

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 VII — ON THE VARIOUS STATES AND OFFICES OF MEN

Latin and English in parallel

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PROLOGUE

¹ Just as in the arts the foundation is first laid, obstacles removed, and the building gradually completed to the summit desired, in which consists the standing of the whole structure; so in morals, when the virtues have first been set forth and the vices refuted, men are to be more securely promoted to certain states of life and offices, in which they may shine forth as an example to the rest in the work, and an enrichment of doctrine.

Sicut in Artificialibus fundamentum prius iacitur, obstacula remouentur, et paulatim aedificium optato culmine completur, in quo consistit totius structurae status; ita in Moralibus, propagatis prius virtutibus, et vitiis profligatis homines ad quosdam vitae status, et officia sunt securius promovendi; in quibus caeteris in operis exemplum, et doctrinae eruditionem prae luceant.

² Hence St. Thomas, having completed the treatises on the virtues and discussed the vices by which they are assailed, pursues certain matters pertaining to particular persons, which differ in a threefold way; for some are freely granted by God for the salvation of one's neighbor, which are therefore called Graces freely given; others are indeed instituted by God and in part designated, yet entrusted to the dispensations, or ministrations, of men; and these are certain States and Offices, in which some are instituted and instructed in order that they may give leadership to the rest. We therefore, as is our custom, composing the Angelic method of St. Thomas with the Seraphic doctrine of St. Bonaventure, under the title Treatise on the Theological Virtues, to which we have reduced the Cardinal Virtues, have plainly and fully concluded whatever can be a support or a stumbling-block to virtue: That therefore we may put the finishing hand to this volume, there must now finally be treated of the various States and Offices of men; And we reckon those offices, not which serve the affairs of the world, but which are incumbent upon ministering the affairs of salvation; whatever, however, might be desired from us for the instruction of conscience in temporal ministries, we treated above, where we dealt with justice; Here, then, having undertaken in the first disputation the subject of States and perfection in common, we shall examine those two distinguished prelacies, namely the Episcopal and the Regular, the latter somewhat more at length: Then of the Active and Contemplative life, where also the Preachers will be treated of last. But of the Graces freely given I shall here be silent, since they have already been treated of elsewhere.

Hinc S. Thomas peractis virtutum tractatibus, et discussis vitiis, quibus illae impugnantur, prosequitur nonnulla, ad particulares personas pertinentia, quae in triplici sunt differentia; alia enim sunt a Deo pro proximi salute gratis concessa, quae ideo Gratiae gratis datae nuncupantur; alia a Deo quidem instituta sunt, et partim designata, hominum tamen dispensationibus, seu ministrationibus credita; et haec Status quidam sunt, et Officia, in quibus aliqui ideo instituuntur, et instruuntur, ut caeteris ducatum praebeant. Nos itaque, more solito, Angelicam D. Thomae methodum cum Seraphica D. Bonaventurae doctrina componentes, sub titulo Tractatus de Virtutibus Theologicis, ad quas Cardinales reduximus, quicquid virtuti potest esse adminiculum, vel offendiculum, plane absolvimus, et plene: Ut igitur extremam manum huic tomo imponamus, de variis Hominum statibus, et officiis, nunc postremo loco est agendum; Haec autem officia computamus, non quae saeculi, sed quae salutis negotiis ministrandis incumbunt; quicquid tamen pro conscientiae eruditione in temporalibus ministeriis a nobis esset desiderandum, supra, ubi de iustitia, tractavimus; Hic vero, instituta prima disputatione de Statibus, et perfectione in communi, duas illas insignes praelaturas, Episcopalem, scilicet, et Regularem, hanc autem paulo prolixius, examinabimus: Deinde de vita Activa, et Contemplativa, ubi etiam de Praedicatoribus, ultimo disputabitur. De Gratiis autem gratis datis hic silebo, cum de illis iam actum sit alibi.

DISPUTATION I: ON STATES, AND ON PERFECTION IN GENERAL

¹ SINCE in the sensible world the beauty and grace of it arise from the comeliness and variety of species, there is no reason to deny to the moral world, such as Religion is, a variety of states and degrees of perfection; and that with the more excellent right, because when many run in the same racecourse, striving toward the goal of perfection, or of attainment, they mutually spur one another on to ever better Charisms. Now this variety of states arises from the diversity of ends, not the ultimate, which is the same for all, but of proximate ends; For the end especially diversifies in morals: although in the strictness of speech, as far as the thing goes, that end is rather a medium, which is ordered to a further attainment; yet because other things are presupposed to the attaining of that medium, therefore the proximate end, that it may be distinguished from the ultimate, has obtained the name; whence it is clear that then there is an essential difference of states, when such a diversity obtains among the ends toward which they tend; and this happens the more frequently because, according to the measure of his powers and experience, one man embraces a pursuit different from another; for as St. Gregory teaches *book 6 of the Morals, chap. 16, otherwise 17*, there are some who, while they would easily make progress in praying, would suddenly sink in acting: The utility of states, therefore, having been shown, both proper and common, it remains that we see what they are and of how many kinds.

CUM in mundo sensibili e specierum decore, et varietate, pulchritudo ipsius, et venustas assurgat; non est, cur mundo morali, qualis est Religio, statuum varietatem, et perfectionis gradus denegemus; idque eo potiori iure, quod quando plures in eodem currunt stadio, se ad perfectionis, seu perventionis metam, aemulando meliora semper Charismata, mutuo concitent. Haec autem varietas statuum ex finis, non ultimi, qui omnium est idem, sed proximi diversitate oritur; Finis enim in moralibus maxime diversificat: licet in sermonis rigore, quantum ad rem attinet, ille finis sit potius medium, quod ad ulteriorem assecutionem ordinatur; quia tamen ad illud medium contingendum alia praesupponuntur; ideo finis proximi, ut distinguatur ab ultimo, nomen obtinuit; unde constat, tunc statuum differentiam substantialem esse, quando talis inter fines, ad quos tendunt, versatur; et haec eo frequentius contingit, quod pro virium modulo, et experientia unus diversum ab alio studium amplectitur; nam ut docet D. Gregorius lib. 6. moral. cap. 16. alias 17. sunt nonnulli, qui cum orando facile proficerent, operando subito succumberent: Demonstrata itaque statuum utilitate, propria, et communis restat, ut quid, et quotuplices sint, videamus.

Question I: What a state is, and of how many kinds

¹ STATUS (state), as a particular condition of life, and as it were accepted at Tully *pro Balbo*, can thus be described with D. Thom.: *A state is a certain moral, or spiritual condition of life, pertaining to some liberty, or subjection, or servitude, with a certain immobility.*

STATUS pro peculiari vitae conditione, et quasi forte acceptus apud Tullium pro Balbo, sic potest describi cum D. Thom. Status est quaedam moralis, sive spiritualis conditio vitae, pertinens ad aliquam libertatem, vel subiectionem, sive servitutem, cum quadam immobilitate.

² HENCE all conditions of life are states, as that one be rich, or poor. Although states are various, nevertheless we treat only those which look to some particular perfection; and indeed a state properly has perfection, as D. Bonavent. notes in *2. dist. 4. dub. 3. litt.*

HINC enim omnes vitae conditiones sunt status, ut quod sit aliquis dives, vel pauper. Quamvis autem varii sint status, tamen eos solos pertractamus, qui ad aliquam peculiarem perfectionem spectant, et quidem status proprie perfectionem habet, ut notat D. Bonavent. in 2. dist. 4. dub. 3. litt.

³ AND since a state brings immobility, hence, although the state of the married, of virgins, and of widows is everywhere called a state by the Doctors, especially by D. Bonavent., they are nevertheless not properly states, because they lack immobility, except when widowhood, and virginity is a vow. But the state of the married is not now treated; partly because I shall deal with it in *part 3 of the Tract. on matrimony*, partly because here states having a special perfection are being treated.

ET quia status immobilitatem affert, hinc, licet dicatur status coniugatorum, virginum, et viduarum passim a Doctoribus, praecipue a D. Bonavent. tamen non sunt proprie status, quia non habent immobilitatem, nisi cum viduitate, et virginitate sit votum. Status vero coniugatorum nunc non agitur; tum quia de eo agam 3. parte Tract. de matrim. tum quia hic agitur de statibus, habentibus specialem perfectionem.

⁴ IN many ways states are divided. First on the side of actions, and offices, which are various. Whereby one is the state of Bishops; another of Religious; another of Laics, of whom the Saintly Doctor treats most excellently *de Ecclesiast. Hierarchia, and lib. 1. Pharetrae*. In these there are various offices, and grades.

MULTIS modis dividuntur status, Primo ex parte actionum, et officiorum, quae varia sunt. Quo pacto alius est status Episcoporum; alius Religiosorum; alius Laicorum, de quibus S. Doctor de Ecclesiast. Hierarchia, egregie et lib. 1. Pharetrae. In his sunt varia officia, et gradus.

⁵ SECONDLY states are divided on the side of persons, who are constituted in some state pertaining to perfection. Here, indeed, one is the state of Beginners; another of Proficients; another of the Perfect, whom the Saintly Doctor pursues learnedly with the outstanding assertions of the holy Fathers *lib. 1. Pharetrae, from cap. 33, and D. Thom. art. 4.*

SECUNDO dividuntur status ex parte personarum, quae in statu aliquo ad perfectionem pertinente constitutae sunt. Hinc vero alius est status Incipientium; alius Proficientium; alius Perfectorum, quos eximiis sanctorum PP. assertis erudite prosequitur S. Doctor lib. 1. Pharetrae, a cap. 33. et D. Thom. art. 4.

⁶ THE state of Beginners consists in continual combat against vices, as D. Bonav. teaches *c. 33. l. 1. lib. Pharetrae, from D. Gregory homil. 17. on Ezech., and Bernard serm. 4. on the Assumption of the B. Virgin.*

STATUS Incipientium stat in pugna continua contra vitia, ut docet D. Bonav. c. 33. l. 1. lib. Pharetrae, e D. Gregorio homil. 17. in Ezech. Bernardo serm. 4. in Assumptione B. Virginis.

⁷ THE state of Proficients is, the impulse of the passions somehow conquered, to toil in the fashioning of virtues. Of which there are marvelous things which the Saintly Doctor reports from the Fathers *cap. 34.*

STATUS Proficientium est, devicto utcumque impetu passionum, in virtutum insudare confectione. De quo mira sunt, quae ex Patribus refert S. Doctor cap. 34.

⁸ THE state of the perfect is that of those who, aflame with the ardor of CHARITY, live a tranquil life with God without great labor. This D. Bonaventure pursues at length with the golden sayings of the saints *cap. 35.*

STATUS perfectorum]est eorum, qui ardore Charitatis incensi, sine magno labore vitam cum Deo tranquillam degunt. Hunc late prosequitur aureis sanctorum effatis D. Bonaventura cap. 35.

⁹ But these three states are explained thus by D. Bonavent. c. 36, and D. Thom. art. 4.: spiritual states consist in human endeavor, which, like other things, since they have a beginning, a middle, and an end, require the Beginning of perfection, the Middle, and the Summit, confirmed by proportionate works.

Hi autem tres status sic explicantur a D. Bonavent. c. 36. a D. Thom. art. 4. status spirituales in studio humano consistunt, qui iuxta alia, cum habeant principium, medium, et finem, exigunt Initium perfectionis, Medium, et Apicem, proportionatis operibus firmatum.

¹⁰ YOU OBJECT first. To begin, to advance, and to be perfected pertain altogether to the same thing: Therefore there is one state of all these. The antecedent is clear from the holy Fathers: Bernard serm. 3. and 4. on the Canticle, Jerome in the Prologue on the books of Solomon, Gregory everywhere in the Morals, especially lib. 24. cap. 7, lib. 25. cap. 3, and homil. 10. and 14. on Ezech., Isidore de summo bono, lib. 2. cap. 7. sent. 7, and others in D. Bonavent. loco cit. of the Pharetra, whom Valentia disp. 10. quaest. 1. puncto 2 cites.

OBIICIENS primo. Ad eundem omnino pertinet incipere, progredi, et perfici: Ergo est unus omnium horum status. Anteced. patet ex SS. PP. Bernardo serm. 3. et 4. in Cant. Hieronymo in Prol. super libros Salomonis, Gregorio passim in moralibus, praesertim lib. 24. cap. 7. lib. 25. cap. 3. et homil. 10. et 14. in Ezech. Isidoro de summo bono, lib. 2. cap. 7. sent. 7. et aliis apud D. Bonavent. loco cit. Pharetrae, quos allegat Valentia disp. 10. quaest. 1. puncto 2.

¹¹ It is answered first with D. Bonavent. cap. 36, from D. Gregory himself, 24. moral. cap. 7, that these are diverse modes, which distinguish the states of spiritual men for diverse times.

RESPONDETUR primo cum D. Bonavent. cap. 36. ex ipso D. Gregorio 24. moral. cap. 7. hos esse modos diversos, qui status distinguunt hominum spiritualium pro diversis temporibus.

¹² It is answered second with the same D. Bonavent. there, from D. Ber. serm. 3. de assumptione, that these three states are enumerated in respect of diverse persons, so that beginners are diverse from proficientes; and he distinguishes them by their diverse life, so that Beginners are expressed in Lazarus: Proficients in Martha: the Perfect in Mary. Both answers are good, but the first better, as Valentia notes.

RESPONDETUR secundo cum eodem D. Bonavent. ibi, ex D. Ber. serm. 3. de assumptione, hos tres status recenseri respectu diversorum, ut incipientes sint diversi a proficientibus, eos autem penes vitam diversam distinguit, ut Incipientes in Lazaro: Proficientes in Martha: Perfecti in Maria exprimantur; Utraque bona responsio, sed prior melior, ut notat Valentia.

¹³ YOU OBJECT second. State implies immobility; but these modes imply it not.

OBIICIENS secundo. Status dicit immobilitatem; at hi morum dicunt.

¹⁴ Valentia answers first that immobility is taken not as to mode, but as to the essence of the state; these, however, are three modes of the state. He adds second that these modes are also states, because we do not easily pass from beginners to proficientes.

RESPONDET primo Valentiam, immobilitatem sumi, non quoad modum, sed quoad essentiam status; hi autem sunt tres modi status. Addit Secundo, etiam hos modos esse status, quia non facile ab incipientibus ad proficientes transimus.

¹⁵ A weighty question confronts us with the heretics concerning the various men of the Church, who constitute various states: for there are first, as I said, the states of Laics, Clerics, and Religious, and of Bishops, which *the Saintly Doctor pursues at length lib. 1. Pharetrae.*

GRAVIS nobis est quaestio cum haereticis circa varios Ecclesiae homines, qui varios status constituunt: sunt enim primo, ut dixi, status Laicorum, Clericorum, et Religiosorum, ac Episcoporum, quos late prosequitur S. Doctor lib. 1. Pharetrae.

¹⁶ AGAIN the state of Laics is divided into the married, widows, and virgins. Of these *the Saintly Doctor in Pharetra lib. 1.* The state of Clerics into those constituted in Minor Orders, Subdeacons, Deacons, and Priests, who are not intersected by various states, but hold various grades, and perform various offices.

RURSUS status Laicorum dividitur in coniugatos, viduas, et virgines. De his S. Doctor in Pharetra lib. 1. Status Clericorum in constitutos in Minoribus, Subdiaconos, Diaconos, et Sacerdotes, qui per varios status non intersectantur, sed varios gradus, varia faciunt officia.

¹⁷ THE Episcopal state is divided into Bishops, Archbishops, Primates, Patriarchs, Cardinals, and the Pontiff.

STATUS Episcopalis, dividitur in Episcopos, Archiepiscopos, Primates, Patriarchas, Cardinales, et Pontificem.

¹⁸ THE state of Religious is various: For some cultivate the active life; others the contemplative; others the mixed. Of those, some busy themselves with corporal works of mercy, others with spiritual. The contemplative either live in solitude, and are called Anchorites, or in society, and the congregation of many brothers, and are called Cenobites. These again either attend properly to themselves alone, nor by institute serve in clerical functions, and are called Monks. Others by force of their institute are assigned to clerical offices, and functions, and are called Clerics. Both again either by institute live on begging, enjoy the privileges of Mendicants, and are called Mendicants: or without begging are nourished from revenues, and are called non-Mendicants. Finally both obtain various appellations according to the reason of their founder: Some Augustinians; others Benedictines; others Franciscans: others Dominicans, and so of the rest, whom *Tannetus disp. 6. quaest. 1. dub. 1, and D. Thom. q. 183. art. 2. and 3, and more fully q. 188 recites.* More broadly *D. Bonav. lib. 1. Pharetrae, and in the Apologies for Religious, and serm. 22. Hexaëm.,* where he pursues the Institutes of all.

STATUS Religiosorum diversus est: Aliqui enim vitam activam; alii contemplativam; alii mixtam colunt. Illorum aliqui sedant operibus misericordiae corporalibus, alii spiritualibus. Contemplativi aut in solitudine vitam degunt, et Anachoretæ dicuntur, aut in societate, et multorum fratrum congregatione, et dicuntur Coenobitæ. Hi rursus, vel sibi ipsis solis proprie vacant; neque ex instituto clericalibus deserviunt, et Monachi vocantur. Alii ex vi instituti Clericalibus officiis, et functionibus destinantur, et dicuntur Clerici. Utrique rursus ex instituto, vel ex mendicato vivunt, et Mendicantium privilegiis gaudent, et vocantur Mendicantes: aut sine mendicatione ex redditibus aluntur, et vocantur non Mendicantes. Denique utrique pro ratione sui institutoris varias sortiuntur appellationes: Alii Augustiniani; alii Benedictini; alii Franciscani: alii Dominicani, et sic de caeteris, quos recenset Tannetus disp. 6. quaest. 1. dub. 1. et D. Thom. q. 183. art. 2. et 3. et fusius q. 188. Latius vero D. Bonav. lib. 1. Pharetrae, et in Apologiis pro religiosis, et serm. 22. Hexaëm. ubi omnium Instituta prosequitur.

¹⁹ FURTHERMORE the diversity of offices, and so of ministers, arises in the Church from the difference of administrations, and actions, which are necessary by Divine Institution, in order that the faithful be led to beatitude.

PORRO officiorum diversitas, atque adeo ministrorum oritur in Ecclesia, seu differentia administrationum, et actionum, quae necessariae sunt ex Divina Institutione ad hoc, ut fideles in beatitudinem ducantur.

