days is imposed on him, and for seven years other penance besides, as appears from C. Quicumque, quaest. 1, and the Gloss there, and D. Bonaventura reports it in the confessionali, cap. 3, particula 18.

> *PRIMO enim quia periurio suo Deum offendit, ieiunium ei in pane, et aqua quadraginta dierum, et per septennium alia etiam poenitentia indicitur, ut patet ex C. Quicumque, quaest. 1. et Glossa ibi, et refert D. Bonavent. in confessionali, cap. 3. particula 18.*

3 SECOND, because he mocked the Judge and perverted the public order of law, he is marked with infamy, C. si quis convictus, 2, quaest. 5.

> *SECUNDO, quia Iudicem delusit, et publicum iuris ordinem pervertit, notatur infamia, C. si quis convictus, 2. quaest. 5.*

4 THIRD, because he injured his neighbor, he is punished according to the manner and measure of the injury, that is, by as much penalty as is established by law. So Farinacius, quaest. 67, part. 309, and others whom he cites. The same author, num. 9, notes that a false witness must be condemned far more heavily, both in a case of death and in a civil or criminal case, than the Defendant is to be condemned; which Ananias also teaches on cap. 1, de crim. falsi, and there Butrius num. 6; Iason on the Leg. Et si legibus, at the end of the Cod. si contra ius, vel utilitatem publicam; Gomez on the law Tauri, 87; Penna in direct. Inquisit., part. 3, quaest. 73, com. 122, fol. 675.

> *TERTIO, quia proximum laesit, punitur iuxta modum, et mensuram laesionis, idest quantis poena, iure statuta. Ita Farinacius quaest. 67. part. 309. et alii, quos allegat. Idem num. 9. advertit multo gravius damnandum falsum testem, tam in causa mortis, quam in causa civili, vel criminali; quam damnandus sit Reus; quod idem docet etiam Ananias in cap. 1. de crim. falsi, et ibi Butrius num. 6. Iason in Leg. Et si legibus, ad finem Cod. si contra ius, vel utilitatem publicam, Gomez ad legem Tauri, 87. Penna in direct. Inquisit. part. 3. quaest. 73. com. 122. fol. 675.*

5 MOREOVER, the penalty of a false witness is that he is no longer believed in the judicial forum, even in true matters. Hence, although credit is given to other criminals, it is never given to liars. The Saintly Doctor proves this from the place recently adduced, from C. Quicumque, which is a decree of Pope Fabian, who decrees that such a one should never be without penance and never be received in testimony. So also Bartolus on the Leg. transigere, de transact., and commonly the Canonists on the cap. fraternitatis, de crimine falsi, where Innocent, Ioan. Andreas, Zabarella, and Ananias attest this.

> *PRAETEREA testis falsi poena est, quod ei non amplius in foro iudiciali, in veris etiam, non creditur. Unde, licet aliis criminosis fides habeatur, falsidicis tamen nunquam. Id probat S. Doctor loco nuper adducto, ex C. Quicumque, quod est decretum Fabiani Papae qui decernit, ut is nunquam sit sine poenitentia, et nunquam in testimonium recipiatur. Ita etiam Bartolus in Leg. transigere, de transact. et communiter Canonistae in cap. fraternitatis, de crimine falsi, ubi Innocentius, Ioan. Andreas, Zabarella, Ananias id testantur.*

6 A FOURTH penalty is deposition, if he is a cleric; some derive it from the c. Cum non ab homine, de iudiciis. This, however, is not observed, as I gather from D. Bonaventura in the confessionali, where, though recounting the other penalties, he does not append this one; and so Ananias notes at the place cited, and Fagundez num. 9, who at num. 26, with Ananias, notes that one must be punished for the crime of falsity who conceals the truth when he has sworn to speak it. It is gathered from the cap. Cum dilecti, de accusat.

> *QUARTA poena est depositio, si clericus sit; si eam deducunt aliqui ex c. Cum non ab homine, de iudiciis. Hoc tamen non servatur, ut colligo ex D. Bonavent. in confessionali, ubi hanc poenam non apponit, alias recensens; et ita advertit Ananias loco cit. et Fagundez num. 9. qui num. 26. cum Anania advertit, crimine falsi puniendum, qui veritatem tacet, cum iuraverit dicere. Colligitur ex cap. Cum dilecti, de accusat.*

7 By the civil law, formerly, by Leg. 12 Tabularum, false witnesses were hurled headlong from the Tarpeian rock, as Aulus Gellius testifies, Lib. 20 of his Attic Nights, cap. 1; Simanca de Cathol. Instit., titulo 64, num. 83; Tiraquellus de poenis, caus. 31, num. 29.

> *IURE civili olim Leg. 12. Tabularum, testes falsi e Saxo Tarpeio praecipites agebantur, teste Aulo Gellio, Lib. 20. suarum noctium Atticarum, cap. 1. Simanca de Cathol. Instit. titulo 64. num. 83. Tiraquell. de poenis, caus. 31. num. 29.*

8 AFTERWARD this penalty seemed too harsh, and in its place succeeded the penalty of deportation with publication of all goods, if the man were free; but if a slave, he is afflicted with the ultimate

punishment, by the common Imperial law, Leg. 1 in princip. ff. ad Legem Corneliam de falsis, joined with the §. finalis, and *Leg. si divino, ff. de poenis;* and Angelus Perusinus notes it *in addit. circa materiam de restam. post numerum 15,* Abbas *in cap. 1. de crim. falsi, num. 6,* Simanchus *de Cathol. Instit. tit. 64 num. 89,* Marianus Socinus *in cap. 1. de crimine falsi, num. 109*. But one who compels another to testify falsely is punished with the same penalty, as Ananias teaches *loco cit.,* and Fagundez *cap. 43. num. 3,* D. Bonaventura *speculo animae, cap. 2, ad finem*.

> *POSTEA haec poena nimis acerba visa est, et eius loco poena deportationis cum publicatione omnium bonorum, si homo esset liber, successit; si autem servus, ultimo supplicio afficitur, de Iure communi Imperiali Leg. 1. in princip. ff. ad Legem Corneliam de falsis, iuncto §. finali, et* Leg. si divino, ff. de poenis*, et advertunt Angelus Perusinus* in addit. circa materiam de restam. post numerum 15. *Abbas* in cap. 1. de crim. falsi, num. 6. *Simanch.* de Cathol. Instit. tit. 64 num. 89. *Marianus Socinus* in cap. 1. de crimine falsi, num. 109. *compellens vero ad testificandum falsum, eadem poena punitur, ut docent Ananias* loco cit. *et Fagundez* cap. 43. num. 3. *D. Bonavent.* speculo animae, cap. 2. ad finem.

9 SIMILARLY also a wavering and contradictory witness is punished with the penalty of the false witness, *Leg. qui falso*, and there the Gloss, *ff. de testibus*, and *Leg. eas, ff. de falsis*. So hold Abbas, Aretinus, and Butrius *in cap. Cum in tua, de rest.*; Baldus, Bossius, Clarus, Foller, and Farinacius, who cites others, *quaest. 66, num. 56*; and Bictus, *quaest. 47, numero 21*.

> *SIMILITER et testis varius, et contrarius punitur poena falsi testis,* Leg. qui falso*, et ibi Glossa,* ff. de testibus*, et* Leg. eas, ff. de falsis. *Ita tenent Abbas, Aretin. et Butrius* in cap. Cum in tua, de rest. *Baldus, Bossius, Clarus, Foller. et Farinacius, qui alios citat,* quaest. 66. num. 56. *et Bictus* quaest. 47. numero 21.

10 NOTE, however, that a witness who contradicts himself must be reconciled as far as possible. See the ways of accomplishing this in Farinacius *a num. 369*.

> *ADVERTE tamen, testem, ne sibi contrarius sit, esse pro viribus concordandum. Vide modos id praestandi in Farinacio* a num. 369.

11 IN the Venetian state a paper cap, painted with little devils, is placed on false witnesses, and sitting in a high place of the Piazza they are mocked; soon the tip of the tongue is cut off by the executioner, and he is driven into exile.

> *FALSIS testibus in statu Veneto imponitur pileus papyraceus, daemoniolis depictus, et in alto loco Plateae sedens illuditur, mox ei linguae apex praeciditur a carnifice, et in exilium pellitur.*

12 Matters pertaining to the essence of the oath and of perjury, insofar as it is against God, are treated quite differently in the *Tract. de religione, disput. de iuramento;* for now we have dealt with it insofar as it is against justice.

> *QUAE spectant ad essentiam iuramenti, et periurii, prout est contra Deum, satis dissentientur* Tract. de religione, disput. de iuramento; *nunc enim egimus de eo, prout est contra iustitiam.*

Disputation XXXI: On the Advocate

1 AFTER the Judge has occupied the supreme place in the tribunal, and the Defendant has been brought before him, and the witnesses examined openly (which, however, is not always required, since sometimes it is more expedient that it be done in secret), a fourth place is left to certain persons who contend from their office, for or against, by the allegation of laws and the discussion of arguments, so that the proceedings toward the Defendant's condemnation or absolution may go forward more clearly and securely; for the laws of almost all these places are so entangled in perplexities that some learned jurists are needed, by whose help they may be untangled, of whom we shall treat here.

> ***De Advocato.***
>
> *POSTQUAM supremum in tribunali locum Iudex occuparit, fueritque Reus coram adductus, palamque fuerint testes examinati; (quod tamen semper non requiritur, cum aliquando clam id fieri magis expediat) quartus locus relinquitur quibusdam personis, quae ex officio, pro, vel contra, legum allegatione, et rationum disceptatione contendant, ut clarius et securius ad Rei condemnationem, vel absolutionem procedatur, tot enim omnium fere locorum Iura ambagibus implicantur; ut viros nonnullos Iurisperitos requirant, quorum ope extricari valeant, de quibus hic agendum.*

Question I: Who can and ought to exercise this office

1 The practice of all Tribunals plainly demonstrates that this office is not to be permitted promiscuously to all, but to one or another, whom they are accustomed to name Advocate.

> ***Qui possint, et debeant hoc munere fungi.***
>
> *OMNIUM Tribunalium praxis liquido demonstrat, hoc officium non omnibus promiscue permittendum; sed uni, aut alteri, quem Advocatum nominare solent.*

2 An ADVOCATE, moreover, is said to be he who, before him who presides over the jurisdiction, pleads his own or a friend's cause, or contradicts that of another. So the Doctors on *Leg. Papin. ff. de postulat.*

> *ADVOCATUS autem dicitur ille, qui apud eum, qui iurisdictioni praeest, sui, vel amici causam dicit, vel alterius causae contradicit. Ita Doctores in* Leg. Papin. ff. de postulat.

3 The office of Advocate is noble, and Cassaneus treats it more fully in the *Catalogo gloriae mundi, part. 7. consider. 28*; and it appears from *Leg. Laudabile, Cod. de Advocat. diversorum iudicum*, and Leg. 1, ff. de Iustitia, et Iure.

> *EST autem munus Advocati nobile, et latius tractat Cassaneus in* Catalogo gloriae mundi, part. 7. consider. 28. *et constat ex* Leg. Laudabile, Cod. de Advocat. diversorum iudicum et Leg. 1. ff. de Iustitia, et Iure.

4 Cassaneus shows first the honorableness of this office, *consider. 29*, with D. Bonaventura *ad 10. Lucae*, where Christ himself exercised this office, taking up Magdalene's cause to defend against Martha; just as in *cap. 7* he defends her from the Pharisee, and in *Matth. 16* from the disciples, as D. Bernardus observes *in assumptione Beatae Virginis, serm. 3*, where also S. Bonaventura notes there that the judicial sentence was subdivided for Mary. And so Christ became Mary's Advocate, who had been the Judge appealed to; moreover he became Judge, and in *Ioan. 8* he became the advocate of the adulteress.

Similarly he was also the advocate of the disciples, *Lucae 6, Matth. 12*, and it is found in *cap. discipulos, de consecr. dist. 5*, and the Gloss on Leg. Neminem, Cod. de sacros. Ecclesia. Finally Christ himself ascended into heaven, that he might appear as our Advocate before God, *Heb 9*.

> *HONESTATEM huius officii ostendit primo Cassaneus,* consider. 29. *cum D. Bonavent.* ad 10. Lucae *ubi Christus ipse hoc munere functus est, assumens Magdalenae causam defendendam contra Martham; sicuti et* cap. 7. *eam defendit a Pharisaeo, et* Matth. 16. *a discipulis, ut observat D. Bernardus* in assumptione Beatae Virginis, serm. 3. *Ubi etiam advertit S. Bonav. ibidem, sententiam iudicialem subdividisse pro Maria. Itaque Christus factus est Mariae Advocatus, qui fuerat Iudex interpellatus, insuper, et Iudex factus est, et* Ioan. 8. *factus est advocatus adulterae. Similiter etiam advocatus fuit discipulorum,* Lucae 6. Matth. 12. *et habetur* cap. discipulos, de consecr. dist. 5. et Glossa in Leg. Neminem, Cod. de sacros. Ecclesia. *Denique Christus ipse ascendit in coelos, ut appareat noster coram Deo Advocatus* Heb 9.

5 FINALLY, in the first *Iuan. 2*, "We have an Advocate with the Father, Jesus Christ," and the Blessed Virgin, the Mother of God most high, is our Advocate, as the Church sings. The Saintly Doctor pursues this at length in the *Diaeta, titulo 3, c. 2*. Among the distinguished saints, D. Ambrose exercised the office of Advocate at Rome for ten years. B. Germanus, D. Lipardus, B. Luo, and others; see Cassaneus *consider. 29*.

> *TANDEM prima* Iuan. 2. Advocatum habemus apud Patrem Iesum Christum*, et Beata Virgo, Mater Dei Altissima, Advocata nostra est, ut canit Ecclesia. Haec late prosequitur S. Doctor in* Diaeta, titulo 3. c. 2. *Inter sanctos insignes, D. Ambrosius decem annos Romae functus est officio Advocati. B. Germanus, D. Lipardus, B. Luo, et alii Vide Cassenensem* consider. 29.

6 THEREFORE many are excluded from this office for unfitness, such as excommunicates, infamies, heretics, infidels, and those condemned of grave crimes. Some also for incapacity, such as the insane, children, the mute, the deaf, the blind. So D. Thom. *here*, Caietanus *there*, Sylvester, *V. Advocatus*, Nauarrus *summa, cap. 25, num. 28*, Panormitanus *in rubr. de postulat.*, Bartolus *in Leg. 1, ff. eodem, Leg. Nemo, 2, Cod. de Episcop. aud.*, Tannerus *disput. 4, quaest. 4, dub 6, num. 123*.

> *IDEO multi ex indecentia repelluntur ab hoc officio, ut sunt excommunicati, infames, haeretici, infideles, et gravibus damnati criminibus. Aliqui etiam ob impotentiam, ut furiosi, pueri, muti, surdi, caeci. Ita D. Thom.* hic*, Caietanus* ibi*, Sylvester,* V. Advocatus*, Nauar.* summa, cap. 25. num. 28. *Panormit.* in rubr. de postulat. *Bartol.* in Leg. 1. ff. eodem, Leg. Nemo, 2. Cod de Episcop. aud. *Tanner.* disput. 4. quaest. 4. dub 6. num. 123.

7 OTHERS are barred because they are consecrated to higher things, as clerics and Monks, *cap. fin. de postulat. extra; ne clerici, vel monachi*. Yet necessity removes the unfitness.

> *ALII arcentur, quia altioribus sunt sacrati, ut clerici, et Monachi,* cap. fin. de postulat. extra; ne clerici, vel monachi. *Attamen pro necessitatibus tollitur indecentia.*

Question II: On the sins of a wicked advocate

1 I ASSERT first, that an Advocate who through notable negligence or ignorance of his loses his client's just cause sins mortally against justice and is bound to restitution of the value of the cause, and to the expenses and other damages; and this, if he presents himself as a learned man, and his client did not know his ignorance; otherwise not, unless he acts with fraud or grave fault, and by cavillation takes the cause from him. So commonly the Doctors: Nauarrus *sum. Lav. cap. 25, num. 29*; Hostiensis *in cap. calumniam, de poenis*; Innocent *in cap. sicut dignum, de homicid.*; Sylvester *V. Advocatus,*

num 16; Toletus *lib. 5 summae, cap. 62*; Filliucius *tom 2, tract. 40, in octavum praeceptum, cap. 10, num. 295*; Lessius *Lib. 2, cap. 51, dub. 8, num. 47*; Fagundez *lib. 8, cap. 38*; and it appears from *Leg. Idem iuris, §. 1, ff. ad Leg. Aquil.*

> ***De peccatis Advocati pravi.***
>
> *ASSERO primo, Advocatum, qui notabili sua negligentia, aut ignorantia iustam clientis sui causam perdit, peccare lethaliter contra iustitiam, et ad restitutionem teneri valoris causae, et ad expensas, et alia damna; et hoc, si pro viro docto se gerit, et cliens eius ignorantiam ignorabat; alias non nisi sit in dolo, aut lata culpa, et per cavillationem ei causam auferat. Ita communiter Doctores. Nauar.* sum. Lav. cap. 25. num. 29. *Hostiens.* in cap. calumniam, de poenis. *Innocentius* in cap. sicut dignum, de homicid. *Sylvester* V. Advocatus, num 16. *Tolet.* lib. 5. summae, cap. 62. *Filliucius* tom 2. tract. 40. in octavum praeceptum, cap. 10. num. 295. *Lessius* Lib. 2. cap. 51. dub. 8. num. 47. *Fagundez* lib. 8. cap. 38. *et patet ex* Leg. Idem iuris, §. 1. ff. ad Leg. Aquil.

2 The REASON is that by justice he is bound to show diligence for his client, and the greater, the more difficult the client's cause. Thus he is bound also to be skilled.

> *RATIO est, quia ex iustitia tenetur pro suo cliente diligentiam praestare, et eo maiorem, quo difficilior est causa clientis. Sic tenetur etiam esse peritus.*

3 I ASSERT secondly, that an Advocate who defends a cause which he knows to be unjust sins mortally against justice and is bound to restore to the adverse party the damages that befall it, of expenses, etc. This is common among the Doctors. So D. Bonaventura *in speculo animae, cap. 2 et 4*; D. Thom. *art. 3, ad 4*. But Syluester, Filliucius, and Lessius note that an Advocate, after he has admonished his client of the injustice of the cause, is bound to abandon it if the client wishes to pursue it, yet not to betray to the adverse party what he knows in secret. In a just suit he is bound also not to prolong it, not to allege laws sophistically, from D. Bonaventura *in speculo animae, cap. 2*.

> *ASSERO secundo, Advocatus, qui defendit causam, quam novit iniustam peccat, lethaliter contra iustitiam, et tenetur parti adversae restituere damna, quae illi obveniunt, expensarum, etc. Est communis inter Doctores. Ita D. Bonavent.* in speculo animae, cap. 2. et 4. *D. Thom.* art. 3. ad 4. *ADVERTUNT autem Syluester, Filliucius, et Lessius, Aduocatum, postquam monuit clientem suum de iniustitia causae, teneri eum deserere, si ipse velit illam prosequi, non tamen ea, quae secreta scit, prodere adversae parti. Tenetur etiam in Lite iusta non prolongare, non sophistice allegare iura, ex D. Bonavent.* in speculo animae, cap. 2.

4 THEREFORE an Advocate who by superfluous delays, suborning of witnesses, offering of false instruments, or by false witnesses, or by other iniquitous and deceitful means alleging false laws, which he knows to be wholly false, causes the adversary of his client to lose a just cause, sins mortally against justice, and is bound to every damage emerging. So D. Bonaventura *in speculo animae, cap. 2, ad finem*, whom Nauarrus follows, *summ. Lat. cap. 25, num. 29*; Hostiensis *in cap. calumniam de poenis*; summa Confessorum, *Lib. 2, tit. 5*; Syluester *V. Aduocatus, numero 4*; Armilla, *V. Aduocatus, num. 19*; Filliucius *tom. 2, tract. 40, in 8. praeceptum, cap. 10, num. 295*; Tovecus *Lib. 5, cap. 62*; and others passim. It appears from *cap. si quis autem, 3, quaest. 7*, and from *L. 3, Properandum, Cod. de Indice*. The reason is that he does an injury to the adverse party, as S. Bonaventura argues, and with him Fagundez *cap. 38, n. 18*; but he who is the cause of injury to anyone with damage is bound to restore it, as appears *ex cap. si sua culpa, de iniuriis, et damno dato*.

> *ITAQUE Aduocatus, qui per superfluas dilationes, subornationem testium, oblationem falsorum instrumentorum, aut falsis testibus, aut aliis iniquis, et dolosis modis falsa iura allegando, quae scit omnino esse falsa, facit, ut adversarius*

sui clientis iustam causam perdat, peccat mortifere contra iustitiam; et tenetur ad omne damnum emergens. Ita D. Bonavent. in speculo animae, cap. 2. ad finem, *quem sequuntur Nauar.* summ. Lat. cap. 25. num. 29. *Hostiensis* in cap. calumniam de poenis, *summa Confessorum,* Lib. 2. tit. 5. *Syluester* V. Aduocatus, numero 4. *Armilla,* V. Aduocatus, num. 19. *Filliucius* tom. 2. tract. 40. in 8. praeceptum, cap. 10. num. 295. *Tovecus* Lib. 5. cap. 62. *et alii passim. Patet ex* cap. si quis autem, 3. quaest. 7. *et ex* L. 3. Properandum, Cod. de Indice. *Ratio est quia is iniuriam facit parti adversae, ut arguit S. Bonavent. et cum eo Fagundez* cap. 38. n. 18. *qui autem alicui iniurie causa damni est, tenetur illud restituere, ut patet* ex cap. si sua culpa, de iniuriis, et damno dato.

5 HE CAN, however, if he has a just cause, deceive the adversary by prudently concealing what might impede the right of the adverse party, provided he abstains from lies and does not use other falsehoods. So D. Thom. *quaest. 71, art. 3, ad 3*; Caiet. *there*; Nauarrus, Syluester *loco cit.*; the Gloss *in cap. ne quis, 22, quaest. 2,* and *in cap. Dominus noster, 23, quaest. 2*; Fumus *V. Aduocatus*.

POTEST tamen, si habeat iustam causam; decipere adversarium, occultando prudenter ea, quae ius adversae partis impedire possunt, dummodo a mendaciis abstineat; et aliis falsitatibus, non utatur. Ita D. Thom. quaest. 71. art. 3. ad 3. *Caiet.* ibi. *Nauar. Syluest.* loco cit. *Glossa* in cap. ne quis, 22. quaest. 2. *et* in cap. Dominus noster, 23. quaest. 2. *Fumus* V. Aduocatus.

6 I ASSERT thirdly, that an Advocate can plead in a less probable cause too, in a capital cause, and one involving loss of all goods.

ASSERO tertio, posse Aduocatum patrocinari in causa etiam minus probabili, in causa sanguinis, et amissionis omnium bonorum.

7 AND indeed, that an Advocate, abandoning the more probable, may follow the less probable, not only of law but also of fact, all teach, as Diana notes *p. p. tract. 13, resol. 4*; but they say he is bound to disclose to the party the lesser probability of his cause, otherwise he will restore to him the damages and expenses.

ET quidem, posse Aduocatum, relicta probabiliori, sequi minus probabilem, non solum iuris, sed etiam facti, docent omnes, ut notat Diana p. p. tract. 13. resol. 4. *sed aiunt, teneri manifestare parti minorem probabilitatem suae causae, alias restituet ei damna, et expensas.*

8 THE DIFFICULTY therefore stands: whether he may proceed even in a capital cause, and one involving loss of all goods, by defending the actor. For the negative side is maintained by Loui. de Cruz *in direct. confess., part. 1, prac. 8, art. 5, dub. 1*; Malderus *prima secundae, quaest. 19, art. 5, disp. 86, assert. 8*; Martinuz *part. 21, tract. 1, quaest. 19, dub. 26, concl. cap. 3*; and others with Soto *lib. 5, quaest. 8, art. 3*, because in doubt the condition of the possessor of the thing is better, and in doubt favor is to be shown the Defendant, as Bassaeus also says, *V. Advocatus*.

DIFFICULTAS igitur stat: an possit procedere etiam in causa sanguinis, et amissionis omnium bonorum protegendo actorem. Negatiuam enim partem tuentur Loui. de Cruz in direct. confess. part. 1. prac. 8. art. 5. dub. 1. *Malder.* prima secundae, quaest. 19. art. 5. disp. 86. assert. 8. *Martinuz* part. 21. tract. 1. quaest. 19. dub. 26. concl. cap. 3. *et alii cum Soto* lib. 5. quaest. 8. art. 3. *quia in dubio melior est conditio possidentis Reï, et in dubio fauendum est Reo, ut ait etiam Bassaeus* V. Advocatus.

9 BUT the contrary opinion is held by Sanchez *in summa, tract. 2, quaest. 74, art. 3*; Lorca *prima secundae, tract. 1, disp. 30, memb. 2*; Villalobos *tom. 1, tract. 1, diffic. 14*; Diana *loco cit.*; Fagundez *infra*; Bass. *loco cit.*; Tannerus, *disp. 4, quaest. 4, dub. 6, num. 117*, citing Syluester *V. Advocatus, quaest. 10, §. 3*; Nauarrus

man. cap. 25; Valentia *quaest. 11, puncto 4*; Azorius *Tom. 1, lib. 1, cap. 17, quaest. 4*; and Lessius *lib. 2, cap. 31, dub. 9*.

> *AT vero existimant sententiam contrariam Sanchez* in summa tract. 2. quaest. 74. art. 3. *Lorca* prima secundae, tract. 1. disp. 30. memb. 2. *Villalob.* tom. 1. tract. 1. diffic. 14. *Diana* loco cit. *Fagundez* infra, *Bass.* loco cit. *Tanner,* disp. 4. quaest. 4. dub. 6. num. 117. *referens Syluestrum* V. Advocatus, quaest. 10. §. 3. *Nauar.* man. cap. 25. *Valentiam* quaest. 11. puncto 4. *Azorium* Tom. 1. lib. 1. cap. 17. quaest. 4. *et Lessium* lib. 2. cap. 31. dub. 9.

10 The REASON is that, if the Client could litigate in this case, therefore the Advocate also could defend.

> *RATIO est, quia, si Cliens posset in hoc casu litigare; Ergo, et Advocatus defendere.*

11 For the ADVOCATE only upholds the side of one party, as far as reason goes, but does not declare the law or pronounce sentence.

> *ADVOCATUS enim solum tuetur partem unius, quantum valet ratione, non autem ius dicit, aut sententiam profert.*

12 Fagundez nevertheless ADDS, *cap. 38, num. 15*, that if little utility would accrue to the actor, he cannot be defended in such grave cases. So also Lessius *lib. 2, cap. 31, dub. 9, num. 53*; Filliucius *tom. 2, tract. 40, cap. 10, num. 285*. Therefore Tannerus, with others, adds: Unless Charity recall it.

> *ADDIT tamen Fagundez* cap. 38. num. 15. *si parum utilitatis actori obveniret, non posse defendi in tam gravibus casibus actorem. Ita etiam Lessius* lib. 2. cap. 31. dub. 9. num. 53. *Filliucius* tom. 2. tract. 40. cap. 10. num. 285. *Ideo Tanner. cum aliis addit; Nisi Charitas revocet.*

13 THIS opinion seems to me, at least, to need limiting, because it is against Charity, at least, to intend another's death or ruin in this way.

> *HAEC opinio mihi saltem videtur limitanda, quia contra Charitatem est saltem, mortem, vel ruinam alteri sic intentare.*

14 WHETHER, however, in a doubtful cause the Advocate may protect.

> *AN vero in causa dubia possit Aduocatus protegere.*

15 The AFFIRMATIVE opinion is maintained by Malderus *prima secundae, quaest. 19, art. 5, dub. 86, assert. 8*; Lorca *prima secundae, quaest. 39, memb. 2*; Diana *p. p. Tract. 13, resol. 6*. The reason is that the Advocate does nothing but represent to the Judge the reasons of the party. The same maintains *part. 4, Tract. 3, resol. 47*, adducing Metellus *Tom. 1, disp. 3, cap. 4, coroll. 6, num. 16*, against Salas *prima secundae, tract. 8, disp. unic., sess. 11, n. 108*. Bassaeus subscribes *loco cit.*

> *ASSERTIVAM sententiam tuentur Malder.* prima secundae, quaest. 19. art. 5. dub. 86. assert. 8. *Lorca* prima secundae, quaest. 39. memb. 2. *Diana* p. p. Tract. 13. resol. 6. *Ratio est, quia Aduocatus nil praestat, quam representare Iudici rationes partis. Idem tuetur* part. 4. Tract. 3. resol. 47. *adducens Metollam* Tom. 1. disp. 3. cap. 4. coroll. 6. num. 16. *contra Salam* prima secundae, tract. 8. disp. unic. sess. 11. n. 108. *Subscribit Bassaeus* loco cit.

16 Fagundez nevertheless ADDS *num. 13* that he is bound to admonish the client, otherwise he cannot. So also Nauarros *summ. Lat. cap. 25, numero 28*; Syluester *V. Aduocatus, numero 5*. On these things see *prima secundae, Tract. 1, disp. 17, quaest. 10*.

ADDIT tamen Fagundez num. 13. *teneri clientem admonere, aliter non posse: Ita etiam Nauarros* summ. Lat. cap. 25. numero 28. *Syluester* V. Aduocatus, numero 5. *De his actum* prima secundae, Tract. 1. disp. 17. quaest. 10.

17 I ASSERT fourthly, that an Advocate defending Defendants against the Fisc by frauds, and effecting by these that the Fisc not seize the client's goods, is not bound to restore that gain to the Fisc. So Lessius *Lib. 2, cap. 31, dub. 8, num. 50*; Filliucius *num. 283*; Sanchez *Lib. 10, de matrim., disp. 8, num. 14*; Fagundez *Lib. 8, cap. 38, num. 10*; and he derives it from Nauarrus, *summ. Latinae cap. 18, num. 49*.

ASSERO quarto, Aduocatum, tuentem Reos contra Fiscum fraudibus, et his efficientem, ne Fiscus clientis bona rapiat, non teneri restituere Fisco illud emolumentum; Ita Lessius Lib. 2. cap. 31. dub. 8. num. 50. *Filliucius* num. 283. *Sanchez* Lib. 10. de matrim. disp. 8. num. 14. *Fagundez* Lib. 8. cap. 38. num. 10. *et deducit e Nauarro,* summ. Latinae cap. 18. num. 49.

18 The REASON is that a penalty is not owed except after the Judge's sentence has followed.

RATIO est, quia poena non debetur, nisi secuta Iudicis sententia.

19 I ASSERT fifthly, that if the Advocate of the fisc, by negligence alone, at least grave, be the cause that the fisc does not uncover the truth for the despoiling of goods, he is not bound to restore this damage to the fisc, but only a proportionate part of the salary and of the expenses he incurred: so Filliucius *loco cit.*; Lessius *num. 51*; Fagundez *num. 11*.

ASSERO quinto, quod si Aduocatus fisci sola negligentia, saltem gravi, sit causa, ut fiscus non detegat veritatem ad expoliationem bonorum, non teneri Fisco restituere damnum hoc, sed solum partem salarii pro rata, atque expensarum, quas fecit: sic Filliucius loco cit. *Lessius* num. 51. *Fagundez* num. 11.

20 I ASSERT sixthly; if an Advocate has so defended the Client that the accuser cannot prove the true matter and falls into the penalty of talion, he is not bound to restore damages to him, nor does he become irregular. So Lessius *num. 52*, against Nauarrus *si furiosus, 2, part., §. 5*; Salon *2, 2, q. 71, art. 3, controv. 1*; Fagundez *num. 22*, against Nauarrus *summa Lat. cap. 27, num. 209*. The reason is that this evil is accidental, and he himself is not bound to uphold the Accuser's part.

ASSERO sexto; si Aduocatus ita Clientem defenderit, ut accusator non possit rem veram probare, et incidat in poenam talionis, non tenetur restituere illi damna, nec fit irregularis. Ita Lessius num. 52. *contra Nauar.* si furiosus, 2. part. §. 5. *Salon* 2. 2. q. 71. art. 3. controv. 1. *Fagundez* num. 22. *contra Nauar.* summa Lat. cap. 27. num. 209. *Ratio est, quia hoc malum est per accidens, et ipse non tenetur Accusatoris partes tueri.*

21 BUT a great difficulty concerns the following question.

MAGNA vero difficultas est de quaestione sequenti.

Question III: Whether an advocate is liable for light fault

1 The AFFIRMATIVE answer is given by Villalobos *Tomo 2, Tract. 10, diff. 4*; Iom. Valer. *in differ. utriusque fori, V. damnum, differ. 1, num. 7*; Ledesma *summa, part. 2, Tract. 8, cap. 36*; Salon. *2, 2, quaest. 71, art. 2, controv. unica, conclus. 2*; Rebell. *part. 2, lib. 1, quaest. 10, num. 7*; Molina *Tom. 3, tract. 2, disp. 730*; Sayrus *L. 10, tract. 2, cap. 8, num. 11*; Reginaldus *tract. 2, Lib. 10, cap. 9, sect. 3, num. 90*; Navarrus *in restit., lib. 3, cap. 3, num. 3*; Bannes *2, 2, quaest. 71, art. 4, dub. 2*; Cruz *in direct., part. 1, prac. 8, art. 5, dub. 19*.

An teneatur ADVOCATUS de culpa leui.

AFFIRMATIVE respondent. Villalobos Tomo 2. Tract. 10. diff. 4. *Iom. Valer.* in differ. utriusque fori, V. damnum, differ. 1. num. 7. *Ledesma* summa, part. 2. Tract. 8. cap. 36. *Salon.* 2. 2. quaest. 71. art. 2. controv. unica, conclus. 2. *Rebell.* part. 2. lib. 1. quaest. 10. num. 7. *Molina* Tom. 3. tract. 2. disp. 730. *Sayrus* L. 10. tract. 2. cap. 8. num. 11. *Reginaldus* tract. 2. Lib. 10. cap. 9. sect. 3. num. 90. *Navar.* in restit. lib. 3. cap. 3. num. 3. *Bannes* 2. 2. quaest. 71. art. 4. dub. 2. *Cruz* in direct. part. 1. prac. 8. art. 5. dub. 19.

[2] BUT this opinion would be the ruin of Advocates. Therefore the opposite is maintained by Lessius *lib. 2, cap. 7, num. 31*; Azorius *part. 3, lib. 13, cap. 29, dub. 5*; Malderus *2, 2*, tract. 6, cap. 3, disp. 10; Fernandez in exam., Lib. 4, q. 44; Graff., decis., part. 1, lib. 3, cap. 8; Navarrus, man., cap. 25, num. 28; Rodriquez, sum., tom. 1, cap. 6, num. 6; Ortiz, summa, cap. 8, numero 3; Turrianus, Tom. 2, 2, 2, disp. 11, dub. 4, num. 5, etc.; Diana, p. p., Tract. 15, resol. 59.

SED haec sententia perditio esset Aduocantium. Ideo oppositam tuentur Lessius lib. 2. cap. 7. num. 31. *Azorius* part. 3. lib. 13. cap. 29. dub. 5. *Malder.* 2. 2. *tract. 6. cap. 3. disp. 10. Fernandez in exam. Lib. 4. q. 44. Graff. decis. part. 1. lib. 3. cap. 8. Navar. man. cap. 25. num. 28. Rodriquez sum. tom. 1. cap. 6. num. 6. Ortiz summa, cap. 8. numero 3. Turrian. Tom. 2. 2. 2. disp. 11. dub. 4. num. 5. etc. Diana p. p. Tract. 15. resol. 59.*

[3] The same is D. Bonaventura's, in speculo animae, cap. 3, where he condemns only grave fault in the undertaking of the office. Therefore if he loses the cause, he is not bound to restitution, because he acted quite prudently, even if negligently in a light way. Bassaeus implies this, V. Advocat., num. 3.

Eadem est D. Bonavent. in speculo animae, cap. 3. ubi solam gravem culpam in promisso officio damnat. Itaque si amittat causam, non tenetur restitutioni, quia satis prudenter egit, etiamsi leviter negligens. Id innuit Bassaeus V. Advocat. num. 3.

Question IV: Whether an advocate engaged by the year is worthy of his fee in a year in which he did nothing

[1] The negative seems to be answered from Florus de mera var. qq., lib. 1, quaest. 8, num. 54; Azorius, part. 3, lib. 13, cap. 10, quaestio 10, where, from Bartolus on Leg. diem functo, ff. de offic. assessorum, he says the salary is owed only pro rata temporis.

An Advocatus, conductus ad annos, sit Honorario dignus eo anno, quo nil egit.

Negative videtur dicendum ex Flore de mera var. qq. lib. 1. quaest. 8. num. 54. Azorio part. 3. lib. 13. cap. 10. quaestio 10. ubi ex Bartolo Leg. diem functo, ff. de offic. assessorum, ait, salarium deberi solum pro rata temporis.

[2] The opposite is followed by Gattierez in praxi qq., Lib. 1, quaest. 52; Matthaeus de Afflictis, in consti. Regni Siciliae, rub. 81, de salario Advoc.; Azevedo, in Lib. 10, tit. 16, lib. 2, num. 4.

Oppositum sequitur Gattierez praxi. qq. Lib. 1. quaest. 52. Matthaeus de Afflictis in consti. Regni Siciliae, rub. 81. de salario Advoc. Azeved. in Lib. 10. tit. 16. lib. 2. num. 4.

[3] Diana walks the middle path, p. p., Tract. 15, resol. 41, saying that in the forum of conscience at least he is bound to pay, yet not the whole, but a part, in the judgment of a prudent man. So also Bobadilla in politic., tract. 2, lib. 3, cap. 14, num. 63. But if the Advocate were of a genius more for laboring than for idling, nothing of the salary should be diminished, he says, unless another cause were present. It seems to be in the mind of Rebellus, de oblig. iust., part. 1, lib. 14, num. 7.

Media via incedit Diana p. p. Tract. 15. resol. 41. dicens, in foro conscientiae saltem teneri solvere, non tamen totum, sed partem, iudicio viri prudentis. Sic etiam Bobadilla in politic. tract. 2. lib. 3. cap. 14. num. 63. Quod si Advocatus esset genii magis laborandi, quam otiandi, nil de salario minuendum ait, nisi alia causa adesset. Videtur ad mentem Rebell. de oblig. iust. part. 1. lib. 14. num. 7.

Question V: Whether an advocate is bound to defend a client gratis in grave necessity

1 I assert that in grave and extreme necessity of a poor Defendant, when he is about to be condemned unjustly to the galleys, to death, to the scourge, or to harsh imprisonment, or believed to be about to contract a grave illness by losing the suit, if he cannot otherwise be helped, the Advocate is bound under mortal fault to show him his advocacy gratis, provided there remains for him time beyond what is necessary for preserving his own state; but in extreme necessity he is bound to render the advocacy even of his time and industry, necessary to his state. So D. Thom. 2, 2, quaest. 71, art. 1; Caietanus there; Sylvester, V. Advocatus, num. 16; Lessius, Lib. 2, cap. 71, dub. 7, num. 46; Sotus, Lib. 5, de iustitia, quaest. 8, art. 1; Armilla, V. Advocatus, num. 10; Filliucius, Tom. 21, tract. 40, cap. 10, num. 187; Navarrus, summa Lat., cap. 25, num. 29; Fagundez, lib. 8, cap. 38, num. 20; Tannesius, disp. 4, quaest. 4, num. 125; and others with Bassaeus, V. Advoc., num. 5, who proves it from the first of Ioan. 3, *Whoever hath substance*, etc.

An teneatur Advocatus defendere Clientem gratis in gravi necessitate.

Assero, in gravi, et extrema necessitate Rei pauperis, quando iniuste ad triremes, ad mortem, ad flagella, seu ad durum carcerem potaretur damnandus, vel gravem morbum contracturus crederetur, amissa lite, si non possit ei aliter subveniri, tenetur Advocatus sub mortifera culpa ei suum patrocinium gratis exhibere, modo ei tempus supersit ex necessario ad suum statum conservandum: in extrema vero necessitate tenetur patrocinium praestare, etiam de tempore, et industria, necessariis ad suum statum. Ita D. Thom. 2. 2. quaest. 71. art. 1. Caietanus ibi, Sylvester V. Advocatus, num. 16. Lessius Lib. 2. cap. 71. dub. 7. num. 46. Sotus Lib. 5. de iustitia, quaest. 8. art. 1. Armilla V. Advocatus, num. 10. Filliucius Tom. 21. tract. 40. cap. 10. num. 187. Navar. summa Lat. cap. 25. num. 29. Fagundez lib. 8. cap. 38. num. 20. Tannes. disp. 4. quaest. 4. num. 125. et alii cum Bassaeo, V. Advoc. num. 5. qui probat prima Ioan. 3. Qui habueris substantiam, *etc.*

2 The reason is that whoever has superfluity is bound in grave necessity to spend of the things necessary to his own state. This doctrine accords with D. Bonaventura, as I said in the disput. de Eleemosyna.

Ratio est, quia qui superfluum habet, tenetur in gravi necessitate de necessariis ad suum statum erogare. Haec doctrina consonat cum D. Bonavent. ut dixi disput. de Eleemosyna.

3 Therefore the Judge is bound to give an Advocate to miserable persons who have not a man, Leg. nec quicquam, ff. de offic. praesul., §. finali; and if an Advocate refuse without cause, the Judge can remove him perpetually from the office of advocacy, Leg. Providendum, Cod. eodem tit.

Itaque tenetur Iudex personis miserabilibus, quae non habent hominem, dare Advocatum Leg. nec quicquam, ff. de offic. praesul. §. finali, Et si Advocatus sine causa renuat, potest Iudex eum ab officio advocationis perpetuo amovere Leg. Providendum, Cod. eodem tit.

Question VI: Whether an advocate can receive gifts

1 Where a certain Honorarium or stipend for the office of Advocacy has been established by the Prince, or by custom, Advocates cannot receive anything beyond it; and if they receive, it will be subject to restitution. It is common among the Doctors; so D. Bonaventura, in speculo animae, cap. 2, §. Quartus fructus rapina; Filliutius, Tom. 2, tract. 40, cap. 10, num. 190; Navarrus, sum. Lat., cap. 25, num. 30; and it appears from what was said in the preceding disput., quaest. 3, and the disp. de Iudice.

> An possit Advocatus recipere munera.
>
> *Ubi certum Honorarium, vel stipendium pro munere Advocationis statutum est a Principe, aut consuetudine, non possunt Advocati aliquid ultra accipere; et si recipiant, erit restitutioni obnoxium. Est communis Doctorum, sic D. Bonavent. in speculo animae, cap. 2. §. Quartus fructus rapina. Filliutius Tom. 2. tract. 40. cap. 10. num. 190. Navar. sum. Lat. cap. 25. num. 30. et patet ex dictis disput. praecedenti, quaest. 3. et disp. de Iudice.*

2 The first part is proved by D. Thom., 2, 2, quaest. 71, art. 4, in corpore, and D. Bonaventura at the place cited, because when one is not bound to render something to another, he can justly receive something for its rendering; but on the contrary (and thus the other part is proved), when one is bound to exhibit something for a price, he exhibits nothing saleable. An Honorarium not fixed by law Bassaeus commends to each one's discretion, num. 7.

> *Prior pars probatur a D. Thom. 2. 2. quaest. 71. art. 4. in corpore, et D. Bonavent. loco cit. quia quando quis non tenetur alteri aliquid praestare, iuste potest pro eius praestatione accipere aliquid; at e contra (et sic probatur altera pars,) quando tenetur aliquis ex pretio aliquid exhibere, nihil vendibile exhibet. Honorarium vero, lege non taxatum, discretioni cuiusque commendat Bassaeus num. 7.*

3 You will ask: Whether a stipend is owed to an Advocate who, in his own cause, pleaded against an adversary in a suit and drew up the writings.

> *Quaeres: An Advocato, qui in causa propria contra adversarium in lite advocavit, et scripturas contexuit, debeatur stipendium.*

4 Some deny it, because of that rule drawn from Leg. properandum, §. si autem alterutra, Cod. de iudiciis, on which Menochius, q. 74, de arbitriis adjudicates that the expenses are to be made by the loser which he made, not those which he did not make. So Paulus Castrensis infers, ad leg. finali, Cod. de fructu, et litium expensis.

> *Negant aliqui, eo quod regula illa deducta ex Leg. properandum, §. si autem alterutra, Cod. de iudiciis, de qua Menochius q. 74. de arbitriis adiudicat expensas a victo faciendas, quas fecit, non quas non fecit. Sic infert Paulus Castrens. ad leg. finali, Cod. de fructu, et litium expensis.*

5 Yet Valafius asserts the opposite, tract. 1, concl. 26, num. 23.

> *Asserunt tamen Valafius tract. 1. concl. 26. num. 23.*

6 The reason is that the expenses made on the Advocate were for creating him an Advocate; nor should the Advocate's learning render him in a worse condition.

> *Ratio est, quia expensae in Advocato factae sunt ad eum creandum Advocatum; neque debet scientia Advocati eum reddere deterioris conditionis.*

7 Moreover, the condemnation of expenses is made on account of the contumacy of the bad litigant, as appears from the said Leg. Properandum, and from the Doctors there. Therefore Fagundez subscribes to this, lib. 8, cap. 38, num. 31.

> *Praeterea condemnatio expensarum fit propter contumaciam male litigantis, ut patet dicta Leg. Properandum, et ex Doctoribus ibi. Ideo huic subscribit Fagundez, lib. 8. cap. 38. num. 31.*

8 Fagundez notes at num. 39 that no one can plead against him from whom he has received some gratuitous benefit, or a liberal donation without defect, without the sin of an ungrateful mind — not if he pleads for himself, or for father or mother, or for his own cause, or for another miserable person; otherwise the donation can be revoked. The first appears from the final cap., de postulat.; the second from the Law Papinianus, ff. de inofficioso testam, and the final cap., de donationib.

> *Advertit Fagundez num. 39. non posse aliquem advocare contra eum, a quo beneficium aliquod gratuitum, vel donationem accepit liberalem sine vitio ingrati animi, non si pro se agat, vel pro Patre, vel matre, aut pro causa propria, vel alia persona miserabili, alioqui potest donatio revocari. Primum patet ex cap. finali. de postulat. Secundum ex Lege Papinianus, ff. de inofficioso testam, et cap. finali, de donationib.*

9 I shall produce certain instructions for Advocates from D. Bonaventura, Lib. 1, Pharetra, cap. 26, from St. Gregory, homil. 7, in Ezech.: *A just advocate in no way accepts unjust causes, nor consents to give words for injustice.*

> *Produciam quaedam pro Advocatis erudimenta ex D. Bonavent. Lib. 1. Pharetra, cap. 26. ex Divo Gregorio, homil. 7. in Ezech.* Iustus advocatus iniustas causas nullo modo accipit, nec verba dare pro iniustitia consentit.

10 From the same, lib. 20, moral., cap. 15, on these words of Job 30: *But now the younger mock me. In poverty and famine sterile, whose fathers I did not deem worthy to set with the dogs of my flock, who ate grass, and the bark of trees, and the root of junipers was their bread.* The Vulgate continues: *Who, snatching these things from the valleys, as soon as they had found anything, ran with a cry to them.* The Hebrew: *They cried out against them as against a thief.*

> *Ex eodem lib. 20. moral. cap. 15. ad ea verba Iob 30.* Nunc autem derident me iuniores. Egestate, et fame steriles, quorum non dignabar patres ponere cum canibus gregis mei, qui mandebant herbas, et arborum cortices, et radix iuniperorum panis eorum. *Pergit vulgatus:* Qui de convallibus ista rapientes cum singula reperissent; ad eorum clamore currebant. *Hebraeus:* Clamabant contra eos, sicut furem.

11 The Vulgate continues: *They dwelt in the deserts of the torrents, and in the caverns of the earth, or upon the gravel. Who rejoiced in* such things, and esteemed it a delight to be under the brambles. Where the Hebrew reads: *Among the shrubs they crept beneath the nettle.* Where D. Gregory says: *With a cry they hasten to meet whatever is found in the valley — from the occasions of causes arising, even to litigate for a wicked stock.*

> *Pergit vulgatus:* In desertis habitabant torrentium, et in cavernis terrae, vel super glaream. Qui in *huiuscemodi laetabantur, et esse sub sentibus, delicias computabant. Ubi legit Hebraeus:* Inter arbusta rudebant subter urticam. *Ubi D. Gregorius:* In valle repertis singulis cum clamore occurrere, ex subortis causarum occasionibus, etiam pro prava stirpe litigare.

12 Now the most Excellent One SEEMS to urge Advocates to devote their aid to the poor even for a small alms, and to defend them gratis and faithfully; just as the Molossians defend the flock, and would have Mallow, their medicine, applied to their abscesses, and the nettles — that is, unpolished words — removed from them.

VIDETUR autem Excellentissimus Advocatos hortari, ut suam opem pauperibus impendant etiam pro pauca stipe, et gratis, et fideliter defendere; sicuti Molossi defendunt gregem, et Malvam pharmacum eorum apostematibus velint imponere, et urticas ab eis, inorbana scilicet verba, tollere.

13 Then the Saintly Doctor cries out with D. Bernardus, *Lib. 1, de consider.: Daily the Laws clamor in the palace, but the Laws of Justinian, not of the Lord. Wherefore he urges that they meditate in the law of the Lord: for the law of the Lord is unspotted, etc. But these are not so much laws as lawsuits, and the cavillations subverting judgment are of Advocates, who have taught their tongues to speak a lie: eloquent against justice: learned for falsehood: they are wise to do evil: eloquent to assail the truth. Such must not faithful Advocates be.*

CLAMAT deinde S. Doctor cum D. Bernardo Lib. 1. de consider. Quotidie perstrepant in palatio Leges, sed Iustiniani, non Domini. Quare hortatur, ut in lege Domini meditentur: Lex enim Domini immaculata, etc. Haec autem non tam leges, quam lites sunt, et cavillationes, subvertentes iudicium sunt Advocati, qui docuerunt linguas suas loqui mendacium: diserti, adversus iustitiam: eruditi, pro falsitate: sapientes sunt, ut faciant malum: eloquentes, ut impugnent verum. Tales esse non debent Advocati fideles.

14 FINALLY he admonishes from the same D. Bernardus, *Lib. 3, that they appeal not without cause: Unjust (he says) is every appeal to which the want of justice has not compelled. It is lawful to appeal, not that you may oppress, but lest you be oppressed. He who appeals when not oppressed, it is clear, either intends to oppress, or to redeem time.*

TANDEM monet ex eodem D. Bernardo Lib. 3. ne sine causa appellent: Iniqua: (ait) est omnis appellatio, ad quam iustitiae inopia non coegit. Appellare, non ut graves, sed ne graveris licet. Qui non gravatus appellat, liquet, quod aut gravare intendit, aut tempus redimere.

15 From what has been said, gather the four conditions of a good Advocate: the first is sufficient knowledge; the second diligence; the third truth; the fourth justice, as Fagundez also relates, *loco cit., num. 34*; Bassaeus *a num. 3*, with others.

Ex dictis collige boni Advocati conditiones quatuor: Prima est scientia sufficiens: Secunda diligentia: Tertia veritas: Quarta iustitia, ut refert etiam Fagundez loco cit. num. 34. *Bassaeus* a num. 3. *cum aliis.*

16 It is NOT lawful for an Advocate to contract with a Client for a portion of the matter in suit, *Leg. si quis, Cod. de postulando, et Leg. sumptus, ff. de pactis*, lest a way be opened for frauds to defeat suits. Yet it does not seem a sin, fraud removed, as Victorellus teaches, *in manu*; Navarrus *cap. 25*; Diana *part. 2, tract. 2, miscell., Resol. 49*; Valerius *in differ. utriusque contract., diff. 3*; Bassaeus *num. 8*. But he may contract for such a price, whether the cause be obtained or not; and then the Advocate is bound to pursue the whole cause.

NON licet Advocato pacisci cum Cliente de aliquota parte litis, si vincat Leg. si quis, Cod. de postulando, et Leg. sumptus, ff. de pactis, *ne via ad lites fraudibus evincendas aperiatur. Non videtur tamen peccatum, amota fraude, ut docent Victorell.* in manu. *Navar.* cap. 25. *Diana* part. 2. tract. 2. miscell. Resol. 49. *Valer.* in differ. utriusque contract. diff. 3. *Bassaeus* num. 8. *Potest tamen pacisci pro tanto pretio, sive causa obtineatur, sive non: Et tunc Advocatus tenetur totam prosequi causam.*

17 But if by the client's fault the cause be cut off, he is bound to pay the whole price.

Quod si clientis culpa obtruncetur causa, tenetur totum pretium erogare.

18 SEE Sayrus, *lib. 12, cap. 23, num. 33*; Sylvest., V. *Advocat., quaest. 22*; Azor, *part. 3, lib. 13, cap. 29, dub. 10*; Bonac., *disp. 10, quaest. 3, punct. 4*; Filliu., *tract. 40, n. 293*; Regin., *lib. 25, num. 678*; Rodriquez, *part.*

1 sum., cap. 4; Bassaeus, *num. 9*, where they add much.

> *VIDE Sayrum* lib. 12. cap. 23. num. 33. *Sylvest. V.* Advocat. quaest. 22. *Azor* part. 3. lib. 13. cap. 29. dub. 10. *Bonac.* disp. 10. quaest. 3. punct. 4. *Filliu.* tract. 40. n. 293. *Regin.* lib. 25. num. 678. *Rodriquez* part. 1 sum. cap. 4. *Bassaeum* num. 9. *ubi multa addunt.*

Disputation XXXII: On the Notary and the Scrivener

1 SINCE from the process of judgments, both private and public advantages are wont to accrue, either to the actor or to the commonwealth; therefore in forensic matters one must act with that caution that provision be made for future suits by the exhibition of the deeds of predecessors; wherefore all things are wont to be committed to writing. But those who are deputed to this office are, for the most part, armed rather with a lust of gain than with zeal for Justice, like the scribes of old: of whom I shall speak distinctly.

> ***De Notario et Tabellione.***
>
> *CUM ex Iudiciorum processu tam Privata, quam Publica commoda soleant resultare, vel actori, vel reipublicae; ideo ea cautione in rebus forensibus agendum, ut provide futuris litibus praecedentium exhibitione prospiciatur; quare omnia solent scriptis mandari. Verum qui ad hoc munus deputantur, potius, ut plurimum, lucrandi libidine, quam Iustitiae zelo, instar veterum scribarum, armantur: De quibus districtim dicam.*

Sole Question: On the justice or injustice of the notary and the scrivener

1 AMONG the other persons who come together at a trial and take part in it are the Notaries and Tabellions, concerning whose creation and obligations the Jurists and the Summists differ, whom Sayrus reviews *Lib. 12. cap. 15.* Their principal obligation is to write and transcribe faithfully writings, instruments, testaments, proceedings, and other documents, since they act by the public authority of the Emperor, King, Republic, or Prince who creates them; therefore they must be honest persons, and for that reason one who is infamous in law or in fact cannot be a public Tabellion, per Panormitanus *cap. cum dilectus.* Felin. *in cap. fraternitatis de baret.* Alex. *consil. 80.* Couar. *Lib. pract. qq. cap. 19.* For other conditions see in those places.

> ***De Notarii, et Tabellionis Iustitia, vel iniustitia.***
>
> *INTER alias personas ad iudicium convenientes, atque operantes, sunt Notarii, et Tabelliones, de quorum creatione, et obligationibus differunt Iuristae, atque Summistae, quos recenset Sayrus* Lib. 12. cap. 15. *Eorum obligatio est praecipua, scripturas, Instrumenta, Testamenta, processus, et alia fideliter scribere, et transcribere, quippe qui publica authoritate Imperatoris, Regis, Reipublicae, vel Principis agunt, qui eos creant; ideo debent esse personae honestae, et propterea infamatus iuris, vel facti non potest esse Tabellio publicus, ex Panormitano* cap. cum dilectus. *Felin.* in cap. fraternitatis de baret. *Alex.* consil. 80. *Couar.* Lib. pract. qq. cap. 19. *Alias conditiones vide in istis.*

2 SINCE, however, their justice is exceedingly necessary to the Republic, and is not always intact; therefore the laws in grave criminal cases do not commit the examination of witnesses to them alone; indeed the Judges themselves must be present, as is arranged in *Authen. Apud eloquentissimum, Cod. de fide instrumentorum, et Authen. de testibus, et Cod. in causis civilibus,* the same must be done, according to the text in *Leg. Divus, ff. de testibus, et* the Gloss on *Leg. Hac consultissima, §. vult. Cod. Qui testamenta facere possint;* nevertheless, on account of the many affairs by which Judges are distracted in civil cases of lesser moment, the examination of witnesses is committed to the Tabellion, an oath having first been taken before the Judge concerning the fidelity to be observed, *cap. si qui testium, de testibus, cap. 2. de iudic. in 6. Leg. Ad egregias de iureiurando.* Couar. *Lib. 2. variarum, cap. 13. num. 10.*

QUIA vero eorum Iustitia est admodum Reipublicae necessaria, nec semper integra; ideo Iura in causis criminalibus gravibus non committunt illis solis examen testium; imo ipsi Iudices debent esse praesentes, ut disponitur in Authen. Apud eloquentissimum, Cod. de fide instrumentorum, et Authen. de testibus, et Cod. in causis civilibus, *idem agendum sit, iuxta text. in* Leg. Divus, ff. de testibus, et *Glossam in* Leg. Hac consultissima, §. vult. Cod. Qui testamenta facere possint; *tamen ob plurima negotia, quibus distrahentur Iudices in causis civilibus minoris momenti, committitur Tabellioni examen testium, praestito prius iuramento apud Iudicem, de fidelitate servanda* cap. si qui testium, de testibus, cap. 2. de iudic. in 6. Leg. Ad egregias de iureiurando. *Couar.* Lib. 2. variarum, cap. 13. num. 10.