²⁰ AND indeed such actions are three, generally speaking, namely: The dissemination of the word of God through preaching: The administration of the Sacraments; and the Governance, or rule of souls.

ET quidem huiusmodi actiones tres sunt generatim loquendo, videlicet. Disseminatio verbi Dei per praedicationem: Administratio Sacramentorum; et Gubernatio, sive regimen animarum.

²¹ WHICH three actions are rightly reduced to those three Hierarchical acts which S. Dionysius c. 5. and 6. de Eccl. Hierarch. has, namely to Purify, to Illuminate, and to Perfect; for the Preaching of the Divine word pertains to purification: Illumination, as Dionysius himself says, to the administration of the Sacraments, by which the splendor of grace is communicated to the faithful: but to Perfect pertains to those who rule, especially to Bishops, whom S. Dionysius calls Perfectors. Of these at length the Saintly Doctor lib. 1. Pharatra, and de Eccl. Hierarch., and serm. 22. Hexaëmeronis.

QUAE tres actiones recte reducuntur ad tres illos actus Hierarchicos, quos habet S. Dionysius c. 5. et 6. de Eccl. Hierarch. videlicet Purgare, Illuminare, et Perficere; nam Praedicatio verbi Divini pertinet ad purgationem: Illuminatio vero, ut ipse Dionysius ait, ad Sacramentorum administrationem, quibus gratiae splendor fidelibus communicatur: Perficere autem pertinet ad eos, qui regunt, maxime ad Episcopos, quos S. Dionysius vocat Perfectores. De his ample S. Doctor lib. 1. Pharatra, et de Eccl. Hierarch. et serm. 22. Hexaëmeronis.

²² AND indeed to the office of preaching are destined in a special way the Preachers of the word of God in the Church, of whom I shall treat below, *the only sub-question*. But to the administration of the sacraments various ministers attend according to the various grades, which are contained in the sacrament of order.

ET quidem concionandi muneri destinantur peculiariter Praedicatores verbi Dei in Ecclesia, de quibus agam infra, subquaest. unic. Administrationi vero sacramentorum varii incumbunt ministri secundum varios gradus, qui in sacramento ordinis continentur.

²³ FINALLY the governance is divided into various grades, for among Priests some are Parish priests, others Archpriests, others Provosts, others Archdeacons, others Primicerii, others Abbots. Again the state of Bishops has more, of Bishops, of Metropolitans, of Patriarchates: which grades are recited *cap. Perlectis, 25. dist.*¹ The supreme Governor, however, is the Roman Pontiff, as I showed *p. p. Tract. 1. in the Theological places, from the Saintly Doctor in serm. 20. and 22. Hexaëmeronis*.

¹ N. Editor's note: the print reads 'Qui gradus tesenuntur' — a garbled verb (perhaps 'recensentur', 'are recited'); kept as printed in the Latin, corrected from the OCR transcription's 'teseruntur' to the scan reading 'tesenuntur'.

DENIQUE regimen dividitur variis gradibus, nam inter Presbyteros aliqui sunt Parochi, alii Archipresbyteri, alii Praepositi, alii Archidiaconi, alii Primicerii, alii Abbates. Rursus status Episcoporum plures habet, Episcoporum, Metropolitanorum, Patriarchatum: Qui gradus tesenuntur *cap. Perlectis, 25. dist. supremus autem Gubernator est Romanus Pontifex, ut ostendi p. p. Tract. 1. in locis Theologicis, e S. Doctore in serm. 20. et 22. Hexaëmeronis*.

²⁴ THE end of this whole ordination, and diversity, is the consummation of the saints, *according to the Apostle Ephes. 4.*, that is, the Charity of God, by which the faithful are joined with God, *and as Dionysius says lib. Eccl. Hierarch., and D. Bonaventure there*, they are perfected, and made like God, *as the Apostle*

expounds, Coloss. 1: Teaching in all wisdom, that we may make every man perfect in Christ Jesus; in which labor, etc.

FINIS totius ordinationis huius, ac diversitatis eo est consummatio sanctorum, iuxta Apostolum Ephes. 4. hoc est Charitatis Dei, qua fideles cum Deo coniunguntur, et ut ait Dionysius lib. Eccl. Hierarch. et D. Bonavent. ibidem, perficiuntur, ac redduntur Deo similes, ut exponit Apostolus, Coloss. 1. Docentes in omni sapientia, ut efficiamus omnem hominem perfectum in Christo Iesu, in quo labore, etc.

²⁵ AGAINST this array of camps rush the phalanxes of heretics. First they detest the state of Religious. Then they give the office of preaching to all. Both errors they ascribe to the Waldenses Aeneas Sylvius lib. 1. de origine Bohem., and others. Following them were Wycliffe, John Hus, and Luther, who also denies the variety of grades, and the sacrament of order lib. de capt. Babylonica.

HANC castrorum aciem invadunt haereticorum phalanges. Primo statum religiosorum detestantur. Deinde officium concionandi omnibus dant. Utrunque errorem Vualdensibus adscribunt Aeneas Sylvius lib. 1. de origine Bohem. et alii. Illos secuti sunt Vuicleph. Ioan. Hus, et Lutherus, qui etiam varietatem graduum, et sacramentum ordinis negat lib. de capt. Babylonica.

²⁶ They execrate especially the Ecclesiastical power, which they proclaim tyrannical, and usurped by the Roman Pontiff, and the Bishops.

EXECRANTUR vero praecipue potestatem Ecclesiasticam, quam tyrannicam conclamant, et a Pontifice Romano, et Episcopis usurpatam.

²⁷ I refuted these errors Tom. 1. p. p. de locis Theol. and the Tract. on laws. Now let us show the diversity of these states in the Church, most useful.

Hos errores refutavi Tom. 1. p. p. de locis Theol. et Tract. de legibus. Nunc diversitatem horum statuum in Ecclesia, maxime utilem ostendamus.

²⁸ I ASSERT therefore first: That variety of states in the Church is most congruous, and most pleasing to God.

ASSERO igitur primo: Congruentissimum est, atque Deo gratissima ea varietas statuum in Ecclesia.

²⁹ It is proved first from D. Bonav. serm. 10. Hexaëmer. For the Church is nothing else than an orderly, and harmonious ordination of camps, as is said Cant. 7: What shall you see in the Sulamite, but the choirs of camps? And in camps there is a hierarchical ordination, that soldiers serve under Decurions; these under centurions; those under Leaders, and all serve under one Emperor.

PROBATUR primo a D. Bonav. serm. 10. Hexaëmer. Ecclesia enim nihil aliud est, quam concinna, et harmonica castrorum ordinatio, ut dicitur Cant. 7. Quid videbis in Sulamite, nisi choros castrorum, at in castris est ordinatio hierarchica, ut milites sub Decurionibus; hi sub centurionibus; isti sub Ducibus, et omnes sub uno Imperatore militent.

³⁰ It is proved second from S. Bonav. there, and serm. 21. The Church is as it were a firmament, in which there are various stars; the planets are of six magnitudes, among which are the Moon, and the Sun, from which the others, hanging therefrom, receive greater, or lesser light according to their capacity. Hence it is said Cant. 6: Who is she that goes forth, beautiful as the moon, chosen as the sun, terrible as an army set in array?

PROBATUR secundo a S. Bonav. ibi et serm. 21. *Ecclesia est veluti firmamentum, in quo sunt variae stellae; sex magnitudinum sunt planetae, inter quos sunt Luna, et Sol, a quo caeteri pendentes, maius, vel minus lumen pro capacitate recipiunt. Hinc dicitur Cant. 6. Quae est ista, quae progreditur, pulchra ut Luna, electa ut Sol, terribilis ut castrorum acies ordinata?*

³¹ It is proved third *from the Saintly Doctor serm. 20. and 21. Hexaëmer., and in 4. dist. 24. art. 2. quaest. 1.* The Church militant is like the triumphant; for it is said *Heb. 9.* that these things, which are in the Church, are patterned from those which are in the celestial Jerusalem: but in the triumphant there are Hierarchical orders of various office, and ministry, some preceding others; some teaching, illuminating, and perfecting others: Therefore also in our Church. This argument *the whole of serm. 22.* pursues at length. Therefore the Church is that woman *seen Apoc. 12, clothed with the sun, and the moon under her feet, and on her head a crown of twelve stars,* as the Saintly Doctor observes *serm. 20. and 22. and 23. loco cit.*

PROBATUR tertio a S. Doctore serm. 20. et 21. Hexaëmer. et in 4. dist. 24. art. 2. quaest. 1. *Ecclesia militans est similis triumphanti; dicitur enim Heb. 9. haec, quae in Ecclesia sunt, esse exemplata eorum, quae in caelesti Hierusalem: at in triumphante sunt ordines Hierarchici officii, et ministerii varii, alii aliis praecedentes; alii aliquos erudientes, illuminantes, et perficientes: Ergo et in Ecclesia nostra. Hoc argumentum late prosequitur toto serm. 22. Idcirco Ecclesia est mulier illa Apoc. 12. visa, amicta sole, et Luna sub pedibus eius, et in capite eius corona stellarum duodecim, ut observat S. Doctor serm. 20. et 22. et 23. loco cit.*

³² But that this city may be recognized as like to the supernal Jerusalem of the Church, that celestial one appeared to John descending from heaven. The corner stone compares, and joins both, and the image of this one is described by D. Paul to the Galatians. See the Saintly Doctor serm. 23. For the Apostle calls these celestial exemplars *Heb. 9. and 10., and S. Dionysius cap. 1. de caelest. Hier.* says the distinction of the celestial orders is expressed by the Divine goodness in the various priests, and orders of this Church, as the Saintly Doctor demonstrates at length in the sermon cited, and the opusc. de Eccles. Hierarchia.

Ut autem similis agnoscat civitas haec Ecclesiae supernae Ierusalem, Ioanni illa caelestis apparuit e caelo descendens. Utramque vero comparat, et nectit lapis angularis, et illa huius imago describitur a D. Paulo ad Galat. Vide S. Doctorem serm. 23. Hinc enim Apostolus vocat haec Exemplaria caelestia Heb. 9. et 10. et S. Dionysius cap. 1. de caelest. Hier. ait, distinctionem ordinum caelestium a Divina bonitate variis huius Ecclesiae sacerdotibus, et ordinibus expressam esse, ut late demonstrat S. Doctor serm. allegato, et opusc. de Eccles. Hierarchia.

³³ ¶ It is confirmed from the Saintly Doctor in the sermons cited, for the ancient Church was a figure of ours, as the Apostle often discourses *1. Cor. 9. Heb. loco cit.;* but in the ancient one there were various orders of men ministering: Therefore.

¶ Confirmatur a S. Doctore sermonibus allegatis, nam *Ecclesia antiqua fuit figura nostrae, ut saepe disserit Apostolus 1. Cor. 9. Heb. loco cit. at in antiqua erant varii ordines hominum ministrantium: Ergo.*

³⁴ ¶ Moreover Christ instituted the governance of His Church as a Monarchy, that the Apostles, unequal, together with all others be subject to Peter, as is said *Matth. 16. Ioan. 21.,* which I showed most broadly p. p. Tract. 1. disp. 4. and 5., and Turrianus elegantly pursues *lib. 1. de Hierarch. ord. cap. 6. and 10.* But that this Hierarchy of Orders was instituted, to last until the end of the world, I showed there. For the Church is always one body, as is said *1. Cor. 12. Rom. 12.;* but in a body there is a head, from which the other members draw life, and sense; so therefore here, as I discoursed

diffusely there, and the Saintly Doctor discourses serm. 22., where it draws its principality of members from the Head, although the heart is called the prince of members by the Philosopher. The same argument he has in 4. dist. 24.

¶ *Praeterea Christus instituit regimen Ecclesiae suae Monarchiam, ut Apostoli inaequales simul cum aliis omnibus subiicerentur Petro, ut dicitur Matth. 16. Ioan. 21. quae latissime ostendi p. p. Tract. 1. disp. 4. et 5. et eleganter prosequitur Turrianus lib. 1. de Hierarch. ord. cap. 6. et 10. Hanc autem Ordinum Hierarchiam institutam, usque ad finem mundi duraturam ibidem ostendi. Est enim Ecclesia semper unum corpus, ut dicitur 1. Cor. 12. Rom. 12. in corpore autem est caput, a quo alia membra hauriunt vitam, et sensum, ita igitur hic, ut ibi diffuse disserui, et disserit S. Doctor serm. 22. ubi a Capite princeps membrorum sumit, etsi Cor princeps a Philosopho dicatur. Idem argumentum habet in 4. dist. 24.*

³⁵ ¶ It is proved from the Saintly Doctor in the places cited by the authority of the Fathers, from whom I shall report some: *Contemplate what it is to preside over the holy people, and consider how great a thing it is to labor over the divine sacraments.* It is adduced in Pharetra lib. 1. cap. 20. from D. Augustine de singularitate clericorum: But it is noted in the margin to be in Pamelius, as a saying of S. Cyprian.

¶ *Probatur a S. Doctore locis allatis, autoritate Patrum, e quibus aliquos referam: Contemplamini, quid sit populo sancto praeesse, et considerate quale sit divinis sacramentis insistere. Adducitur in Pharetra lib. 1. cap. 20. e D. Augustino de singularitate clericorum: Sed advertitur in margine esse apud Pamelium, ut dictum S. Cypriani.*

³⁶ Jerome in Sophoniam cap. 3: *He that desires a bishopric, he says, desires a good work. See what he said: work, not dignity. But if he has looked only at dignity, he will quickly fall,* from Pharetra, lib. 1. cap. 19.

Hieronymus in Sophoniam cap. 3. Qui Episcopatum, inquit, desiderat, bonum opus desiderat. Videte quid dixerit, opus, non dignitatem. Si autem solum aspexerit dignitatem, cito corruet, ex Pharetra, lib. 1. cap. 19.

³⁷ D. Augustine in Dial. ad Oros. quaest. 65: *Let him know that he is not a bishop who desires to preside, not to profit; and lib. 19. de civitate, cap. 19: Bishop is a name of work, not of honor. For Scopos in Greek we can say in Latin to superintend, that he may understand that he is not a bishop who has desired to preside, not to profit,* from Pharetra loco citato.

D. Augustinus in Dial. ad Oros. quaest. 65. Sciat, se non esse Episcopum, qui praeesse desiderat, non prodesse, et lib. 19. de civitate, cap. 19. Episcopus nomen est operis, non honoris. Scopos enim Graece, Latine superintendere possumus dicere, ut intelligat, non se esse Episcopum, qui praeesse delexerit, non prodesse, ex Pharetra loco citato.

³⁸ D. Ambrose de dignitate sacerdot. cap. 3: *As the episcopal grade is higher than the others, so, if it slides through negligence, the fall is graver:* from Pharetra, loco citato.

D. Ambrosius de dignitate sacerdot. cap. 3. Quantum prae caeteris gradus Episcopalis altior est, tanto, si per negligentiam dilabatur, ruina gravior est: ex Pharetra, loco citato.

³⁹ D. Gregory in the Pastoral, part 2. cap. 1: *The action of the Prelate ought so to transcend the action of the people as the life of the Shepherd is wont to differ from the flock. For he must studiously strive to measure himself by what necessity of the rectitude to be held he is bound, under whose estimation the people is called a flock.*

D. Gregorius in Pastoralis, 2. part. cap. 1. Tantum debet actionem populi actio transcendere Praesulis, quantum distare solet a grege vita Pastoris. Oportet namque ut metiri se se sollicite studeat, quanta tenendae rectitudinis necessitate constringatur, sub cuius aestimatione, populus grex vocatur.

⁴⁰ D. Dionysius lib. de Eccl. Hier. cap. 5: *Because the priestly distinctions are images of divine actions, most ornate, and without confusion, indicating the innate splendors of the order of divine operations, they are distinguished into the first, and middle, and last holy actions, and orders by pontifical discretion.* The opusc. de Eccl. Hierar. often inculcates this sentiment.

D. Dionysius lib. de Eccl. Hier. cap. 5. Quia divinarum actionum imagines sunt Sacerdotales distinctiones ornatissimae, atque inconfuse divinarum operationum ordinis insitos sibi fulgores indicantes in primas, ac medias, et ultimas sanctas actiones, atque ordines Pontificali discretione distinctae sunt. *Hanc sententiam mandat opusc. de Eccl. Hierar. saepe.*

⁴¹ S. Ignatius epist. ad Smyrnenses: *All things be well ordered among you which are commanded in Christ: let the Laics be subject to the Deacons; the Deacons to the Priests, the Priests to the Bishop; the Bishop to Christ, as He to the Father.* The sermons of the Hexaëmeron cited order this sentiment.

S. Ignatius epist. ad Smyrnenses: Omnia bene vobis ordinate, quae mandata sunt in Christo, Laici Diaconis subditi sint; Diaconi Presbyteris, Presbyteri Episcopo; Episcopus Christo, sicut ipse Patri. *Hanc sententiam digerit sermonibus Hexaëmeronis citatis.*

⁴² S. Gregory Nazianzen Apolog. 1: *God has constituted these in the Churches, that some be fed, and receive rule (to whom it is useful), and be directed to the office both by speech, and by work; others on the contrary fulfill the office of Pastors, and Masters for the order, and perfection of the Church.*

S. Gregorius Nazianzenus Apolog. 1. Deus haec in Ecclesiis constituit, ut alii pascantur, imperiumque accipiant (quibus id utile est,) ac eum sermone, tum opere ad officium dirigantur; alii contra ad concinnitatem, perfectionemque Ecclesiae Pastorum, magistrorumque munere fungantur.

⁴³ *And in the oration to the citizens, struck with fear, addressing the Princes thus: You also the law of Christ subjects to my power, and my tribunals. For we too exercise rule, indeed so much the more excellent, and perfect.* The sermons of the Hexaëmer. cap. 1 prove this dictum gravely.

Et in oratione ad cives, timore percussos, alloquens Principes sic: Vos quoque potestati meae, meisque subselliis lex Christi subiicit. Imperium enim ipsi quoque gerimus adeo etiam praestantius, ac perfectius. Hoc dictum graviter probat sermonibus Hexaëmer. cap. 1.

⁴⁴ D. Isidore de offic. Eccles. lib. 2. cap. 5: *To the Bishop, when he is consecrated, a staff is given, that at its indication he may rule, or correct the subject people, or sustain the infirmities of the weak,* from Pharetra lib. 1. c. 19.

D. Isidorus de offic. Eccles. lib. 2. cap. 5. Episcopo, dum consecratur, baculus datur, et eius indicio subditam plebem, vel regat, vel corrigit, vel infirmitates infirmorum sustineat, e Pharetra lib. 1. c. 19.

⁴⁵ ¶ It is proved indeed by reason from the Saintly Doctor, indicated at the beginning of the opusc. de Eccl. Hierar., and D. Thom. here, art. 2. For as it was fitting that the perfection of God, who is the cause of the universe, be participated in diversely by various, and unequal creatures, that it might the more perfectly be made known; since indeed *the invisible things of God are seen, being understood, by those things that are made*, Rom. 1., and *by the greatness of the beauty, and of the creature the Creator of them may be known*, as is said Sap. 6.: So it is fitting that the multiple grace in Christ, the universal head of the Church, be participated, and shown in the various members of the Church, according to Ephes. 4.: *Some he gave apostles, some evangelists, etc. unto the consummation of the saints.* The Saintly Doctor pursues this reason at length in serm. 20 of the Hexaëmer.

¶ *Probatur vero ratione a S. Doctore, indicata initio opusc. de Eccl. Hierar. et D. Thom. hic, art. 2. nam sicuti conveniens fuit, ut perfectio Dei, qui est causa universi, diversimode a variis, et inaequalibus creaturis participaretur, ut ita perfectius illa innotesceret; si quidem Invisibilia Dei, per ea quae facta sunt, intellecta, conspiciuntur, Rom. 1. et a magnitudine speciei, et creaturae cognoscibiliter poterit horum Creator agnosci, ut dicitur Sap. 6. Sic convenit, ut multiplex gratia in Christo universali capite Ecclesiae unita participaretur, et ostenderetur in variis Ecclesiae membris, iuxta id Ephes. 4. Quosdam dedit Apostolos, quosdam Evangelistas, etc. in consummationem sanctorum. Hanc rationem late prosequitur serm. 20 Hexaëmer.*

46 ¶ The second reason is D. Thom. loco cit., and D. Bonavent. serm. 22. Hexaëmer.: for this makes for the ornament of the Church, and its beauty; as in an ordered, and peaceful city there are various subordinate offices; so also here. Hence it is called beautiful, *as Jerusalem*, Cant. 6., because it is likened to Jerusalem by the disposition of the hierarchical grades.

¶ *Secunda ratio est D. Thom. loco cit. et D. Bonavent. serm. 22. Hexaëmer. hoc enim facit ad ornamentum Ecclesiae, et pulchritudinem; ut sicuti in civitate ordinata, et pacifica sunt varia officia subordinata; ita et hic. Unde Cant. 6. dicitur pulchra, veluti Hierusalem, quia assimilatur Hierusalem per dispositionem graduum hierarchicorum.*

47 ¶ A third reason is drawn hence from D. Thom., and D. Bonavent. For as in an ordered city the citizens, and chief men more excellently execute those things which pertain to its best administration, and conservation by various ministries, offices, etc., so also in the Church, where various offices are distributed harmoniously, the orders are diverse. But how these come about, the Saintly Doctor elegantly discourses in serm. 22. cited.

¶ *Tertia hinc ratio eruitur e D. Thom. et D. Bonavent. Sicut enim in ordinata civitate praestantius exequuntur cives, et primores ea, quae ad eius optimam administrationem, et conservationem spectant variis ministeriis, officiis, etc. ita et in Ecclesia, ubi distribuuntur concinne officia varia, ordines sunt diversi. Haec vero quo pacto fiant, eleganter edisserit S. Doctor serm. 22. citato.*

48 ¶ I ASSERT second, that rightly in the Church there are those three states, of the Married, of Religious, and of Bishops. So the Saintly Doctor in the places cited, especially serm. 21. For all are praised by God. The first Matth. 19.: *What God hath joined together, let no man put asunder.* The second Matth. 19.: *There are eunuchs, etc. He that can take, let him take.* The third indeed is had Ephes. 4.: *Some he gave apostles;* but these were Bishops, as is said Act. 20.: *He placed you bishops to rule the Church of God:* but Christ intimates the obligation of this state Ioan. 10., as the Saintly Doctor discourses on that place, and de Eccl. Hier., and in 4. dist. 24. part. 2. art. 2. quaest. 3.

¶ *Assero secundo, recte in Ecclesia esse tres illos status, Coniugatorum, Religiosorum, et Episcoporum. Ita S. Doctor locis allatis, praecipue serm. 21. Omnes enim a Deo laudantur. Primus Matth. 19. Quod Deus coniunxit, homo non separet. Secundus Matth. 19. Sunt eunuchi, etc. Qui potest capere capiat. Tertius vero habetur Ephes. 4. Quosdam dedit Apostolos, hi autem fuere Episcopi, ut dicitur Act. 20. Posuit vos Episcopos regere Ecclesiam Dei: obligationem vero huius status innuit Christus Ioan. 10. ut edisserit S. Doctor ad eum locum, et de Eccl. Hier. et in 4. dist. 24. part. 2. art. 2. quaest. 3.*

49 ¶ The holy Fathers have much on these. D. Augustine in Psalm. 131. says they were signified by that triple kind of men, of which Christ speaks Luke 17.: *Two shall be in the field, Two in the bed, Two at the mill.* For those, who are in the field, he says, signify Prelates, who labor in the vineyard of the Lord, of whom the Apostle 1. Cor. 3.: *Neither he that planteth is anything; nor he that watereth,* etc. But those, who are in the bed, signify Religious, devoted to quiet contemplation. Finally those grinding are the

married, wrapped in cares, as Valentia reports disp. 20. q. 1. puncto 3., and D. Bonav. expounds p. p. Hierar. Eccl. c. 1. at the end.

¶ *Multa de his habent SS. Patres; D. Augustinus in Psalm. 131. ait, eos significatos illo triplici hominum genere; de quo Christus Lucae 17. Duo erunt in agro, Duo in lecto, Duae in mola. Eos enim, qui sunt in agro, ait, significare Praelatos, qui laborant in vinea Domini, de quibus Apostolus 1. Cor. 3. Neque qui plantat, est aliquid; neque, qui rigat, etc. Illi vero, qui sunt in lecto, significant religiosos, quieti contemplationi deditos. Denique molentes sunt coniugati, curis obvoluti, ut refert Valentia disp. 20. q. 1. puncto 3. et D. Bonav. exponit p. p. Hierar. Eccl. c. 1. ad calcem.*

⁵⁰ S. BERNARD *serm. ult. of the vigils of the Nat., and serm. primo Nat., and D. Gregory lib. 1. moral. cap. 13.* compare these to the three men, of whom *Ezech. 14.*: Noe, Daniel, and Job; so that in Daniel, who led a celibate life, Religious are signified: in Noe, who governed the ark, Prelates; by Job, who had children, and abounded in wealth, the Married; as Valentia notes *disp. 10. quaest. 2. puncto 1. from D. Bonavent. de Eccl. Hier. part. 1. cap. 1.,* toward the end.

S. BERNARDUS serm. ult. vig. Nat. et serm. primo Nat. et D. Gregorius lib. 1. moral. cap. 13. comparant hos tribus viris, de quibus Ezech. 14. Noë, Danieli, et Iob; ut in Daniele, qui vitam duxit caelibem, religiosi signentur: Noë, qui arcam gubernavit, Praelati, Per Iob, qui filios habuit, et opibus abundavit, Coniugati; ut notat Valentia disp. 10. quaest. 2. puncto 1. ex D. Bonavent. de Eccl. Hier. part. 1. cap. 1. ad finem.

⁵¹ The Saintly Doctor likewise explains with the sentences of the holy Fathers the three states named above, of Virgins, Widows, and Married Women, *lib. 1. Pharetrae, from cap. 38. to 42.,* which see, differing most excellently.

TRES item status nuncupatos, Virginum, Viduarum, et Coniugatarum, sentiis sanctorum PP. explicat S. Doctor lib. 1. Pharetrae, a cap. 38. ad 42. quem vide praeclare differentem.

⁵² I ASSERT third: That it is expedient that in the Church there be sacred ministers, separated from laics.

ASSERO tertio: expedit, in Ecclesia esse ministros sacros, a laicis segregatos.

⁵³ It is proved from the Saintly Doctor first in *4. dist. 24. part. 1. art. 2. quaest. 1. and 2.,* because every wise institutor disposes the things to be done by proportionate means: But Christ is the most wise institutor of the Church ordered to a supernatural end by proportionate means: Therefore he instituted also sacred dispensers of these means, which, since they are Sacraments, ought not to be exposed to the hands of all, lest they come into contempt.

PROBATUR a S. Doctore primo in 4. dist. 24. part. 1. art. 2. quaest. 1. et 2. quia omnis sapiens institutor disponit res agendas modis proportionatis: At Christus est sapientissimus institutor Ecclesiae ordinatae ad finem supernaturalem per media proportionata: Ergo instituit etiam-sacros dispensatores horum mediorum, quae cum sint Sacramenta, non debuerunt omnium manibus exponi, ne in contemptum venirent.

⁵⁴ It is confirmed from the Saintly Doctor *quaest. 3.,* for the Evangelical law is holier than the ancient one, and has things more sacred, and Sacraments more divine; but in the old testament there were holy ministers, as is had in Exodus, Leviticus, and Deuteronom. 10. Hence 2. *Paral. 29.* Ezechias says: *The Lord hath chosen you, that you may stand before him, and minister to him, and worship him, and burn incense to him.*

CONFIRMATUR a S. Doctore quaest. 3. *nam lex Evangelica est sanctior, quam antiqua, et res magis sacras, et Sacramenta diviniore habet; sed in veteri testamento erant ministri sancti, ut habetur in Exodo, Levitico, et Deuterom. 10. Unde 2. Paral. 29. ait Ezechias: Vos elegit Dominus, ut stetis coram illo, ministretisque illi, et colatis eum, et cremetis ei incensum.*

⁵⁵ THEREFORE if God instituted the Church congruously for His religious worship, he constituted also sacred ministers in sacred functions. This reason even the Pagans acknowledged. Hence Aristotle 6. Polit. says: *There ought to be in the Republic those who have the care of the Gods.* Hence Exodi 18. Jethro, priest of Madian, said to Moses: *Be you to the people in those things that pertain to God, that you may refer what is said to him: and show the people the ceremonies, and rite of worship,* as the Saintly Doctor observes in *Bibl. pauperum, cap. 21.*

IGITUR si Deus convenienter Ecclesiam instituit ad sui cultum religiosum, constituit etiam sacros ministros in sacris functionibus. Hanc rationem agnovere et Pagani. Hinc Aristoteles 6. Polit. ait: Oportet esse in Republica, qui Deorum curam gerant. Hinc Exodi 18. Ietro sacerdos Madian dixit Moysi: Esto tu populo in his, quae ad Deum pertinent, ut referas, quae dicuntur ad eum : ostendasque populo caeremonias, et ritum colendi, ut observat S. Doctor in Bibl. pauperum, cap. 21.

⁵⁶ I ASSERT fourth, that it is necessary also that select persons be deputed to sermons. It is of faith from the Council of Constance sess. 8., and this is decreed in the Council of Trent sess. 24. cap. 4. *de reformatione*, that no one preach without the approbation of the Bishop. Leo the Great *epist. 60. and 61.* took care that no one preach *besides priests.* Hence D. Hieron. *epist. 2. ad Nepotianum*, in D. Bonavent. *lib. 1. Phar. cap. 15.:* *The mouth of the priest of Christ concur with his mind;* and in the Lateran Council under Innocent III. *can. 3. and* in the 6th General Synod *can. 64.* Laics usurping that office are excommunicated. These things the Saintly Doctor indicates in the place to be cited in the questions.

ASSERO quarto, necessarium esse etiam deputari personas selectas ad conciones. Est de fide ex Concil. Constantiae sess. 8. et hoc decernitur in Concilio Trident. sess. 24. cap. 4. de reformatione, ne quisquam concionetur absque approbatione Episcopi. Leo Magnus epist 60. et 61. Cavit ne quisquam, praeter sacerdotes, concionetur. Hinc D. Hieron. epist. 2. ad Nepotianum, apud D. Bonavent. lib. 1. Phar. cap. 15. Sacerdotis Christi os cum mente concordet, et in Concilio Later. sub Innocent. III. can. 3. et 6. Synodo Gener. can. 64. Laici id munus usurpantes excommunicantur. Haec indicat S. Doctor loco citando in quaestionibus.

⁵⁷ HENCE D. Ambrose *lib. de Virginibus*, in D. Bonavent. in *Phar. lib. 1. cap. 14.:* *He who teaches ought to excel him who is taught.*

HINC D. Ambrosius lib. de Virginibus, apud D. Bonavent. in Phar. lib. 1. cap. 14. Debet is, qui docet, super eum, qui docetur, excellere.

⁵⁸ AND D. Jerome in *Mich. lib. 2. cap. 2.:* *If we are in the place, and order of the Apostles, let us not only imitate their speech, but also their conversation,* in D. Bonavent. *lib. cit. Phar. cap. 15.*

ET D. Hieronymus in Mich. lib. 2. cap. 2. Si in Apostolorum loco, et ordine sumus, non solum sermonem eorum imitemur, sed et conversationem, apud D. Bonavent. lib. cit. Phar. cap. 15.

⁵⁹ It is proved second from D. Bonavent. in *quaest. ad regulam, quaest. 2.,* for Christ did not send all indifferently to preach, but some, to whom he imparted the gifts of wisdom, knowledge, and tongues. Therefore also to live from the Gospel is conceded to those elected for this office; the argument is had 1 Cor. 9. and 2. Tim. 3.; because all are not apt to expound the scriptures, and to hand on the Divine

precepts; Therefore Holy mother Church, from whom is every spiritual law, the canons, etc., decreed that some learned, and apt men be destined for this office, as I showed above. The same he indicates in the *Apologetic Little Book*, against those who oppose the Order of the Friars Minor, *quaest.* 2.

PROBATUR secundo a D. Bonavent. in quaest. ad regulam, quaest. 2. nam Christus non omnes indifferenter misit ad praedicandum, sed aliquos, quibus dona sapientiae, scientiae, et linguarum est impertitus. Ideo et de Evangelio vivere conceditur electis ad hoc munus, prima Cor. 9. et 2. Tim. 3. habetur argumentum; quia enim omnes non sunt apti scripturas explanare, et praecepta Divina tradere; Ideo Sancta mater Ecclesia, a qua est omnis lex spiritualis, canones, etc. decrevit, aliquos eruditos, aptosque ad hoc munus destinandos, ut supra ostendi. Eadem indicat Libello Apologetico, in eos, qui Ordini Fratrum minorum adversantur quaest. 2.

⁶⁰ It is confirmed from D. Bonav. *quaest.* 4. *ad 9. Lucae*; for God of old chose some for sermons, as Moses, and Jeremias, who even refused it as insufficient: but God willed to make them fit by His gifts.

CONFIRMATUR a D. Bonav. quaest. 4. ad 9. Lucae; nam Deus antiquitus aliquos seligebat ad conciones, ut Moysen, et Hieremiam, qui etiam id recusabant, tanquam insufficientes: Deus vero eos idoneos suis donis reddere volebat.

⁶¹ THEREFORE he complains Jerem. 23.: *They ran, when I had not sent them*, namely to preach, and Paul Rom. 10.: *How shall they preach, unless they be sent?* and Christ Ioan. 7.: *I came not of myself, but he sent me.* These things the Saintly Doctor, which the others adduce to prove this, especially Alphonsus de Castro *summa de haeres. v. Praedicatio*, Valentia disp. 10. *quaest. 1. puncto 3.*, and among all the same D. Bonavent. *ad 9. Lucae*, whence he observes that Isaias dared not preach unless sent: *Behold me, send me, cap. 6.*

IDEO Hierem. 23. conqueritur: Ipsi currebant, cum ego non mitterem eos, scilicet praedicare, et Paulus Rom. 10. Quomodo praedicabunt, nisi mittantur, et Christus Ioan. 7. Non a me ipso veni, sed ille me misit. Haec S. Doctor, quae caeteri adhibent ad hoc probandum, praecipue Alphonsus de Castro summa de haeres. v. Praedicatio, Valentia disp. 10. quaest. 1. puncto 3. et inter omnes idem D. Bonavent. ad 9. Lucae, unde observat, nec Isaiam ausum praedicare, nisi mitteretur: Ecce ego, mitte me, cap. 6.

⁶² I ASSERT fifth, that there ought also to be in the Church the power of spiritual governance, to which even secular Princes obey. This I treated more broadly *p. p. tract. 1. in the proemial disputations*, and I shall treat again *part 3 of the Tract. on Penance, in the disputation on the power of the keys.*

ASSERO quinto, in Ecclesia etiam esse debere potestatem ad gubernationem spiritualem, cui omnes etiam Principes saeculares pareant. Haec latius tractavi p. p. tract. 1. disputationibus proaemialibus, et rursus tractabo 3. part. Tract. de Poenit. disp. de potestate clavium.

⁶³ Of this Anacletus treats *epist. 1.*, Alexand. I. *epist. 1.*, Pope Gelas. *epist. 4. ad Anastasium, Imperatorem*, and it is reported 96. dist. can.: *There are indeed two, Emperor Augustus, by which this world is ruled, the royal authority, and the authority of Pontiffs.*

DE hoc agit Anacletus epist. 1. Alexand. I. epist. 1. Gelas. Papa epist. 4. ad Anastasium, Imperatorem, et refertur 96. dist. can. Duo quippe Imperator Auguste sunt, quibus hic mundus regitur, regalis autoritas, et autoritas Pontificum.

⁶⁴ YOU OBJECT first. The Apostle 1 Cor. 14. wishes all to prophesy, and to speak with tongues: and 2. Cor. 6. he speaks to all in the same sense.

OBIICIENS primo. Apostolus prima Cor. 14. optat omnes prophetare, et loqui linguis: et 2. Cor. 6. omnibus loquitur eodem sensu.

⁶⁵ It is answered, that he wishes all indeed to be made fit, yet not without approbation. So D. Bonavent. *ad 9. Lucae*: but the approbation resides with the Roman Pontiff, and the Bishops, as the Council of Trent also declares.