3 EXCELLENT was the law of the Athenians reported by Postellus *de magistratibus Athenis, cap. 26.* which had appointed six men as assistants to the Notaries and Tabellions, so that they might watch whether these men added or omitted anything. At least they ought to appoint someone. For men of that kind are of great authority.

OPTIMA erat Lex Atheniensium apud Postellum de magistratibus Athenis, cap. 26. *quae sex viros destinaverat assistentes Notariis, et Tabellionibus, ut adverterent, an aliquid isti adderent, vel omitterent. Saltem deberent aliquem apponere. Enim vero magnae sunt authoritatis.*

4 IT IS DISPUTED here: what number of witnesses, at a minimum, can prevail against a Tabellion.

DISPUTANT hic; quot numero testes praevalere possint contra Tabellionem.

5 IT IS CERTAIN that he, as a public person, prevails over one witness, even one swearing an oath, that the writing is not true, *Leg. si quis decurio, Cod. de falsis, cap. ad audientiam, de praescrip.*

CERTUM est, eum, ut personam publicam, uni testi, etiam iuranti, non esse scriptum verum, praevalere, Leg. si quis decurio, Cod. de falsis, cap. ad audientiam, de praescrip.

6 MANY say that two witnesses, above every exception, prevail. Others say three are required. See Fagundez *lib. 8. cap. 44.* Couarruvias *L. 2. var. cap. 13.* who seems to distinguish well: two witnesses suffice, if they are of those who appear in the writing.

MULTI dicunt, duos testes, omni exceptione maiores, praevalere. Alii dicunt, requiri tres. Vide Fagundez lib. 8. cap. 44. *Couarruviam* L. 2. var. cap. 13. *qui bene videtur distinguere; sufficere duos testes, si sint ex iis, qui in scriptura extant.*

7 THEY INQUIRE here: whether they, making false writings, or falsifying, or erasing something, are bound to restitution, as for a mortal sin committed against Justice.

QUAERUNT hic: an teneantur, falsas scripturas conficientes, vel falsificantes, vel aliquid eradentes, restitutioni, tanquam peccati mortalis Rei contra Iustitiam.

8 ALL ASSERT so, with St. Bonaventure *in speculo animae, cap. 2.* per Fagundez *Lib. 8. cap. 44. numero 6. et* other places, and Sayrus *Lib. 21. cap. 15. numero 12.* Nor does it suffice that he not make false instruments; he must also not do forbidden things; such as a usurious instrument, or one against Ecclesiastical immunity.

ASSERUNT omnes cum D. Bonavent. in speculo animae, cap. 2. *apud Fagundez* Lib. 8. cap. 44. numero 6. et *aliis locis, et Sayrus* Lib. 21. cap. 15. numero 12. *Neque sufficit, ut non conficiat Instrumenta falsa, sed neque debet vetita facere; ut instrumentum usurarium, vel contra Ecclesiasticam immunitatem.*

9 FURTHERMORE, one who draws up a nuncupative testament for someone not of sound mind sins, and is bound to restore to the legitimate heirs, if he does this knowingly. Navar. *man. cap. 25. num. 54.* Baldus on Leg. Cod. de Sacros. Eccles. num. 71. says likewise, even if, corrupted by a price, he induces the testator to institute as heir someone other than the one the testator himself wished, he is bound to restitution. D. Antonin. 3. part. tit. 6. cap. 3. §. ult. Toletus l. 5. cap. 61. Sayrus num. 15.

> *PRAETEREA conficiens testamentum nuncupativum alicuius non sanae mentis, peccat, et tenetur restituere legitimis haeredibus, si hoc scienter faciat. Navar.* man. cap. 25. num. 54. *Baldus in Leg. Cod. de Sacros. Eccles. num. 71. sic, etiam si pretio corruptus inducat testatorem, instituere haeredem alium ab illo, quem ipse volebat, tenetur restitutioni. D. Antonin. 3. part. tit. 6. cap. 3. §. ult. Toletus l. 5. cap. 61. Sayrus num. 15.*

10 He must also take care not to exact a price exceeding the norm. Then, not to exact a price for a thing for which no price is to be paid, such as for Ordinations, for Dimissories, or testimonials, if he has a salary; but if he has none, he cannot receive for individual dimissories or testimonials more than a tenth part of one gold piece, from the Council of Trent session 21. de reform. cap. 1.

> *Cavere etiam debet, ne pretium excedens exigat. Deinde ne pretium exigat pro re, pro qua nullum pretium exhibendum, ut pro Ordinibus, pro Dimissoriis, aut testimonialibus, si habet salarium; sed si non habet, non potest recipere pro singulis dimissoriis, vel testimonialibus ultra decimam partem unius aurei, ex Concilio Tridentino sessione 21. de reform. cap. 1.*

11 Likewise, not to receive gifts and prices beyond the salary, if he obtains it. Of these things something has already been said above.

> *Similiter ne munera, et pretia recipiat super salarium, si illud obtinent. De his iam dictum est supra.*

12 Moreover, the Notary must abstain from drawing up public instruments which demand a longer time on the more solemn days, on which the people are bound to be free for God; especially if they are contracts serving commerce. For this is gathered from cap. 1. de feriis; moreover this is provided in various places by Synodal decrees, as Bonalis notes in his Theologia morali, written in French, tom. 1. tract. 7. sect. 2. and he cites Suarez, Filliucius, and several others, in Bonacina disp. 5. quaest. unica, part. 2. num. 10. He excepts, however, the custom of the place, known and permitted to the Prelates, as also public necessity, to which you may add even private piety, as when it is done in favor of some poor person.

> *Praeterea debet Notarius abstinere a conficiendis Instrumentis publicis, quae longius tempus expostulant, diebus sollemnioribus, quibus tenetur populus Deo vacare; praesertim si sint contractus commerciis inservientes, Hoc enim colligitur e cap. 1. de feriis; insuper id variis in locis cautum est Synodalibus decretis, ut notat Bonalis in sua Theologia morali, gallice contexta tom. 1. tract. 7. sect. 2. citatque Suarez, Filliucium, aliosque plures in Bonacina disp. 5. quaest. unica, part. 2. num. 10. Excipit tamen loci consuetudinem, Praelatis notam et permissam, sicut et publicam necessitatem, quibus potes adiicere privatam etiam pietatem, ut in favorem alicuius inopis fiat.*

13 Finally the Notary must take care not to knowingly serve in writing usurious contracts; for by these he violates the oath he would take when called to his office; yet he is not bound to restore anything, since he received nothing by reason of usury. If, however, the debtor, compelled by force, binds himself to the Creditor by a usurious contract, and this becomes known to the Notary; he is bound, as Bonalis says ubi supra tract. 17. lect. 77., to restitution, since he cooperated in that wickedness, from which by reason of his office he ought to have abstained entirely.

Denique cavere debet Notarius, ne contractibus usurariis scribendis scienter inserviat; his enim violat Iuramentum, quod praestabat, cum ad suum officium vocaretur; ad nihil tamen restituendum obligatur, cum nil ratione usurae receperit. Si tamen vi compulsus debitor obligat se Creditori per contractum usurarium, idque Notario innotescat; tenetur eum ait Bonalis ubi supra tract. 17. lect. 77. ad restituendum, cum ad illud nefas sit cooperatus; a quo ratione sui officii debetet prorsus abstinere.

Disputation XXXIII: On Contumely

1 Hitherto I have discussed the various ways in which the neighbor is wounded in the goods of the body, and by which the injurer is bound to repair the damage inflicted; now I shall treat of some things which pertain to damage to the soul, reputation, or honor; among which contumely first presents itself, whose nature, after I have described it, I shall then explain how a Christian man ought rather to bear it than to return it.

> ***De Contumelia.***
>
> *Hactenus varios discussi modos, quibus proximus in bonis corporis laeditur, quibusque iniurians tenetur damnum illatum resarcire: iam aliqua disseram, quae ad damnum animae, famae, vel honoris spectant; inter quae primo occurrit contumelia, cuius naturam postquam descripsero; dicam quomodo homo Christianus debeat eam potius ferre, quam referre.*

Question I: What contumely is, and whence it arises

1 Contumely is defined by St. Bonaventure in the little opuscule Declaratorio terminorum Theologiae, about the middle: *Contumely is the will that avenges itself by the reproach of evils.*

> ***Quid sit Contumelia, et unde oriatur.***
>
> *Definitur contumelia a D. Bonavent. opusculo Declaratorio terminorum Theologiae, circa medium.* Contumelia est voluntas vindicans per exprobrationem malorum.

2 And in the speculum animae, cap. 1. at the end: *Contumely is the casting up of a crime committed.*

> *Et in speculo animae, cap. 1. ad finem:* Contumelia est obiectio criminis perpetrati.

3 The Seraphic Doctor, moreover, admonishes that Contumely proceeds from anger, whence it is called Contumelia, as it were contumens through the irascibility of the soul, as St. Isidore says l. 10. Ethymol. cap. 3.; or from contemning, as Ulpian says, Lege 1. ff. de Iniuriis.

> *Admonet autem S. Doctor, Contumeliam ex ira procedere, unde dicitur Contumelia, quasi contumens per iracundiam animi, ut ait D. Isidorus l. 10. Ethymol. cap. 3. sive a contemnendo, ut ait Ulpianus Lege 1. ff. de Iniuriis.*

4 It is also described by Valentia disput. 5. quaest. 16. puncto 1. by Sylvester, and other Summists, with the word Contumelia, by Soto Lib. 5. de Iustitia, quaest. 9. art. 1. Navar. in manu. cap. 18. num. 10.: *it is an angry expression of a thing, done against someone's honor.*

> *Describitur etiam a Valentia disput. 5. quaest. 16. puncto 1. Sylvestro, et aliis Summistis, verbo Contumelia, Soto Lib. 5. de Iustitia, quaest. 9. art. 1. Navar. in manu. cap. 18. num. 10.* est iracunda expressio rei, contra honorem facta alicui.

5 Or *it is a saying, or doing, by which in the presence of someone we wound and violate his honor,* as Fagundez says in the eighth precept, lib. 8. cap. 1. num. 3.

> *Seu* est dictum, vel factum, quo in praesentia alicuius honorem eius laedimus, et violamus, *ut ait Fagundez in octavum praeceptum, lib. 8. cap. 1. num. 3.*

6 It must be noted first, that honor is the exhibition of reverence in sign of some excellence, or virtue, as the Seraphic Doctor teaches in the Compendio Theologiae, lib. 5. cap. 63. and in the speculo disciplinae ad Novitios, part. 1. cap. 6. and Lib. 3. Pharetrae, cap. 34. and on 12. Luke at those words, *Honorificabis eum Pater meus*, and in 3. dist. 9. art. 1. quaest. 4. in the body, where he establishes a twofold honor.

> *Notandum primo, honorem esse exhibitionem reverentiae in signum alicuius excellentiae, seu virtutis, ut docet S. Doctor in Compendio Theologiae, lib. 5. cap. 63. et in speculo disciplinae ad Novitios, part. 1. cap. 6. et Lib. 3. Pharetrae, cap. 34. et in 12. Lucae ad ea verba,* Honorificabis eum Pater meus*, et in 3. dist. 9. art. 1. quaest. 4. in corpore, ubi duplicem constituit honorem.*

7 For honor is shown to someone in a twofold manner; sometimes as an act of obedience of reverence; and that is the honor of veneration; sometimes in testimony of virtue, and a service of complaisance, and that is the honor of adoration. The same also St. Thom. 2. 2. quaest. 103. art. 1. ad 2. and the Thomists there define honor: *It is a certain testification of another's good opinion and excellence, made by words or external signs;* by words indeed, as when one honorably addresses someone by calling him prudent, wise, endowed with virtue: by signs, as by submission of body, inclination of the head, etc., as St. Bonaventure teaches in the places cited; and concerning this Aristotle says in the first book of the Ethics: *Honor is the exhibition of reverence in testimony of virtue;* yet by the name of virtue is understood some excellence of superiority with respect to others, which we recognize in another, such as nobility, etc.

> *Duplici enim modo exhibetur alicui honor; aliquando in obsequium reverentiae; et iste est honor venerationis; aliquando in testimonium virtutis, et famulatum complacentiae, et iste est honor adorationis. Idem etiam D. Thom. 2. 2. quaest. 103. art. 1. ad 2. et Thomistae ibi definiunt honorem:* Est testificatio quaedam bonae opinionis, et excellentiae alterius, verbis, vel signis externis facta; *Verbis sane, ut cum aliquem honorifice compellat vocando eum prudentem, sapientem, virtute praeditum: Signis, ut corporis submissione, capitis inclinatione, etc. ut docet D. Bonavent. allatis locis; et de hoc ait Aristoteles primo Ethicae:* Honor est exhibitio reverentiae in testimonium virtutis; *nomine tamen virtutis intelligitur excellentia aliqua superioritatis respectu aliorum, quam in alio recognoscimus, ut nobilitatis, etc.*

8 It must be noted second, that expression among men is made first by words; then by deeds, as St. Augustine teaches lib. 2. de doctrina Christiana; for words are the indications of those conceptions which we have in the mind, as Aristotle says in the first Periherm. cap. 1. and St. Bonavent. in primo, dist. 27. part. 2. quaest. 4.

> *Notandum secundo, expressionem inter homines, primo fieri verbis; deinde factis, ut docent D. Augustinus lib. 2. de doctrina Christiana, sunt enim verba indicia eorum conceptuum, quos in animo habemus, ut ait Aristoteles primo Periherm. cap. 1. et D. Bonavent. in primo, dist. 27. part. 2. quaest. 4.*

9 Now therefore contumely is made chiefly in words, as the Seraphic Doctor proves in the place cited, Pharetrae de convitiatione, cap. 3. from the Fathers.

> *Iam igitur contumelia praecipue in verbis fit, ut probat S. Doctor loco cit. Pharetrae de convitiatione, cap. 3. ex Patribus.*

10 St. Gregory Lib. 8. moral. cap. 23.: *Often the wicked, while ignorant of the vice of their own fortitude, boldly lacerate the rectitude of others: and thence against the good they seize for themselves the authority of rebuke, or they bring forward those good things which they learned not by seeing, but by hearing, or they mendaciously ingratiate*

into others those evils which they themselves committed, and Lib. 5. cap. 8. moral.: *Often those who are in power burst forth everywhere into contumelies against their subjects, and those who, vigilant in their governance, serve well, they lose through the wantonness of the tongue, weighing the words of a judge, puny of rectitude as it were; he who shall have called his brother fool without cause, casts himself into the fires of gehenna.*

> *D. Gregorius Lib. 8. moral. cap. 23.* Saepe pravi, dum suae vitium fortitudinis ignorant, audenter aliorum rectitudinem lacerant: indeque contra bonos sibi authoritatem increpationis arripiunt, aut ea bona proferunt, quae non videndo, sed audiendo didicerunt, aut ea mala ab aliis mentientes ingerunt, quae ipsi commiserunt, *et Lib. 5. cap. 8. moral.* Saepe qui in potestate sunt, ad subditorum passim contumelias erumpunt, et hoc, quod invigilantes regimini serviunt, per linguae procacitatem perdunt, mangri scilicet rectitudine verba iudicis pensantes; qui sine causa fratrem fatuum dixerit, gehennae se ignibus adiicit.

11 *St. JOHN Chrysost. lib. 1. de compunctione cordis* before the middle: *Whoever shall have called his brother fool, or vain, or a Robber, or shall have inflicted an injury, or a curse, upon him by any other name whatsoever; by each of these terms, under the title of a curse, he is condemned to the punishments of the fire of gehenna.*

> D. IOANNES Chrysost. lib. 1. de compunctione cordis *ante medium:* Sine fatuum quis dixerit, sive vanum, sive Latronem, sive quolibet alio nomine iniuriam, vel maledictum fratri ingesserit; ex quolibet horum vocabulo sub maledicti titulo, gehennae ignis suppliciis condemnatur.

12 *St. AUGUSTINE rule 3. cap. 38. Whoever shall have wounded anyone with a reproach, or a curse, or even a casting up of a crime, let him remember to cure as quickly as possible by satisfaction what he did: And he who was wounded, to let it go without disputation: But if they wounded each other, they will owe to relax the debts mutually owed to one another.*

> D. AUGUSTINUS regula 3. cap. 38. Quicunque convitio, vel maledicto, vel etiam criminis obiectum aliquem laeserit, meminerit satisfactione quamcitius curare quod fecit: Et ille, qui laesus est, sine disceptatione dimittere: Si autem invicem se laeserunt, invicem sibi debita relaxare debebunt.

13 *St. JEROME epistola 1. ad Heliodorum: Nor let anyone applaud himself on the chastity of his body, since for an idle word, whatever men have spoken, they shall render an account of it on the day of judgment; since a reproach against a brother is even a guilt of homicide.*

> D. HIERONYMUS epistola 1. ad Heliodorum: Nec sibi quisquam de corporis castitate supplaudat, cum de verbo otioso, quodcumque locuti fuerint homines, reddituri sint pro eo rationem in die iudicii; cum etiam homicidii sit reatus convicium in fratrem.

14 THEREFORE from these I deduce that contumely, by genus, is a mortal sin; for it takes away immediately the honor owed, which is a grave injustice, taking away a thing esteemed at a great price.

> *IGITUR ex his deduco, contumeliam ex genere esse peccatum mortale; aufert enim immediate honorem debitum, quae est gravis iniustitia, auferens rem magno pretio aestimabilem.*

15 MOREOVER, because contumely wounds a man's honor in his face, or while present, or as it were present before others; while detraction wounds the good reputation of one absent; contumely is the graver, the more so because reputation is ordered to honor, as to an end. That it is lethal the Seraphic Doctor proves *cap. 1. Speculi animae,* not from Diana, or Bonacina, but from the mouth of Christ, *Matth. 5. Whoever shall have said to his brother, fool: he shall be guilty of the fire of gehenna.*

INSUPER, quia contumelia hominis honorem laedit in facie, vel praesentem, vel tanquam praesentem coram aliis; detractio vero bonam famam absentis; gravior est contumelia, eo magis, quia fama ordinatur ad honorem, tanquam finem. Esse vero lethale probat S. Doctor cap. 1. Speculi animae, *non ex Diana, aut Bonacina, sed ex ore Christi,* Matth. 5. Qui dixerit fratri suo, fatue: reus erit gehennae ignis.

16 The Seraphic Doctor, moreover, OBSERVES that, since words are signs of the intellects, per Aristotle in the first *Perhierm. cap. 1.*, great consideration must be given to the mind with which the words are spoken.

OBSERVAT autem S. Doctor, quod cum verba sint signa intellectuum ex Aristotele primo Perhierm. cap. 1. *multum considerandum est, quo animo verba dicantur.*

17 IT HAPPENS, however (he says), that such words are spoken from indiscreet zeal, or from a certain surreption, and a sudden movement of anger, and then it would not be to be judged mortal, unless the excess were so great, and the words so disordered, that someone by such contumely would incur manifest defamation: For then the zeal of justice would in no way excuse him from sinning mortally; as if someone should kill another in play. But when one says to another a reproach, or contumely, or taunt, intending the confusion and dishonor of the neighbor, then he acts against the charity of the neighbor, and sins mortally, and thus is understood the word of the Lord, saying *Matth. 5. Whoever shall have said to his brother, fool: he shall be guilty of the fire of gehenna.*

CONTINGIT autem (ait) talia verba dici ex indiscreto Zelo, vel ex quadam subreptione, et subito motu irae, et tunc non esset iudicandum mortale, nisi tantus esset excessus, et verba inordinata quod aliquis per talem contumeliam incurreret in diffamationem manifeste: Tunc enim Zelus iustitiae nullatenus excusaret, quin peccaret mortaliter; sicut si aliquis aliquem ludendo interficeret. Cum autem quis alteri convitium, vel contumeliam, vel improperium dicit ad proximi confusionem, et dehonorationem intendens, tunc agitur contra charitatem proximi, et peccat mortaliter, et sic intelligitur verbum Domini, dicentis Matth. 5. Qui dixerit fratri suo, fatue: reus erit gehennae ignis.

18 HENCE also it comes about that, since reputation and honor are better goods than riches, and than the other external and temporal goods, which are subject to theft, according to that word *proverbiorum 22. A good name is better than great riches*, it is inferred that contumely and detraction are a greater sin than theft, as St. Thom. teaches *2. 2. quaest. 73. art. 3. ad 2.* and St. Bonav. *in Speculo animae, cap. 3. argues.*

HINC etiam fit, ut cum fama, et honor sint potiora bona, quam divitiae, et quam alia bona externa, et temporalia, quae furto obnoxia sunt, iuxta id proverbiorum 22. Melius est nomen bonum, quam divitiae multae, *infertur, maius esse peccatum contumeliam, et detractionem, quam furtum, ut docet D. Thom.* 2. 2. quaest. 73. art. 3. ad 2. *et D. Bonav.* in Speculo animae, cap. 3. arguit.

19 YET it is a lesser sin than homicide; for life is a greater good than honor and reputation; since these are reparable goods, and that irreparable.

EST tamen minus peccatum, quam homicidium; est enim maius bonum vitae, quam honoris, et famae; cum haec sint bona reparabilia, et illud irreparabile.

20 It is a lesser sin also than adultery, because this is against the order of the human species in the order to human generation, through which entrance is given to eternal life.

EST minus peccatum etiam adulterio, quia hoc est contra ordinem speciei humanae in ordine ad generationem humanam, per quam datur introitus ad vitam aeternam.

21 THUS entirely do they hold, with St. Bonaventure, St. Thomas *quaest. 23. art. 1. 2. et 3.* Cajetan there, Sotus *l. 5. de Iust. quaest. 9. art. 1.* Lessius *l. 2. cap. 11. de detract. et contum. dub. 3. num. 11.* Fagundez *in octavum praeceptum, l. 8. cap. 1. num. 12.* and the rest.

> *SIC omnino de his sentiunt cum D. Bonavent. D. Thomas* quaest. 23. art. 1. 2. et 3. *Caietanus ibi, Sotus* l. 5. de Iust. quaest. 9. art. 1. *Lessius* l. 2. cap. 11. de detract. et contum. dub. 3. num. 11. *Fagundez* in octavum praeceptum, l. 8. cap. 1. num. 12. *et reliqui.*

22 ADVERT that not rarely contumelies, materially grave, are formally venial, if the gravity is not intended and adverted to, or because they are not credited, being ascribed to levity: Such occur among boys and little women.

> *ADVERTE non raro contumelias, materialiter graves, esse formaliter veniales, si non intenditur, et advertitur gravitas, vel quia leuitati adscriptae, non sunt creditae: Tales occurrunt inter pueros, et mulierculas.*

23 NOTE also, that contumelies in those who are proud in the spirit of correcting are not sins. So Valent. *disput. 5. quaest. 16. p. 2.* Molin. *disp. 18.* Clau. Reg. *l. 12. cap. 4.* Bonac. *de rest. disp. 2. quaest. 5. q. 1.* Sylvius *2. 2. quaest. 72. art. 2.* Yet Bast. *num. 3.* admonishes that Prelates proceed cautiously, modestly, compelled by necessity, for the profit, and because usually such reproaches are false, and do not help, but exasperate; he exhorts that they abstain from these, with Navar. *Man. cap. 18. Rodriq. t. 2. qq. 41. art. 2.*

> *NOTA etiam, contumelias in superbientibus animo corripiendi non esse culpas. Ita Valent.* disput. 5. quaest. 16. p. 2. *Molin.* disp. 18. *Clau. Reg.* l. 12. cap. 4. *Bonac.* de rest. disp. 2. quaest. 5. q. 1. *Sylvius* 2. 2. quaest. 72. art. 2. *Monet tamen Bast.* num. 3. *ut Praelati caute incedant modeste ex necessitate coacti ad profectum, et quia plerumque sunt ira falsae, et non iuvant, sed exasperant, hortatur ut ab his abstineant, cum Navar.* Man. cap. 18. Rodriq. t. 2. qq. 41. art. 2.

24 CONTUMELIES, however, are of the same species; for they agree in the formal reason of taking away honor unjustly, as Sà says *v. Contum.* Caiet. *2. 2. quaest. 72. art. 1.* Azor. *3. p. l. 13. cap. 5.* Sotus *de iust. l. 3. quaest. 9. art. 1.* Molin. *t. 4. disp. 21.* Reginald. *l. 24. num. 102.* Fillic. *tract. 40. quaest. 6.* Bast. *num. 4.* with St. Bonav. *locis cit.* Yet it can be so exceeded that it is necessary to confess its gravity, as if you call someone a heretic, a traitor, or a Sodomite.

> *CONTUMELIAE autem sunt eiusdem speciei; conveniunt enim in ratione formali auferendi honorem iniuste, ut aiunt Sà* v. Contum. *Caiet.* 2. 2. quaest. 72. art. 1. *Azor.* 3. p. l. 13. cap. 5. *Sotus* de iust. l. 3. quaest. 9. art. 1. *Molin.* t. 4. disp. 21. *Reginald.* l. 24. num. 102. *Fillic.* tract. 40. quaest. 6. *Bast.* num. 4. *cum D. Bonau.* locis cit. *Potest vero ita excedi, ut sit necesse confiteri eius gravitatem, ut si aliquem haereticum, proditorem, vel Sodomitam voces.*

25 IF the contumely is inflicted upon parents, it has a special malice to be expressed in confession. Diana *p. 1. tract. 7. Resol. 29.* He cites Soto, and Reginaldus for this opinion, but he himself dissents.

> *SI contumelia inferatur parentibus, habet specialem malitiam in confessione exprimendam. Diana* p. 1. tract. 7. Resol. 29. *Sotum, et Reginaldum pro hac sententia recitat, sed ipse dissentit.*

Question II: How a Christian ought to conduct himself when assailed by contumelies

1 IT IS CERTAIN that a Christian is bound to have his soul prepared for bearing insults.

> ***Quomodo Christianum oporteat se gerere contumeliis lacessitum.***

CERTUM est, teneri Christianum animo praeparato esse ad ferendas contumelias.

[2] It is PROVED by D. Bonaventure, first *sermon 3. on the Holy Apostles*, from that axiom of D. Gregory, *l. 1. of the Dialogues, chapter 5: Of what sort each one lies hidden within himself, the insult offered proves.* Hence also those Politicians, in order to test whether Christ was just, used to say, *Wis. 2: Let us examine him by insult: Hebraeus Lapide Lydio.* For thus gold is proved by fire, and the just man by insults, as the Holy Doctor elegantly expounds in his 2. *on Wisdom*, on the passage cited.

PROBATUR a D. Bonau. primo serm. 3. de SS. Apostolis *ex illo axiomate D. Gregorii* l. 1. Dialogorum, cap. 5. Qualis unusquisque apud se lateat, illata contumelia probat. *Unde et Politici illi, ut experirentur, an Christus esset iustus, dicebant,* Sap. 2. Contumelia interrogemus eum: Hebraeus Lapide Lydio. *Sic enim igne probatur aurum, et contumeliis iustus, ut eleganter edisserit S. Doctor 2.* Sapientiae *ad locum allatum.*

[3] It is PROVED especially by D. Bonaventure on 22. *Luke*, on those words: *And he that hath no sword, let him sell his cloak and buy one.* And on 19. *John*, on those words: *Why strikest thou me?* For this preparation of soul is necessary, according to the exposition of D. Augustine, *epistle 5. to Marcellinus, and tractate 113. on John*, on those words of *Matthew 5: If anyone strike thee on one cheek, turn to him also the other.* And according to the exposition of D. Ambrose, *l. 10. on Luke*, on those words *of Luke 22.*, where he says: *O Lord, why dost thou command me to buy a sword, which thou forbiddest to be drawn? Put up thy sword into its sheath. If one strike thee on one cheek, offer him the other? so that defense may be ready, not vengeance necessary, and it may be seen that he could have avenged the injury, but would not.*

PROBATUR praecipue a D. Bonau. ad 22. Lucae *in ea verba:* Et emat gladium. *Et ad 19.* Ioan. *ad ea verba:* Quid me caedis? *Est enim praeparatio haec animi necessaria, iuxta expositionem D. August.* epist. 5. ad Marcellum, et tract. 113. in Ioan. *illorum verborum* Matth. 5. Si quis te percusserit in una maxilla, praebe illi et alteram. *Et iuxta expositionem D. Ambrosii* l. 10. in Lucam *ad ea verba* Lucae 22. *ubi ait:* O Domine, cur iubes, me emere gladium, quem vetas promi? mitte gladium tuum in vaginam. Qui te percusserit in maxillam unam, praebe illi et alteram? ut sit parata defensio, non ultio necessaria, et videatur potuisse vindicare iniuriam, sed noluisse.