RESPONDETUR, optare quidem omnes fieri aptos, non tamen sine approbatione. Ita D. Bonavent. ad 9. Lucae: approbatio autem residet penes Romanum Pontificem, et Episcopos, ut declarat etiam Concil. Tridentinum.

⁶⁶ YOU OBJECT second. In the primitive Church Bishops, and Priests were not distinguished, as D. Hieron. asserts in *cap. 3. epist. ad Titum*, where he says: *this difference was introduced not so much by the dispensation of divine truth, as by the custom of the Church.*

OBIICIENS secundo. In primitiva Ecclesia Episcopi, et Presbyteri non distinguebantur, ut asserit D. Hieron. in cap. 3. epist. ad Titum, ubi ait: hanc differentiam non tam ex dispensatione dominicae veritatis, quam ex consuetudine Ecclesiae inductam esse.

⁶⁷ I SUPPOSE D. Jerome acknowledged the difference between Bishops, and Priests, as is clear from *epist. ad Evagrium*, and Francis Turrianus proves *lib. 1. de Hierarchicis ordinationibus*, who observes that D. Jerome in the place cited said only that the same person was Bishop, and priest, because they were few; therefore the Bishop fulfilled the office also of a Parish priest, etc. But afterward Bishops, and priests were constituted separately, and the other orders dispersed variously, as the Saintly Doctor also answers in *4. dist. 24. q. 1. ad 3. art. 2.*

SUPPONO D. Hieronymum agnovisse differentiam inter Episcopos, et Presbyteros, ut constat ex epist. ad Evagrium, et probat Franciscus Turrianus lib. 1. de Hierarchicis ordinationibus, qui observat, D. Hieronymum loco cit. solum dixisse, eandem personam fuisse Episcopum, et presbyterum, quia pauci erant; ideo Episcopus fungebatur officio etiam Parochi, etc. Postea vero separatim Episcopos, et presbyteros fuisse constitutos, aliosque ordines variis dispersos, ut respondet etiam S. Doctor in 4. dist. 24. q. 1. ad 3. art. 2.

⁶⁸ CASTRO *verb. Episcopus* admits no exposition of this, but makes D. Jerome err. This is altogether absurd to me, since D. Jerome was counsellor to Pope Damasus, at the time when all the ancient statutes of the Church were best known in that court, as the Saintly Doctor observes *serm. 16. Hexaëmer.* For who will tell me that Jerome did not know that Timothy was declared Bishop above the priests by Paul *1. cap. 5.*, and that from that Aërius was condemned, because he denied this pre-eminence, as is had in D. Augustine *lib. de haeres. cap. 53.*? Or who will say that Jerome, most skilled in the Greek tongue, did not know the etymology of Episcopus from *Epi*, which is above? as D. Bonavent. teaches *4. dist. 24. part. 2. art. 2. quaest. 3.*

CASTRO verb. Episcopus, non admittit ullam de hoc expositionem, sed D. Hieronymum errantem facit. Hoc mihi absonum est omnino, cum D. Hieronymus Damaso Pontifici fuerit consiliarius, tempore, quo omnia Ecclesiae statuta antiqua notissima erant in illa aula, ut observat S. Doctor serm. 16. Hexaëmer. Quis enim mihi dicet, Hieronymum ignorasse, Timotheum Episcopum super presbyteros declaratum a Paulo 1. cap. 5. et inde Aërium damnatum, quia hanc praeeminentiam negabat, ut habetur apud D. Augustinum lib. de haeres. cap. 53. quis autem dicet, Hieronymum, Graecae linguae peritissimum, neque scivisse ethymologiam Episcopi ab Epi, quod est supra? ut docet D. Bonavent. 4. dist. 24. part. 2. art. 2. quaest. 3.

Question II: On the state of perfection

¹ The state of perfection can be considered in three ways, with the Saintly Doctor here, in the sermon cited, namely according to profession, conversation, and contemplation; the Perfection of profession

shines forth especially in Regulars, not in the fact, so to speak, but in the becoming; since they are bound to labor for its acquisition: the Perfection of conversation shines forth especially in Bishops, whose it is to behave well in the house of God, as D. Paul writes to Timothy, who was a Bishop, 1. Tim. 3. *that you may know how you ought to behave in the house of God*; and since this conversation is of immense burden, and honor; hence it is that Bishops are supposed to be in the state of perfection, as I shall say below. Finally Contemplation has its place in those leading a solitary life; whether this be cenobitic, or eremitic; for below, where I treat of the active, and contemplative life, I shall show that both can serve contemplation.

STATUS perfectionis tripliciter potest considerari, a S. Doctore hic, serm. cit. nempe secundum professionem, conversationem, et contemplationem; Perfectio professionis praecipue elucet in Regularibus, non in facto, ut ita dicam, sed in fieri; cum pro eius acquisitione laborare teneantur: Perfectio conversationis maxime in Episcopis emicat, quorum est in domo Dei bene conversari, ut ad Timotheum, qui erat Episcopus, scribit D. Paulus 1. Tim. 3. ut scias, quomodo oporteat te in domo Dei conversari, et cum haec conversatio ingentis sit et oneris, et honoris; hinc est quod Episcopi in statu perfectionis, ut dicam infra, esse supponuntur. Contemplatio denique locum habet in degentibus solitariam vitam; sive haec sit coenobitica, sive eremitica; infra enim, ubi de vita activa, et contemplativa, ostendam, utramque posse contemplationi deservire.

² But the Saintly Doctor teaches that these states of perfection consist in their own governance, and the exclusion of sin; whence he says that they are signified by those three Kings, of whom Eccl. 49. says that they alone sinned not: *besides David, Ezechias, and Josias, all the kings committed sin*. In David, who is interpreted desirable in countenance, the perfection of contemplation is shown: in Ezechia, which name signifies the help of the Lord, perfect conversation is indicated, which needs to lean on divine help: in Josias, however, who is interpreted, in whom is sacrifice, perfect profession is designated, sacrificing itself in Religion: But since various grades, and modes of perfection, which are exercised in this life, can be numbered with these, I shall discuss this material more aptly in several doubts.

Hos autem perfectionis status docet S. Doctor stare in sui regimine, et peccati exclusionem; unde ait, eos signari tribus illis Regibus, qui Eccl. 49. dicuntur soli non peccasse: praeter David, Ezechiam, et Iosiam, omnes reges commiserunt peccatum. In David, qui interpretatur desiderabilis vultu, monstratur perfectio contemplationis: in Ezechia, quod nomen auxilium Domini significat, indicatur perfecta conversatio, quae divino auxilio niti indiget: in Iosia autem, qui, in quo est sacrificium, interpretatur, perfecta professio, se ipsam in Religione sacrificans, designatur: Verum cum his adnumerari possint varii perfectionis, gradus, et modi; qui pro hac vita exercentur; materiam hanc nonnullis dubitationibus aptius discutiam.

Doubt I: In what the perfection of man consists

¹ I assert that Christian perfection consists especially in Charity. Thus D. Bonav. in *Apol. pauperum*, cap. 3. *primae responsionis*, D. Thom. art. 1. et 3. and commonly Valencia disp. 10. quaest. 2. puncto 1. Tannerus disp. 6. quaest. 3. dub. 1. num. 9.

Assero, perfectionem Christianam consistere praecipue in Charitate. Ita D. Bonav. in Apol. pauperum, cap. 3. primae responsionis, D. Thom. art. 1. et 3. et communiter Valentia disp. 10. quaest. 2. puncto 1. Tannerus disp. 6. quaest. 3. dub. 1. num. 9.

² *IT IS PROVED* first by D. Bonaventure. Perfection consists principally in that which is the root, form, end, complement, and bond of perfection: such is Charity: Therefore. The minor is proved from Rom.

13, *the end of the law is charity*, Matth. 22, *On this commandment hangs the whole law*, 1 Cor. 13, *And if I have not charity, I am nothing*, ad Coloss. 3, *But above all things have charity, which is the bond of perfection*.

PROBATUR a D. Bonavent. primo. In eo potissimum consistit perfectio, quod est radix, forma, finis, complementum, et vinculum perfectionis: Talis est Charitas: Ergo. Minor probatur Rom. 13. finis ergo legis est dilectio, Matth. 22. In hoc mandato universa lex pendet. Prima Cor. 13. Charitatem autem non habuero, nihil sum. ad Coloss. 3. super omnia autem Charitatem habete, quod est vinculum perfectionis.

³ IT IS PROVED second by D. Bonaventure here, and in the preceding chapter, and by D. Thom. art. 1. with an excellent argument: Then each thing, ordered to an end, is perfect when it is joined to its end; but man is joined to his end, that is, to God, through Charity: Therefore. The minor is evident from 1 John 4, *He that abideth in charity abideth in God, and God in him*.

PROBATUR secundo a D. Bonavent. hic, et cap. praecedenti, et a D. Thom. art. 1. optima ratione, Tunc unaquaeque res, ordinata ad finem, perfecta est, quando suo fini coniungitur; sed homo coniungitur suo fini, idest Deo, per Charitatem: Ergo. Minor patet prima Ioan. 4. Qui manet in Charitate, in Deo manet, et Deus in eo.

⁴ S. Bonaventure observes, moreover, that perfection simpliciter consists in the Charity of God, and secondarily of neighbor; yet that it consists secundum quid in certain other things, as dispositions and instruments, which Charity uses and is accustomed to use, according to that 1 Cor. 13, *Charity is patient, is kind, etc.* For just as natural life does not consist solely in its essential parts, but also in certain dispositions, whence it is called life in the blood, so too the spiritual life: D. Thom. ad 2. subscribes, and Valencia disp. 10. q. 2. Thus he observes with D. Thom. ad 3., from D. James cap. 1., that *patience worketh a perfect work* in order to Charity, from which tolerance arises, as is said Rom. 8.

OBSERVAT autem S. Bonavent. perfectionem quidem simpliciter consistere in Charitate Dei, et secundario proximi; sed tamen secundum quid consistere in quibusdam aliis, tanquam dispositionibus, et instrumentis, quibus Charitas utitur, et consuetur. iuxta id 1. Cor. 13. Charitas patiens est, benigna est, etc. Sicuti enim naturalis vita non solis partibus essentialibus constituit, sed quibusdam etiam dispositionibus, sic dicitur vita in sanguine; ita et vita spiritualis: Subscribit D. Thom. ad 2. et Valencia disp. 10. q. 2. Sic observat cum D. Thom. ad 3. ex D. Iacobo cap. 1. dici, Patientiam opus perfectum operari in ordine ad Charitatem, e qua oritur tolerantia, ut dicitur Rom. 8.

⁵ Hence also you will perceive it to be true what S. Bonaventure here and D. Thom. art. 3. teach, that man's perfection essentially consists in the observance of the divine precepts, but accidentally in the counsels; for essential perfection stands in the Charity of God and neighbor, and in certain other virtues which are precepted; the counsels, however, lead to Charity, but not necessarily; for Charity can exist without them, yet it can more easily exist with them.

Hinc etiam percipies verum esse id, quod S. Bonavent. hic, et D. Thom. art. 3. docent, perfectionem hominis essentialiter consistere in praeceptis divinis observandis, accidentaliter vero in consiliis; nam essentialis perfectio stat in Charitate Dei, et proximi, et in quibusdam aliis virtutibus, quae sunt praeceptae; consilia vero ducunt ad Charitatem, non necessario; nam sine illis esse potest Charitas; facilius tamen potest esse cum illis.

⁶ Whence the Saintly Doctor observes that Charity has a threefold state. One indeed the lowest, in the observance of the commandments of the law; the second the middle, in the observance of the counsels; the third the highest, in the fruition of eternal joys. Therefore a threefold difference of perfection is assigned in Scripture. One of necessity, of which Deuter. 18, *Thou shalt be perfect and without spot before the Lord thy God*; the Gloss says: *without criminal spot*. Of this S. Prosper, lib. de vita

contemplat. lib. 3. c. 15: *Perfect are they who, willing what God wills, acquiesce in no sins by which He is offended.*

Unde S. Doctor observat, Charitatem habere triplicem statum. Unum quidem infimum in observantia mandatorum legis: Secundum medium in observantia consiliorum. Tertium summum in fruitione sempiternarum iucunditatum: Ideo triplex assignatur in scriptura perfectionis differentia. Una necessitatis, de qua Deuter. 18. Perfectus eris, et absque macula coram Domino Deo tuo, Glossa ait: absque macula criminali. De hac S. Prosper, lib. de vita contemplat. lib. 3. c. 15. Perfecti sunt, qui volendo, quod Deus vult, nullis peccatis, quibus offenditur, acquiescunt.

⁷ The second is the perfection of supererogation, of which it is said Matth. 19, *If thou wilt be perfect, go, sell all that thou hast, and give to the poor.* Of this D. Jerome says, epist. ad Heliodorum: *The perfect servant of Christ has nothing besides Christ; or if he has anything besides Him, he is not perfect.*

Secunda est perfectio supererogationis, de qua dicitur Matth. 19. Si vis perfectus esse, vade, vende omnia, quae habes, et da pauperibus. De hac ait D. Hieron. epist. ad Heliodorum: Perfectus servus Christi, nihil, praeter Christum, habet, aut si praeter ipsum aliquid habet, perfectus non est.

⁸ The third is the perfection of ultimate fullness; of which Proverb. 4, *The path of the just, as a shining light, grows and proceeds unto the perfect day,* that is, to the Charity of the divine vision. Of this D. Augustine, solil. 1. cap. 6.: *Truly perfect virtue is reason arriving at that end which blessed life attains. All things, both counsels and precepts, are referred to the fulfillment and observance of Charity, which the Apostle thus describes, 1 Tim. 1: Charity is the end of the commandment, from a pure heart, and a good conscience, and an unfeigned faith.*

Tertia est perfectio ultimatae plenitudinis; De qua Proverb. 4. Iustorum semita, quasi lux splendens crescit, et procedit usque ad perfectum diem, idest, Divinae visionis Charitatem. De hac D. Augustinus, solil. 1. cap. 6. Vere perfecta virtus est ratio perveniens usque ad finem, quem beata vita consequitur. Omnia vero tam consilia, quam praecepta referuntur ad Charitatis impletionem, et observantiam, quam sic describit Apostolus, 1. Tim. 1. Charitas est finis praecepti de corde puro, conscientia bona, et fide non ficta.

⁹ Hence the Saintly Doctor gathers that the perfection of precept is distinguished from the perfection of the counsels; for the latter is compared to the former as the more perfect to the less perfect, as D. Ambrose says lib. 1. de offic. cap. 11.

Hinc colligit S. Doctor, distinguere perfectionem ex praecepto a perfectione ex consiliis; nam haec comparatur ad alteram, ut magis perfectum ad minus perfectum, ut ait D. Ambrosius lib. 1. de offic. cap. 11.

¹⁰ Now this difference consists in this, as the Saintly Doctor says: that essential perfection, or that of precept, is such that it bears upon natural good so conformably that if it does not bear upon it, we find turpitude in the act and deformity; but concerning positive divine precepts, that if we do not pursue them, we find God offended and punitive; whereas in pursuing the counsels we are so placed that, if we desist from them, we incur neither deformity nor the wrath of God.

Haec autem differentia consistit in hoc; ut ait S. Doctor; quod perfectio essentialis, seu praecepti talis est, ut circa bonum naturale feratur ita conformiter, ut si non feratur, turpitudinem in actu, et deformitatem inveniamus; circa vero praecepta Divina positiva, ut si non prosequamur, inveniamus Deum succensum, et punitorem: at in consiliis ita prosequendis invenimur, ut ab eis destitentes, neque deformitatem, neque iram Dei incurramus.

¹¹ Hence the Saintly Doctor goes on to show whence we may distinguish precept from counsel in the divine law. Valencia hands down many marks of this matter, but the Saintly Doctor says better: That

is to be judged handed down by way of counsel by which we are conformed to God Christ in goods whose lack is not at once against the virtue of Charity or another necessary virtue joined to it; but the evil proposed to be shunned is not contrary to virtue, such that at once, if we incur it or pursue the opposite good, we become deformed and the enmity of God is imposed upon us. But that is recognized as precept which, if omitted, we are at once turned away from God and converted to some one of those three goods, that is: *Either the concupiscence of the flesh, or the concupiscence of the eyes, or the pride of life.*

Hinc S. Doctor prosequitur ostendere, unde dignoscamus praeceptum a consilio in lege Divina: Multas huius rei notas tradit Valentia, sed melius S. Doctor ait, Illud censendum tradi per modum consilii, quo Deo Christo conformamur secundum bona, quorum carentia non est illico contra virtutem Charitatis, vel aliam necessariam, et adnexam; sed malum, quod declinandum proponitur, non est virtuti contrarium, ut illico, si illud incurramus, vel bonum oppositum prosequamur, simus deformes, et nobis Dei inimicitia iniungatur. Illud vero praeceptum agnoscitur. quod si omittatur, illico avertamur a Deo, et convertamur ad aliquod bonum e tribus illis, idest: Aut concupiscentia carnis, aut concupiscentia oculorum, aut superbia vitae.

¹² It will indeed be a counsel by which occasions and incentives are avoided. Thus, to avoid the concupiscence of the eyes, they urge that all temporal things be relinquished, Matth. 19, *If thou wilt be perfect, go, sell all that thou hast, and give to the poor.* To perfectly turn aside the occasion of the pride of life, he says Matth. 16, *If any man will come after me, let him deny himself, and take up his cross, and follow me.* But to perfectly turn aside the concupiscence of the flesh, he teaches that all experience according to the generative power be cut off, saying Matth. 19, *There are eunuchs who have castrated themselves for the kingdom of heaven; he that can take it, let him take it.*

ERIT quidem consilium, quo ad vitandas occasiones, et incentiva. Sic ad vitandam concupiscentiam oculorum suadent, ut omnia temporalia relinquuntur. Matth. 19. Si vis perfectus esse, vade, vende omnia, quae habes, et da pauperibus. Ad declinandam perfecte superbiae vitae occasionem, ait Matth. 16. Qui vult venire post me, abneget semetipsum, et tollat crucem suam, et sequatur me. Ad perfecte autem declinandam concupiscentiam carnis edocet, ut omnis experientia secundum generativam potentiam abscindatur, inquiens, Matth. 19. Sunt Eunuchi, qui se castraverunt propter regnum caelorum, qui potest capere capiat.