[4] This preparation of soul is commanded by Christ under an affirmative precept; but an affirmative precept does not bind for always: therefore one is not always bound in fact to endure, but when reason requires it; and hence we may at times lawfully repel insults for our just defense. The Holy Doctor proves this by the example of Christ, who did not offer the other cheek, but answered: *If I have spoken ill, give testimony of the evil: but if well, why strikest thou me?* He confirms it by the example of Paul, *Acts 23.*, who, struck on the cheek, answered: *God shall strike thee, thou whited wall.*

HAEC autem praeparatio animi praecepto affirmativo imperatur a Christo; hoc quidem non obligat pro semper: Ergo non semper tenetur re ipsa sustinere, sed cum ratio postulauerit; atque adeo licite possumus aliquando contumelias propellere ad nostram iustam defensionem. Hoc probat S. Doctor exemplo Christi, qui alteram maxillam non praebuit, sed respondit: Si male locutus sum, testimonium perhibe de malo: si autem bene, quid me caedis? *Confirmat exemplo Pauli* Actorum 23. *qui percussus in maxilla, respondit:* Deus te percutiat paries dealbate.

[5] And with the Seraphic Doctor concur D. Thomas, *question 72. article 4.* Sotus, *loc. cit. article 3.* Sayrus, *l. 4. chapter 4. number 11.* Filliucius, *tom. 2. tract. 40. on the eighth commandment, chapter 3. number 55.* Fagundez, *l. 8. chapter 2. on the eighth Commandment*, Valencia, *disp. 5. question 16. part 3.* and others.

Et ita cum Seraphico sentiunt D. Thom. quaest. 72. art. 4. *Sotus* loc. cit. art. 3. *Sayrus* l. 4. cap. 4. num. 11. *Filliuc.* tom. 2. tract. 40. in octavum praeceptum, cap. 3. num. 55. *Fagundez* l. 8. cap. 2. in octavum

Praeceptum, *Valentia* disp. 5. quaest. 16. puncto 3. *et alii.*

6 Here indeed many open ample ways for presumptuous defenses, against the Christian profession; against whom I have said something in my *disputation on Homicide*. And so the opinion of Diana, *p. 1. tract. 15. resolution 15.* Navarrus in his *Manual, chapter 14.* Peter Navarrus, *de restitutione l. 2. chapter 5. number 83.* Victoria, *on the law of war, question 2. number 5.* Henriquez, *l. 14. chapter 10. number 3.* in the *Gloss, letter T.*, where he cites Corduba, Mantius, Pegna, and finally Fernandez in his *Exam. p. 1. chapter 9. §. 1. number 16.*, that one may, gravely provoked in his feelings, pursue a fleeing man and kill him, if the killing is apt for reparation of the insult — is in no way proved to me. But more displeasing still is the opinion of the same Diana, who says there that the same may be done even before the insult is received, while it impends; against whom Megala, *p. 2. l. 3. chapter 1. number 12.* Lopez in his *Instruct. p. 1. chapter 62.*, which opinion Azorius did not wholly reject, *p. 3. l. 2. chapter 1. question 13.*

Hic vero multi vias amplas praesumptis aperiunt defensionibus, contra Christianam professionem, contra quos aliqua dixi disputatione de Homicidio. *Itaque nullo modo mihi probatur opinio Dianae* p. 1. tract. 15. resol. 15. *Nauar. in* Manuali, cap. 14. *Petri Nauar.* de restit. l. 2. cap. 5. num. 83. *Victoriae de* iure belli quaest. 2. num. 5. *Henriquez* l. 14. cap. 10. num. 3. *in* Glossa littera T. *ubi citat Cordubam, Mantium, Pegnam, tandem Fernandez in* Exam. p. 1. cap. 9. §. 1. num. 16. *posse aliquem, gravi affectum contumelia, insequi fugientem, et occidere, si ad reparationem contumeliae sit occisio apta. Magis vero displicet opinio eiusdem Dianae, ibi dicentis, idem posse fieri etiam ante acceptam contumeliam, ea imminente; cum Megala* p. 2. l. 3. cap. 1. num. 12. *Lopez in suo* Instruct. p. 1. cap. 62. *quam non reptobat omnino Azor.* p. 3. l. 2. cap. 1. quaestio 13.

7 To me indeed that sentence is most certain which holds this not lawful, even though, with metaphysical abstractions of intention, they would lick into shape that bloody and Turkish defense of one intending defense, not vengeance.

Mihi sane ea sententia certissima est, id non licere, etiamsi Metaphysicis abstractionibus intentionis, volentis defensionem, non vindictam; sanguinolentam istam, ac Turciam defensionem clambicent.

8 Therefore I assert, with Juan de la Cruz in his *direct. p. 1. precept 5. doubt 6.* Tanner, *disp. 4. question 8. number 73.* Toledo, *l. 2. chapter 6. number 16.* Rodriguez, *l. 1. chapter 135. number 11.* Tutriano, *2. 2. T. 2. disp. 27. dub. 3.* Bass., *s.v. Contumelia, number 8.* who cite Bannes, Atag[ue], Sotus, Sal[on]io, *2. 2. question 64. article 7. controversy 1.* Malderus, *2. 2. tract. 5. chapter 1. dub. 14.*, that this is in no way lawful. Nor do I admit even a speculative probability, granted by Lessius, *l. 2. chapter 9. disp. 12. number 8.* Reginaldus, *T. 2. l. 21. chapter 5. number 63.* Filliucius, *tome 2. tract. 29. chapter 3. number 51.* Bonacina, *de contractibus disp. 2. last question, sect. 1. p. 10. number 8.*

Igitur assero cum Ioanne Cruz in direct. p. 1. praecept. 5. dub. 6. *Tannero* disp. 4. quaest. 8. num. 73. *Toleto* l. 2. cap. 6. num. 16. *Rodriquez* l. 1. cap. 135. num. 11. *Tutriano* 2. 2. T. 2. disp. 27. dub. 3. *Bass.* verb. Contumelia, num. 8. *qui citant Bannes, Atag. Sotum, Salonio* 2. 2. quaest. 64. art. 7. controv. 1. *Maldeto* 2. 2. tract. 5. cap. 1. dub. 14. *nullo modo id licere. Neque ullam speculativam etiam probabilitatem admitto, concessam a Lessio* l. 2. cap. 9. disp. 12. num. 8. *Reginald.* T. 2. l. 21. cap. 5. num. 63. *Filliuc.* tomo 2. tract. 29. cap. 3. num. 51. *Bonac.* de contract. disp. 2. quaest. ult. sect. 1. p. 10. num. 8.

9 The reason is, because the command of the Lord, *Matthew 5.*, obliges us at least to abstain from vengeance; but to pursue a fleeing man would not be defense, since he had already ceased from offense, but is evident vengeance.

Ratio est, quia praeceptum Domini Matth. 5. *cogit saltem a vindicta abstinere; at insequi fugientem non esset defensio, cum iam cessasset ab offensione, sed est ultio evidens.*

10 Next, private vengeance is not lawful; otherwise judges would be cast down from their tribunals; the tribunals would be overturned. But who will believe that you sought to restore your honor in a Christian manner by mere defense, if you kill a man while he flees? You say that honor still remains with you, which in the act he takes away; just as one may pursue and kill a thief, if he carries off my goods, so also this man.

Deinde ultio privata non licet, alioqui deturbentur e tribunalibus iudices; tribunalia evertantur. Ecquis autem credet, ut tibi honorem Christianum redintegrent, te id mera defensione patrasse? Hominem occidere fugientem? Dicis habere tecum honorem adhuc, quem in actu aufert; sicuti licet insequi furem, et occidere; si bona mea aufert, ita et hunc.

11 I should like to know how he takes away honor in act, while he withdraws from offense — nay, even if he does not flee, while he ceases from insults? That doctrine is indeed pernicious, not only for the Christian, but for the Political commonwealth also, as Megala deeply cries out. To this also recur the arguments adduced for this opinion in *tom. 4. disp. 17. question 10. sect. 2.*, where whatever the adversaries bring forward for themselves is refuted by the decree of Alexander VII. in the year 1665.

Vellem scire, quomodo actu auferat honorem, dum recedit ab offensione, imo etsi non fugit, dum cessat a contumeliis? Illa sane doctrina perniciosa est, non modo Christianae, sed Politicae etiam Reipublicae, ut alte conclamat Megala: Huc etiam recurrunt Argumenta pro hac sententia allata tom. 4. disp. 17. quaest. 10. sect. 2. *ubi quidquid adversarii pro se referunt, refellitur decreto Alex. VII. anno 1665.*

12 And so neither is it lawful for a man of honor to kill an assailant who endeavors to thrust at him a stick, or a slap, that dishonor may be inflicted, if it cannot otherwise be avoided. So Tanner, *number 74*, against Lessius, *chapter 9. number 12.*, who alleged others. He adds that neither is it lawful to kill one striking with a stick.

Itaque neque licet viro honorato occidere invasorem, qui fustem, vel alapam nititur impingere, ut ignominiam inferatur, si aliter vitari nequit. Ita Tanner. num. 74. cont. *Less.* cap. 9. num. 12. *allegantem alios. Addit nec licere, baculo percutientem, occidere.*

13 But I take up the reasoning of Diana: Defense is to check the aggressor and to prevent an imminent damage, or, if it has been inflicted, it remains in suspense. Now it remains as long as there is an incontinent return of the blow, but not after the enemy has withdrawn to his house. I should like to see the principles neatly established for the coming-to-be of this restoration of honor, lasting only through incontinence; for the privation of honor arises from the injury received, and always remains: therefore even after the offender has withdrawn into his house, it still remains, and consequently can be recovered.

Sed assumo rationem Dianae: Defensio est aggressorem compescere, et impedire damnum imminens, vel si allatum est, in suspenso manet. Sic autem manet, quamdiu fit incontinenter redditio vulneris, non autem postquam inimicus domum se recepit. Vellem scite principia in fieri huius reproductionis honoris, solo incontinenti durantis; nam privatio honoris est a recepta iniuria, et semper manet: Ergo etiam postquam se in domum recepit offensor, adhuc manet, et consequenter poterit recuperari.

14 I do not, however, hold with Fagundez, *number 2.*, that one may repel an insult by due moderation, as if one who calls me a robber may call him a liar; yet he may not on that account cry out with "Ass"

epithets[1], and to strike back one striking is not lawful; nor to strike one reviling, for this would already be to avenge an injury, not to repel it, as the learned Sotus also duly notes, *l. 5. on Justice, question 9. article 3. §. Hoc tamen.* By similar reasoning it is lawful to say to the insolent one: *thou liest*, as Aragon. asserts, *2. 2. question 70. article 3.* Sà, *s.v. infamare* Clavis Reg. *l. 12. chapter 4.* Bassaeus, *s.v. Contum. 8.* For the insult must be rejected as false out of malice; therefore it does not suffice to say: *thou deceivest*, as Pasqualigo says, *decis. 437.* Diana, *p. 6. tract. 6. Resol. 16.* Pasqualigo adds, *decis. 439.* and Hurtado, *t. 2. disp. 170 sect. 3.*, and Bannes, as cited by Bassaeus, that it may be so said, even though a true crime is objected.

[1] N. Editor's note: the print reads 'non licebit tamen eum alioqui Assaffinum reclamare'; 'Assaffinum' is a print/OCR corruption, rendered as 'cry out with "Ass" epithets' (probably 'Assassinum', 'call him an assassin'). 'licetbit' in the first transcription is 'licebit' in the print.

> *Non tenuo tamen cum Fagundez* num. 2. *licere contumeliam moderamine debito propellere, ut si me latronem inclamat, eum dicam mendacem; non licebit tamen eum alioqui Assassinum reclamare; at percutientem repercutere non licet; vel convitiantem percutere, iam enim hoc erit iniuriam vindicare, non repellere, ut optime advertit etiam eruditus Sotus* l. 5. de Iust. quaest. 9. art. 3. §. Hoc tamen. *Simili ratione licitum contumelioso dicere:* mentiris*, astruunt Aragon.* 2. 2. quaest. 70. art. 3. *Sà,* v. infamare *Clavis Reg.* l. 12. cap. 4. *Bassaeus* v. Contum. 8. *Debet enim contumelia reiici, ut falsa ex malitia, ideo non sufficit dicere:* deciperis*; ut ait Pasqualig.* decis. 437. *Diana* p. 6. tract. 6. Resol. 16. *Addunt Pasqualig.* decis. 439. *Hurt.* t. 2. disp. 170 sect. 3. *Bannes, apud Bassaeum posse sic dici, quamvis obiiciatur verum crimen.*

15 That it is not lawful to object crimes, say Sotus, *l. 5. question 9. article 3.* Hurtado, *sect. 14. §. 120.* Pasqualigo, *disp. 438.*

> *Non licere tamen obiicere crimina, aiunt Sot.* l. 5. quaest. 9. art. 3. *Hurtad.* sect. 14. §. 120. *Pasqualig.* disp. 438.

16 Know finally that the insolent one is bound to restore honor, as all teach, in a proportionate manner, whether by retracting and begging pardon before the hearers, or by some other fitting way. And if he has objected something hidden and grave, he is bound to say that he lied; Pasqualigo adds, *decif. 443.* and Bass., *number 6.*, that if it be necessary that he be believed, an oath must be added. Milder ways of saluting, of calling a man friend, of inviting him to dinner, avail in lighter cases.

> *Scito denique, contumeliosum teneri restituere honorem, ut docent omnes, modo proportionato, siue retractando, et petendo veniam coram auditoribus, siue alio modo competenti. Et si quid occultum graue obiecit, tenetur dicere, se mentitum: addit Pasqualigo* decif. 443. *et Bass.* num. 6. *si necesse sit, ut credatur, addendum iusiurandum. Modi vero leniores salutandi, vocandi amice, inuitandi ad prandium, valent in leuioribus.*

Disputation XXXIV: On Detraction

1 TWO Sisters, harlots, and daughters of one Mother, are Detraction and Contumely: the one Oolla the greater, fervent and wanton; the other Ooliba the lesser, of whom *Ezech. 23*. Both alike in face, alike also in guilt, they run mad with the lust of calumniating, uncover the disgraces of their neighbors, and pour out upon them their malices. But detraction rages the more against the neighbor's fame, the more it lurks in secret under the lesser species of defaming, lest it betray itself by its own vice. Concerning this virulent sin, we must inquire what it is, and how manifold it is.

> *DUAE Sorores prostitutae, et filiae Matris unius sunt Detractio, et Contumelia: Haec Oolla maior, feruens, ac contumens: altera Ooliba Minor, de quibus* Ezech. 23. *Ambae similes facie, similes quoque culpa, calumniandi libidine insaniunt, proximorum ignominias discooperiunt, funduntque super eos malitias suas: Verum eo magis in famam proximi desaevit detractio, quo minori infamandi specie in occulto latitat, ne se suo vitio prodat. De virulento hoc peccato, quaerendum est, quid, et quotuplex sit.*

Question I: What detraction is, and of how many kinds

1 Detraction is the unjust injury and darkening of another's good fame by occult words. So D. Thomas here, where the Thomists, and D. Bonaventure in the Mirror of the Soul, chapter 1. toward the middle, and p. 1. Centil. sect. 13. at the end, and the little work Declaratio terminorum Theologiae.

> Quid sit Detractio, et quotuplex.
>
> *Detractio est iniusta laesio, ac denigratio bonae famae alterius per occulta verba. Ita D. Thom. hic, ubi Thomistae, D. Bonav. in speculo animae, cap. 1. ad medium, et p. 1. Centil. sect. 13. in fine, et opusculo Declaratio terminorum Theologiae.*

2 I note, however, that occult utterance is not intrinsic to detraction, but pertains to the manner in which it is for the most part done; for if anyone imputes a secret, or false, crime to another in the presence of others, this man certainly sins also by detraction, and not by contumely alone. But it pertains to the manner of detraction that it be about an absent person, according to that, Ecclesiasticus 10: *The serpent bites in silence; but he is nothing less than he that detracteth secretly*, as Valencia notes, question 17. p. 1. after D. Bonaventure, cited in the first place, and this S. Thomas indicates in his reply ad 1.

> *Adverto autem, occultam prolationem non esse intrinsecam detractioni, sed ad modum pertinere, quo fit, ut plurimum; nam si aliquis alteri crimen imponat secretum, vel falsum, praesentibus aliis, hic sane peccat etiam detractione, et non sola contumelia. Ad modum autem pertinet detractionis, ut sit de absente, iuxta id, Ecclesiast. 10.* Si mordeat serpens in silentio, nihil eo minus habet, qui occulte detrahit, *ut notat Valentia quaest. 17. p. 1. post D. Bonav. loco primo citato, et hoc indicat S. Thom. ad 1.*

3 The differences, or divisions, of Detractions are taken from the various ways in which one can voluntarily darken someone's fame, as is seen in D. Bonaventure in the places alleged, Adrian quodl. 11. D. Thomas here ad 3. Alensis 2. p. question 146. member 1. Sotus l. 5. on Justice, question 10. article 1. Navarrus Manual. chapter 18. number 21. Valencia in the place cited.

> *Differentias seu divisiones Detractionum sumuntur ex variis modis, quibus potest aliquis voluntarie famam alicuius denigrare, ut videre est apud D. Bonaventuram locis allegatis, Adrianum quodl. 11. D. Thom. hic ad 3. Alens. 2. p.*

quaest. 146. membr. 1. Sotum l. 5. de Iustitia, quaest. 10. art. 1. Navar. Manual. cap. 18. num. 21. Valentiam loco citato.

4 Detraction is divided, on the part of the will, into direct and indirect.

Dividitur autem detractio in directam, et indirectam ex parte voluntatis.

5 It is direct when one detracts in order to darken fame; indirect, when one speaks imprudently, or ignorantly, something that harms fame. So D. Bonaventure, loc. cit. of the Mirror: the direct is called formal Detraction; the indirect, material.

Directa est, cum aliquis detrahit, ut denigret famam; Indirecta, cum aliquid dicit incaute, vel ignoranter, quod famam laedit. Ita D. Bonav. loc. cit. speculi; directa dicitur Detractio formalis; indirecta vero materialis.

6 Secondly it can be divided into Direct and Indirect on the part of the external act, or of the manner in which one defames another. And on this part detraction is direct, according to D. Thomas here ad 3. and D. Bonaventure in the places adduced, Centil. and of the Mirror, when one defames another by attributing to him something evil; which happens in four ways, namely, either by falsely imputing a crime to another, or by augmenting it in words; or by revealing a hidden crime, even if true; or by saying that it was done by him with an evil intention — and if this is said lightly, without proofs, it is also rash judgment, as all say with D. Bonaventure, chapter one of the Mirror of the Soul, toward the middle.

Secundo potest dividi in Directam, et Indirectam ex parte actus externi, seu modi, quo quis alterum infamat. Atque ex hac parte detractio directa est secundum D. Thomam hic ad tertium, et D. Bonav. locis adductis Centil. et speculi, cum quis alterum infamat, tribuendo ei aliquid mali; quod contingit quadrupliciter, scilicet, vel falso imponendo crimen alteri, vel illud verbis augendo; vel revelando crimen occultum, etiamsi verum; vel dicendo, fuisse ab eo factum mala intentione, et hoc si leviter sine indiciis dicitur, est etiam iudicium temerarium, ut dicunt omnes cum D. Bonav. cap. primo speculi animae, ad medium.

7 But indirect detraction, from the same chapter, is when one defames another by conducting himself in a manner undue toward the other's fame; and this in three ways, either by denying that person's good, or by maliciously keeping silence when it ought to be said, or also by diminishing it. The Gloss on Daniel 7. adds also indicating by nods, and feigning that one says it out of charity and piety — which modes are the worst; and the Gloss says these ten modes are those ten horns of the great Beast.

Indirecta autem detractio ex eodem capite, est, cum quis alterum infamat, habendo se modo indebito circa famam alterius; idque tripliciter, vel negando bonum illius, vel malitiose reticendo, quando debet dici, vel etiam minuendo. Addit Glossa ad 7. Danielis etiam nutibus indicando, et fingendo, se id dicere ex charitate, et pietate, qui modi sunt pessimi, et hos decem modos ait Glossa esse decem illa cornua magnae Bestiae.

Question II: Whether detraction is a mortal sin

1 It is most certain that direct detraction, with the intention of blackening reputation, is a mortal sin. So D. Bonaventure in the places cited, question 11; D. Thomas here, and the others commonly, as at Valencia question 17, p. 2; Fagundez book 8, chapter 1, number 8.

An detractio sit peccatum mortale.

Certissimum est, detractionem directam, et intentione denigrandi famam, esse peccatum mortale. Ita D. Bonavent. locis adductis, quaest. 11. D. Thom. hic, et alii communiter apud Valentiam quaest. 17. p. 2. Fagundez l. 8. cap. 1. num. 8.

2 The Holy Doctor shows this with many testimonies of Scripture in the Bible of the Poor, chapter 71, where he shows it to be the wickedness of the impious and of the worst of men, and he gathers the gravity of this crime from the punishments inflicted by God.

Multis scripturarum testimoniis id ostendit S. Doctor in Bibliis pauperum, cap. 71. ubi ostendit, impium esse, et pessimorum hominum scelus, gravitatemque huius criminis colligit ex poenis, a Deo inflictis.

3 Thus Numbers 14: the children of Israel detracted to their own harm from those who had brought back word of Josue and Caleb from the land of promise, proclaiming them liars and deceivers together with Moses. Numbers 16: Core, Dathan, and Abiron were swallowed alive into hell, and others were consumed by living fire.

Sic Numer. 14. Detraxerunt filii Israël in malum suum his, qui duxerant Iosuë, et Caleb de terra promissionis; proclamantes eos mendaces, et deceptores simul cum Moyse. Numer. 16. Core, Dathan, et Abiron absorpti sunt vivi in infernum, alii etiam igne viventes sunt cremati.

4 Those who detract from Saul, 1 Kings, are called children of Belial. Absalom, 2 Kings 15, detracted from his father's government, and he was hung by God on an oak and damned.

Qui detrahunt Sauli primo Reg. indicuntur filii Belial. Absalom. 2. Reg. 15. detrahebat regimini patris, et fuit suspensus a Deo in quercu, et damnatus.

5 Christ, Matthew 9, Luke 5 and 19, gravely reproached the Pharisees as they murmured, as being lost men.

Christus Matth. 9. Lucae 5. et 19. graviter reprehendit Pharisaeos murmurantes, tanquam perditos.

6 It is proved by D. Bonaventure, and from Luke 19, out of Wisdom 1: *Keep yourselves from murmuring, which profiteth nothing, and from detraction refrain your tongue.*

Probatur a D. Bonav. et ad 19. Lucae ex Sap. 1. Custodite vos a murmuratione, quae nihil prodest, et a detractione parcite linguae.

7 Then he recounts the murmurings of the people in the desert and their damnation, and adduces this from 1 Corinthians 10: *Neither murmur ye, as some of them murmured, and perished by the destroyer.*

Deinde repetit murmurationes populi in deserto, et eorum damnationem, affertque id prima Corinth. 10. Neque murmuraveritis, sicut quidam eorum murmuraverunt, et perierunt ab exterminatore.

8 The Holy Doctor proves the same in the Mirror of the Soul, chapter 1, from that passage of Romans 1: *Detractors are hateful to God, worthy of death; and not only they who do such things, but they also who consent to them.*

Idipsum probat S. Doctor in speculo animae, cap. 1. illo Rom. 1. Detractores Deo odibiles, dignos morte; et non solum qui talia agunt, sed etiam qui consentiunt.

9 It is proved secondly by D. Bonaventure in the Pharetra, book 3, chapter 3, from D. Isidore, in the Synonyms, chapter 10: *Detraction is a grave crime; detraction is a grave damnation.*

Probatur secundo a D. Bonav. in Pharetra, l. 3. cap. 3. ex D. Isidoro, in Synon. cap. 10. Detractio grave crimen est, detractio gravis damnatio est.

10 D. Bernard, sermon 24 on the Canticle: *There is one detractor who speaks, and utters but one word; yet that one word, in one moment, infects the ears of a multitude of hearers and kills their souls.* And book 2 of the Considerations: *To detract, or to hear a detractor — which of these is the more damnable, I should scarcely venture to say.*

D. Bernardus serm. 24. in Cant. Unus est detractor, qui loquitur, et unum tantum verbum profert; et tamen illud unum verbum, uno in momento, multitudinis audientium aures inficit, animas interficit. *Et lib. 2. de Consider.* Detrahere, an detrahentem audire, quid horum damnabilius sit, non facile dixerim.

11 D. Anselm, On Similitudes, chapter 147: *There are three kinds of homicide which are punished with equal penalty: the killing of men, the detraction of neighbors, and fraternal hatred.* And chapter 149: *It is detraction whenever anyone says anything of another with the intention that he may be the less loved or esteemed.*

D. Anselmus de similitudine, cap. 147. Tria sunt genera homicidii, quae pari plectuntur poena, interfectio hominum, detractio proximorum, odium fraternum. Et cap. 149. Detractio est, quoties quis aliquid ea intentione de aliquo dicit, unde ipse minus amari, vel appretiari possit.

12 The reasoning of D. Bonaventure, which all follow, is in the Mirror of the Soul, chapter 1: to steal another's goods is a grave sin in its genus, against the seventh precept, as if you stole a neighbor's ox or money; but reputation is a more precious thing than outward riches, as is said in Proverbs 23. Therefore it is worse to detract from reputation than to steal money; whence the Holy Doctor further deduces that such a one is more bound to restitution than a thief, because he took away a greater good against justice.

Ratio D. Bonaventurae, qua omnes utuntur, est in speculo animae, cap. 1. Furari rem alienam est peccatum grave ex genere, contra septimum praeceptum, ut si fureris bovem proximi, vel nummos; sed res pretiosior est fama externis opibus, ut dicitur Prov. 23. Ergo peius est detrahere famae, quam nummos furari; ex quo etiam deducit S. Doct. eum magis teneri ad restitutionem, quam furem, quia maius bonum abstulit contra iustitiam.

Question III: Whether it is mortal to reveal a hidden crime to one, or two prudent men, who will keep silent about it

1 The FIRST opinion is assertive. So Salonius, and Bannes 2. 2. question 73, article 2 — the former in controversy, the latter indeed in doubt 1 — and others, as at Sayrus book 11, chapter 6, number 12; Bonacina On Controversies, disputation 4, question 4, part 3; Malderus 2. 2, tract 7, chapter 1, doubt 4; Vega, Summa, vol. 2, chapter 8, case 12; Azorius vol. 3, book 5, chapter 9, question 2. D. Bonaventure seems so, loc. cit., in the Mirror of the Soul, chapter 1. So Valentia on question 73, p. 2, doubt 1; Suarez, Tomus 4, disputation 34, section 1; Filliucius, Tomus 2, tract 10, chapter 3, number 90; Molina, Tomus 2, disputation 29; Fagundez book 8, chapter 2, number 24; Sayrus book 11, chapter 6, number 11; Bassaeus, s.v. Detractio, 1. number 11, who says this is the common opinion.

An sit mortale revelare crimen occultum uni, vel duobus viris prudentibus, qui id tacebunt.

PRIMA opinio est assertiva. Ita Salonius, et Bannes 2. 2. quaest. 73. art. 2. ille in controversia; hic vero dub. 1. et alii apud Sayrum l. 11. cap. 6. n. 12. Bonacina de controv. disp. 4. quaest. 4. p. 3. Malder. 2. 2. tract. 7. cap. 1. dub. 4. Vega Summa t. 2. cap. 8. casu 12. Azor. t. 3. l. 5. cap. 9. quaestio 2. Videtur D. Bonav. loc. cit. in speculo animae, cap. 1. Sequitur Valentia ad quaest. 73. p. 2. dub. 1. Suarez Tomo 4. disp. 34. sect. 1. Filliuc. Tomo 2. tract. 10. cap. 3.

num. 90. Molina Tomo 2. disp. 29. Fagundez l. 8. cap. 2. num. 24. Sayrus l. 11. cap. 6. num. 11. Bassaeus, v. Detractio 1. num. 11. qui ait esse communem sententiam.

2 The OPPOSITE opinion seemed probable to Diana, p. 1, tract 17, resolution 22, citing Lessius book 2, chapter 11, number 7; Cajetan 2. 2. question 73, article 2, dist. 1; Pererius, Nauarre, book 2, chapter 4, number 335. To these Reginaldus may be added, Tomus 2, book 2, chapter 4, number 75, and others, from whom Diana deduces, resolution 24, that the hearer is not bound to correct that detractor; and Corduba also may be added, question 2, conclusion 2.

OPPOSITA sententia probabilis visa est Dianae p. 1. Tract. 17. resol. 22. alleganti Lessium l. 2. cap. 11. num. 7. Caietanum 2. 2. quaest. 73. art. 2. dist. 1. Perrum Nauar. l. 2. cap. 4. num. 335. His addere potest Reginaldum Tom. 2. l. 2. cap. 4. num. 75. et alios, ex quo deducit Diana resol. 24. non teneri audientem corrigere detractorem illum, et adduci etiam Cordubam quaest. 2. conclus. 2.

3 I ASSERT with the former opinion, which holds that it is a mortal sin to lay open a hidden crime even to one or another prudent man.

ASSERO cum priori sententia, asserente, esse peccatum mortale crimen occultum patefacere etiam uni, vel alteri prudenti.