¹³ IN this threefold supererogative declination, therefore, both sacred Scripture insinuates and true Doctors assert, and the Holy Fathers, the institutors of religious orders, affirm, that the first part of every evil of triple origin consists in the Evangelical perfection. Thus the Saintly Doctor.

IN hac igitur triplici supererogativa declinatione, triplicis originis omnis mali primam partem Evangelicae perfectionis consistere, et sacra Scriptura insinuat, et veri Doctores astruunt, ac SS. Patres, religionum Institutores affirmant. Haec S. Doctor.

¹⁴ From which you also have that the distinction of things precepted from Counsels is to be drawn from Scripture and the judgment of the Church, as Valencia also teaches most excellently.

E quibus etiam habes, distinctionem rerum praeceptatum a Consiliis sumendam e Scriptura, et iudicio Ecclesiae, ut optime etiam Valentia docet.

¹⁵ HENCE he also gathers, together with D. Thom., that to relinquish all things is not essentially necessary to essential perfection, but to the accidental perfection of supererogation.

HINC etiam colligit simul cum D. Thom. non indici perfectioni essentialiter necessarium relinquere omnia, sed perfectioni accidentali supererogationis.

¹⁶ YOU OBJECT. The counsels are about those things to which the precept is ordered: Therefore there is not a twofold perfection. The antecedent is proved: for the counsels are ordered to Charity, which stands in union with God; but the precept of Charity is ordered to this, that we love God more and more, and this is for the counsels to be about the better good.

OBIICIENS. Consilia sunt de his, ad quae praeceptum ordinatur: Ergo non est duplex perfectio. Anteced. probatur: nam consilia ad Charitatem, quae in unione cum Deo stat, ordinantur; ad haec autem ordinatur praeceptum Charitatis, ut magis, et magis Deum diligamus, et hoc est, consilia esse de meliori bono.

¹⁷ IT IS ANSWERED that the counsels are about the better good superadded to the precepts, and thus it is not about the better good standing within the limits of the precept of Charity, that we love God with the whole heart, but about the better good which is added in act, as to do good to an enemy even beyond necessity, as is said Matth. 5. Whence there also is added: *Be you perfect as also your heavenly Father is perfect*; for that is another perfection imitating God, who with overflowing kindness does good abundantly even to enemies. Thus answers the Saintly Doctor, and with him Valencia disp. 10. quaest. 2. puncto 1.

RESPONDETUR, Consilia esse de meliori bono superaddito praeceptis, et ita non est de meliori bono stante intra fines praecepti Charitatis, ut diligamus Deum ex toto corde, sed de meliori bono, quod opere additur, ut benefacere inimico etiam extra necessitatem, ut dicitur Matth. 5. Quare ibi etiam additur: Estote perfecti, sicut et Pater vester perfectus est; est enim perfectio alie Deum illum imitans, qui largiflua benignitate benefacit abundanter, etiam inimicis. Ita respondet S. Doctor, et cum eo Valencia disp. 10. quaest. 2. puncto 1.

Doubt II: What perfection can be had in this life

¹ SINCE essential perfection consists in Charity, and God cannot be loved by us either on the side of the object, as much as He is lovable; or on the side of the power, so as to love Him always and most intensely in act, but He can only be loved so much that He be preferred in estimation to all other things, and indeed things that are an impediment to Charity be avoided by relinquishing them, such as riches, etc., but all venial sins cannot be avoided. Hence the Holy Doctors infer that the highest perfection of Charity cannot be had in this life. The perfection of beginners is to relinquish those things that are opposed to Charity. The same, but more perfect, is also that of the proficient: but that of the perfect and of religious is to relinquish those things that do not allow one to tend freely toward God.

Quae Perfectio in hac vita haberi queat.

CUM in Charitate consistat perfectio essentialis, et nequeat diligere Deus a nobis, vel ex parte obiecti, quantum est diligibilis; vel ex parte potentiae, ut semper, et intensissime actu diligat, sed tantum possit diligere, ut praeponatur aestimatione rebus caeteris, et vitentur quidem res, quae sunt Charitati impedimento, eas relinquendo, puta divitias, etc. non autem valeant vitari omnia venialia. Hinc SS. DD. inferunt, in hac vita non posse haberi summam perfectionem Charitatis. Perfectio incipientium est relinquere ea, quae Charitati opponuntur. Eadem, sed perfectior, est etiam proficientium: Perfectorum vero, et religiosorum est relinquere ea, quae non sinunt libere in Deum tendere.

² AS TO beginners, it is proved by D. Bonaventure lib. 1. Pharetrae, cap. 33. et 34. from the Fathers.

QUOAD incipientes probatur a D. Bonavent. lib. 1. Pharetrae, cap. 33. et 34. ex Patribus.

³ D. GREGORY lib. 31. moral. cap. 17.: *The beginnings of converts are mixed with good morals and bad: because the new life is already being lived by intention, and the old is still retained by habit. And homil. 13. in Ezech.: The*

way of God is narrow for those who are beginning, and broad for those already living perfectly. And hard are the things which we set before the mind spiritually against custom, and yet the burden of God is light, after we have begun to bear it.

D. GREGORIUS lib. 31. moral. cap. 17. Conversorum initia bonis moribus, malisque permixta sunt: quia, et nova vita iam per intentionem agitur, et vetus adhuc ex usu retinetur. et homil. 13. in Ezech. Via Dei et inchoantibus angusta est, et perfecte iam viventibus lata. Et dura sunt, quae contra consuetudinem spiritualiter animo proponimus, et tamen onus Dei leve est, postquam hoc ferre coeperimus.

⁴ CASSIODORUS in Psalm.: *The beginning of perfection is to relinquish carnal vices, etc.*

CASSIODORUS in Psalm. Initium perfectus est carnalia vitia relinquere, etc.

⁵ D. BERNARD serm. 4. de Assumpt.: *In the first stages of conversion the temptation of an evil habit is wont to rise up more fiercely, and scarcely can the fiery darts of the devil be extinguished.*

D. BERNARDUS serm. 4. de Assumpt. solet inter primordia conversionis acrius insurgere tentatio pravae consuetudinis, et vix possunt extinguere iacula ignita diaboli.

⁶ OF the proficient he brings other authorities of the Fathers, cap. 34.

DE proficientibus affert alias Patrum auctoritates, cap. 34.

⁷ D. GREGORY homil. 10. in Ezech. says: *The more we advance in knowledge, the more we are indignant with ourselves over perverse work.*

D. GREGORIUS homil. 10. in Ezech. ait: Quanto plus proficimus in cognitione, tanto nobis indignamur amplius de perverso opere.

⁸ D. JEROME epist. 4. ad Rusticum monachum: *Turn your gaze backward, and anxiously ponder what is past, considering by no means what others do badly, but what good you ought to do. And let not the multitude of sinners lead you astray, but rather imitate the examples of the saints.*

D. HIERONYMUS epist. 4. ad Rusticum monachum: Obtutus posteriorum, semper priora sollicitis, nequaquam considerans quid alii male faciant, sed quid boni tu facere debeas. Nec peccantium ducaris multitudine, sed sanctorum exempla potius imiteris.

⁹ THE SAME epist. 14.: *Let grace grow in you with the years, let justice grow with age, and let your faith seem the more perfect, the older you are.*

IDEM epist. 14. Crescat in te cum annis gratia, crescat cum aetate iustitia, et fides tua eo perfectior esse videatur, quo senior es.

¹⁰ S. AUGUSTINE serm. 15. de verb. Apost.: *Let what you are always displease you, if you wish to arrive at what you are not yet. For where you have pleased yourself, there you have remained. But if you have said: it suffices, you have perished. See other things there.*

S. AUGUSTINUS serm. 15. de verb. Apost. Semper tibi displiceat, quod es, si vis pervenire ad id, quod nondum es. Nam ubi tibi placuisti, ibi remansisti. Si autem dixisti: sufficit, periisti. Vide alia ibi.

¹¹ OF the perfect, c 35., he brings forth other sayings of the Holy Fathers.

DE perfectis, c 35. alias sent. SS. Patrum profert.

¹² D. GREGORY lib. 19. moral. cap. 8.: *Each one is so much the more perfect as he more perfectly feels the pains of others; and lib. 8. cap. 30.: It belongs greatly to the perfect so to seek the glory of the author in the work offended, that they know not how to rejoice in exultation over praise offered to them privately.*

D. GREGORIUS lib. 19. moral. cap. 8. Tanto quisque perfectus est, quanto perfecte sentit dolores alienos, et lib. 8. cap. 30. Valde perfectorum est, sic de offenso opere auctoris gloriam quaerere, ut de oblata laude privata nesciant exultatione gaudere.

¹³ And lib. 6. cap. 8.: *Each perfect man, when he has conquered vices in himself, at once girds his mind also against the wounds of passion.*

Et lib. 6. cap. 8. Perfectus quisque cum in seipso vitia vicerit, statim mentem etiam contra vulnera passionis accingit.

¹⁴ And lib. 5. cap. 13.: *But he is perfect who is not impatient at the imperfection of his neighbor. For he who, not being able to bear another's imperfection, deserts his neighbor, is himself a witness to himself that he has not yet perfectly perfected.*

Et lib. 5. cap. 13. Ille vero perfectus est, qui ad imperfectionem proximi impatiens non est. Nam qui alienam imperfectionem ferre non valens, proximum deserit, ipse sibi testis est, quod perfecte nondum perfecit.

¹⁵ D. AUGUSTINE lib. de spiritu, et litt. c. 36.: *As it seems to me, in that justice which is to be perfected, he has advanced much in this life who has learned by advancing how far he is from the perfection of justice.*

D. AUGUSTINUS lib. de spiritu, et litt. c. 36. Quantum mihi videtur in ea, quae perficienda est iustitia, multum in hac vita ille profecit; qui quam longe sit a perfectione iustitiae, proficiendo cognovit.

¹⁶ THE SAME D. Augustine de vita beata, disp. 3.: *No perfect man has need of anyone; and what seems necessary to the body he will take, if it is at hand; if it is not at hand, the lack of these things will not break him.*

IDEM D. Augustinus de vita beata, disp. 3. Nullus perfectus aliquo eget, et quod videtur corpori necessarium sumet, si affuerit; si non affuerit, non eum istarum rerum franget inopia.

¹⁷ D. ISIDORE, de summo bono, lib. 2. cap. 29.: *As the crime of falsehood is dreaded by the proficient, so idle words are anxiously avoided by perfect men.*

D. ISIDORUS, de summo bono, lib. 2. cap. 29. Sicut falsitatis crimen a proficientibus pertimescitur, ita otiosa verba a perfectis viris sollicite vitantur.

¹⁸ THE SAME, cap. 18.: *Sins that are light to beginners are judged grave by perfect men.*

IDEM, cap. 18. Peccata, quae incipientibus levia sunt, perfectis viris gravia reputantur.

¹⁹ D. BERNARD epist. 34.: *No one is perfect who does not desire to be more perfect.*

D. BERNARDUS epist. 34. Nemo perfectus, qui perfectior esse non appetit.

²⁰ THE SAME in the life of B. Malachy: *Of the just man you have this, that the law of God is in his heart, and not in a code. Nor is this a step of perfection. The perfect man is prepared to lack even necessities.*

IDEM in vita B. Malachiae: Habes de iusto, quod lex Dei in corde eius, et non in codice. Nec perfectionis is gradus. Perfectus carere et necessariis paratus est.

²¹ THE SAME *serm. 57. in Cant.: Everyone is reckoned perfect in whose soul these three things seem to concur fitly and opportunely: namely, that he knows how to groan for himself, and exult in God, and is able to come to the aid of his neighbors' needs, pleasing to God, prudent for himself, useful to his neighbor.*

IDEM serm. 57. in Cant. Perfectus omnis reputatur, in cuius anima tria haec congruenter, atque opportune concurrere videbuntur, ut scilicet noverit gemere pro se, et exultare in Deo, et proximorum utilitatibus potens sit subvenire, placens Deo, cautus sibi, utilis proximo.

²² Of these three states, cap. 36., he brings Isidore and D. Bernard.

De tribus hisce statibus, cap. 36. affert Isidorum, et D. Bernardum.

²³ D. ISIDORE, lib. 2. cap. 7. de summo bono: *The progress of every convert is described as threefold: namely, the first, of correcting evil; the second, of doing good; the third, of attaining the reward of the good work.*

D. ISIDORUS, lib. 2. cap. 7. de summo bono: Tripartitus describitur uniuscuiusque conversi profectus, scilicet primus corrigendi a malo; secundus faciendi bonum; tertius consequendi boni operis praemium.

²⁴ D. BERNARD, *epist. de vita solitaria: The state of beginners may be called animal, of the proficient rational, of the perfect spiritual.*

D. BERNARDUS epist. de vita solitaria. Incipientium status dici potest animalis, proficientium rationalis, perfectorum spiritualis.

²⁵ THE SAME, *serm. 4. in Cant.: There are, then, these three affections of souls, or advances, sufficiently known and manifest to those alone who have experienced them: namely, when they obtain to behold either indulgence for evil acts, or grace for good deeds to be done, or even the very presence of their granter and benefactor (in that manner, indeed, in which it is possible in a fragile body).*

IDEM serm. 4. in Cant. Sunt bi tres animarum affectus, sive profectus, expertis duntaxat satis noti, et manifesti, scilicet cum aut de actibus malis indulgentiam, aut de bonis agendis gratiam, aut ipsius etiam indulgentis, et benefactoris sui praesentiam, licet (eo quidem modo, quo in corpore fragili possibile est) obtinent intueri.

²⁶ But two extreme errors are found in this matter: one of the Beghards, condemned in the Council of Vienne, Clem. *Ad nostram*, boasting that the highest Charity can be attained, by which we are rendered impeccable in this life. This error is condemned also in the Council of Trent, sess. 6. cap. 11. can. 23., where it is asserted that all, however perfect, are in this life liable to venial sins, the privilege being set aside.

Duo autem errores extremi in hoc reperiuntur: alter Beguardorum, damnatus in Concil. Vien. Clem. Ad nostram, iactantium, posse obtineri summam Charitatem, qua in hac vita reddamur impeccabiles. Hic error damnatur etiam in Concilio Trident. sess. 6. cap. 11. can. 23. ubi asseritur omnes, quantumlibet perfectos, esse in hac vita obnoxios venialibus, secluso privilegio.

²⁷ The other error, directly opposite, is that of the sectarians who deny that mortal sins can be avoided. But these things are confuted *Tract. de gratia, disp. 1. prima secundae*, and *Tract. de Charitate, secunda secundae, disp. 8. quaest. 15.*

Alter error e diametro est sectariorum negantium, posse vitari peccata mortalia. Confutata vero sunt haec Tract. de gratia, disp. 1. prima secundae, et Tract. de Charitate, secunda secundae, disp. 8. quaest. 15.

Doubt III: Who are in the state of perfection

¹ IT IS TO BE NOTED, from D. Bonaventure, the assigned questions, dubit. 1., that perfection and the state of perfection are not the same: for to the state there is required, first, some obligation with a certain immobility, or release from that obligation. Second, it is required that the aforesaid obligation be made with some solemnity, as Tannerus says disp. 6. quaest. 3. dub. 1., from D. Thom. art. 4.

Quinam sint in statu Perfectionis.

NOTANDUM ex D. Bonavent. quaestionibus addictis, dubit. 1. non esse idem perfectionem, et statum perfectionis: nam ad statum requiritur primo obligatio aliqua cum immobilitate quadam, vel absolutio ab ea obligatione. Secundo requiritur, ut obligatio praedicta cum aliqua solemnitate fiat, ut ait Tannerus disp. 6. quaest. 3. dub. 1. ex D. Thom. art. 4.

² But one can be perfect without some obligation and solemnity required for the state of perfection; and conversely, one can have them and be in sin, as some religious are, as Valencia notes puncto 3.

POTEST autem aliquis sine aliqua obligatione, et solemnitate ad statum perfectionis requisita esse perfectus; et e contra, potest aliquis eas habens, esse in peccato, sicuti sunt religiosi aliqui, ut notat Valentia puncto 3.

³ I ASSERT first, that Bishops and religious are in the state of perfection. Thus D. Thom. art. 5., D. Bonaventure in *Apolog. pauperum*, cap. 3. *responsionis primae*, for both bind themselves with solemnity to the works of perfection; the religious indeed, so that, all things having been set behind, they may cleave to God; the Bishops, however, so that, if need be, they lay down their life for the sheep, as is evident Ioan. 10., and there the Saintly Doctor proceeds further.

ASSERO primo, Episcopos, et religiosos esse in statu perfectionis. Ita D. Thom. art. 5. D. Bonavent. in Apolog. pauperum, cap. 3. responsionis primae, nam utrique solemnitate se obligant ad opera perfectionis; Religiosi quidem, ut rebus omnibus posthabitis Deo inhaereant: Episcopi vero, ut si opus sit, animam ponant pro ovibus, ut patet Ioan. 10. et ibi prosequitur S. Doctor.

⁴ Of Bishops this disp. 2.; of religious I shall show d. 3.

De Episcopis id disp. 2. De religiosis ostendam d. 3.

⁵ They ask, however, whether also Prelates, inferior to Bishops, are in the state of perfection. S. Thom. denies it art. 6., but it is a question of the name, as Cajetan observes there; for if by the name of state you understand any condition of these men, on account of which they are bound to Charity and to some works of perfection, it is certain that those Prelates are in the state of perfection; but if you understand the obligation by which one is bound to all, or nearly all, the actions of life, it is established that they are not in the state of perfection.

QUAERUNT autem: an etiam Praelati, Episcopis inferiores, sint in statu perfectionis, S. Thom. negat art. 6. sed est quaestio de nomine, ut observat Caietanus ibi; nam si nomine status intelligas quamlibet horum conditionem, ob quam obligentur ad Charitatem, et aliqua opera perfectionis, certum est, Praelatos illos esse in statu perfectionis: Si vero intelligas obligationem, qua aliquis astringitur ad omnes, vel fere omnes vitae actiones, illos non esse in statu perfectionis constat.

⁶ They ask also whether the state of Bishop is more perfect than the state of Religion.

QUAERUNT etiam: an sit perfectior status Episcopi, quam status Religionis.

⁷ The Saintly Doctor answers that each is related as the exceeding and the exceeded; for Bishops bind themselves to the work of Charity of undergoing death for the sheep, but the religious to the renunciation of all goods.

RESPONDET S. Doctor; utrumque se habere, ut excedens, et excessum; nam Episcopi ad opera Charitatis subeundae mortis pro ovibus se obligant; at religiosus ad omnem renunciationem bonorum.

⁸ For indeed Dionysius de Eccl. Hier. places religious among the Seraphim and the other spirits of the first Hierarchy, but Bishops among the inferior Dominations; but I shall treat this question disp. 3., after I have expounded the perfections of both states.

ENIM vero de Eccl. Hier. Religiosos inter Seraphim, et alios primae Hierarchiae spiritus collocat; Episcopos vero in Dominationibus inferioribus, sed hanc quaestionem agam disp. 3. cum utriusque status perfectiones exposuero.

Question III: Whether some who are not in the state of perfection perform, by reason of their office, works more perfect than some who are in it

¹ This QUESTION has some difficulty, if we compare on the one side religious, who are in the state of perfection, and on the other Prelates inferior to Bishops, such as Parish priests and Archdeacons, who properly are not in the state of perfection.

An aliqui, qui in statu perfectionis non sunt, obeant ratione sui officii opera perfectiora, quam aliqui, qui sint in statu Perfectionis.

QUAESTIO haec difficultatem nonnullam habet, si comparemus religiosos ex una parte, qui sunt in statu perfectionis: et ex altera Praelatos, Episcopis inferiores, ut Parochos, Archidiaconos, qui proprie non sunt in statu perfectionis.

² I ASSERT first that, if we attend to the very genus of the works with which such Prelates and Religious are occupied, the state of religious is simply more perfect than the office of such Prelates.

ASSERO primo. Si attendamus genus ipsum operum, quibus eiusmodi Praelati, ac Religiosi occupantur, simpliciter esse perfectiorem statum religiosorum, quam officium huiusmodi Praelatorum.

³ IT IS PROVED first from cap. Clerici 19. quaest. 1., where from the Council of Toledo IV, cap. 49., it is had: *That clerics who think of religion desire to follow the better life*; and in cap. Duae 19. q. 2. Urban II says that *clerics of this kind are breathed upon by the Holy Spirit when they wish to enter Religion*.

PROBATUR primo ex cap. Clerici 19. quaest. 1. ubi ex Concil. Tolet. IV. cap. 49. habetur: Clericos, qui religionem cogitant, meliorem vitam sequi cupere, et in cap. Duae 19. q. 2. ait Urbanus II. Spiritu sancto afflari Clericos huiusmodi, cum Religionem volunt ingredi.

⁴ The same the Saintly Doctor proves in Apol. pauperum, cap. 3. resp. prima, from D. Gregory P. in registro, lib. 10. Indic. 15. epist. 38., where he writes the same, enjoining that they not be detained from this vocation.

Idem probat S. Doctor in Apol. pauperum, cap. 3. resp. prima, ex D. Gregorio P. in registro, lib. 10. Indic. 15. epist. 38. ubi idem scribit, iniungens, ne detineantur ab hac vocatione.

⁵ IT IS PROVED second from D. Dionysius de Eccl. Hier. cap. 5. et 6., where in the order of the perfect he places only the Bishops; but the Priests in the order of the illuminated, inasmuch as men are transferred from the darkness of sins to the administration of the sacraments.

PROBATUR secundo ex D. Dionysio de Eccl. Hier. cap. 5. et 6. ubi in ordine perfectorum solos ponit Episcopos; Presbyteros autem in ordine illuminatorum, quatenus ad administrationem sacramentorum homines transferuntur a peccatorum tenebris.

⁶ IT IS PROVED third by reason; for it is more perfect to consecrate one's whole life to the works of perfection than to discharge some particular duties concerning the salvation of one's neighbor.

PROBATUR tertio ratione; nam perfectius est totam vitam consecrare operibus perfectionis, quam aliqua particularia munia obire circa salutem proximi.

⁷ I ASSERT second, that by reason of some sacred ordination these are in some way more worthy in their works; whence also they are held to shine forth the more by example. See Valencia disp. 10. quaest. 2., and D. Bonaventure in *Apol. paup. cap. 3. resp. prima*, where he proves it from the office of procuring the salvation of one's neighbor.

ASSERO secundo, ratione alicuius sacrae ordinationis hos esse aliquo modo in operibus digniores; unde et tenentur magis splendere exemplo. Vide Valentiam disp. 10. quaest. 2. et D. Bonavent. in Apol. paup. cap. 3. resp. prima, ubi ex officio procurandae salutis proximi id probat.

DISPUTATION II: ON THE STATE OF THE BISHOP

¹ This is the more sublime state of the Church; therefore Bishops are compared to the Dominations by the Seraphic Doctor, inasmuch as they truly rule themselves and others; therefore the perfection toward which others aspire by laboring, they inspire in others by calmly presiding. For otherwise, says the Saintly Doctor, part. 2. de eccl. Hierar. cap. 1., can the rulers of men be truly esteemed who are the slaves of vices; wherefore at the beginning of the world it was said, *Genes. 3., thou shalt have appetite under thee, and thou shalt rule over him*; likewise from the beginning of the Church it was said by Peter, *Not as ruling the clergy, but, etc.* Significantly and aptly he says: *not as ruling*, doubtless because, although they are lords, they must exhibit not the lord's power, but the Father's tenderness toward their subjects, as toward sons; wherefore of the Bishop Zechariah foretold, cap. 6., *He shall sit, and rule, and shall be a priest on his throne, and counsel of peace shall be between them both, and crowns shall be memorial in the temple of the Lord*, thus notes S. Bonaventure, loco cit., whose luminous testimonies concerning this state of perfection I shall relate in order.

De Statu Episcopi.

Hic est sublimior Ecclesiae Status, ideo Dominationibus a Seraphico comparantur Episcopi, quippe qui vere sibi, et aliis dominantur, ideo perfectionem, ad quam alii laborando aspirant, illi ipsis placide praesidendo inspirant; nec enim aliter, ait S. Doctor part. 2. de eccl. Hierar. cap. 1. possint hominum dominatores vere reputari, qui vitiorum sunt servi; quare initio nascentis mundi, Genes. 3. dictum est, sub te erit appetitus eius, et tu dominaberis illius : item a principio Ecclesiae dictum est a Petro; Non ut dominantes in clero, sed, etc. signanter autem, et apposite ait : non ut dominantes, nimirum quia, licet domini sint, non potestatem tamen domini, sed Patris pietatem, in subditos, tanquam in filios, exhibere debent; quare de Episcopo praedixit Zacharias, cap. 6. Sedebit, et dominabitur, et erit sacerdos in solio suo, et erit consilium pacis inter eos, et erunt coronae memoriales in templo domini, ita notat S. Bonaventura loco cit. cuius luculenta testimonia de hoc perfectionis statu, ut ordine referam, sit.

Question I: Whether a bishop is in the state of perfection

¹ *IT IS CERTAIN that they are in the state of perfection. It is proved from the outstanding titles given to the Bishop.*

CERTUM est, eos esse in statu perfectionis. Probatur ex insignibus titulis, datis Episcopo.

² *IT IS PROVED* by D. Bonaventure, first in the *Apology for the Poor, chapter 3, first response*, at the end, from D. Dionysius, *On the Ecclesiastical Hierarchy, chapter 1*, where he says: *As he who says Hierarchy says summarily the whole array of sacred things, so in saying Hierarchy he points to that which abides in God, and to the Divine man, in whom every Hierarchy is perfected.* Hence the same Saint, in chapters 5 and 6, calls Bishops perfecters, even with respect to religious, as Valentia also notes, *disputation 10, question 2, point 4.*

PROBATUR a D. Bonavent. primo in Apolog. Pauperum, cap. 3. respons. prima, ad finem, ex D. Dionysio, de Eccl. Hier. cap. 1. ubi ait: Sicut qui dicit Hierarchiam, summam dicit universorum sacrorum ornatum, ita dicens Hierarchiam, monstrat in Deo manentem, et Divinum virum, in quo omnis Hierarchia perficitur. Hinc idem Sanctus cap. 5. et 6. vocat Episcopos perfectores, etiam respectu religiosorum, ut notat etiam Valentia disp. 10. quaest. 2. puncto 4.

³ *NEXT* he brings forward D. Jerome, *epistle 128 to Fabiola: So great should be the knowledge and erudition of the Pontiff of God, that his steps and movements and all his utterances may be vocal; let him conceive truth in his*

mind, and resound with it in all his habit and adornment, so that whatever he does, whatever he says, may be the doctrine of the Apostles.

DEINDE affert D. Hieronymum, epist. 128. ad Fabiolam : Tanta esse debet scientia, et eruditio Pontificis Dei, ut gressus eius, et motus, et universa vocalia sint; veritatem mente concipiat, et toto eam habitu resonet, et ornatu, ut quidquid agit, quidquid loquitur, sit doctrina Apostolorum.

⁴ HE OBSERVES, however, with D. Jerome, *epistle 85 to Oceanus*, that the Bishop is indeed not held to excel in all things — otherwise he could not be a Bishop unless he were a Virgin — but it is fitting that he excel in those things which pertain to the office of feeding the flock. Therefore St. Jerome says: *Let him be chosen as future Pastor of the Church in comparison with whom the subject people may deservedly be called a flock.*

OBSERVAT vero cum D. Hieronymo epist. 85. ad Oceanum, non teneri quidem Episcopum in omnibus praeexcellere, alioqui non posset esse Episcopus, nisi esset Virgo, sed congruit, ut in his praeceat, quae ad pascendi gregis spectant officium : Idco ait S. Hieronymus : Futurus Pastor Ecclesiae talis eligatur, cuius comparatione subiectorum populus merito grex dicatur.

⁵ HE BRINGS FORWARD also D. Gregory, *part 2 of the Pastoral Rule, chapter 1*, where he says: *The action of the Prelate ought to precede the action of the people by as much as the life of the Shepherd is wont to differ from the flock: he cites the same in the Pharetra in the place quoted. Whereupon D. Gregory infers: It is not fitting to approach the state of prelacy unless one be perfect: powerful in Virtues, let him come to govern even when compelled; empty of Virtues, let him not approach even when compelled.*

AFFERT etiam D. Gregorium 2. part. Pastoralis, cap. 1. ubi ait : Tantum debet actionem populi actio praecedere Praesulis, quantum distare solet a grege vita Pastoris: eundem refert in *Pharetra loco citando. Quapropter infert D. Gregorius : Ad praelationis statum non congruit accedere, nisi perfectum, ut Virtutibus pollens, coactus ad regimen veniat; Virtutibus vacuus, nec coactus accedat.*

⁶ IT IS PROVED also by D. Bonaventure, *book 1 of the Pharetra, chapter 19*, from the perfections which the holy Fathers require in Bishops.

PROBATUR etiam a D. Bonavent. lib. 1. Pharetrae, cap. 19. ex perfectionibus, quas sancti Patres in Episcopis exigunt.

⁷ D. GREGORY, in the *Registrum, book 5, chapter 129*: When the Bishop changes his mind together with his place: *Let him not believe that reading alone and prayer suffice him, so that, withdrawn from others, he may sit studying and bear no fruit from his hand, but let him have a generous hand, let him meet the necessity of the suffering, let him consider another's poverty his own: because if he has this not, he holds the name of Bishop in vain.*

D. GREGORIUS in *Registro*, lib. 5. cap. 129. Episcopus cum loco mutet mentem : Non sibi credat, solam lectionem, et orationem sufficere, ut remotus ab aliis studeat sedere, et de manu nihil fructificare, sed largam manum habeat, necessitatem patientibus occurrat, alienam inopiam, suam credat : quia si hoc non habet, vacuum Episcopi nomen tenet.

⁸ THE SAME, *book 8, chapter 119*: *Let your fraternity hasten to present itself with its whole mind humble in prosperity, and, when adversities come, upright with justice, friendly to the good, opposed to the perverse. Pressing never the face of anyone speaking the truth for it; devoting himself to works of mercy according to the possibilities of his substance, and desiring to be able to devote himself to them even beyond; compassionating the weak, rejoicing with the well-disposed, reckoning the losses of others as his own, exulting over the joys of others as over his own,*

vehement in correcting vices, soothing the spirit of his hearers in cherishing virtues: in anger holding judgment without anger: in tranquillity not abandoning the sentence of his severity.

IDEM lib. 8. cap. 119. Tota mente fraternitas vestra se exhibere festinet in prosperis humilem, et in adversis, si quando adveniunt cum iustitia erectam, amicam bonis, contrariam perversis. Nullius unquam faciem pro veritate loquentem premens; misericordiae operibus iuxta possibilitatem substantiae insistens, et eisdem insistere etiam supra posse cupiens; infirmis compatiens, benevolentibus congaudens, aliena damna propria deputans, de alienis gaudiis tanquam de propriis exultans, in corrigendis vitiis saeviens, in fovendis virtutibus auditorum animum demulcens : in ira iudicium sine ira tenens : in tranquillitate autem severitatis suae sententiam non deserens.

⁹ THE SAME, *part 2 of the Pastoral Rule, chapter 1: The action of the Prelate ought to transcend the action of the people by as much as the life of the Shepherd is wont to differ from the flock. For he must diligently study to measure himself, under how great a necessity of uprightness he is held to be bound, under whose care the people is called a flock.*

IDEM 2. part. Pastoralis, cap. 1. Tantum debet actionem populi actio transcendere praesulis, quantum distare solet a grege vita Pastoris. Oportet namque, ut metiri sese sollicitè studeat, quanta tenenda rectitudinis necessitate constringatur, sub cuius aestimatione populus grex vocatur.

¹⁰ D. ISIDORE, *book 2 On Ecclesiastical Offices, chapter 5: To the Bishop, when he is consecrated, a staff is given, that by his judgment he may either rule the subject people, or correct it, or sustain the infirmities of the weak.*

D. ISIDORUS lib. 2. de offic. Eccles. cap. 5. Episcopo, dum consecratur, baculus datur, ut eius iudicio subditam plebem, vel regat, vel corrigat, vel infirmitates infirmorum sustineat.

¹¹ D. AUGUSTINE, *in the Dialogue, question 65, to Orosius: Let him know that he is not a Bishop who desires to preside, not to profit.*

D. AUGUSTINUS in Dial. q. 65. ad Oros. Sciat se non esse Episcopum, qui praeesse desiderat, non prodesse.

¹² The same, *book 19 On the City of God, chapter 19: Bishop is a name of work, not of honor: for episcopos in Greek we may say in Latin superintendere, to superintend, that he may understand that he is not a Bishop who has loved to preside, not to profit.*

Idem lib. 19. de civitate, cap. 19. Episcopus nomen est operis, non honoris : scopos enim Graece, Latine superintendere possumus dicere, ut intelligat, non se esse Episcopum, qui praeesse dilexerit, non prodesse.

¹³ D. AMBROSE, *On the Dignity of Priests, chapter 3: As the episcopal grade is higher than all others, so, if it slips through negligence, its fall is more grievous.*

D. AMBROSIUS de dignitate Sacerd. cap. 3. Quantum prae caeteris gradus Episcopalis altior est, tanto si per negligentiam dilabatur, ruina gravior est.

¹⁴ D. JEROME, *on chapter 3 of Sophonias: He who desires a bishopric desires a good work; see what he said: work, not dignity. But if he has looked only at dignity, he will quickly fall.*

D. HIERONYMUS in cap. 3. Sophoniae : Qui Episcopatum desiderat, bonum opus desiderat, videte quid dixerit, opus, non dignitatem. Si autem solum aspexerit dignitatem, cito corruet.

¹⁵ D. BERNARD, *epistle 42: In all things, after the example of the Apostle, let your ministry be honorable — ministry, I say, not lordship: him indeed you shall honor, not yourselves. For he who seeks his own desires himself to be honored, not the ministry. But you shall honor it not by the finery of garments, not by the ostentation of horses, not by spacious buildings, but by adorned morals, spiritual pursuits, and good works.*

D. BERNARDUS epist. 42. In omnibus, exemplo Apostoli, honorificabilis ministerium vestrum, ministerium, inquam, non dominium, ipsum quidem horificabit, non vos. Nam qui quaerit, quae sua sunt, se cupit honorari, non ministerium. Honorificabis autem non cultu vestium, non fastu equorum, non amplis aedificiis, sed moribus ornatis, studiis spiritualibus, ac bonis operibus.

¹⁶ THE SAME, much earlier in the same place: *In all his acts or words let the Bishop seek nothing of his own, but only either the honor of God, or the salvation of his neighbors, or both.*

IDEM ibidem longe ante medium : In omnibus actibus suis, vel dictis nihil suum quaerat Episcopus, sed tantum aut Dei honorem, aut proximorum salutem, aut utrumque.

¹⁷ THE SAME, *book 4 On Consideration: Holiness befits the house of a Bishop, modesty befits it, honesty, and discipline of morals.*

IDEM lib. 4. de consideratione : Domum Episcopi decet sanctitudo, decet modestia, decet honestas, et morum disciplina.

¹⁸ IT IS PROVED also by the S. Doctor, *part 2 of the Ecclesiastical Hierarchy, cited chapter*, where he compares Bishops to the celestial Dominations, which, as D. Dionysius says, *On the Celestial Hierarchy, chapter 3*, just as they are elevated above the other inferior choirs, so they elevate them to God. For Bishops are destined to the lofty ministries of ruling peoples toward the supreme end, of entering the Holy of Holies as mediators between God and us, of consecrating Priests, of anointing with chrism, nay even of making the Chrism and the holy Oil, of applying the keys, of judging, of excommunicating rebels, of feeding the sheep with doctrine, and of directing them, so that they do not refuse to give their soul for them. Which gifts, and others, demand heroic CHARITY; for no one has greater CHARITY than to lay down his life for his friends. Hence Zacharias, cited chapter 6, speaking of the ancient Pontiff, who prefigures our Bishops, 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 for a memorial in the temple of the Lord.*

PROBATUR etiam a S. Doctore part. 2. Eccl. Hierar. cap. cit. ubi Episcopos Dominationibus caelestibus comparat, quae, ut ait D. Dionysius de coelest. Hier. cap. 3. sicuti supra alios inferiores choros eleuantur, ita eos eleuant in Deum. Episcopi enim excelsis ministeriis sunt destinati regendi populos ad finem supernum, ingrediendi Sanctum Sanctorum, ut mediatores inter Deum, et nos, consecrandi Sacerdotes, chrismate ungendi, imo et Chrisma, et Oleum sanctum conficiendi, claves adhibendi, iudicandi, excommunicandi rebelles, pascendi doctrina oves, easque dirigendi, ut pro eis animam dare non renuant. Quae, et alia munera heroicam exigunt Charitatem; maiorem enim Charitatem nemo habet, quam ut animam suam ponat quis pro amicis suis. Hinc Zacharias, c. 6. cit. loquens de Pontifice antiquo, adumbrante nostros Episcopos, ait : Sedebit, et dominabitur, et erit sacerdos in solio suo ; et erit consilium pacis inter eos, et erunt coronae memoriales in templo Domini.