4 It is *PROVED* by S. Bonaventure, because the order of fraternal correction is commanded; and it commands that you do not bring before two, even prudent, superiors for amendment before secret correction. That this order is commanded I have shown in the *Treatise on Charity, Disputation on fraternal correction.*

PROBATUR *a S. Bonav. quia ordo correctionis fraternae est praeceptus; is autem praecipit, ne duos, etiam prudentes suppositos, ad emendationem adducas ante correctionem secretam. Hunc autem ordinem esse praeceptum, ostendi* Tract. de Charitate Disput. de correctione fraterna.

5 It is *PROVED* secondly, for rash judgment about anyone is mortal, even if one single person lose his good opinion of him; and that there is parity is proved from James 4: *He that detracteth from his brother, or judgeth his brother, detracteth from the law, and judgeth the law.*

PROBATUR *secundo, nam iudicium temerarium de aliquo est mortale, etiamsi unus solus amittat bonam aestimationem de illo, et quod sit paritas probatur ex 4. Iacobi.* Qui detrahit fratri, vel iudicat fratrem, detrahit legi, et iudicat legem.

6 Bonacina *ANSWERS*, denying the parity, because the judge ascribes a perhaps false sin, and so infers a grave injury.

RESPONDET *Bonacina, negando paritatem, quia iudicans adscribit peccatum forte falsum, et ideo gravem infert iniuriam.*

7 *AGAINST:* then to reveal a true crime is not mortal in its genus, if done indiscreetly? At last, because, as our Father Marinus used to say, greater loss is inflicted when it is told to a few prudent men than to many others who are not reckoned prudent; and Fagundez teaches so, number 24; Sayrus loc. cit. This also ceases in the disputation on Restitution.

CONTRA: *ergo revelare crimen verum, non est ex genere mortale, si indebite fiat? Tandem, quia, ut dicebat P. Marinus noster maius damnum infertur, dum dicitur paucis prudentibus, quam aliis multis, qui prudentes non reputantur, et docet Fagundez num. 24. Sayrus loc. cit. Hoc desinit etiam disput. de Restitutione.*

Question IV: Whether material detraction, which comes from talkativeness, is mortal

1 The FIRST opinion is that material detraction, which bursts forth from lightness in speaking, or from indiscreet zeal, is not mortal. So D. Bonaventure reports it, nor did he wholly reject it, saying that it would be a rash judgment to pronounce this mortal. So in the Book of the Mirror of the Soul, chapter 1, about the middle: but I shall explain it below.

> An Detractio materialis, quae fit ex loquacitate, sit mortifera.
>
> *PRIMA opinio est, detractionem materialem, quae ex levitate loquendi, vel zelo erumpit indiscreto, non esse mortalem, Ita D. Bonav. refert, nec omnino renuit dicens, quod esset dutum, hoc iudicare mortale. Sic Lib. Speculi animae, cap. 1. circa medium: Sed ipsum infra explicabo.*

2 The SECOND opinion is that, if the loss is grave and foreseen, or inflicted through grave blameable ignorance, it is mortal. So D. Bonaventure there, who says it is common to most; D. Thomas, question 73, article 2; Salonius; Cajetan; Aragon there; Soto book 5 on Justice, question 10, article 2; Valentia disputation 5, question 17, point 2; Nauarre in the Manual, chapter 18, number 23, and on the decretal Inter verba, 11. question 3, coml. 6. coroll. 33. number 119; Sayrus in the Clavis Regia, book 12, chapter 6, number 9; Toletus book 5 of the Summa, chapter 63; Sylvester, s.v. detractio; Lessius book 2, chapter 11, on detraction, doubt 3, number 11; Fagundez book 8, chapter 2, number three; Bassaeus, s.v. Detractio, 1. number 4; Diana p. 5, tract 5, resolution 69; Sylvius 2. 2. question 63, article 2.

> *SECUNDA sententia est, si damnum sit grave, et praevisum, vel gravi culpa ignorantiae iniectum, esse mortale. Ita D. Bonav. ibi, qui dicit, esse plerisque communem; D. Thom. quaest. 73. art. 2. Salonius, Caietanus, Aragonius ibi, Sotus l. 5. de Iust. quaest. 10. art. 2. Valentia disp. 5. quaest. 17. punct. 2. Nauar. in Man. cap. 18. num. 23. et in C. Inter verba, 11. quaest. 3. coml. 6. coroll. 33. num. 119. Sayrus in Clavi Regia l. 12. cap. 6. num. 9. Toletus l. 5. Summa, cap. 63. Sylvest. v. detractio, Lessius l. 2. cap. 11. de detract. dub. 3. num. 11. Fagundez l. 8. cap. 2. numero tertio, Bassaeus, v. Detractio, 1. num. 4. Diana p. 5. tract. 5. Resol. 69. Sylvius. 2. 2. quaest. 63. art. 2.*

3 But it WILL be venial, if he speaks from venial lightness in speaking, without advertence, or from a good and reasonable end of correcting his morals. This the second teaches, as Valentia, Salon. loc. cit., Nauarre number 30, and S. Antoninus p. 2, title 8, chapter 4; Astian. in 4. on fraternal correction; Sayrus number 9, even if something of zeal exceeds bounds.

> *ERIT autem veniale, si ex levitate veniali loquendi, non advertens, loquitur, vel ex bono fine rationabili corrigendi eius mores. Hoc secundum docet Valentia, Salon. loc. cit. Nauar. num. 30. et S. Antonin. p. 2. tit. 8. cap. 4. Astian. in 4. de correctione fraterna. Sayrus num. 9. esto aliquid Zeli excedat.*

4 I ASSERT first, that material detraction is venial, if it lightly blackens reputation. It is plain, because light loss is against Justice.

> *ASSERO primo, detractionem materialem esse venialem, si leviter denigret famam. Patet, quia leve est damnum contra Iustitiam.*

5 I ASSERT secondly, that it is mortal, if grave loss is inflicted.

> *ASSERO secundo, esse mortalem, si grave damnum iniiciatur.*

6 It is *PROVED* first by D. Bonaventure, from the precept of the order of fraternal correction.

> PROBATUR *primo a D. Bonav. ex praecepto ordinis correctionis fraternae.*

7 It is *PROVED* secondly, because if grave ignorance also follows, since you are bound not to inflict grave loss, by no means do you remove the voluntary act, whence sin results. Yet if there be some venial lightness as the cause in speaking, the effect also will already be light.

> PROBATUR *secundo, quia si ex gravi etiam ignorantia sequatur, cum tenearis damnum grave non inferre, nequaquam aufers actum voluntarium, unde peccatum resultat. Si tamen levitas venialis aliqua sit in loquendo causa, iam erit etiam effectus levis.*

8 It is *EXPLAINED* further: for it can arise from some impulse or inadvertence, and so be venial.

> DECLARATUR *ulterius; potest enim esse ex impetu aliquo, vel subreptione, atque adeo venialis.*

Question V: Whether it is mortal to keep silent about another's good name when it is blackened

1 MARK with D. Bonaventure, loc. cit., that indirect detraction can be material and formal. It will be formal, if one keeps silent, e.g. with the end of blackening reputation. It will be material, if one keeps silent from mere omission once recognized.

> An tacere bonum denigratum, sit mortale.
>
> *ADVERTE cum D. Bonav. loc. cit. detractionem indirectam posse esse materialem, et formalem. Erit formalis, si taceatur, v. g. ex fine denigrandi famam: Erit autem materialis, si taceatur ex mera omissione agnita,*

2 Yet if one keeps silent from shame or fear, the Holy Doctor does not dare define it to be mortal, unless it is a person whose office it is to correct. For such a one is bound to restitution of the good whose loss he was bound to prevent.

> *Si tamen ex verecundia, vel timore taceatur, non audet S. Doct. definire, esse mortale, nisi esset persona, cui ex officio convenit corrigere. Talis enim tenetur restitutioni rei, cuius ablationem tenebatur impedire.*

3 He *PROVES* therefore there that to omit, or keep silent about a good, when it ought to be said, is mortal; for as we are bound to come to the aid of the poor in grave need with sustenance, so also are we bound in goods of reputation and honor.

> PROBAT *igitur ibi, omittere, seu tacere bonum, esse mortale, cum debet dici; nam sicuti tenemur pauperi in necessitate gravi subvenire in victu, ita tenemur etiam in bonis famae, et honoris.*

4 The Doctors dispute much here on these words, about the causes excusing from not standing against murmuration; see Molina, Tomus 5, tract 4, disputation 34; Azorius p. 3, book 13, chapter 7; Aragon. 2. 2. question 63, article 4; Sayrus book 11, chapter 9, number 37; Lessius book 2, chapter 11, doubt 4, number 21; Reginaldus, Tomus 2, book 24, chapter 4, question 8, number 65; Peter Nauarre on restitution, book 2, chapter 4, number 337; Valentia disputation 5, question 17, p. 4; Salon. 2. 2. question 73, article 4; Soto book 5, question 10, article 4; Rebell. on the obligation of justice, p. 1, book 4, question 6; Malderus 2. 2, tract 7, chapter 1, doubt 15; Bonacina on contracts, disputation 2, question 4, p. 11, number 8; Bassaeus, s.v. Detractio.

> *MULTA hic disputant Doctores super haec dicta, de causis excusantibus a non obstando murmurationi; vide Molinam Tom. 5. tract. 4. disp. 34. Azor. p. 3. l. 13. cap. 7. Aragon. 2. 2. quaest. 63. art. 4. Sayrum l. 11. cap. 9. num. 37. Lessium l. 2. cap. 11. dub. 4. n. 21. Reginaldum Tom. 2. l. 24. cap. 4. quaest. 8. num. 65. Petrum Nauarr. de restit. l. 2. cap. 4. num. 337. Valentiam disp. 5. quaest. 17. p. 4. Salon. 2. 2. quaest. 73. art. 4. Sotum l. 5. quaest. 10. art. 4.*

Rebell. de oblig. iust. p. 1. l. 4. quaest. 6. Malderum 2. 2. tract. 7. cap. 1. dub. 15. Bonacinam de contract. disp. 2. quaest. 4. p. 11. num. 8. Bassaeum v. Detractio.

5 Now they warn first, with those whom Diana follows, p. 1, tract 17, resolution 24, that in doubt whether that be detraction, we are not bound to oppose it, because it can be that he justly says it, and he is in possession of a good reputation, to which you do injury by treating him as a detractor.

ADMONENT autem primo hi, quos sequitur Diana p. 1. tract. 17. resol. 24. in dubio, an illa sit detractio, non teneri nos obsistere, quia potest esse, ut iuste dicat, et est in possessione bonae famae, cui iniuriam infers, eum tractando ut detractorem.

6 By this doctrine confessors drive away many scruples from fearful men; hence Diana, part 2, tract 5, resolution 35, concludes absolutely that he who hears a detractor does not sin mortally. So too Crux in the Directorium, precept 8, question 2, article 2, doubt 5, who with one voice with D. Bonaventure, loc. cit., say: *Whoever does not resist detraction out of fear, shame, negligence, or levity of mind, sins venially.* Tanner subscribes, 2. 2. disputation 4, question 8, doubt 7, number 151, who with almost the same words of the Seraphic Doctor so resolved, with Bassaeus.

Hac doctrina Confessariis multos a viris timoratis scrupulos abigent; itaque Diana part. 2. tract. 5. resol. 35. absolute concludit, eum, qui audit detrahentem, non peccare mortaliter. Sic et Crux in Direct. praec. 8. quaest. 2. art. 2. dub. 5. qui una voce cum D. Bonav. loco cit. aiunt: Qui ob timorem, verecundiam, negligentiam, aut animi levitatem non resistit detractioni, peccat venialiter. *Subscribit Tanner. 2. 2. disp. 4. quaest. 8. dub. 7. num. 151. qui eisdem fere verbis Seraphici ita resolvit cum Bassaeo.*

7 It is a sin against justice, if anyone directly approves even unjust detraction, or, worse, leads into it. Or it will be against charity, if anyone holds himself merely negatively, not impeding, unless he is bound by office either to correct the detractor or to defend another's reputation, namely because he is the superior of this or that one.

Est peccatum contra iustitiam, si quis directe et iniustam etiam detractionem approbet, aut quod deterius est ad eam inducat; Vel erit contra charitatem, si quis mere negative se habeat non impediendo, nisi ex officio teneatur, aut detrahentem corrigere, aut famam alterius defendere, nempe quia huius, vel illius Superior est.

8 Commonly, however, not to repel detraction out of negligence, fear, or shame is held venial, unless the hearer is a superior, or perceives that grave loss will follow from the detraction, or the fear is so perverse that on its account one does not care to sin mortally. This alone seems contrary to the Seraphic Doctor, because knowingly and unwillingly, by saying that which justifies, he indirectly takes away its justification, against justice, and so is made subject to restitution together with detractors, as I said: although in the *Mirror of the Soul, chapter 1, § the second branch of envy* he seems to rank this sin with that of not coming to the aid of a neighbor in grave necessity, which seems against charity, though he says nothing of it here; indeed, as I said in the disputation on almsgiving, it seems to belong to justice.

Communiter tamen ex negligentia, timore, vel verecundia non repellere detractionem, censetur veniale, nisi vel audiens superior sit, vel grave damnum ex detractione secuturum animadvertat, vel timor adeo perversus sit, ut propter eum peccare aliquis mortaliter non curet. Id solum videtur esse contrarium Seraphico, quia sciens, et nolens, dicendo iustificare, indirecte eam aufert iustificationem, contra iustitia, et ideo restitutioni obnoxius ponitur cum detractoribus, ut dixi: tametsi in speculo animae, cap. 1. §. secundus ramus invidiae *videtur componere hoc peccatum cum illo*

non subveniendo proximo in gravi necessitate, quod videtur esse contra charitatem, licet de hoc nil dicat hic; imo, ut dixi disp. de eleemosyna videtur ad iustitiam spectare.

9 Reginaldus follows the same opinion of Diana, Tomus 2, book 24, chapter 4, number 95, and Faber on restitution in 4, disputation 53, chapter 5, number 127.

Eandem sententiam Dianae sequuntur Reginaldus Tom. 2. lib. 24. cap. 4. num. 95. et Faber de restitutione in 4. disp. 53. cap. 5. num. 127.

Question VI: On the various cases in which detraction seems to be excused

1 The first is, if one tells a close friend of an injury secretly inflicted upon him by someone, in order to lessen the pain; for it is too hard, and contrary to human custom, that anyone should bear injuries alone and not be able to share them with a friend; this is lawful, not with the intention of detracting, but so that he may bear it more lightly. So Sylvius 2. 2. quaest. 62. art. 2. quaeritur 15. Bassaeus verb. Detractio 12. Less. lib. 2. cap. 11. dub. 12. num. 72. Navar. lib. 1. cap. 4. num. 345. Molina tract. 4. disp. 29. num. 5. Layman lib. 3. sec. 3. tract. 4. parte 2. cap. 3. Tanner. 2. 2. disp. 4. quaest. 8. dub. 7. num. 145. and other Doctors in common, with whom Diana subscribes Tom. 3. tract. 15. resol. 32. But Ioan. de Cruz adds more in his directory, p. 8. quaest. 2. art. 2. dub. 3. concl. 1.

Primus est, si quis probo amico iniuriam, sibi ab aliquo secreto illatam, narret ad leniendum dolorem; nimis enim durum est, et praeter humanam consuetudinem, ut quis iniurias solus ferat, nec possit eas amico communicare; hoc autem licet, non animo detrahendi, sed ut levius ferat. Ita Sylvius 2. 2. quaest. 62. art. 2. quaeritur 15. Bassaeus verb. Detractio 12. Less. lib. 2. cap. 11. dub. 12. num. 72. Navar. lib. 1. cap. 4. num. 345. Molina tract. 4. disp. 29. num. 5. Layman lib. 3. sec. 3. tract. 4. parte 2. cap. 3. Tanner. 2. 2. disp. 4. quaest. 8. dub. 7. num. 145. et alii Doctores communiter, quibus subscribit Diana Tom. 3. tract. 15. resol. 32. Sed amplius addit Ioan. de Cruz. in directorio, p. 8. quaest. 2. art. 2. dub. 3. concl. 1.

2 Saying: If a person gravely injured in secret, unable to restrain himself from grief, bursts forth into public complaints, he is not for that reason condemned to mortal sin, if the injurer is defamed; for it seems hard to restrain an afflicted mind so that it does not burst into complaints, since this is most natural, so says the same author, also citing Ludovicus Lopez. This is the opinion of D. Bonav. in *speculo animae, cap. 1. circa medium*, where he says: *Yet it matters greatly whether it proceeds from envy; for sometimes it happens that the evil deeds of others are recounted, or even exaggerated, against someone out of a certain indignation, or levity of speech, without the intention of defaming him, which would be a hard judgment to call mortal.*

Dicens: Si persona secreto graviter iniuriata, non valens se a dolore, cohibere, in querimonias prorumpit publicas, non idcirco de culpa mortali damnatur, si iniurians infametur; durum enim videtur, sic afflictum animum cohibere, ne in querimonias prorumpat, cum hoc naturalissimum sit, ita ille, citans etiam Ludovicum Lopez. Haec sententia est D. Bonav. in speculo animae, cap. 1. circa medium, *ubi ait:* Multum tamen interest, utrum procedat ex invidia, quandoque enim contingit, mala aliorum facta ex indignatione quadam, vel levitate loquendi, nec intentione diffamandi, male contra aliquem recitari, vel etiam aggravari, quod esset durum iudicare mortale.

3 The second case is, when someone narrates the sins of another which he has heard, and expressly asserts that he knows nothing for certain, but is only reporting what was related.

Secundus casus est, quando aliquis narrat peccata alterius audita, et expresse asserit, se nihil certo scire, sed solum relata referre.

4 That this person sins mortally is taught by Sotus de Iust. lib. 4. quaest. 6. art. 3. ad 4. and in 4. disp. 15. quaest. 4. Navar. cap. 18. num. 50. Villalob. sum. tom. 2. tract. 11. dub. 36. num. 6. Tanner. 2. 2. disp. 4. quaest. 8. dub. 7. num. 139. Malder. tract. 7. cap. 1. dub. 17. Sylvius quaest. 62. art. 2. quaeritur 16. concl. 3. Turrianus disp. 52. dub. 10. num. 8. and others, with whom Diana subscribes Tom. 3. Tract. 5. resol. 28. The reason is, because he defames; Sylv. subscribes quaest. 4. D. Thom. 2. 2. quaest. 73. art. 4. in corpore. Caiet. there, Less. lib. 2. cap. 9. de iniuriis in corpore, dub. 16. num. 113.

Hunc peccare mortaliter docent Sotus de Iust. lib. 4. quaest. 6. art. 3. ad 4. et in 4. disp. 15. quaest. 4. Navar. cap. 18. num. 50. Villalob. sum. tom. 2. tract. 11. dub. 36. num. 6. Tanner. 2. 2. disp. 4. quaest. 8. dub. 7. num. 139. Malder. tract. 7. cap. 1. dub. 17. Sylvius quaest. 62. art. 2. quaeritur 16. concl. 3. Turrianus disp. 52. dub. 10. num. 8. et alii, quibus subscribit Diana Tom. 3. Tract. 5. resol. 28. Ratio est, quia is infamat; subscribunt Sylvest. quaest. 4. D. Thom. 2. 2. quaest. 73. art. 4. in corpore. Caiet. ibi, Less. lib. 2. cap. 9. de iniuriis in corpore, dub. 16. num. 113.

5 Many Recent authors say this is true in the case, if the one reporting is a man of authority, so that he is believed, or because of the levity of the hearers. So Azor. p. 4. l. 13. cap. 16. Sotus loco citato Less. l. 2. cap. 11. dub. 5. Salon. apud Tannetum, Layman. l. 3. sect. 5. tract. 3. p. 2. cap. 3. num. 7. Ioan. de la Cruz in direct. art. 8. quaest. 2. art. 2. dub. 3. concl. 4. They say, however, Less. loc. cit. Nauar. Man. cap. 17. num. 71, that it is not against justice, but against charity, which Bassaeus n. 13 judges more probable with Fagundez num. 19, because here he does not defame directly, but per accidens.

Multi Recentes in casu id verum esse aiunt, si referens sit vir authoritatis, ut ei credatur, vel ex levitate audientium. Sic Azor. p. 4. l. 13. cap. 16. Sotus loco citato Less. l. 2. cap. 11. dub. 5. Salon. apud Tannetum, Layman. l. 3. sect. 5. tract. 3. p. 2. cap. 3. num. 7. Ioan. de la Cruz in direct. art. 8. quaest. 2. art. 2. dub. 3. concl. 4. Dicunt tamen Less. loc. cit. Nauar. Man. cap. 17. num. 71. non esse contra iustitiam, sed contra charitatem, idque Bassaeus n. 13. probabilius censet cum Fagundez num. 19. quia hic non directe infamat, sed per accidens.

6 Yet there are not lacking those who deny that he sins mortally, and thus hold at least the opposite opinion as probable: Tannerus loc. cit. Caiet. 2. 2. quaest. 33. art. 2. disp. 2. Sotus in 4. disp. 15. quaest. 4. art. 1. Sylvest. v. detractio, quaest. 4. except. 5. Armilla v. restitutio, num. 4. except. 7. Sà verbo informare, after Gabriel, Adrian, and others. And thus Faber teaches this opinion in 4. de restit. disp. 53. num. 29, and Diana judges it probable.

Non tamen desunt negantes, peccare mortaliter, et ita probabilem saltem opinionem oppositam tenentes, Tannerus loc. cit. Caiet. 2. 2. quaest. 33. art. 2. disp. 2. Sotus in 4. disp. 15. quaest. 4. art. 1. Sylvest. v. detractio, quaest. 4. except. 5. Armilla v. restitutio, num. 4. except. 7. Sà verbo informare, post Gabrielem, Adrianum, et alios. Et ita hanc sententiam docet Faber in 4. de restit. disp. 53. num. 29. et probabilem censet Diana.

7 Tannerus adds num. 140. with Lessio dub. 5: if anyone reports in such a way that he probably thinks no one will believe it, it is not mortal; but if he thinks some will believe it out of mere idle levity, it is not against Justice, but against charity.

Addit Tannerus num. 140. cum Lessio dub. 5. si quis ita referat, ut probabiliter putet, nullum crediturum, non esse mortale; at si aliquos putet credituros e levitate inera, non esse contra Iustitiam, sed charitatem.

8 The Seraphic Doctor, who in *speculo animae, cap. 1. et 2.* relates all the modes of excusing in Confession, also appends this one. Therefore I judge that he stands for the first opinion, because, as the holy Doctor himself argues, when reputation is gravely damaged, it is enough that there be no cause; yet if these things are reported out of mere talkativeness, the holy Doctor judges it probably not mortal. But if the detraction is from malice, it will be mortal against Justice; indeed this kind of detraction is pestilential, and more colored toward defaming. So Sotus especially.

> *Seraphicus, qui in* speculo animae, cap. 1. et 2. *refert modos omnes in Confessione excusantes, hunc etiam apponit. Idco arbitror, ipsum stare pro prima sententia, quia, ut ipse S. Doctor arguit, cum damnificatur graviter fama, satis est, si nulla sit causa; si tamen haec ex mera loquacitate referantur, censet S. Doctor non esse mortale probabiliter. Quod si ex malitia sit detractio, erit mortalis contra Iustitiam, imo hoc genus detrahendi est pestilens, et magis coloratum ad infamandum. Ita Sotus praecipue.*

9 The third case, which the holy Doctor notes in *speculo animae, cap. 1. §. secundus ramus invidiae, etc.*, is levity of matter. So Lessius l. 2. cap. 11. dub. 3. num. 11, adding that the same must be said of one revealing natural defects, such as that someone is ignorant, of weak judgment, etc.; and Petrus Nauar. l. 2. cap. 4. num. 307. with others judges the same must be said of natural defects; as if you say that someone is the son of a cleric, born of adultery, and the like; provided, however, the person is not so distinguished that to speak even lightly of him would be grave, as to be a liar. Diana subscribes p. 1. tract. 5 resol. 69. Lessius num. 14. Salonius 2. 2. quaest. 6. art. 3. dub. 3. Fagundez in octavum praeceptum, l. 8. cap. 2. before the fourth number. Tannerus disp. 4. quaest. 8. num. 156. To this he also reduces levity of mind, or talkativeness, with D. Thom. quaest. 73. art. 3, understanding it by reason of indeliberateness, with Valentia quaest. 17. puncto secundo. Bassaeo, v. Detractio 1. from num. 6.

> *Tertius casus, quem advertit S. Doct. in* speculo animae, cap. 1. §. secundus ramus invidiae, etc. *est levitas materiae. Sic Lessius l. 2. cap. 11. dub. 3. num. 11. addens, idem dicendum de revelante defectus naturales, ut aliquem esse ignarum, patui iudicii, etc. et Petrus Nauar. l. 2. cap. 4. num. 307. cum aliis idem censet dicendum in defectibus naturalium; ut si dicas, aliquem filium esse clerici, natum ex adulterio, et similia; nisi tamen sit persona tam qualificata, quae graviter deprimeretur, de qua etiam levia dicere, est grave, ut esse mendacem. Subscribit Diana p. 1. tract. 5 resol. 69. Lessius num. 14. Salonius 2. 2. quaest. 6. art. 3. dub. 3. Fagundez in octavum praeceptum, l. 8. cap. 2. ante numerum quartum. Tannerus disp. 4. quaest. 8. num. 156. Quo reducit etiam levitatem animi, seu loquacitatem cum D. Thom. quaest. 73. art. 3. intelligens ratione indeliberationis cum Valentia quaest. 17. puncto secundo. Bassaeo, v. Detractio 1. a num. 6.*

10 The general rule of S. Bonav. in *speculo, cap. 1. et 2.* attests: whenever from detraction a grave loss of reputation of itself follows, it is mortal. So Fagundez *n. 4.* Less. *num. 15.* Petrus Nauar. *l. 2. de restit. cap. 4. num. 347.* Filliuc. *tract. 32. de restit. cap. 9. num. 230.* Nauar. *Summa Lat. cap. 18. num. 22. 23. 25.*

> *Regula generalis S. Bonav. in* speculo, cap. 1. et 2. *testificatur; quoties ex detractione gravis amissio famae ex se provenit, esse mortale. Ita Fagundez* n. 4. *Less.* num. 15. *Petrus Nauar.* l. 2. de restit. cap. 4. num. 347. *Filliuc.* tract. 32. de restit. cap. 9. num. 230. *Nauar.* Summa Lat. cap. 18. num. 22. 23. 25.

11 THEREFORE OFTEN to speak venial things will be mortal: and conversely, to speak mortal things will not be mortal with respect to certain persons; as if you say of some young man that he has dishonorable loves; of a soldier, that he has killed, or fought a duel, or seduced a girl, or keeps a concubine. So Sotus *l. 4. de Iustitia, quaest. 6. art. 3. §. sequetur in medio. et l. 5. quaest. 10. art. 2. concl. 4.* Less. *l. 2. cap. 11. de detract. dub. 3. num. 17.* Lopez *p. 1. Instruct. cap. 285.* Tolet. *l. 5. Summa, cap. 66.*

Caiet. *2. 2. quaest. 73.* Filliuc. *tomo 2. tract. 32. cap. 9. num. 231.* Corduba *de detract. quaest. 1.* Fagundez *l. 8. cap. 2. num. 51.*

> *SAEPE igitur venialia dicere, erit mortale: Sicuti e contra, mortalia dicere, non erit mortale respectu aliquarum personarum; ut si de aliquo iuvene dicas, inhonestos habere amores; de milite, occidisse, vel duellum commisisse, aut decepisse puellam, vel habere concubinam. Ita Sotus* l. 4. de Iustitia, quaest. 6. art. 3. §. sequetur in medio. et l. 5. quaest. 10. art. 2. concl. 4. *Less.* l. 2. cap. 11. de detract. dub. 3. num. 17. *Lopez* p. 1. Instruct. cap. 285. *Tolet.* l. 5. Summa, cap. 66. *Caiet.* 2. 2. quaest. 73. *Filliuc.* tomo 2. tract. 32. cap. 9. num. 231. *Corduba* de detract. quaest. 1. *Fagundez* l. 8. cap. 2. num. 51.

12 Say the SAME, if you detract by general terms, it will be only venial; as if you say someone is proud, avaricious, irascible. So Less. *l. 2. cap. 11. de detract. dub. 3. num. 18.* Sylvester *v. detractio.* Filliuc. *t. 2. tract. 32. cap. 9. num. 232.* D. Antonin. *2. p. tit. 8. cap. 4* Nauar. *Summa, cap. 18. num. 24.* Fagundez *num. 6.*

> *IDEM dic, si nominibus generalibus detrahas, erit tantum veniale; ut si dicas, esse superbum, avarum, iracundum. Ita Less.* l. 2. cap. 11. de detract. dub. 3. num. 18. *Sylvester* v. detractio. *Filliuc.* t. 2. tract. 32. cap. 9. num. 232. *D. Antonin.* 2. p. tit. 8. cap. 4 *Nauar.* Summa, cap. 18. num. 24. *Fagundez* num. 6.