¹⁹ Therefore Peter, 1 Peter chapter 5: *Feed the flock of God which is among you, etc., neither as domineering over the clergy, but being made a pattern of the flock from the heart.*

Ideo Petrus prima cap. 5. Pascite, qui in vobis est, gregem Dei, etc. neque ut dominantes in cleris, sed formae facti gregis ex animo.

²⁰ The S. Doctor shows the same from the epistles of Paul to Timothy and Titus, in which he prescribes the norm of sanctity by which Bishops, shining forth most splendidly, may, as it were exemplars, be able to instruct and correct others, and be censors of vices more by life than by words.

Idem ostendit S. Doctor ex epistolis Pauli ad Timotheum, et Titum, in quibus normam sanctitatis praescribit, qua praeclare fulgentes Episcopi, tamquam exemplaria, valeant alios erudire, corrigere, sintque vita magis, quam verbis, vitiorum censores.

²¹ It is proved also by the S. Doctor, sermon 22 of the Hexaëmeron, before the middle, because Bishops are destined not only for the most high sacrifice, which is not granted to Kings, whence they even excel them in this, as D. Bernard says, sermon on the Lord's Supper, cited by D. Bonaventure, part 2 On the Ecclesiastical Hierarchy, chapter 1, but also to be anointed with Chrism, and to distribute ordinations, and to give the Holy Spirit, which was granted to the Apostles alone. Wherefore they succeed the Apostles in high dignity, and accordingly they are held to emulate Apostolic sanctity. Therefore the Bishop must be so holy as to be able by sound doctrine both to exhort and to convince those who contradict, as is said in Titus 1. Therefore Bishops ought to be perfect, and among them the Supreme Pontiff most perfect. This from S. Bonaventure, in the place cited.

Probatur etiam a S. Doctore serm. 22. Hexaëmer. ante medium, quia Episcopi non modo altissimo sacrificio destinantur, Regibus non concesso, unde et illis in hoc praecellunt, ut ait D. Bernardus serm. de Caena Domini apud D. Bonaven. part. 2. de Eccles. Hier. c. 1. sed etiam Chrismari, et ordinationibus dispertiendis, ac dando spiritum sanctum, quod solis Apostolis erat concessum. Quare et Apostolis in alta dignitate succedunt, atque adeo Apostolicam sanctitatem aemulari tenentur. Itaque oportet Episcopum adeo esse sanctum, ut potens sit exhortari in doctrina sana, et eos, qui contradicunt, arguere; ut dicitur Tit. 1. Ideo Episcopi esse perfecti debent, et inter eos Pontifex summus, perfectissimus. Haec S. Bonavent. loco citato.

²² You will object, first: To aspire to the state of perfection is worthy of praise; but to aspire to a bishopric is not praiseworthy: therefore it is not the state of perfection.

Obiicies primo. Appetere statum perfectionis, laude est dignum: at Episcopatum appetere non est laudabile: ergo non est perfectionis status.

²³ The S. Doctor answers, in the cited place in the Pharetra, from D. Jerome: that to desire a bishopric is to desire a good work, so long as the work is desired, not the eminence of dignity.

Respondet S. Doctor loc. cit. in Pharetra, ex D. Hieronymo: Episcopatum desiderare esse, opus bonum optare, dum desideratur opus, non dignitatis eminentia.

²⁴ You will object, secondly: For perfection poverty is required, which is not in a Bishop.

Obiicies secundo. Ad perfectionem requiritur paupertas, quae in Episcopo non est.

²⁵ The S. Doctor answers, in the Apology for the Poor, in the cited place, that poverty is not necessary to every perfect man, but that in some riches are also required, provided he be detached in heart from covetousness. For Bishops are destined for the governance of the people, for the sustentation of the poor and of the clergy, and other splendid expenditures, and therefore they ought to have revenues. The S. Doctor pursues this at length in the Apology for the Poor, third response, chapter 2, at the end.

Respondet S. Doctor in Apol. pauperum, loc. cit. paupertatem non esse cuique perfecto necessariam, sed alicui requiri etiam opes, dummodo corde segregatus a cupiditate sit. sunt enim Episcopi destinati ad regimen populi, ad

pauperum, et cleri sustentationem, aliaque praeclara impensa, ideo proventus habere debent. Hoc late prosequitur S. Doctor in Apol. pauperum responsionis tertiae, cap. 2. ad finem.

²⁶ Therefore in the *Pharetra*, in the cited place, he brings forward that saying of D. Augustine, *sermon 52 to the Fathers in the desert: It is not for a Bishop to keep gold and to withdraw his hand from the beggar.*

Ideo in Pharetra, loc. cit. affert illud D. August. serm. 52. ad Patres in eremo. Non est Episcopi servare aurum, et revocare a se mendicantis manum.

²⁷ From what has been said you have whence Bishops contract the obligation of perfection.

Ex dictis habes, undenam Episcopi obligationem perfectionis contrahant.

²⁸ *It is answered*, first, that it arises from the office of feeding the flock by word and example, as the S. Doctor pursues at length above.

Respondetur enim primo, oriri ex officio pascendi gregem verbo, et exemplo, ut late prosequitur S. Doctor supra.

²⁹ *It is answered*, secondly, that it arises also from fidelity, for the Bishop is the Spouse of the Church, *Can. licet*, and *Can. inter among the extracts On the translation of Bishops*, and *Can. sicut cui*, question 7, question 1, as Valentia says, point 4: for he ought to be holy, that he may exercise the holy wedlock, seeking the things that are above for himself and for others. That this is signified by the sandals of Bishops, opened above, D. Bonaventure says, on *Psalms 119*.

Respondetur secundo, oriri etiam ex fidelitate, nam Episcopus est Sponsus Ecclesiae, Can. licet. et Can. inter extra. de trasl. Episcopi, et Can. sicut cui, 7. quaest. 1. ut ait Valentia puncto 4. debet enim sanctus esse, ut sanctum connubium exerceat, quae sursum sunt, sibi, aliisque quaerens. Hoc autem significari sandaliis Episcoporum, supra apertis, ait D. Bonaven. ad Psal. 119.

Question II: What kind of man he must be who is raised to the episcopate

¹ I suppose that he is not required to be the best of all in absolute perfection, but in relative perfection with respect to governance.

Qualem oporteat esse qui ad Episcopatum assumitur.

Suppono, hunc non teneri esse omnium optimum perfectione absoluta, sed perfectione relativa in ordine ad regimen.

² The conditions for choosing a Bishop in the best way the Apostle describes in the letters to Timothy and Titus, to whom the holy Doctor refers in S. *Luke*, where he asserts that Bishops, the successors of the Apostles, are bound to be men of Apostolic character, irreprehensible, etc.

Conditiones eligendi in Episcopum optime describit Apostolus in litteris ad Timor. et Titum, ad quos remittit S. Doctor in S. Luca, ubi Episcopos, Apostolis successores, viros Apostolicos esse teneri asserit, irreprehensibiles, etc.

³ On these matters many testimonies are brought forward by Gratian from *dist. 24 up to 51*. They treat of this matter the Council of Carthage IV, Trent *sess. 6. 24. and 25. c. 1*. D. Gregory in his *book on Pastoral Care*. D. Augustine in his *book on the Pastors*, Chrysostom in his *books on the Priesthood*, Bernard in his *books on Consideration*, and everywhere the Pontiffs in their Canonical Epistles. We will briefly review these things.

De his multa a Gratiano afferuntur testimonia a dist. 24. usque ad 51. Agunt hac de re Concilium Carthag. IV. Trident. sess. 6. 24. et 25. c. 1. D. Gregorius lib. de cura Pastoralis. D. Augustinus lib. de Pastoribus, Chrysost.

libris de Sacerdotio. Bernardus libris de Consider. et passim Pontifices in suis Epistolis Canonicis. Nos breviter ea recensebimus.

⁴ First he must be immune from every impediment of law, namely lest he be irregular, or twice married, or have anything of those things which are enumerated in *dist. 51. Can. qui in aliquo*, and many are related by S. Bonaventure in his *Confessionale*, cap. 5.

Primo debet is esse immunis ab omni iuris impedimento, scilicet ne sit irregularis, ne bigamus, ne quicquam eorum habeat, quae recensentur dist. 51. Can. qui in aliquo, et multa referuntur a S. Bonav. in Confessionali, cap. 5.

⁵ The remaining prerogatives, however, due to Bishops, are recounted everywhere by the Fathers, especially by those related above, *quaest. 1.*

Reliquae vero praerogativae, Episcopis debitae, recensentur passim a Patribus, praecipue supra relatis quaest. 1.

⁶ The first is integrity of life, which is contained in charity and the other virtues.

Prima est vitae integritas, quae charitate, aliisque virtutibus continetur.

⁷ Valentia gathers this, *quaest. 3. puncto 1. as necessary from many causes.* For first, therefore, when Christ was about to institute Peter as Pontiff, he asks him about charity, *Joan. ult.*, as the holy Doctor observes, where he excludes the man who loves himself, whom Paul excludes, *Timot. 3.*, and Chrysostom also adduces it, *Homil. 8. in Joan.* Hence he concludes that he who succeeds Peter in pastoral care, and does not love God, does not feed the sheep, and can be called: *Pastor, et Idolum. Zach. 12.*

Hanc colligit Valentia quaest. 3. puncto 1. ex multis causis necessariam. Primo enim ideo Christus Petrum Instituturus Pontificem, interrogat de charitate. Ioan. ult. ut observat S. Doctor, ibi ubi excludit Hominem amantem se ipsum, quem excludit Paulus Timot. 3. et adducit etiam Chrysost. Homil. 8. in Ioan. Unde concludit, eum, qui in Pastoralis cura Petro succedit, et non diligit Deum, nec pascit oves, posse dici: Pastor, et Idolum. Zach. 12.

⁸ Secondly, because the Bishop ought to go before others by example, as Leader, teacher, and model, according to that word *Joan 10. Ante illas vadit.* As the holy Doctor observes, weighing there and elegantly distinguishing the conditions there noted of the good Pastor, especially holiness and wisdom. The first is there referred to, that he enter through Christ, not through cunning, or simony or violence, or because of the greed of avarice and ambition, seeking himself more than the glory of God and the salvation of souls, concerning which *Ezech. 34. Vae Pastoribus Israel, qui pascebant semetipsos.* Therefore the good Pastor enters through the door, Christ: *Ego sum ostium. Qui autem intrat per ostium, Pastor est ovium.* Thus entered the Apostles, *2. Cor. 5. Pro Christo legatione fungimur.* Therefore he must enter humbly and with holy intention, that he may minister rightly to God and imitate the supreme Pastor, as D. Augustine says, *tract. 45. in Joan.*, fulfilling his office for the honor of God and the salvation of souls.

Secundo quia Episcopus debet exemplo aliis praecedere, tanquam Dux, magister, et exemplar, iuxta illud Ioan 10. Ante illas vadit. Ut observat S. Doctor, ibi ponderans, et eleganter differens ibi notatas conditiones boni Pastoris, praecipue sanctitatem, et sapientiam. prima ibi refertur, ut intret per Christum, non per astutiam, vel simoniam aut violentiam, vel propter cupiditatem avaritiae, et ambitionem, magis quaerendo se ipsum, quam Dei gloriam, et salutem animarum, de quibus Ezech. 34. Vae Pastoribus Israel, qui pascebant semetipsos. Igitur bonus Pastor intrat per ostium, Christum: Ego sum ostium. Qui autem intrat per ostium, Pastor est ovium. Sic intravere Apostoli 2. Cor. 5. Pro Christo legatione fungimur. Igitur debet intrare humiliter, et sancta intentione, ut Deo recte ministret, et

summmum Pastorem imitetur, ut ait D. Augustinus tract. 45. in Ioan. officio suo fungens ad Dei honorem, et animarum salutem.

⁹ Secondly he must announce the doctrine of God, instruct, teach, etc., there: *Vocem eius audiunt.*

Secundo debet doctrinam Dei annunciare, erudire, docere, etc. ibi: Vocem eius audiunt.

¹⁰ Thirdly he must rightly know the face of his flock, as it is said *Prov. 27.*; therefore it is said here: *Proprias oves vocat nominatim.*

Tertio debet recte agnoscere vultum pecoris sui, ut dicitur Prov. 27. ideo hic dicitur: Proprias oves vocat nominatim.

¹¹ The fourth office is to lead the sheep forth by the ways of justice: *et educit eas*, that is, from the Egypt of vices to lands flowing with milk and honey.

Quartum officium est, per vias iustitiae oves deducere: et educit eas, idest, ex Egypto vitiorum ad terras fluentes lacte, et melle.

¹² Fifthly he goes before them by example: *Ante eas vadit.* Hence in *numer. 27.* it is said: *Provideat Deus hominem, qui sit super multitudinem hanc: qui possit exire, et intrare ante eos, et educere illos.* Then the sheep follow the Pastor going before them. Therefore Peter says, first chapter 5: *Pascite, qui in vobis est, gregem*; and he continues: *Formam facti gregis ex animo.* Last of all, *he must lay down his soul for the sheep.*

Quinto praecedit exemplo: Ante eas vadit. Hinc numer. 27. dicitur: Provideat Deus hominem, qui sit super multitudinem hanc: qui possit exire, et intrare ante eos, et educere illos. Tunc autem Pastorem oves sequuntur praecedentem. Ideo ait Petrus prima cap. 5. Pascite, qui in vobis est, gregem; et sequitur: Formam facti gregis ex animo. Ultimo, debet animam ponere pro ovibus.

¹³ Hence the holy Doctor, *lib. 2. Eccl. Hierar.*, adduces other reasons, namely, because the Bishop is a Hierarch, who must exercise the acts of the Hierarchy, purging his subjects from vices, illuminating, perfecting, and as D. Dionysius teaches, *cap. 11. Eccl. Hier.* Therefore also he is bound to be holy and learned.

Hinc S. Doctor lib. 2. Eccl. Hierar. alias rationes affert, nempe quia Episcopus est Hierarcha, qui debet actus Hierarchiae exercere, purgando a vitiis subditos, illuminando, perficiendo, et ut docet D. Dionys. cap. 11. Eccl. Hier. Ideo etiam tenetur esse sanctus, et eruditus.

¹⁴ FINALLY, because the Pontiff must be a mediator between God and us, as we have in *Heb. 5. Omnis Pontifex ex hominibus assumptus, pro hominibus constituitur in his, quae sunt ad Deum, ut offerat sacrificia pro peccatis*; therefore he is bound to be holy and illuminated.

TANDEM quia Pontifex esse debet mediator inter Deum, et nos, ut habetur Heb. 5. Omnis Pontifex ex hominibus assumptus, pro hominibus constituitur in his, quae sunt ad Deum, ut offerat sacrificia pro peccatis; ideo sanctus, et illuminatus esse tenetur.

¹⁵ From the testimonies brought forward the holy Doctor gathers, *loco cit.* and in the *Pharetra*, *lib. 3.*, with the holy Fathers brought forward above, *quaest. 1.*, that the holiness of a Bishop ought to be solid; established, not recent; therefore he does not wish a Neophyte as Bishop, as the holy Doctor observes, *ad 6. Lucae.* Of this, however, D. Leo treats, *P. epist. 82. et 85.*, Innocent, *epist. 12. et 24.*, Caelestinus I, *epist. 2. ad Episcopos Hispaniae.*

Ex allatis testimoniis colligit S. Doctor loco cit. et in Pharetra, lib. 3. cum sanctis Patribus allatis quaest. 1. sanctitatem Episcopi esse debere solidam; firmatam, non recentem, ideo non Neophytum vult Episcopum, ut observat S. Doctor ad 6. Lucae. De hoc vero agit D. Leo P. epist. 82. et 85. Innocentius epist. 12. et 24. Caelestinus I. epist. 2. ad Episcopos Hispaniae.

¹⁶ The REASON is, because it cannot happen that an inveterate habit of sinning does not diminish authority and liberty of soul, as S. Jerome notes, *ex cap. 3. ad Titum.*

RATIO est, quia fieri non potest, ut inveterata peccandi consuetudo non minuat auctoritatem, et libertatem animi, ut notat S. Hieronymus ex cap. 3. ad Titum.

¹⁷ Of old it was ALSO REQUIRED that he be long and much exercised in the ministries of the Church, as is clear from the cited epistles, and the *epistle* of Nicholas the Pope to Michael the Emperor; but now it is required that he have been in sacred orders for at least six months, from *Concil. Trident. sess. 22. cap. 2. de Reform.*

REQUIREBATUR antiquitus etiam, ut in Ecclesiae ministeriis esset diu, multumque versatus, ut patet epistolis citatis, et epist. Nicolai P. ad Michaellem Imperatorem; nunc autem requiritur ut per sex saltem menses fuerit in sacris ordinibus, ex Concil. Trident. sess. 22. cap. 2. de Reform.

¹⁸ KNOWLEDGE is also required in Bishops, *Malach. 2. Labia sacerdotis custodiunt scientiam, et legem requirent de ore eius.* Of this Gratian treats at length, *dist. 36. can. Qui Ecclesiasticis.* In the Council of Trent, however, *sess. 22. cap. 2. de Reform.*, it is required that the Bishop to be chosen be a master or Doctor or Licentiate in Canon law or in Theology, or at least have the public testimony of some Academy that he has advanced so far in either of these sciences that he can teach others; and if he is a religious, such testimony is required from his own Prelates.