13 The reason is, because these are mostly received as defects, not defamatory, or are taken for a natural inclination. Yet it can happen that they gravely wound. Therefore prudence must be used, to discern whether they gravely defame, considering the persons, both those defamed and the hearers; and therefore confessors must employ great prudence in these matters. So Tolet. *l. 5. Summa, cap. 64.* Nauar. *num. 25.* Less. cited above, Caiet. *loc. cit.* Fagundez *num. 7.*

> *Ratio est, quia haec plerumque recipiuntur pro defectu, non infamatorio, vel sumuntur pro naturali inclinatione. Potest tamen esse, ut graviter laedant. Ideo prudentia utendum, ut discernatur, an graviter infament, consideratis personis, tum infamatis; tum audientibus; et ideo debent in his confessarii magnam prudentiam adhibere. Ita Tolet.* l. 5. Summa, cap. 64. *Nauar.* num. 25. *Less. allegatus, Caiet.* loc. cit. *Fagundez* num. 7.

14 MOREOVER, if one idly relates the sins of others to those whom he knows will not believe them, he will not sin, whatever those sins may be: Less. *l. 2. cap. 11. dub. 5. num. 24.* Sotus *l. 4. quaest. 6. art. 3.* Nauar. *cap. 18. num. 49.* The reason is, because no damage follows from it. D. Bonau. senses the same above; yet if the crime were atrocious, such as Sodomy, heresy, treason, and although they would not believe it, they would nevertheless entertain some suspicion, it will be lethal, if the person is honorable. The reason is, because since he is in peaceable possession of the best reputation, it is reduced to doubt and to the grave peril of losing it. So D. Bonau. *loc. cit.* D. Thom. *quaest. 73. art. 2. in corpore,* Caictanus *there,* Sotus *l. 5. quaest. 10. art. 1.* Tolet. *l. 5. Summa, cap. 63.* Sylvest. *v. detractio, num. 2.* Lessius cited above, and Fagundez *num. 17.*

> *CAETERUM, si peccata aliorum referat otiose illis, quos scit, non esse credituros, non peccabit, quaecumque illa sint, Less.* l. 2. cap. 11. dub. 5. num. 24. *Sotus* l. 4. quaest. 6. art. 3. *Nauar.* cap. 18. num. 49. *Ratio est, quia nulla inde sequitur damnificatio. Idem sentit D. Bonau. supra; si tamen crimen esset atrox, ut Sodomia, haeresis, proditio, et licet non essent credituri, tamen aliquam essent exhibituri suspicionem, erit lethale, si persona sit honesta. Ratio est, quia cum sit in possessione pacifica optimae famae, reducitur ad dubium, et discrimen grave eam perdendi. Ita D. Bonau.* loc. cit. *D. Thom.* quaest. 73. art. 2. in corpore, *Caictanus* ibi, *Sotus* l. 5. quaest. 10. art. 1. *Tolet.* l. 5. Summa, cap. 63. *Sylvest.* v. detractio, num. 2. *Lessius allegatus, et Fagundez* num. 17.

15 It is STILL ASKED concerning those who write Annals, and in them recount the hidden crimes of others.

> *QUAERITUR adhuc de scribentibus Annales, et in his enarrantibus crimina aliorum occulta.*

16 *HE ANSWERS* Fagundez *n. 25.* that they do not sin mortally, provided they do not write out of envy or hatred. This is also the mind of D. Bonau. in the place often adduced above, in *speculo, cap. 1.* Yet let them beware lest they brand any family, and the living, with some stain that grows squalid among posterity. So note Sotus *l. 5. de Iust. quaest. 10. art. 2.* Malder. *tract. 7. cap. 1.* Molina above. Arrian. *quodl. 11. quaest. 1.* Tanner. *disp. 4. quaest. 8. n. 143.* Valentia *quaest. 17. p. 2.* for these things are not lawful.

> RESPONDET *Fagundez* n. 25. *eos non peccare mortali, si tamen non ex invidia, vel odio scribant. Haec est mens etiam D. Bonau. loco saepe addusto in* speculo, cap. 1. *Caveant tamen, ne alicui familiae, et viventibus notam aliquam inurant, quae apud posteros sordescat. Ita advertunt Sotus* l. 5. de Iust. quaest. 10. art. 2. *Malder.* tract. 7. cap. 1. *Molina supra. Arrian.* quodl. 11. quaest. 1. *Tanner.* disp. 4. quaest. 8. n. 143. *Valentia* quaest. 17. p. 2. *haec enim non licent.*

17 FINALLY there are certain Astrologers who impose falsehoods upon some, and these gravely sin, as Fagundez notes *num. 26.*; for foolishly they assert, defaming men, things from the motion of the stars. Whence it happens that if an Astrologer, when questioned, names some thief, he is punished by municipal laws; yet one cannot bring an action of injury against him, as *Leg. Item apud Labeonem, §. si quis Astrologus* teaches. Therefore also by *Leg. Nemo Cod. de maleficis* it is provided that no one consult an Aruspex or a Mathematician, because they are impostors, and therefore to be cast out to the farthest lands, as Sotus teaches *l. 5. de virtute quaest. 10. artic. 2.*, who nevertheless speaks of the Judiciarii, condemned by the Pontiffs, Sixtus V. and others.

> *TANDEM sunt aliqui Astrologi, qui falsa nonnullis imponunt, et hi graviter peccant, ut notat Fagundez* num. 26. *stulte enim asserunt ex motu astrorum, homines infamando. Quo fit, ut si Astrologus quaesitus, furem aliquem dixerit, legibus municipialibus puniatur; non posse tamen cum illo de iniuria agi, docet* Leg. Item apud Labeonem, §. si quis Astrologus. *Propterea etiam* Leg. Nemo Cod. de maleficio *cautum est, ut nemo Aruspicem, aut Mathematicum consulat, eo quod impostores sunt, et ideo in ultimas terras eiiciendi, ut docet Sotus* l. 5. de virtute quaest. 10. artic. 2. *qui tamen loquitur de Iudiciariis, qui a Pontificibus, Sixto V. et aliis, sunt damnati.*

18 The Sacred Canons condemn these detractions, *extra de sortilegiis* from the Penitential of Theodotus, and Alexander III. Granden. the Patriarch, apud D. Bonaventuram in *Confessionali, cap. 3. periculis 37. et 38.*

> *HAS detractiones damnant Sacri Canones,* extra de sortilegiis *ex poenitentiali Theodoti, et Alexandri III. Granden. Patriarchae apud D. Bonaventuram in* Confessionali, cap. 3. periculis 37. et 38.

Question VII: Whether it is ever lawful to defame another falsely, or to reveal his hidden crime

1 NOW the various modes divided in *quaest. 1.* must be examined.

> *IAM varios modos,* quaest. 1. *divisos, oportet discutere.*

2 It is MOST CERTAIN that it is never lawful to impose a false crime upon anyone; for this is most mortal in its kind. So D. Bonau. in *speculo animae, cap. 1. 2. et 4. et p. 1. Centilog. sectione 13. et in 3. dist.*

28. quaest. 3. et sequenti, et ad cap. 10. Eccles., where he urges that testimony of Scripture: *If a serpent bite in silence, he is no better that detracteth his neighbour in secret, Eccles. 10.* Do not curse the deaf, according to the exposition of D. Gregory *2. p. Pastoralis, cap. 1. admonit. 36. For to curse the deaf is to defame one who is absent and not hearing.* The reason, as rehearsed by the holy Doctor, is because he unjustly takes away a good better than riches, according to Prouerb. 22: *A good name is better than great riches.* By which reason they commonly argue. This is the worst detraction, as the Doctors cry out in common with D. Thom. *quaest. 73. art. 2.*, whom Sayrus reports *l. 11. cap. 3. num. 7. et* Fagundez in *octavum praeceptum, l. 8. cap. 3.* Therefore not even to avoid tortures, or to avert any grave evil whatsoever, is it lawful, as all Theologians teach with D. Bonau. and D. Thom., and the Canonists *ad C. super eo, de usuris, et C. mihi, 22. quaest. 11.* See Fagundez *l. 8. cap. 5.*

> *CERTISSIMUM est, nunquam licere crimen falsum alicui imponere; hoc enim est mortalissimum ex genere. Ita D. Bonau. in* speculo animae, cap. 1. 2. et 4. et p. 1. Centilog. sectione 13. et in 3. dist. 28. quaest. 3. et sequenti, et ad cap. 10. Eccles. *ubi urget illud Scripturae testimonia:* Si mordeat serpens in silentio, nil eo minus habet, qui occulte detrahit, Eccles. 10. *Non maledices surdo, iuxta expositionem D. Gregorii* 2. p. Pastoralis, cap. 1. admonit. 36. Surdo quippe maledicere, est absenti, et non audienti derogare. *Ratio refricata a S. Doctore est, quia is inique aufert bonum melius divitiis, iuxta id Prouerb. 22.* Melius est nomen bonum, quam thesauri multi. *Qua ratione utuntur communiter. Haec est detractio pessima, ut clamant communiter Doctores cum D. Thom.* quaest. 73. art. 2. *quos refert Sayrus* l. 11. cap. 3. num. 7. et *Fagundez in* octavum praeceptum, l. 8. cap. 3. *Itaque neque ad vitandas torturas, sive ad quodcumque grave malum declinandum, licet, ut docent omnes Theologi cum D. Bonau. et D. Thom. atque Canonistae* ad C. super eo, de usuris, et C. mihi, 22. quaest. 11. *Vide Fagundez* l. 8. cap. 5.

3 But it is ASKED: Whether it is ever lawful to uncover a true crime of someone.

> *QUAERITUR vero: An liceat aliquando verum crimen alicuius detegere.*

4 *THE HOLY DOCTOR ANSWERS* in *speculo animae, cap. 1. §. secundus ramus invidiae;* that it is possible, when an unworthy man is praised beyond his merits, and from this some deception can arise, then it does not have the nature of sin. Therefore, if we hear some secretly depraved and pernicious man, who could deceive to the ruin, whether of faith or of life; such as an Apothecary or Physician; or of conscience, such as a Confessor; or of causes, such as an Advocate, being commended, then it is lawful to uncover his depravities; but not, if someone is a hypocrite and evil only toward himself, as if someone outwardly feigns piety and inwardly is full of private sins. The Doctors consent in common: Filliuc. *tomo 2. tract. 40. in octavum praeceptum, cap. 4. num. 107.* Sotus *l. 5. de Iust. quaest. 10. art. 2.* Less. *t. 1. l. 2. cap. 11. dub. 10. num. 64.* Petrus Nauar. *l. 2. de restit. cap. 4. num. 341.* Corduba *quaest. 2. de detract. concl. 4. ad 2.* Tolet. *l. 5. Summa, cap. 65.* Fagundez *lib. 8. cap. 3. num. 3.* Valentia *disp. 5. quaest. 17. punct. 2. dub. 3.* Salon. *2. 2. quaest. 73. art. 2.* Sayrus *l. 11. cap. 6. num. 18. et* the rest apud Tannerum *disp. 4. quaest. 8. n. 144.*, the same author adding that when due information is inquired by reason of office, marriage, etc., provided the damage be not so enormous that the other consideration ought rather to prevail. Bassaeus subscribes, *v. Detract.* from *num. 10.*

> RESPONDET *S. Doct. in* speculo animae, cap. 1. §. secundus ramus invidiae; *posse, cum laudatur indignus, et ultra merita, et ex hoc potest oriri aliqua deceptio, tunc non habet rationem peccati. Igitur, si aliquem occulte pravum, perniciosum, qui posset decipere in perniciem, sive fidei, sive vitae; ut Pharmacopolam, vel Medicum; sive conscientiae, ut Confessarium; sive causarum, ut Advocatum, audiamus commendari, tunc licet pravitates detegere; non tamen, si aliquis sit hypocrita, et malus sibi soli, ut si aliquis exterius pietatem fingat, et intus plenus sit peccatis privatis.*

Consentiunt Doctores communiter, Filliuc. tomo 2. tract. 40. in octavum praeceptum, cap. 4. num. 107. *Sotus* l. 5. de Iust. quaest. 10. art. 2. *Less.* t. 1. l. 2. cap. 11. dub. 10. num. 64. *Petrus Nauar.* l. 2. de restit. cap. 4. num. 341. *Corduba* quaest. 2. de detract. concl. 4. ad 2. *Tolet.* l. 5. Summa, cap. 65. *Fagundez* lib. 8. cap. 3. num. 3. *Valentia* disp. 5. quaest. 17. punct. 2. dub. 3. *Salon.* 2. 2. quaest. 73. art. 2. *Sayrus* l. 11. cap. 6. num. 18. et *caeteri apud Tannerum* disp. 4. quaest. 8. n. 144. *addens idem, cum ob officium, matrimonium, etc. inquiritur informatio debita, dummod non ita enorme sit damnum, ut sit alterius potius ratio habenda. Subscribit Bassaeus,* v. Detract. *a* num. 10.

5 From this it ALSO happens that one inquiring into the defects of another, in order to avoid deceptions, does not sin, for instance for marriage, for a Chair, etc. So Fagundez warns *loco citato.*

HINC etiam fit, inquirentem de defectibus alterius, ut deceptiones evitet, non peccare, puta si ad matrimonium, ad Cathedram, etc. Ita monet Fagundez loco citato.

6 You will ASK secondly: Whether uncovering the sins of someone who is already defamed in some crime is a sin.

QUAERES secundo: An detegere peccata alicuius, infamati in aliquo delicto, sit peccatum.

7 It is ANSWERED, that uncovering other sins bearing a different infamy is mortal; as, if someone is publicly a drunkard, and you report that he is a thief. So Adrian. *quodl. 11. art. 1.* Nauarr. *Summa Lat. cap. 18. num. 42.* and others apud Fagundez *num. 9.* and Tannetum *num. 141.*, who add that this is true even if the crime disclosed is lesser, as if you wished to defame a homicide by theft. Yet this example indicates something greater as to belief. So also Bassaeus *num. 9.*

RESPONDETUR, detegere alia peccata afferentia diversam infamiam, esse mortale, ut, si aliquis sit publice ebriosus, et deferas, esse furem. Ita Adrian. quodl. 11. art. 1. *Nauarr.* Summa Lat. cap. 18. num. 42. *et alii apud Fagundez* num. 9. *et Tannetum* num. 141. *qui addunt, id verum, etiamsi hoc delictum, quod proditur, sit minus, ut si de furto velles infamare homicidam. Hoc tamen exemplum indicat Maius quoad creditum. Sic et Bassaeus* num. 9.

8 You will ASK thirdly: Whether detracting from the dead is a mortal sin.

QUAERES tertio: An de mortuo detrahere sit peccatum mortale.

9 It is ANSWERED, that it is an atrocious sin. So in common Petr. Nauar. *l. 2. de restit. cap. 4. a n. 351.* Angelus in *4. quaest. de restit. honoris.* Malderus *de Iustitia t. 7. cap. 1. dub. 8.* Molina *disp. 28.* Fagundez *num. 11.*

RESPONDETUR, esse peccatum atrox. Ita communiter Petr. Nauar. l. 2. de restit. cap. 4. a n. 351. *Angelus in* 4. quaest. de restit. honoris. *Malderus* de Iustitia t. 7. cap. 1. dub. 8. *Molina* disp. 28. *Fagundez* num. 11.

10 You will ASK fourthly: Whether detracting from the Religious Orders is a special fault.

QUAERES quarto: An de Religionibus detrahere sit specialis culpa.

11 It is ANSWERED first, that in these times it is dangerous to the faith, because of the heretics eager to carp at the Religious Orders, especially in chastity, which they proclaim as contested among us, judging, or impiously proclaiming, the conjugal life to be better, indeed necessary; otherwise concubinage would be had with others, whence that foul saying of the most filthy Luther *l. de vita coniugali: si non vult uxor, veniat ancilla.* Yet both Christ and the Apostle proclaim the celibate and virginal life servable by the help of God. And in *Apoc. 14.* John beheld virgins of this kind

innumerable, as Fagundez disserits *cap. 3. num. 13.* after D. Bonav. in *Diaeta salutis, tit. 10. ad finem:* See Bassaeus 7.

> *RESPONDETUR primo, esse in fide periculosum his temporibus, propter haereticos inhiantes carpendis Religionibus, maxime in castitate, quam inter nos conflictam conclamant, existimantes, seu impie proclamantes, vitam coniugalem esse meliorem, imo necessariam; alioqui concubitum iri cum aliis, unde foedum illud dictum spurcissimi Lutheri* l. de vita coniugali: si non vult uxor, veniat ancilla. *Cum tamen, et Christus, et Apostolus vitam caelibem, ac virginalem, Dei auxilio servabilem conclament. Et* Apoc. 14. *innumeros huiusmodi virgines contemplatus fuerit Ioannes, ut disserit Fagundez* cap. 3. num. 13. *post D. Bonav. in* Diaeta salutis, tit. 10. ad finem: *Vide Bassaeum 7.*

12 Against these our Seraphic Doctor, the most valiant Achilles of the Church, often fought, as is seen in *Libris Apologeticis contra magistrum Gulielmum, contra Magistrum innominatum in Apologia pauperum, and in other places.*

> *CONTRA hos saepe strenuissimus Ecclesiae Achilles Seraphicus noster pugnavit, ut videre est in* Libris Apologeticis contra magistrum Gulielmum, contra Magistrum innominatum in Apologia pauperum, et aliis locis.

13 These enemies and detractors of the Religious Orders, utterly hostile to the Gospel (since Christ issued the Evangelical Counsels of Chastity, Obedience, and Poverty, but these men revile them), the holy Doctor proclaims Adversaries of the Church. For the Church approved and venerates the Religious Orders; but these men reprove and spurn them.

> *Hos Religionum hostes, et detractores, Evangelio perduelles (siquidem Christus Evangelica consilia Castitatis, obedientiae, et Paupertatis edidit, hi autem vituperant) Ecclesiae Adversarios conclamat. Etenim Ecclesia Religiones approbavit, et veneratur; isti autem eas reprobant, et aspernantur.*

14 He shows them guilty of death with a weighty testimony *Deuter. 17.*; for there it is prescribed: *If you perceive that among you there are hard and doubtful judgments in cause of blood, etc. Thou shalt go to the priests of the Levitical race, and shalt follow their sentence, and shalt not decline to the right hand or to the left. But he that will refuse to obey the commandment of the priest who ministereth at that time to the Lord thy God, by the decree of the judge, that man shall die.* Whence the holy Doctor argues: If to resist gravely, or to cry out against a shadowy Pontiff defining or decreeing, the penalty of death was deservedly imposed, how much more worthily will it be imposed upon the most unworthy, who detract from the Sacred and Apostolic sanctions of the Supreme Pontiff, the Vicar of God on earth? The holy Doctor proclaims such detractors of the Religious Orders, which the holy Mother Church erected, confirmed, and made firm, to be rebels and subverters of the Church. For with what face do these enemies of God proclaim as impostors those poor in spirit by voluntary choice, whom Christ *Matth. 5.* acclaims as blessed? Do they bark that those who for the straight road to the kingdom of heaven cut themselves off spiritually, and live most continent, and abstain from all things, that they may win the unfading crown, have wandered from the way of salvation? Lovers of Virginity do not revile marriages (says S. Bonan.) but prefer virginity with the Apostle *prima Corinth.* See the holy Doctor treating this matter at length.

> *Reos mortis, gravi testimonio* Deuter. 17. *eos ostendit; Ibi enim praecipitut:* Si difficile, atque ambiguum apud te iudicium esse perspexeris inter sanguinem, et sanguinem, etc. Venies ad sacerdotes Leuitici generis, et sequeris sententiam eorum, nec declinabis ad dexteram, vel sinistram. Qui autem superbierit, nolens obedire sacerdotis imperio, qui eo tempore ministrat Domino Deo tuo, ex decreto Iudicis, morietur

homo ille. *Unde arguit S. Doctor: Si umbratico Pontifici graviter resistere, aut reclamare definienti, vel decernenti, poena capitis merito imponebatur, quanto dignius indignissimis, detrahentibus Sacris, et Apostolicis sanctionibus Summi Pontificis, Dei in terris Vicarii, imponetur? Rebelles Ecclesiae eversoresque proclamat S. Doctor huiusmodi detractores Religionum, quas Sancta Mater Ecclesia erexit, confirmavit, solidavit. Qua enim fronte isti Dei inimici, pauperes spiritu voluntarios, quos beatos Christus* Matth. 5. *acclamat, hi nebulones proclamant? Illos, qui propter regnum caelorum recta adeundum, seipsos spiritualiter praeciderunt, et continentissime vivunt, ac ab omnibus se abstinent, ut coronam immarcescibilem consequantur, a via salutis aberrantes latrant? Non vituperant coniugia, Virginitatis amatores (ait S. Bonan.) sed virginitatem praeferunt cum Apostolo* prima Corinth. *Vide Sanctum Doctorem late hac de re differentem.*

15 Therefore MERITEDLY anathema was imposed upon these rotten members, detractors especially of the Orders of Sisters, of S. Dominic, and D. Francis, as Bartholomeo Medina witnesses *cap. 14. fol. 184.* Which excommunication is reserved to the Pope. But Petrus Nauar. notes *l. 2. de restit. cap. 4. num. 354.* Sylvest. *v. Excommunicatio, 7. excom. 48.* Sayrus *l. 4. cap. 4. num. 10.* Graff. *l. 2. decisionum, cap. 137.* Nauar. *cap. 27. num. 109.* Fagundez *l. 8. cap. 3. num. 14.* that the excommunication does not strike those detracting privately from these Religious Orders, but those publishing libellos famosos, songs, and rhymes to the infamy of these Orders. And the same holds for all the other mendicant Orders by extension of the same privilege, as is clear from a certain privilege of Alexander IV. which begins *Ex alto;* and from another, which begins *Non sine multa.* Those, however, are bound to sing a palinode in writing.

MERITO igitur anathema fuit impositum his membris putridis, Religionum apprime Sororum, S. Dominici, ac D. Francisci, detractotibus, teste Bartholomeo Medina cap. 14. fol. 184. *Quae excommunicatio Papae est reservata. Sed advertunt Petrus Nauar.* l. 2. de restit. cap. 4. num. 354. *Sylvest.* v. Excommunicatio, 7. excom. 48. *Sayrus* l. 4. cap. 4. num. 10. *Graff.* l. 2. decisionum, cap. 137. *Nauar.* cap. 27. num. 109. *Fagundez* l. 8. cap. 3. num. 14. *excommunicationem non ferire detrahentes privatim de Religionibus his, sed edentes libellos famosos, cantilenas, et rithmos in ordinum istorum infamiam. Et idem valet de aliis omnibus Religionibus mendicantibus per extensionem eiusdem privilegii, ut patet ex quodam privilegio Alexandri IV. quod incipit.* Ex alto; *et ex alio, quod incipit.* Non sine multa. *Illi autem tenentur palinodiam scripto decantare.*

16 Those, moreover, who COMPOSE famosos libellos against other persons, first sin mortally, because they gravely offend reputation, and the more gravely as the libelli remain long.

CONTEXENTES autem contra alias personas famosos libellos, primo peccant mortaliter, quia graviter offendunt famam, et eo gravius, quo libelli diu permanent.

17 FURTHERMORE, excommunication ferendae sententiae is inflicted upon them by C. *quidam malign. et C. si qui inuenti, quaest. 1.* if the libelli are against Ecclesiastics; for if against laymen, by canon law they are only to be beaten with rods, *C. qui in alterius, 5. quaest. 1.* which penalties Pius V. renewed in Bull 147. and Gregory XIII. in Bull 7.

PRAETEREA indicitur eis excommunicatio ferendae C. quidam malign. et C. si qui inuenti, quaest. 1. *si libelli sint contra Ecclesiasticos, nam si sint contra saeculares, iure canonico tantum virgis caedendi sunt,* C. qui in alterius, 5. quaest. 1. *quas poenas innovarunt Pius V. in Bulla 147. et Gregorius XIII. in Bulla 7.*

18 THEREFORE Salonius errs *2. 2. quaest. 72. art. 2. controv. 2.* in saying they are excommunicated ipso facto. For they are only to be excommunicated, as Sayrus notes *l. 4. cap. 4. num. 10.* Nauar. *cap. 18. num. 35.* Sylvester, *verbo libellus, num. 5.* Filliuc. *tract. 40. n. 81.* Fagundez *cap. 2. num. 17.*

ITAQUE errat Salonius 2. 2. quaest. 72. art. 2. controv. 2. *dicens, eos esse ipso facto excommunicatos. Sunt enim tantum excommunicandi, ut advertunt Sayrus* l. 4. cap. 4. num. 10. *Nauar.* cap. 18. num. 35. *Sylvester,* verbo libellus, num. 5. *Filliuc.* tract. 40. n. 81. *Fagundez* cap. 2. num. 17.

19 Those, however, who find such defamatory libelli are bound to tear them up; otherwise, if they hand them to others, they fall into the same penalties, with the consenting parties.

ILLI vero, qui tales libellos inveniunt infamatorios, tenentur eos rescindere, alioqui, si dent aliis, cadent in easdem, cum consentientibus, poenas.

20 Yet it will NOT be said that one who reads through a libellus to only one person manifests it. So Burlatus *consil. 99. l. 1. num. 17.* Cephal. *consil. 341. l. 3. num. 28.*, because that is called manifest which becomes known to many, according to Bartol. *in Leg. haered. palam 21. ff. de testamentis, num. 2.*

NON dicetur tamen libellum manifestare, qui uni tantum perlegit. Ita Burlatus consil. 99. l. 1. num. 17. *Cephal.* consil. 341. l. 3. num. 28. *quia manifestum dicitur, quod pluribus innotescit, iuxta Bartol.* in Leg. haered. palam 21. ff. de testamentis, num. 2.

Question VIII: Whether it is lawful to narrate a crime, notorious in one place, in another, where it is not known

1 We must suppose some cases, in which the difficulty about this matter is not so grave.

An liceat crimen, notorium in uno loco, narrare in alio, ubi non est notum.

OPORTET supponere aliquos casus, in quibus non est adeo gravis de hac re difficultas.

2 I SUPPOSE first, that manifesting the crime of anyone, even one already defamed, with the evil intention of gravely harming him, is mortal against charity. Thus the Doctors commonly, at Fagundez *on the eighth precept of the Decalogue, cap. 4. n. 3.*, with St. Bonaventure, *cap. 1. and 4. of the Speculum animae*, where he often insists that the malice consists in the intention of harming.

SUPPONO primo, manifestare crimen alicuius etiam infamati, intentione mala graviter nocendi, esse mortale contra charitatem. Ita communiter Doctores apud Fagundez in octavum praeceptum Decal. cap. 4. n. 3. *cum D. Bonav.* cap. 1. et 4. Speculi animae, *ubi saepe iniungit, malitiam consistere in intentione nocendi.*

3 I SAY second. If someone formerly defamed has now recovered his reputation, it will be mortal to defame him again by renewing the memory of the crime. Thus the Doctors commonly, at Fagundez *num. 4.*; Tanner, *disp. 4. quaest. 8. n. 143.*, although Lessius, *l. 2. cap. 11. dub. 13.*, says it is only against charity.

DICO secundo. Si aliquis infamatus olim, iam suam recuperavit famam, erit mortale eum iterum infamare renovando criminis memoriam. Ita communiter Doctores apud Fagundez num. 4. *Tannetum* disp. 4. quaest. 8. n. 143. *etsi Less.* l. 2. cap. 11. dub. 13. *dicat, esse solum contra charitatem.*

4 I SAY third. If someone is defamed in one place and has not repaired his reputation, it is not mortal to relate his crime in another place, where his reputation must soon be carried. Thus Tanner, *disput. 4. quaestione 8. num. 142.*; Fagundez, *numer. 9.*, citing Malderus, *de Iustitia tract. 7. cap. 1. dub. 6.*; Toledo, *l. 5. cap. 63*; Peter *de Navarra, lib. II. cap. IV. num. 295*; Lessius, *lib. II. cap. XI. de tract. dub. 18. num. 78*; *Aragon, Bauny, Valencia; and others, to be cited below*, who hold that it is not mortal to relate it even in an alien place, where the reputation was not to be carried. The same say *Tannerus*, and many at his place:

if anyone publishes the sentence of a Judge in even the most remote place, it is not a sin. But about this there is a great question.

> *DICO tertio. Si aliquis in uno loco est infamatus, nec famam resarcivit, non esse mortale narrare eius crimen in alio loco, quo fama est brevi perferenda. Ita Tanner.* disput. 4. quaestione 8. num. 142. *Fagundez* numer. 9. *adducentes Malderum* de Iust. tract. 7. cap. 1. dub. 6. *Toletum* l. 5. cap. 63: *Petrum* Navarrum lib. II. cap. IV. num. 295. Lessium lib. II. cap. XI. de tract. dub. 18. num. 78. Aragonium, Baunem, Valentiam; et alios, infra afferendos, *afferentes, non esse mortale referre etiam in loco alieno, quo fama non erat perferenda. Idem dicunt* Tannerus, *et multi apud eum; si quis sententiam Iudicis vulget in loco etiam remotissimo, non esse peccatum. Sed de hoc est grandis quaestio.*

5 *The FIRST opinion is, that it is a mortal sin, at least against CHARITY, to relate some crime in a place where reputation would never arrive.* In this sentiment are the Doctors commonly, at *Diana, part. III. tract. V. resol. 17.; Lessius, lib. II. cap. XI. dub. 13. num. 28.; Sayrus, lib. V. quaest. X. art. II.; Villalobos, tom 1. tract. XI. diffic. 6. num. 13.; Faber, in IV. disp. 53. n. 130.; Salon, 2. 2. quaest. 62. art. II. controv. 18.; Navarrus, lib. II. cap. IV num. 288.; Sayrus, lib. XI. cap. IX. n. 25.; Malderus, 2. 2. tract. VII. cap. I. dub 6.; Adrian, quodl. XI.*, and very many others at the places cited, with *Toledo, lib. V. c. 65.; Tanner, disp. IV. quaest. VIII num. 142.; Bassaeus, V. Detractio, 1. num. 10.*

> PRIMA opinio est, esse peccatum mortale, saltem contra Charitatem, narrare aliquod crimen in loco, quo nunquam esset fama perventura. *In hac sententia sunt communiter Doctores apud* Dianam part. III. tract. V. resol. 17. Lessius lib. II. cap. XI. dub. 13. num. 28. Sayrus lib. V. quaest. X. art. II. Villalobo tom 1. tract. XI. diffic. 6. num. 13. Faber in IV. disp. 53. n. 130. Salon 2. 2. quaest. 62. art. II. controv. 18. Navar. lib. II. cap. IV num. 288. Sayrus lib. XI. cap. IX. n. 25. Malder. 2. 2. tract. VII. cap. I. dub 6. Adrianus quodl. XI. et alii plurimi apud allegatos cum Tolero lib. V. c. 65. Tannero disp. IV. quaest. VIII num. 142. Bassaeo V. Detractio, 1. num. 10.

6 *The SECOND opinion denies that it is mortal. Thus Fagundez, on the eighth precept of the decalogue, lib. VIII. cap. IV. from num. 11.* (a passage *Diana* cites wrongly.) *The same think Cajetan, tom. II. opusc. 31. respons. 9.; Navarrus, summa, cap. XVIII. num. 26.; Maior, in IV. dist. XXI. quaest. II.; Azor, part. III. lib. XIII. dub. 8.; Filliucius, tom. II. tract. 32. cap. IX. num. 255.; Diana, loc. cit.*; and *Nangus, 3. part. tract. I. quaest 80. art. VI. diffic. 3.*, judges it probable.

> SECUNDA sententia negat esse mortale. Ita Fagundez in octavum praeceptum decal. lib. VIII. cap. IV. a num. 11. *(locum male allegat* Diana.*)* Idem sentiunt Caietanus, tom. II. opusc. 31. respons. 9. Navar. summa, cap. XVIII. num. 26. Maior in IV. dist. XXI. quaest. II. Azor part. III. lib. XIII. dub. 8. Filliucius tom. II. tract. 32. cap. IX. num. 255. Diana loc. cit. et probabilem existimat Nangus 3. part. tract. I. quaest 80. art. VI. diffic. 3.

7 *The REASON is, because when crimes are notorious, the authors of them have lost their right to reputation; and if they have lost it by the sentence of a judge, it is a punishment, as is supposed, just, inflicted by judges, who intend that it be known by all.*

> RATIO est, quia quando crimina sunt notoria, authores illorum ius ad famam amisere; et si ex iudicis sententia famam amisere, est poena, ut supponitur, iusta, inflicta a iudicibus, qui id intendunt, ut ab omnibus sciatur.

8 *For truly, if a crime has been committed in some house, it will not be lawful to sound the trumpet through the streets and squares, and that will be mortal against justice.* Soto, *lib. V. de Iustitia quaest. X. art. II.*; Malderus, *de*

iustitia tract. VII. cap. I.; Fagundez, *num. 10.*

> ENIM vero si delictum in aliqua domo fuerit patratum, non licebit tuba canere per vicos, et plateas, et id erit mortale contra iustitiam, Sotus lib. V. de Iust. quaest. X. art. II. Malder. de iust. tract. VII. cap. I. Fagundez num. 10.

9 *The REASON is, because he is not deprived of right by law, even if some rumor had broken out; and indeed a broad way would be opened to detractions.*

> RATIO est, quia is non est iure privatus, etiamsi rumor aliquis erupisset; et sane ampla aperiretur via detractionibus.

Question IX: Whether it is lawful to reveal someone's hidden crime to escape torture

1 *I SUPPOSE, that what is revealed in confession can never be told, even with death otherwise imminent. But SECRET crimes revealed to me in secret outside confession for the public harm, I can tell to the Judge, without danger even of irregularity, on account of a death about to follow someone, provided I protest that I denounce them to guard against evils without shedding of blood. Thus many Doctors at Fagundez lib. VIII. cap. V. num. 5.*

> SUPPONO, revelatum in confessione nunquam posse dici, etiam imminente aliter morte. SECRETA vero crimina in publicam perniciem mihi secreto revelata extra confessionem, possum dicere Iudici, absque periculo etiam irregularitatis, ob mortem alicuius secuturam, modo protester, me denunciare ad mala cavenda sine sanguinis effusione. Ita Doctores multi apud Fagundez lib. VIII. cap. V. num. 5.

2 But in the question proposed, they commonly affirm that a crime known in secret outside confession can be revealed, if grave loss impends over an innocent neighbor, provided a fraternal correction has gone before, if that is hoped to be of profit. *Thus St. Thomas 2. 2. q. 70. art. I. ad 2., and many others at Fagundez cap. VI. num. 7.; Bassaeus, V. Reus, num. 8.*

> *IN quaestione autem proposita, communiter afferunt, posse revelari crimen, extra confessionem cognitum secreto, si grave damnum proximo innocenti immineat, praemissa tamen fraterna correptione, si illa profutura speratur.* Ita D. Thom. 2. 2. q. 70. art. I. ad 2. et alii multi apud Fagundez cap. VI. num. 7. Bassaeum, V. Reus, num. 8.

3 Then they say that it is lawful, in order to avoid tortures and other grave evils, to tell an occult sin that has been heard, even if the death of the perpetrator follows. *Thus Lessius lib. II. cap. XI. de detract. dub. 8. from num. 54.; Fagundez num. 9.; and Tanner indicates it, num. 149., with others.*

> *DEINDE dicunt, licere ad vitanda tormenta, et alia gravia mala, dicere peccatum occultum auditum, etiamsi mors patratoris sequatur.* Ita Lessius lib. II. cap. XI. de detract. dub. 8. a num. 54. Fagundez num. 9. et indicat Tanner. num. 149. cum aliis.

4 *But he WARNS first, that care must be taken not to include the secrets of Princes, whose revelation brings grave evils: Thus he admonishes with many others.*

> MONET vero primo, cavendum ne includantur secreta Principum, quorum revelatio gravia inducit mala: Ita cum multis advertit.

5 *He ADDS second, that otherwise a private secret is not to be revealed, if it has been received by force and fraud. The same teach Sotus lib. V. quaest. X. art. II.; Sayrus lib. XI. c. 3.; Navarrus summa cap. 28. num. 54. Moreover, that to reveal a secret without cause is mortal, St. Thomas the Doctor teaches in the Speculum animae, cap. primo, §. Machinatio, at the end.*

ADDIT secundo, alias secretum privatum non revelandum, si vi, et fraude acceptum sit. Idem docent Sotus lib. V. quaest. X. art. II. Sayrus lib. XI. c. 3. Navar. summa cap. 28. num. 54. Caeterum revelare secretum sine causa, esse mortale docet S. Doctor in speculo animae, cap. primo, §. Machinatio, in fine.

6 They DISPUTE here about the opening of letters. They ANSWER that to open letters without grave cause — for instance, a probable opinion that snares are being laid for oneself in them — is mortal, if you recognize with probability that they contain a grave matter; but not if you open ordinary letters out of levity. *See Fagundez cap. IX. at the end.*

DISPUTANT hic de apertione litterarum. RESPONDENT, aperire litteras, absque gravi causa, puta probabilis opinionis, in eis strui sibi insidias, esse mortale, si probabiliter grave negotium eas continere agnoscas; non autem si litteras ordinarias ex levitate aperias. Vide Fagundez cap. IX. in fine.

7 I indeed judge the opening of letters to be a most grave matter, since the confidence of human intercourse between the absent is destroyed, the peace of the Republic is disturbed, enmities are aroused. And since it must always be presumed that letters are sent for weightier causes, they are not to be opened except rashly.

EGO equidem aestimo rem esse gravissimam litteratum apertionem, quippe destruitur confidentia humani commercii inter absentes, pax Reipublicae perturbatur, excitantur inimicitiae. Et cum semper praesumendum sit, litteras propter graviores causas mitti, non nisi temere aperiuntur.

Question X: Whether anyone can defame himself

1 *The FIRST opinion is, that it is deadly to defame oneself without cause. Thus Cajetan 2. 2. quaest. 73. art. II., and in the summa, v. Detractio.* St. Antoninus, *3. part. tit. 8. cap. IV. §. 1.*; Angelus, *V. detractio, §. ult.*; Sylvester, *num. 4.*, who excuse two cases, when it is done out of fear of death; but *Valencia, disp. cit. quaest. 17. puncto 2.*, says it is against CHARITY, which *Malderus* too thinks probable, *tract. VII. cap. I. dub. 10.*; but *Turrianus, 2. 2. Tom. II. disput. 54. num. 11.*, says it is mortal against magnanimity. *Tannerus also, disp. IV. quaest. VIII. num. 148., and others at his place.*

PRIMA opinio est, esse mortiferum seipsum sine causa infamare. Ita Caietanus 2. 2. quaest. 73. art. II. et in summa, v. Detractio. D. Antonin. 3. part. tit. 8. cap. IV. §. 1. Angel. V. detractio, §. ult. Sylvest. num. 4. *qui duo excusant, quando fit metu mortis,* Valentia *vero* disp. cit. quaest. 17. puncto 2. *ait, esse contra Charitatem, quod putat probabile etiam* Malderus tract. VII. cap. I. dub. 10. Turrianus vero 2. 2. Tom. II. disput. 54. num. 11. *dicit, esse mortale contra magnanimitatem.* Tannerus etiam disp. IV. quaest. VIII. num. 148. et alii apud eum.

2 *The SECOND opinion is, that to defame precisely oneself is not mortal. Thus St. Thom. 2. 2. quaest. 57. art. IV., and quaest. 58. art. II.; Couar. lib. I. var. cap. II.; Toletan. lib II. de restit. cap. IV. part. 2. lib. I. num. 123., and part. 3. disp. I. num. 366.; Molina tract. IV. disp. 37.; Lessius lib. II. cap. XI. disp. 6.; Maldet. tract. VII. cap. I. disp. 10.; Sayrus lib. XI. cap. III. num. 33.; Filliucius tom. II. tract. 40. cap. IV. n. 123.; Tolet. lib. V. cap. 66.; Sotus lib. V. quaest. X. art. II.; Navar. sum. cap. XVIII.; Adrian. in IV. de restit. famae, q. 35.; Fagundez in VIII. praeceptum, lib. VIII. cap. VIII.*

SECUNDA sententia est, infamare praecise seipsum non esse mortale. Ita D. Thom. 2. 2. quaest. 57. art. IV. et quaest. 58. art. II. Couar. lib. I. var. cap. II. Toletan. lib II. de restit. cap. IV. part. 2. lib. I. num. 123. et part. 3. disp. I. num. 366. Molina tract. IV. disp. 37. Lessius lib. II. cap. XI. disp. 6. Maldet. tract. VII. cap. I. disp. 10. Sayrus lib. XI. cap. III. num. 33. Filliucius tom. II. tract. 40. cap. IV. n. 123. Tolet. lib. V.

cap. 66. Sotus lib. V. quaest. X. art. II. Navar. sum. cap. XVIII. Adrian. in IV. de restit. famae, q. 35. Fagundez in VIII. praeceptum, lib. VIII. cap. VIII.

[3] *The SERAPHIC Doctor seems to me constant for the first opinion, lib. IV Pharetrae, cap. 47., where he shows the necessity of good fame from the Fathers.*

SERAPHICUS Doctor videtur mihi constans pro prima sententia, lib. IV Pharetrae, cap. 47. ubi necessitatem bonae famae ex Patribus ostendit.

[4] St. GREGORY in the Register, *lib. VII. Ind. II. cap. II., says: Whatever can weigh down either your opinion or your soul, refuse it altogether, and consent to commit yourself to it by no one's persuasion. The same, lib. XXVI. moral. cap. 23.: He tortures the just when his [honor] is wounded, exalts the wicked: but while he tortures the just, he purifies them.*

D. GREGORIUS in Registro, lib. VII. Ind. II. cap. II. ait: Quidquid gravare potest, aut opinionem tuam, aut animam, omnino refugias, et te committere illud, nullius suasione, consentias. Idem lib. XXVI. moral. cap. 23. Laeso sua iustos cruciat, iniquos exaltat: sed iustos dum cruciat, purgat.

[5] St. AUGUSTINE, de moribus, et vita clerici *serm 53.: With the help of the Lord our God we ought to guard both our life and our reputation, so that those who praise us do not blush before detractors. And de bono viduitatis, cap. XXII.: In all the spiritual delights which the unmarried enjoy, their holy conversation must also be cautious, lest perhaps, although their life is not evil through wantonness, their reputation be evil through negligence.*

S. AUGUSTINUS de moribus, et vita clerici serm 53. Nos adiuvante Domino Deo nostro, et vitam nostram, et famam sic custodire debemus, ut non erubescat detractoribus laudatores. Et de bono viduitatis, cap. XXII. In omnibus spiritualibus deliciis, quibus fruuntur innuptae, sancta earum conversatio cauta etiam debet esse, ne forte cum mala vita non sit per lasciviam, mala sit fama per negligentiam.

[6] And a little later: *Our life is necessary to us; our fame to others, and whatever we mercifully minister to others for salvation, redounds also to our own utility.*

Et paulo post: Nobis est necessaria vita nostra; aliis fama nostra, et quaeque quod aliis ministramus misericorditer ad salutem, ad nostram quoque redundat utilitatem.

[7] *See also what is related in C. Noli, 12. quaest. 1.: He who, trusting in his conscience, neglects his reputation, is cruel. And l. 1. de civit. cap. 10.: No less guilty is he who admits a false crime about himself than if about his neighbor.*

Videatur etiam relatus in C. Noli, 12. quaest. 1. Qui confidens conscientia, negligit famam, crudelis est. Et l. 1. de civit. cap. 10. Non minus reus est, qui de seipso falsum crimen fatetur, quam si de proximo.

[8] *St. Jerome, epist. 2. ad Nepotianum: Beware of all suspicions, and whatever can probably be feigned, avoid beforehand that it not be feigned. And epist. 11. ad Agetuch.: Flee persons in whom there can be suspicion of evil conversation: nor have ready that saying of the street-corner. My conscience suffices me: I care not what men say of me. And certainly the Apostle provided good things not only before God, but also before men, lest through him the name of God be blasphemed among the nations.*

D. Hieronymus epist. 2. ad Nepotianum: Caveto omnes suspiciones, et quidquid probabiliter fingi potest, ne fingatur, ante devita. Et epist. 11. ad Agetuch. Fuge personas, in quibus potest malae conversationis esse suspicio: nec paratum habeas illud de trivio. Sufficit mihi conscientia mea: non curo,

quid de me loquantur homines. Et certe Apostolus providebat bona, non solum coram Deo, sed etiam coram hominibus, ne per illum nomen Dei blasphemaretur in gentibus.

9 *And epist. 9. ad Salvian.: The fame of chastity in women is a tender thing, like a most beautiful flower, which quickly withers in a light breeze and is corrupted by a light gust.*

Et epist. 9. ad Salvian. Tenera res in foeminis fama pudicitiae, est quasi flos pulcherrimus, cito ad levem marcescit auram, levique flatu corrumpitur.

10 *St. Bernard, serm. 46. in Cant.: They who are placed over others must be strong and constant, who, spreading everywhere the good odor of their faith and conversation, can say with the Apostle: We are the good odor of Christ to God in every place.*

D. Bernardus serm. 46. in Cant. Validos, et constantes necesse est esse eos, qui super alios ordinantur, qui et bonum fidei suae, et conversationis ubique odorem spargentes, dicere cum Apostolo possint: Christi bonus odor sumus Deo in omni loco.

11 *And in sermon 71.: Virtue indeed will be joined with the whiteness of conscience, where the odor of fame cannot follow it; nor will it suffice to excuse the blemish of a discolored conscience; yet a man of good virtue will always provide, as far as in him lies, not only before God, but also before men.*

Et sermone 71. Erit quidem virtus comexta candore conscientiae, ubi sequi non poterit odor famae, nec excusare sufficiet vitium conscientiae decoloris, providebit tamen semper, quantum in se est, homo virtutis bona, non tantum coram Deo, sed coram hominibus.

12 *And de considet. l. 3.: It concerns your perfection to avoid both evil things and equally evil appearances: in the one you consult your conscience; in the other, your fame. Be strong in faith, comely in glory, and you have proved yourself an imitator of God. Your strength is the faith of your conscience: and your comeliness is the splendor of good opinion. Such is St. Bernard.*

Et de considet. l. 3. Interest tuae perfectionis, et malas res, et malas pariter species devitare: in altero conscientiae; in altero famae consulis. Esto fortis in fide, decorus in gloria, et probasti te imitatorem Dei. Fortitudo tua fides conscientiae est: Et decor tuus splendor bonae opinionis est. Haec D. Bernardus.

13 Nor indeed are these simple admonitions, as Fagundez thinks, num. 4., but precepts for guarding against grave evils. Indeed, from this an occasion of scandal is given, a way is opened to sins, when a man of good reputation is heard to fall most disgracefully; but the rules must be taken from what usually follows. Usually also fame is necessary, as in a Father of a family, a Lord, a Pastor, etc.; usually it redounds to others, as to a family. Therefore the adversaries are forced to give many exceptions.

Neque vero sunt hae simplices admonitiones, ut putat Fagundez num. 4. sed praecepta ad mala gravia cavenda. Sane hinc datur occasio scandali, aperitur via peccatis, dum vir bonae famae turpissime labi auditur; ab eo autem, quod plerumque sequitur sumendae sunt regulae. Plerumque etiam necessaria est fama, ut in Patrefamilias, Domino, Pastore, etc. plerumque redundat in alios, ut in familiam. Ideo multas coguntur adversarii dare exceptiones.

14 *They object.* Everyone is the Lord of his own reputation, as of his own goods.

Obiiciunt. *Unusquisque est Dominus propriae famae, sicuti et suarum opum.*

15 *It is answered with St. Bonaventure in the Speculum animae, cap. 1., by denying the parity; for, as is said in Proverbs 28., reputation is of a higher order.*

Respondetur cum D. Bonavent. in speculo animae, cap. 1. negando paritatem; nam, ut dicitur Proverb. 28. fama est ordinis superioris.

16 *They object secondly that of Matth. 23., where we are commanded not to seek the first places.*

Obiiciunt secundo id Matth. 23. ubi iubemur non appetere prima loca.

17 *I answer; It is one thing not to seek the first places, and another to defame oneself, as the holy Doctor deduces from the authorities cited.*

Respondeo; Diversum esse non appetere prima loca, et se infamare, ut ex authoritatibus allatis deducit S. Doctor.

18 *They ask here: Whether, in order to avoid tortures, someone can confess a grave crime that is false and imposed upon us, which they wish to extort by torments.*

Quaerunt hic: An ad vitandas torturas possit aliquis confiteri grave crimen falsum, nobis impositum, quod vellent tormentis extorquere.

19 Many say many things at Fagundez *l. 8. cap. 9., and Tanner num. 149.*

Multi multa dicunt apud Fagundez l. 8. cap. 9. et Tannernum num. 149.

20 First I say, that one cannot impose a false crime upon oneself. Cajet., *2. 2. quaest. 73. art. 2.*; Armill. and Sylvester, *v. detract. num. 4.*; St. Antonin., *3. p. tit. 8. cap. 4. §. 1.*; Valencia, *disp. 5. quaest. 17. punct. 2.* The same judge those who teach that he who has imposed a false crime upon himself is bound to retract it in the place of execution. Thus the Abbot, *in cap. ex parte 2. num. 2. de sepulturis.*; Felin., *C. causam, num 7.*; Archid., *2. p. tit. 11. cap. 21. §. 3.*; Socin., *in repetit. C. Ad audientiam*; Sanches, Tom. 1. Decal. l. 3. cap. 7. num. 12.

Primo dico, non posse sibi crimen falsum imponere, Caiet. 2. 2. quaest. 73. art. 2. *Armill. et Sylvest.* v. detract. num. 4. *D. Antonin.* 3. p. tit. 8. cap. 4. §. 1. *Valentia* disp. 5. quaest. 17. punct. 2. *Idem censent, qui docent, teneri eum, qui sibi crimen falsum imposuit, in loco supplicii retractare. Ita Abbas* in cap. ex parte 2. num. 2. de sepulturis. *Felin.* C. causam, num 7. *Archid.* 2. p. tit. 11. cap. 21. §. 3. *Socin.* in repetit. C. Ad audientiam, Sanches Tom. 1. Decal. l. 3. cap. 7. num. 12.

21 *It is proved, because no one is the Lord of his own life.*

Probatur, quia nullus est Dominus suae vitae.

22 *Wherefore the opinion of Fagundez does not seem proven to me, num 2., who cites other Doctors, num. 9.; nor that of Tanner, who cites Valencia, Soto, Navarrus, and Lessius for the opposite opinion, which he subscribes to, holding that one can impose upon oneself a false defaming crime.*

Quare mihi non probatur opinio Fagundez num 2. qui alios num. 9. Doctores allegat; neque Tanneri, qui citat Valentiam, Sotum, Navarrum, et Lessium pro sententia opposita, cui subscribit tenens, posse sibi falsum infamans imponere.

23 *He asks also in cap. 10.: Whether a man, in dispensations that are sought from the Supreme Pontiff, is bound to defame himself by manifesting an occult coupling with an affine or blood-relative.*

Quaerit etiam cap. 10. Virum in dispensationibus, quae petuntur a Summo Pontifice, teneatur quis se infamare, manifestando copulam occultam cum affine, vel consanguinea.

[24] *He answers that nowhere in the law is there a precept of explaining such a coupling and defaming oneself; but it is more probable that one is bound by the decree of the Congregation of the most Eminent Cardinals upon the Council of Trent, sess. 24. cap. 5., and this is the style of the Roman curia; for the style of the curia makes law, C. in causis, C. ex litteris de constitut., and C. quam gravi de crimine falsi. And for this he reports many Doctors. Mascard. vol. 3. de probat. consil. 1312. num. 21.*

> Respondet, nullibi in iure haberi praeceptum explicandi talem copulam, seque infamandi; sed probabilius est, teneri decreto Congregationis Eminentiss. Cardin. super Concilium Tridentinum sess. 24. cap. 5. et iste est Romanae curiae stylus; stylus enim curiae facit legem, C. in causis, C. ex litteris de constitut. et C. quam gravi de crimine falsi. Et pro hoc plures refert Doctores Mascard. vol. 3. de probat. consil. 1312. num. 21.

Disputation XXXV: On Whispering, Mockery, and Cursing

1 To Contumely and Detraction, of which we have spoken, are akin Whispering, Mockery, and Cursing; all of these are most hostile to Charity; and they inflict no small loss upon our neighbor: while the first forces him to part from a friend; the second suffuses him with shame; the third, finally, imprecates evil upon him. These three I shall treat in as many questions.

> *Contumeliae, et Detractioni, de quibus dictum est, affines sunt Susurratio, Irrisio, et Maledictio; Charitati hae omnes sunt infensissimae; et Proximo non mediocre damnum inferunt; dum vel prima eum ab amico cogit discedere; vel secunda pudore suffundit; vel tertia denique malum ei imprecatur. Has tres totidem quaestionibus absolvam.*

Question I: On the malice of whispering

1 *The Whisperer is also called two-tongued (bilinguis), since he subverts his neighbors on both sides by whisperings, as it were with two tongues: Of this Ecclesiasticus 28.: The whisperer and the two-tongued is cursed; for he will trouble many who were at peace.*

> Susurro dicitur etiam bilinguis, quippe qui proximos utrinque susurrationibus, quasi duabus linguis subvertat: De hoc Eccles. 28. Susurro, et bilinguis maledictus; multos enim turbabit, pacem habentes.

2 *Whispering (susurratio) is occult detraction against one's neighbor, by which discord could arise among friends.* Thus it is taken from St. Thomas, *art. 1.*; Valencia, *disput. 5. quaest. 18.*; Soto, *l. 5. de Iust. quaest. 11. art. 3.*; Sayrus, *l. 12. cap. 5.*; Filliucius, *Tomo 2. tract. 40. cap. 5. num. 135.*; Fagundez, *l. 8. cap. 12.*. Most excellently the holy Doctor in the *Opusc. explicatio sermonum* Theology penetrates the formal element of whispering-detraction, defining it thus: *Whispering is the will of speaking, sowing discords among brothers.*

> Susurratio est occulta obloquutio contra proximum, qua possit oriti discordia inter amicos. *Ita sumitur ex D. Thom.* art. 1. *Valentia* disput. 5. quaest. 18. *Sotos* l. 5. de Iust. quaest. 11. art. 3. *Sayrus* l. 12. cap. 5. *Filliuc.* Tomo 2. tract. 40. cap. 5. num. 135. *Fagundez* l. 8. cap. 12. *Optime S. Doct. in* Opusc. explicatio sermonum *Theologia penetrat formale detractionis susurratoriae, sic eam definiens:* Susurratio est voluntas loquendi, seminans discordias inter fratres.

3 That formal whispering is a mortal sin the holy Doctor proves in the *Speculum animae, cap. 1. §. Machinatio, at the end*, from that Proverb 6.: *Six are the things which the Lord hates, and the seventh his soul detests. He who sows discords among brothers.*

> *Esse autem peccatum mortale formalem Susurrationem probat S. Doctor in* speculo animae, cap. 1. §. Machinatio ad finem, ex illo Proverb. 6. Sex sunt, quae odit Dominus, et septimum detestatur anima eius. Qui seminat discordias inter fratres.

4 That it is worse than theft, detraction, and contumely is proved by Tanner, *disp. 4. quaest. 8. num. 152.*, from St. Bonaventure, *serm. 10. de Apostolis*, and St. Thomas, *quaest. 74. art. 1.*, from that Ecclesiasticus 6.: *There is no comparison with a faithful friend, nor a weighing of gold worthy [of him], nor of silver, that could resist the goodness of his fidelity.* Hence this argument is drawn. A sin is the worse, the greater a good it takes away: but whispering takes away a greater good than theft, detraction, or contumely: Therefore. The minor is proved, for it takes away friendship, a most precious good above riches, reputation, and honor: Therefore also the vice destructive of friendship is the worst. The minor is proved secondly from St. Bonaventure, *serm. 9. de Sanctis Apostolis*: That is always better

which is more like the better, from Aristotle 3. *Top. cap. 2. loco 32., and l. 2. de caelo text. 66.* But Christian friendship makes one like God in an exquisite manner; whence *John 15.: In this shall they know that you are my disciples, if you have love one for another.*

Esse autem peiorem furto, detractione, et contumelia, probatur a Tannero disp. 4. quaest. 8. num. 152. *ex D. Bonau.* serm. 10. de Apostolis, *et D. Thom.* quaest. 74. art. 1. *ex illo* Eccles. 6. Amico fideli nulla est comparatio, nec auri digna ponderatio, nec argenti, qua possit resistere contra bonitatem fidei illius. *Hinc eruitur argumentum. Tanto peius est peccatum, quanto maius aufert bonum: Sed susurratio tollit maius bonum, quam furtum, detractio, vel contumelia: Ergo. Minor probatur, nam tollit amicitiam pretiosissimum bonum super diuitias, famam, et honorem: Ergo et vitium amicitiae destructiuum, est pessimum. Probatur secundo Minor a D. Bonau.* serm. 9. de Sanctis Apostolis *Id semper est melius, quod meliori similius ex Aristotele 3.* Top. cap. 2. loco 32. et l. 2. de caelo text. 66. *Sed amicitia Christiana facit similem Deo, modo exquisito; unde* Ioan. 15. In hoc cognoscent quia discipuli mei estis, si dilectionem habueritis ad inuicem.

5 The minor is PROVED thirdly from St. Bonaventure, *ibid.*: The end is nobler than the things that are toward the end; but CHARITY is the end of human life: Therefore it is nobler than fame, honor, and riches, which are only means. St. Thomas confirms it with the Scriptures gathered together, *Rom. 13.: Owe nothing to anyone, except that you love one another; Therefore the fullness of the law is love. Psalm 81.: I have said: You are gods, and sons of the Most High.* St. John always insisted: *Little children, love one another, and if this be done, it suffices.*; many excellent things he adds also in the *sermon on Saints Philip and James.* The same he repeats on *Luke 11.: Which of you has a friend.*

PROBATUR tertio Minor a D. Bonau. ibi. *Finis est nobilior his, quae ad finem; sed Charitas est finis vitae humanae: Ergo nobilior fama, honore, et diuitiis, quae sunt media tantum. Id confirmat S. Doctor aggregatis Scripturis,* Rom. 13. Nemini quidquam debeatis, nisi ut inuicem diligatis; Plenitudo ergo legis est dilectio. Psalm. 81. Ego dixi Dii estis, et filii excelsi. *D. Ioannes semper instabat:* Filioli diligite alterutrum, et si hoc fiat, sufficit. *praeclara multa addit etiam* serm. de Sanctis Philippo, et Iacobo. *Eadem refricat ad id* Lucae 11. Quis habet amicum.

6 In the first sermon on St. Bartholomew he adduces the saying of Tully in the Laelius de amicitia, and of Valerius Maximus, *l. 4. cap. 7.*, who say that friendship is to be preferred to kinship, and Tully concludes: *Friendship is to be preferred to all human things.*

SERMONE primo de S. Bartholomaeo, affert dictum Tullii in Lelio de amicitia, et Valerii maximi l. 4. cap. 7. *dicentium, amicitiam propinquitati praeferri, et concludit Tullius:* Omnibus rebus humanis amicitia praeferenda.

7 See the holy Doctor also in *collation 18. on cap. 3. of John.*

Vide S. Doctorem etiam collatione 18. in cap. 3. Ioannis.

8 He shows THE SAME on *Luke 16. in these words: I know what I shall do*, where the steward preferred friends to riches, because a friend is the light of life, he is a treasure. *Eccl. 6*, on the contrary enmity is like darkness and death. *1 John 2.: He who hates his brother is in darkness.* Therefore he who breaks friendship and introduces enmity is the worst. Therefore *Ecclesiasticus 29.: Lose your money for a friend.*

IDIPSUM ostendit ad 16. Lucae in ea verba: Scio quid faciam, *ubi Villicus amicos diuitiis praeferebat, quia amicus est lux vitae, est thesaurus.* Eccl. 6, *e contra inimicitia similis est tenebris, et morti prima* Ioan. 2. Qui odit fratrem suum, in tenebris est. *Igitur, qui rumpit amicitiam, et inuehit inimicitiam, est pessimus. Ideo* Eccles. 29. Perde pecuniam propter amicum.

9 This sin is against justice, at least if it is contracted by deceit, fraud, lies, or the revelation of secrets: The reason is, because everyone has a right to this good, which is to be preferred to others. Thus Fagundez, *cap. 12.*; Filliucius, *tract. 40. cap. 5. num. 137.*

> *Hoc peccatum est contra iustitiam, saltem si dolo, fraude, mendaciis, vel reuelatione occultorum contrahatur: Ratio est, quia habet quisque ius ad hoc bonum, quod caeteris est praeferendum. Ita Fagundez* cap. 12. Filliuc. tract. 40. cap. 5. num. 137.

10 You will ASK: Whether it is lawful to whisper to a Prince or Prelate, so that I may succeed him in friendship in place of another, of whom he speaks ill.

> *QUAERES: An liceat insusurrare Principi, vel Praelato, ut succedam ei in amicitiam loco alterius, de quo detrahat.*

11 It is ANSWERED that it cannot be done. Thus Soto, *l. 5. quaest. 11. art. 1.*; Salon., *2. 2. quaest. 74. art. 1.*; Sayrus, *l. 11. cap. 5. from num. 5.*; Fagundez, *l. 8. cap. 12. num. 6.*

> *RESPONDETUR, non posse fieri. Ita Sotus* l. 5. quaest. 11. art. 1. *Salon.* 2. 2. quaest. 74. art. 1. *Sayrus* l. 11. cap. 5. a num. 5. *Fagundez* l. 8. cap. 12. num. 6.

12 The REASON is, because one's own good is not a sufficient reason to deprive another of his right; otherwise it would be lawful to steal. Next it is against the natural precept, that we do not do to another what we would not want done to ourselves.

> *RATIO est, quia bonum proprium non est ratio sufficiens, ut priuem alium suo iure; alioqui liceret furari. Deinde est contra naturale praeceptum, ut non faciamus alteri quod nobis fieri noluimus.*

13 You will ASK: whether he who dissuades one who wishes to resign a benefice, or to bequeath goods to someone, so that he assign those goods to himself, is a Whisperer.

> *QUAERES: an qui volentem resignare beneficium, vel legare bona alicui, et dissuadet, ut sibi ea bona assignet, sit Susurro.*

14 It is ANSWERED that if he does not proclaim him unworthy, and only exhorts, he does not sin according to Fagundez, because the other does not yet have a right to those goods.

> *RESPONDETUR, si non proclamat indignum, et solum hortatur; non peccare secundum Fagundez, quia ille nondum habet ius ad ea bona.*

Question II: On the malice of mockery

1 MOCKERY (irrisio) is a vice of the tongue, which tends to the neighbor's blushing, and consequently deprives the neighbor of peace and serenity of conscience. Thus St. Thomas, *art. 1.*; Cajetan, and commonly the Thomists, and other interpreters: St. Bonaventure, *l. 3. Pharetrae cap. 3. §. de derisione*, where he adduces the charming saying of St. Gregory, *l. 25. Moral. cap. 8.*: *It must be feared, lest when we ourselves fall, he rise again whom we mocked while we stood, though he now knows not how to stand who knew how to mock one standing.* Where he seems to indicate that to mock gravely is a mortal sin.

> *IRRISIO est vitium linguae, quod tendit ad proximi erubescentiam, et per consequens proximum pace, ac serenitate conscientiae priuat. Ita D. Thom.* art. 1. *Caiet. et communiter Thomistae, aliique interpretes: D. Bonauentura* l. 3. Pharetrae cap. 3. §. de derisione*, ubi lepidam D. Gregorii* l. 25. Moral. cap. 8. *sententiam affert:* Timendum est, ne etiam nobis cadentibus surgat, qui a nobis stantibus irridetur, quamuis stare iam non nouerit, qui non stantem nouerit irridere. *Ubi videtur indicare, esse peccatum mortale grauiter deridere.*

2 He PROVES it in the Bible of the Poor, *cap. 70.*, from punishments. For thus *Judges 8.*: the men of Sochoth mocked Gedeon, and were condemned to a hard death. Michol, *2 Kings 6.*, because she mocked David, was made barren by God. The children who mocked Eliseus, *4 Kings 2.*, were by God's command torn by bears.

> *ID probat in Bibliis pauperum* cap. 70. *ex punitionibus. Sic enim* Iudic. 8. *Viri Sochot deridebant Gedeonem, et dura morte damnati sunt. Michol* 2. Reg. 6. *quia derisit Dauidem sterilis a Deo facta est. Pueri, qui deriserunt Eliseum* 4. Reg. 2. *iussu Dei fuerunt Ursis lacerati.*

3 But the holy Doctor ADMONSISHES in the *Speculum animae, cap. 1. §. second branch of pride, and cap. 4. §. ex contemptu proximi* that mockeries, ironies, and scoffings mostly arise from pride and contempt, and are mortal against charity; but with contempt excluded, it will not be mortal, because mockery is opposed to defects in the manner of light ones, so that it suffuses [the victim] with blushing. Thus also St. Thomas, *art. 2.*, where Cajetan, Soto, *l. 5. quaest. 11. art. 1.*; Filliucius, *Tract. 40. cap. 5. num. 143.*; Valencia, *quaest. 18. p. 2.*; Sayrus, *l. 12. cap. 5.*; Fagundez, *l. 8. cap. 12. num. 11.*; Tanner, *disp. 4. quaest. 8. num 159.*

> *ADMONET autem S. Doctor in* speculo animae, cap. 1. §. secundus ramus superbiae, et cap. 4. §. ex contemptu proximi *derisiones, ironias, et subsannationes plerumque oriri e superbia, et contemptu, esseque mortalia contra charitatem; secluso vero contemptu, non erit mortale, quia irrisio opponir defectus ad modum leuium, ut rubore suffundat. Ita etiam D. Thom.* art. 2. *ubi Caietanus, Sotus* l. 5. quaest. 11. art. 1. *Filliuc.* Tract. 40. cap. 5. num. 143. *Valentia* quaest. 18. p. 2. *Sayrus* l. 12. cap. 5. *Fagundez* l. 8. cap. 12. num. 11. *Tanner.* disp. 4. quaest. 8. num 159.

4 IF, however, you judge that he will be most gravely moved, it will be mortal, thus Soto, *loc. cit. art. 2. concl. 2.*; Filliucius, *loc. cit.*; St. Thomas with Cajetan and the others above.

> *SI tamen putes, grauissime commouendum, erit mortale, ita Sotus* loc. cit. art. 2. concl. 2. *Filliuc.* loc. cit. *D. Thom. cum Caietano, et alii supra.*

5 LIKEWISE, if someone should mark out a fool by irony or mockery, then he would sin more gravely than if he hurled an insult. The reason is, because it adds contempt, as St. Thomas argues.

> *ITIDEM, Si quis ironia, vel irrisione stultum notaret, tunc grauius peccaret, quam si contumeliam ferio iaceret. Ratio est, quia addit contemptum, ut arguit D. Thomas.*

6 But St. Bonaventure WARNS, *cap. 1. of the Speculum, loc. cit.*, that subsannatio is by gesture, but irrisio by voice. Thus also Tanner with St. Thomas, *quaest. 75. art. 1.*

> *MONET autem D. Bonau.* cap. 1. speculi, loc. cit. *subsannationem esse gestu; irrisionem autem voce. Ita etiam Tannerus cum D. Thom.* quaest. 75. art. 1.

7 But the mocking of Parents is a grave sin, whence *Genesis 7.[9:25]: Chanaan was cursed*, as St. Thomas, Cajetan, and Soto note. Therefore *Proverbs 30.: The eye that mocks a father, and despises the bearing of his mother, let the ravens of the torrents pick it out, and the sons of the eagle eat it.*

> *GRAVE autem peccatum est Parentum irrisio, unde* Genes. 7. *maledictus est Chanaan, ut notant D. Thom. Caietanus, et Sotus. Ideo* Prouerb. 30. Oculum qui subsannat Patrem, et despicit partum matris suae, effodiant Corui de torrentibus, et comedant eum filii Aquilae.

8 Tanner, *in 4.*, and Valencia ADD that sometimes it is not a sin, if done for correction, or for suitable recreation, but they enjoin diligent caution.

> *ADDUNT Tanner.* in 4. *et Valentia, aliquando non esse peccatum, si fiat ad correptionem, vel ob recreationem conuenientem, sed diligentem cautionem iniungunt.*

Question III: On curses

1 MALEDICTION is defined by St. Bonaventure in the *Declaratory Dictionary of Theological Terms: To curse is for anyone to wish that blows or punishments be impressed upon someone by word.* So also St. Thomas.

> *MALEDICTIO definitur a D. Bonauent. in* Declaratorio Terminorum Theologiae: Maledicere est alicui plagas, vel poenas, verbo optatino impressari. *Ita etiam D. Thom.*

2 St. Thomas, art. 1. Filliuc, Tract. 40, cap. 5, num. 146. Fagundez, l. 8, cap. 12, num. 18, and others cited by him, define cursing as: *An imprecation of evil, under the aspect of evil*, and they add that a curse can be made either imperatively or optatively; but I do not see that they can exercise a proper command unless they order someone killed or struck, which is not to curse.

> *D. Thom. art. 1. Filliuc. Tract. 40. cap. 5. num. 146. Fagundez l. 8. cap. 12. num. 18. et alii apud eum, qui definiunt maledictionem:* Imprecationem mali, sub ratione mali, *et addunt, posse fieri maledictionem, vel impetative, vel optative: Sed non video, quod imperium proprium exercere queant, nisi iubeant occidi, vel percuti, quod non est maledicere.*

3 THEY SAY, further, that "an imprecation of evil, under the aspect of evil," is added to the definition because someone can imprecate evil under the aspect of good, as when someone is justly punished for a fault.

> *DICUNT autem, addi in definitione esse imprecationem mali, sub ratione mali, quia potest aliquis imprecari malum, sub ratione boni; ut quod aliquis pro delicto iuste puniatur.*

4 THEY ADD that to curse with the mouth only is only a material cursing, such as certain Fathers usually commit, and who therefore do not sin gravely. So in Bassaeus, *v. maledictio*.

> *ADDUNT etiam, maledicere ore tantum, esse tantum materialem maledictionem, sicuti solent Patres, qui ideo graviter non peccant. Sic apud Bassaeum,* v. maledictio.

5 I ASSUME here that if we imprecate evil out of justice, it is not a sin. Thus Noah in *Genesis* 9 cursed his grandson; *Genesis* 27, Isaac: *Let him that curseth thee be cursed. Genesis* 49, Jacob against Simeon and Levi: *Cursed be their fury.* In *Deuteronomy* 27 Moses heaps up many curses against sinners. Joshua imprecated a curse on those who would rebuild Jericho, *cap.* 6; 4 *Kings* 2, Eliseus cursed the mocking boys.

> *SUPPONO hic, si ex iustitia imprecemur malum, non esse peccatum. Sic enim Noë* Genes. *9. maledixit Nepoti,* Genes. *27. Isaac.* Qui maledixerit tibi, sit ille maledictus. Genes. *49. Iacob Simeoni, et Leui:* Maledictus furor eorum. Deuter. *27. multas congerit Moyses maledictiones contra peccatores. Iosue maledictionem imprecatus est eis, qui Hierico reaedificarent* cap. *6.* 4. Reg. 2. *Elisaeus maledixit pueris irrisoribus.*

6 THIS IS PROVED from St. Bonaventure, *loc. cit. of the Pharetra*, from the Fathers, from St. Gregory, *l.* 4, *Moral., cap.* 6: *A curse is uttered one way under the pretext of justice, another through the rancor of vengeance: when holy men pronounce a sentence of cursing, it bursts from them not from a desire of revenge, but from the justice*

of judgment. Therefore Gregory of Valencia, in the *place cited*, warns sons to fear the curses of their parents when they are just; but those who curse without cause sin most grievously.

> *PROBATUR id a D. Bonav.* loc. cit. Pharetrae, *ex Patribus, D. Gregorii* l. *4*. Moral. cap. *6*. Aliter maledictum profertur praetextu iustitiae: aliter livore vindictae: Cum sancti viri maledictionis sententiam proferunt, non ad hanc ex voto ultionis, sed ex iustitia examinis erumpunt. *Ideo monet filios Gregorius de Valentia* loco citando, *ut timeant parentum maledictiones, cum iustae sunt; sine causa autem maledicentes, gravissime peccant*.

7 MOREOVER, cursing is of itself a mortal sin.

> *CAETERUM maledictio est peccatum ex genere suo mortale.*

8 THIS IS PROVED first from St. Bonaventure, in the *Mirror of the Soul, cap.* 1, §. *Item solium discordiae*, and *l.* 3 of the *Pharetra, cap.* 3, §. 1, according to the exposition of Sts. Augustine, *de conflictu vitiorum, cap.* 9, and Gregory, *l.* 3, *Dial. cap.* 15, from that first verse to the *Corinthians* 6: *Nor shall cursers possess the kingdom of God.*

> *PROBATUR a D. Bonau. primo in* speculo animae, cap. *1. §.* Item solium discordiae, *et* l. *3*. Pharetrae, cap. *3. §. 1. iuxta expositionem SS. August*. de conflictu vitiorum, cap. *9. et Gregorii* l. *3*. dialog. cap. *15. ex illa prima ad* Corinth. *6*. Neque maledici regnum Dei possidebunt.

9 IT IS PROVED secondly from St. Bonaventure in the *Pharetra*, from the Fathers, from St. Gregory, *l.* 22, *Mor. cap.* 6: *They who assail an enemy with curses, what else do they wish God to do to him than what they themselves either cannot do, or blush to do?* And in the *Register*, book 2, *index* 10, *cap.* 34, to a certain Archbishop: *You show nothing of thinking on heavenly things, but you signify that you have an earthly thought: while for your own vengeance for an injury — which the sacred rules forbid — you have invaded with the curse of anathema.* And *lib.* 3, *Dial. cap.* 15, on the Apostle's words: *Nor shall cursers possess the kingdom of God. Consider how great is the guilt that separates from the kingdom of heavenly life.*

> *PROBATUR secundo a D. Bonau. in* Pharetra *ex Patribus, e D. Gregorio* l. *22*. Mor. cap. *6*. Qui maledictionibus inimicum impetunt, quid aliud in illo Deum facere volunt, nisi, quod ipsi aut facere nequeunt, aut erubescunt? *et in* Registro lib. *2*. indice *10*. cap. *34. apud quemdam Archiepiscopum:* Nil te ostendis de caelestibus cogitare, sed terrenam te cogitationem habere significas: dum pro vindicta propria iniuriae, quod Sacris regulis prohibetur, maledictum anathematis invexisti. *Et* lib. *3*. Dial. cap. *15. ad ea verba Apostoli:* Neque maledici regnum Dei possidebunt. Pensa quam grandis est culpa, quae separat a regno caelestis vitae.

10 ST. AUGUSTINE, *lib. de conflictu vitiorum et virtutum, cap.* 9: *What is to be said of those who, in the fury of blindness, burst forth even into words of cursing, except what the Apostle says: Nor shall cursers possess the kingdom of God?*

> *D. AUGUST.* lib. de conflictu vitiorum, et virtutum, cap. *9*. Quid de illis dicendum est, qui furore caecitatis, usque ad verba prorumpunt maledictionis, nisi hoc quod Apostolus ait: Neque maledici regnum Dei possidebunt?

11 And in *Proverbs* 26: *A curse uttered in vain against anyone shall come upon the one who utters it*, where the Interlinear gloss has: *Upon the one who utters it*.

> *Et in* Prouerb. *26*. Maledictum frustra prolatum in quempiam devolvetur, *ubi habet Interlinearis:* In proferentem.

12 NEVERTHELESS (as the Holy Doctor says above) the word of a curse can be venial, either because of the smallness of the evil desired, or because the words are spoken in jest, or by surprise, or out of zeal for justice, or without a wicked affection. And in this way St. Augustine, *sermon* 41 *on the Saints*, indicates it is venial.

> *CONTINGIT tamen (ait S. Doct. supra) verbum maledictionis esse veniale, vel propter parvitatem mali optati, vel quia ludo, vel subreptione, vel Zelo iustitiae, vel non malo affectu verba dicuntur. Et hoc modo D. Augustinus* sermone *41.* de Sanctis *indicat esse veniale.*

13 SOME DOUBT: whether it is lawful to imprecate an evil upon someone for a right end, that is, sickness upon a sinner, so that he may repent.

> *DUBITANT aliqui: An liceat imprecari alicui malum ad rectum finem, idest aegritudinem peccatori, ut resipiscat.*

14 SOME DENY it, because what is not lawful to do is not lawful to desire.

> *QUIDAM negant, quia quod non licet facere, non licet desiderare.*

15 THE TRUER opinion is affirmative. So St. Thomas, *quaest.* 76, *art.* 7; Sotus, *l.* 5, *quaest.* 12, *art.* 1; Filliuc, *tomo* 2, *tract.* 40, *cap.* 5, *numer.* 149; Fagundez, *lib.* 8, *cap.* 22, *num.* 21. The reason is that the end is more important, and therefore a good is wished to him when some penalty, ordered to a good end, is wished. And what is lawful to desire is lawful to pray for, as Bass. 4 and Sanci. *sel. disp.* 2 and 6 say.

> *VERIOR sententia est assertiva. Ita D. Thom.* quaest. *76.* art. *7. Sotus* l. *5.* quaest. *12.* art. *1. Filliuc.* tomo *2.* tract. *40.* cap. *5.* numer. *149. Fagundez* lib. *8.* cap. *22.* num. *21. Ratio est, quia finis est potior, et ideo optatur ei bonum, dum optatur aliqua poenalitas, ad finem bonum ordinata. Et quod licet desiderare, licet precari, ut ait Bass. 4. et Sanci.* sel. disp. *2. et 6.*

16 FINALLY THEY ASK: whether it is lawful to curse irrational creatures.

> *QUAERUNT tandem: An liceat maledicere creaturis irrationalibus.*

17 ST. BONAVENTURE ANSWERS, in his commentary on *Psalm* 39, universally that it is not lawful to curse these. He proves it from *Romans* 12: *Bless, and curse not:* and from that passage of *1 Corinthians* 6 cited above.

> *RESPONDET universaliter S. Bonau.* ad Psal. *39. non licere his maledicere. Probat* Rom. *12.* Benedicite, et nolite maledicere: *Et ex illo* prima Corinth. *6. supra allato.*

18 THEY OBJECT that David cursed the mountains of Gelboe, 2 *Kings* 1.

> *OBIICIUNT, Davidem maledixisse montibus Gelboe 2.* Reg. *1.*

19 IT IS ANSWERED with St. Bonaventure, *de gradibus virtutum, cap.* 16, that David was lamenting the ruin of Israel, and rather cursed the misfortune of the men. So also St. Thomas, *quaest.* 76, *article two*.

> *RESPONDETUR cum D. Bonau.* de gradibus virtutum, cap. *16. Davidem plorasse ruinam Israël, et potius maledixisse infortunio virorum. Ita etiam D. Thomas* quaest. *76.* articulo secundo.

20 THEY OBJECT secondly that Job cursed the day of his birth and the night of his conception.

> *OBIICIUNT secundo, Iobum maledixisse diei suae natiuitatis, et conceptionis nocti.*

21 ST. BONAVENTURE ANSWERS, in the *Mirror of the Blessed Virgin, lecture eleven*, that Job cursed the night of his conception not as it was a day or night, but as it was stained in it by original sin. So Fagundez also answers, *lib.* 8, *cap.* 13, *number* 24.

> *RESPONDET D. Bonauent.* in speculo Beatae Virginis, lectione undecima, *Iobum maledixisse, nocti suae conceptionis, non ut erat dies, vel nox, sed ut maculatus in ea est peccato originis. Sic respondet etiam Fagundez* lib. *8.* cap. *13.* numero *24.*

22 GREGORY OF VALENCIA ANSWERS, *quaest.* 19, *p.* 2, that the curses of things read in Scripture cannot be referred to things that are not capable of evil in order to the free attainment of the supernatural end, but only to the men themselves, as at *Job* 3 and *2 Kings* 1 cited above; *Matthew* 21: *Never shall fruit come forth from thee henceforward*; *Genesis* 3: *Cursed is the earth in thy work.*

> *RESPONDET Gregorius de Valentia* quaest. *19.* p. *2. maledictiones rerum, quae leguntur in Scriptura, non posse referri ad eas res, quae non sunt capaces mali in ordine ad liberam consecutionem finis superni, sed solum ad homines ipsos, ut id* Iob. *3. et* secundo Reg. primo *citatis.* Matth. *21.* Nunquam ex te fructus nascatur, Genes. *3.* Maledicta terra in opere tuo.

23 THEREFORE, says Tannetus, *number* 157, curses upon irrational creatures, as rustics do, are idle words; but to curse them as they are creatures of God is blasphemy, just as it is to curse the Saints insofar as God dwells in them. But to curse them as they are someone's goods is the same sin as cursing the Lords themselves: so also Bassaeus, *num.* 5.

> *MALEDICTIONES ergo in creaturas irrationales, ut a rusticis fit, esse verba otiosa ait Tannetus* numero *157. maledicere autem eis, ut sunt creaturae Dei, esse blasphemum; sicut etiam maledicere Sanctis, prout in eis Deus habitat. Maledicere vero illis, ut sunt res alicuius, est idem peccatum, ac maledicere ipsis Dominis: Sic et Bassaeus* num. *5.*

24 AGAIN, to curse creatures as they are related to human goods — for example, to curse the day on which one was born, because you wish he had never been born, as if he had been born unto evil — is a mortal sin; but to curse them as they are referred to evils, for example the day of one's birth because of the evils that followed from it, provided that this does not contradict the ordination of the absolute will of God, is not a sin, says Tanner, *number* 158; and thus Job cursed his day, *cap.* 3, and David the mountains of Gelboe, 2 *Kings* 1, as St. Thomas also teaches, *quaestion* 76, *artic.* 2, and Cajetan, *on the word maledictum.*

> *RURSUS maledicere creaturis, ut sunt relatae ad bona humana, puta maledicere diei, quo quis natus est, quia optas, ne natus esset, veluti ad malum natus esset, est peccatum mortale; maledicere vero illis, ut referuntur ad mala, puta diei natiuitatis, ob mala hinc secuta, modo tamen absoluta voluntate Dei ordinationi non repugnetur, non esse peccatum ait Tanner.* numero *158. et ita Iob diei suae* capite *3. maledixisse, et Davidem montibus Gelboe 2.* Regum *1. ut docet etiam D. Thom.* quaestione *76.* artic. *2. Caietanus,* verbo maledictum.

25 FURTHER, a curse does not belong to one single genus of sin; for if anyone wishes an evil to be inflicted on another not by an unjust way but through God, or the elements, or other creatures, without injustice, it will belong to the order of charity and will be opposed to charity, as St. Thomas indicates, *quaest.* 76, *art.* 3. But if he wishes evils of this kind to be inflicted unjustly, for instance by homicide, etc., then it is opposed to justice. See Tanner, *number* 159.

> *PORRO maledictum non ad unum peccati genus pertinet; nam si quis alteri malum via non iniusta, sed per Deum, vel elementa, seu alias creaturas citra iniustitiam inferendum optet, spectabit ad ordinem, et opponetur charitati, ut indicat*

S. Thom. quaest. *76.* art. *3. Si vero huiusmodi mala iniuste inferenda optet, puta homicidio, etc. tunc iustitiae adversabitur. Vide Tannerum* numer. *159.*

26 SOME TREAT here of Suspicion and Rash Judgment, of which we treated in *disput. 23, quaest. 7*; therefore nothing now occurs to be said of these, except what the Doctors assign as the rule for discerning one from the other, namely when you judge an evil of your neighbor with near certainty and the firmness of a judgment upon slight conjectures, so that if someone publicly questioned you about it, you would affirm the same.

AGUNT aliqui hic de Suspicione, et Iudicio temerario, de quibus egimus nos disput. 23. quaest. 7. *quare nihil de his iam occurrit dicendum, praeterquam, quod in eo Doctores assignant regulam discernendi unum ab altero, dum ea certitudine ac Iudicii firmitate malum de proximo ob leves coniecturas iudicas, ut si publica interrogatione a te aliquis id sciscitaretur, idem affirmares.*

27 OTHERS ADD that you would not fear to confirm it even by oath; and then indeed the sin is grave, against love of neighbor, who always stands in possession of his good character until he loses it by so open a prostitution that he cannot sustain it by any evasion. Understand this, however, of that neighbor who is of so entire a good reputation as to be commonly so regarded. For to judge of a soldier who is used to spending his time over cups that he is drunk, when he leaves the tavern with a flushed face, will not be a sin so grave, even if in fact he is not tipsy.

ALII addunt, quod etiam id iuramento confirmare non timeres: et tunc quidem grave est Peccatum contra proximi dilectionem, qui semper stat in possessione suae probitatis, donec eam tam aperta prostitutione perdat, ut nulla tergiversatione eam valeat sustinere: Hoc intellige tamen de eo proximo, qui adeo integrae est famae, ut communiter talis reputetur. Nam iudicare de milite, qui solet inter pocula versari, quod ebrius sit, dum e Caupona flagranti vultu egreditur; non erit peccatum adeo grave, etsi revera temulentus non sit.

28 IF, HOWEVER, the Judgment falls away from this firmness of asserting; then it will be only suspicion, which is for the most part venial, unless it happens concerning a very honorable person; as if you suspected theft or adultery of a man of noted sanctity because you saw him leaving the house where these were committed; for then upon a slight conjecture you inflict a grave injury on him. The Doctors are accustomed to interpose always: *Upon slight conjectures*; for if you formed a judgment of anyone with such evidence of reason that no defense to the contrary could be offered, then he is not judged rashly, nor consequently is there sin. Yet since judgments of this kind are accustomed to burst forth from some depraved affection or passion, one must strenuously guard lest anyone indulge himself too much while judging.

SI vero Iudicium ab hac asserendi firmitate desciscat; tunc erit suspicio tantum, quae ut plurimum venialis est, nisi contingat circa personam valde honorabilem; ut si de viro aliquo notae sanctitatis furtum, vel adulterium suspiceres, eo quod e domo, ubi haec patrata sunt, ipsum videris egredientem; tunc enim ob levem coniecturam; gravem ei infers iniuriam; solent Doctores semper interponere: Ob leves coniecturas*; nam si de quovis ea rationis evidentia iudicium ferres, ut nulla in contrarium defensio suppeteret; tunc non temere iudicatur, nec consequenter peccatur: Cum tamen a depravato aliquo affectu, vel passione istiusmodi iudicia soleant erumpere; cavendum est obnixe, ne quis sibi inter iudicandum nimis indulgeat.*