REQUIRITUR etiam scientia in Episcopis, Malach. 2. Labia sacerdotis custodiunt scientiam, et legem requirent de ore eius. De hoc late Gratianus dist. 36. can. Qui Ecclesiasticis. In Concilio autem Trident. sess. 22. cap. 2. de Reform. requiritur, ut eligendus Episcopus, sit in iure Canonico, vel in Theologia magister, aut Doctor, aut Licentiatus, aut saltem habeat publicum testimonium alicuius Academiae, profecisse adeo in alterutra istarum scientiarum, ut possit alios docere; Et si regularis est, a suis Praelatis testimonium tale requiritur.

¹⁹ WHICH of the two is more necessary: Hostiensis and Panormitanus, *ad cap. 1. de affinit. et consang.*, say that where heresies are raging, Theology is more useful; elsewhere, however, Canon law.

UTRA vero sit magis necessaria, Host. et Panormit. ad cap. 1. de affinit. et consang. dicunt, ubi haereses grassantur, utiliore esse Theologiam; alibi vero Ius Canonicum.

²⁰ I SAY, however, that Theology is simply more useful. So Valentia, *quaest. 1. puncto 1.*, Sotus, *lib. 3. de Iust. quaest. 2. art. 6.*, Cajetan here, and others. The reason is, because the Bishop must above all instruct the people in the mysteries of the faith, according to that word, *Matth. ultimo: Praedicate Euangelium*; and Theology teaches this above all. Therefore when a Bishop is ordained, he is asked, not whether he knows Canon law, but both testaments.

DICO tamen, simpliciter utiliore esse Theologiam. Ita Valentia quaest. 1. puncto 1. Sotus lib. 3. de Iust. quaest. 2. art. 6. Caiet. hic, et alii. Ratio est, quia maxime debet Episcopus in fidei mysteriis populum erudire, iuxta id Matth. ultimo: Praedicate Euangelium, haec autem maxime docet Theologia. Ideo cum Episcopus ordinatur, interrogatur, non an sciat Ius Canonicum, sed utrumque testamentum.

²¹ The THIRD part of a Bishop is greatness of soul and constancy, for the Bishop must resist tyrants and heretics. Likewise he must punish the wicked, even the powerful. Hence that word of *Ecclesiasticus* 7. *is to be weighed by a Bishop: Noli fieri iudex, nisi valeas virtute irrumpere iniquitates: ne forte extimescas faciem potentis.* Hence *Hierem.* 1. *Ne formides a facie eorum,* and *Ezech.* 3. *Ecce dedi faciem tuam valentiorum faciebus eorum, frontemque duriorum frontibus eorum.* Hence *Timoth.* 3. *Argue, obsecra, increpa, etc.* But it must be noted that this severity is to be tempered with mildness. Of which D. Leo admonishes the Bishops, *epist.* 90., and *Concil. Trident. sess. 13. cap. 1. de Reform.* All of which the holy Doctor pursues at length, *lib. 2. de Eccl. Hierarch.* and the *opusc. de sex alis Seraphim*, as I shall say presently.

TERTIA Episcopi pars est magnitudo animi, et constantia, nam oportet Episcopum Tyrannis, et haereticis resistere. Item punire improbos, etiam potentes. Unde illud Ecclesiastici 7. est Episcopo perpendendum: Noli fieri iudex, nisi valeas virtute irrumpere iniquitates: ne forte extimescas faciem potentis. Hinc Hierem. 1. Ne formides a facie eorum, et Ezech. 3. Ecce dedi faciem tuam valentiorum faciebus eorum, frontemque duriorum frontibus eorum. Hinc Timoth. 3. Argue, obsecra, increpa, etc. Sed notandum hanc severitatem mansuetudine esse mitigandam. De quo admonet Episcopos D. Leo epist. 90. et Concil. Trident. sess. 13. cap. 1. de Reform. Quae omnia late prosequitur S. Doctor lib. 2. de Eccl. Hierarch. et opusc. de sex alis Seraphim, ut mox dicam.

²² FINALLY, who does not know that prudence is necessary for a Bishop? For the governance of souls is the art of arts, as D. Gregory says at the beginning of his *Pastoralis*.

TANDEM Episcopo necessariam esse prudentiam, quis ignorat? est enim ars artium regimen animarum, ut ait D. Gregorius initio Pastoralis.

²³ S. Bonaventure published an INTEGRAL little work on this matter, which bears the title: *de sex alis Seraphim*, so that it may be understood that Bishops ought to be like those Seraphim who stood beside the altar of God, adorned with six wings, *duabus velabant faciem, duabus pedes, et duabus volabant, Isa 6.*

INTEGRUM hac de re opusculum edidit S. Bonavent. quod titulum habet: de sex alis Seraphim, ut intelligatur, debere Episcopos illis Seraphinis esse similes, qui super altare Deo assistebant, sex alis ornati, duabus velabant faciem, duabus pedes, et duabus volabant, Isa 6.

²⁴ The holy Doctor PROFESSES, however, that in this he follows the Apostle, and assigns those conditions of Bishops which he himself handed down to Timothy in two epistles, *ut scias (ait 1. cap. 3.) quomodo oportet te in domo Dei conversari, quae est Ecclesia Dei:* For thus he addresses him whom he had made Bishop of the Church of Ephesus.

PROFITETUR autem S. Doctor in hoc sectari Apostolum, atque eas Episcoporum conditiones assignare, quas ipse Timotheo duabus epistolis tradidit, ut scias (ait 1. cap. 3.) quomodo oportet te in domo Dei conversari, quae est Ecclesia Dei: Sic enim alloquitur eum, quem Ephesinae Ecclesiae Episcopum praefecerat.

²⁵ He PREMONISHES, however, with D. Bernard, that not all who are good in themselves are fit for governance, but that they ought to shine with relative goodness. Hence in *Exodi 18.* Moses is commanded to choose men knowledgeable and fit for governance. Certainly he must first be good in himself, that he may imitate Christ, *qui coepit facere, et docere, Actorum 1.*

PRAEMONET autem cum D. Bernardo, non omnes, qui in se boni sunt, esse aptos regimini, sed debere eos bonitate relativa fulgere. Unde Exodi 18. Moyses praecipitur eligere viros gnaros, et idoneos regimini. Prius sane debet is esse bonus in se, ut Christum imitetur, qui coepit facere, et docere, Actorum 1.

26 He ADMONISHES also that some exercise and practice are necessary, as I said above; for those who are beginners are not fit masters, but need a master, *Heb. 5. Indigetis, ut vos doceamini, quae sint elementa exordii sermonum Dei: egent enim sicuti filii a matre retrahi a periculis, Proverb. 2. servabit te, ut eruaris de via mala, et ab hominibus, qui perversa loquuntur.*

MONET etiam, necessarium exercitium aliquod, et praxim, ut supra dicebam, qui enim incipientes sunt, non sunt apti magistri, sed egent magistro, Heb. 5. Indigetis, ut vos doceamini, quae sint elementa exordii sermonum Dei: egent enim sicuti filii a matre retrahi a periculis, Proverb. 2. servabit te, ut eruaris de via mala, et ab hominibus, qui perversa loquuntur.

27 THEREFORE those who must be masters of others are bound to be so illuminated that, going with unoffending foot, they may lead others safely, as it is said, first *Cor. 10: Sine offensione estote Iudaeis, et Gentibus.* They must be so humble that they are neither lifted up by prosperity nor cast down by adversity, that they refer all excesses of thought, speech, and omission to the goldsmith's balance, judge subtly, and in all these things are so firm from habit that they cannot be changed from their state by any levity, or distraction, or difficulty, or fear. Hence the Apostle, *Rom. 8. Quis nos separabit a Charitate Christi? etc.* But because few attain so great a goal of perfection, they need to be subject, in such a way that they shine with those virtues by which they obey their Prelates, and by which they preside over their subjects; that they may live irreprehensibly.

IGITUR qui debent esse aliorum magistri, tenentur esse adeo illuminati, ut inoffenso pede euntes alios tuto ducant, ut dicitur prima Cor. 10: Sine offensione estote Iudaeis, et Gentibus. Debent esse adeo humiles, ut neque prosperis extollantur, neque deprimantur adversis, ut omnes excessus cogitationis, locutionis, et omissionis ad aurificum revocent trutinam, subtiliter diiudicent, et in his omnibus adeo ex habitu firmi, ut nec levitate, nec distractione aliqua, nec difficultate, vel metu a statu suo valeant immutari. Unde Apostolus Rom. 8. Quis nos separabit a Charitate Christi? etc. Quia vero pauci tantam perfectionis metam attingunt; egent subesse, ita, ut et virtutibus fulgeant, quibus suis Praelatis obediant, et quibus suis subditis praesint; ut irreprehensibiliter vivant.

28 Although they OUGHT to have all the virtues, nevertheless, because the senary number is the first of perfect numbers, constant in its own kind of perfection from its aliquot parts; therefore the good Rector of souls is bound to be endowed as it were with six wings of the Seraphim, that he may shine forth among the more eminent hosts of the heavenly spirits.

LICET autem omnes virtutes habere debeant, tamen quia numerus senarius est primus perfectorum numerus, sui generis perfectione constans ex suis partibus aliquotis; Ideo bonus animarum Rector tenetur veluti sex alis Seraphim praeditus esse, ut inter praeeminentiora coelestium spirituum agmina eniteat.

29 The FIRST wing of the Bishop is zeal for justice, whereby he is not able to sustain anything unjust without a murmur of heart, in himself and in others. For a man is so much the better as he is further from evil; for as much as a thing is loved, so much is one grieved at its destruction. These imitate Christ the supreme Pastor, who, although he was blessed in himself, was not content unless, having taken the form of a servant, he drew men back from evil, and brought the sons with him into glory, as it is said *ad Heb.* For zeal for justice burns with the charity of God and neighbor, *charitas autem non quaerit, quae sua sunt, primo Cor. 13.*

PRIMA ala Episcopi est zelus iustitiae, quo non valet aliquid iniustum sine cordis murmure in se, et in aliis sustinere. Tanto enim quis est bonus, quanto est a malo alienus; quantum enim res diligitur, tantum de eius destructione doletur. Hi Christum imitantur summum Pastorem, qui cum in se beatus esset, tamen non fuit contentus, nisi forma servi accepta,

retrahens homines a malo, filios secum in gloriam adduceret, ut dicitur ad Heb. Zelus enim iustitiae aestuat charitate Dei, et proximi, charitas autem non quaerit, quae sua sunt, primo Cor. 13.

³⁰ THEREFORE the true Zealot of justice takes heed first, lest he do or teach evil; then, lest he permit it in his subjects, lest he perish together with his sons as Heli did, *1. Reg. 4.* Therefore *Ezech. 33. si non fueris locutus, ut custodiat se impius a via sua: ipse impius in impietate sua morietur, sanguinem autem eius de manu tua requiram.* Let the good zealot therefore show how much he loves God, in that he promotes what is pleasing to him in himself and in others, and let him not grow soft in this zeal through sloth.

IGITUR verus Zelator iustitiae cavet primo, ne malum faciat, vel doceat: deinde ne in subditis illud permittat, ne cum Heli simul cum filiis perdat 1. Reg. 4. Ideo Ezech. 33. si non fueris locutus, ut custodiat se impius a via sua: ipse impius in impietate sua morietur, sanguinem autem eius de manu tua requiram. Ostendat ergo bonus zelator, quantum diligit Deum in eo, quod beneplacitum eius in se, et in aliis promoveat, nec ab hoc zelo mollescat per desidiam.

³¹ The SECOND wing of this Ecclesiastical Seraph is piety, or fraternal compassion, so that as the charity of God inflames to zeal for justice, so fraternal love should fashion toward piety. For even if the rod that strikes is owed to vices, yet the staff that sustains is necessary to infirmity, the Prophet saying, *Psal. 22. Virga tua, et baculus tuus, ipsa me consolata sunt.*

SECUNDA ala huius Ecclesiastici Seraph est pietas, sive faterna compassio, ut sicut cum charitas Dei ad zelum iustitiae inflammat, ita fraterna dilectio ad pietatem informet. Nam et si vitiis debetur virga feriens, infirmitati tamen necessarius est baculus sustentans, dicente Propheta, Psal. 22. Virga tua, et baculus tuus, ipsa me consolata sunt.

³² So also that Samaritan poured into the wounds of the half-dead wounded man wine of burning zeal, and oil of soothing piety.

Sic et ille Samaritanus vulneribus illius semivivi vulnerato infudit vinum zeli ferventis, et oleum pietatis mitigantis.

³³ SEE S. Bonaventure, drawing out by parallels with the cures of infirmities the Prelates to piety. For this, moreover, it can help if they themselves have experienced necessities; thus of Christ it is said, *Heb. 4. Non habemus Pontificem, qui non possit compati infirmitatibus nostris.*

VIDE S. Bonaven. ex parallelis cum infirmitatum curationibus, educentem Praelatos ad pietatem. Ad hoc autem potest conducere, si et ipsi experti sunt necessitates; sic de Christo dicitur, Heb. 4. Non habemus Pontificem, qui non possit compati infirmitatibus nostris.

³⁴ They must, HOWEVER, have compassion on their sheep, taking the example of Jacob, *Genes. 33. Nosti quod parvulos habeam teneros, et oves, et boves faetas mecum: quas si plus in ambulando fecero laborare, morientur una die cuncti greges.* Therefore from the more distinguished Rectors of the old testament, the chief ones were taught in the school of the Pastors.

DEBENT autem compati suis ovibus exemplo ducto Iacob Genes. 33. Nosti quod parvulos habeam teneros, et oves, et boves faetas mecum: quas si plus in ambulando fecero laborare, morientur una die cuncti greges. Ideo ex insignioribus antiqui testamenti Rectoribus, praecipui fuere in schola Pastorum edocti.

³⁵ OR, if you prefer, let them take an example from mothers and nurses, as it is said, first *Thessal. 2.* For on the contrary the Lord complains of the hard ones, *Ezech. 34. Quod infirmum fuit, non consolidastis, et quod aegrotum, non sanastis, et quod confractum, non alligastis, et quod, perierat, non quaesivistis.*

Therefore D. Bernard says, serm. 23. in Cant. *Ut quid gravatis iugum vestrum, cum cernitis Discipulorum, quorum vos potius iugum portare debetis? Ponite onera, producite ubera, pectora lactate, quiescant: Et si interim severitate opus sit, paterna sit, non tyrannica, iuxta illud numer. 11. Porta eos in sinu tuo, sicut portat mulier infantulum suum, et defer in terram pro qua iurasti, etc.*

AUT si mavis, a matribus, et nutricibus exemplum sumant, ut dicitur prima Thessal. 2. e contra enim de duris conqueritur Dominus, Ezech. 34. Quod infirmum fuit, non consolidastis, et quod aegrotum, non sanastis, et quod confractum, non alligastis, et quod, perierat, non quaesivistis. Ideo ait D. Bernardus, serm. 23. in Cant. Ut quid gravatis iugum vestrum, cum cernitis Discipulorum, quorum vos potius iugum portare debetis? Ponite onera, producite ubera, pectora lactate, quiescant: Et si interim severitate opus sit, paterna sit, non tyrannica, iuxta illud numer. 11. Porta eos in sinu tuo, sicut portat mulier infantulum suum, et defer in terram pro qua iurasti, etc.

³⁶ The THIRD wing of the Ecclesiastical Seraph is patience, and constant longsuffering: and this is certainly necessary for many reasons that press in. Under the shade and roof of this tabernacle the interior parts were clean, and it received the dusts, rains, and hailstones. So the Hen exposes herself to the Kite for her chicks.

TERTIA Ala Ecclesiastici Seraph est patientia, et constans longanimitas: et haec sane multas ob ingruentes causas, est necessaria. In huius umbram tectum tabernaculi, et interiora erant munda, et pulveres, imbres, ac grandines excipiebat. Sic Gallina pro pullis se miluo obiicit.

³⁷ FIRST of all, patience is necessary for the Bishop on account of the manifold labors, cares, and occupations, not only in spiritual things but also in temporal ones; for often he is bound to provide temporal things also for his subjects, as Paul narrates of himself and of the other Apostles, Galat. 2. So also the Lord, the crowds whom he had nourished with his word, he also fed with bread, Marci 6.

PRIMO quidem necessaria est Episcopo patientia ob multiplices labores, curas, et occupationes, non modo in spiritualibus, sed etiam in temporalibus, saepe enim etiam temporalia subditis providere tenetur, sicut de se, et de aliis Apostolis narrat Paulus Galat. 2. Ita et Dominus turbas, quas verbo nutrierat, pane etiam pavit Marci 6.

³⁸ VARIOUS OCCUPATIONS also, as much from domestic cares as from external matters, break a man, as Moses confessed of himself, Deuter. 1.

OCCUPATIONES etiam variae, tam ex domesticis curis, quam extraneis hominem frangunt, sicuti de se Moyses fatebatur Deuter. 1.

³⁹ NEXT, patience is necessary for the slow progress of those for whom he labors, and for their ingratitude, for whom he expends his sweats, undermines his health, and consumes his life.

DEINDE necessaria est patientia pro tardo profectu illorum, pro quibus fatigatur, et pro ingratitude eorum, pro quibus sudores expendit, valetudinem collimat, vitamque consumit.

⁴⁰ IN these things he is bound to conduct himself thus. First, that he reply to each one modestly and kindly, lest he show impatience in words or gestures. Thus Gedeon, replying modestly to the men of Ephraim wrangling against him, checked the spirit with which they were swollen, Iudicum 8. For, as the Wise man testifies, Prov. 15. *Responsio mollis frangit iram, sermo durus suscitatur furorem.* For hardly is agitation settled by agitation. For the impatience of a Prelate confounds those good things which he ought to have promoted. In these ways he scandalizes others, according to that, Prov. 14. *Qui impatiens est, exaltat stultitiam suam.* He renders him contemptible, Prov. 12. *Qui vanus, et excors est,*

patebit contemptui. He makes him hated, Eccl. 9. *Terribilis est in civitate sua homo linguosus, verbo suo odibilis erit.* He provokes others to anger, Prov. 15. *Vir iracundus provocat rixas: Qui autem patiens est, mitigat suscitatas.* His subjects do not dare to open to him their necessities, according to that, Iob 4. *Si coeperimus loqui tibi, forsitan moleste accipies:* He fills the house with murmuring. Prov. 11. *Qui conturbat domum suam, possidebit ventos.* He puts to flight the tender of mind, and makes the faint-hearted. Prov. 18. *Spiritum ad irascendum facilem, quis poterit sustinere? Nemo audet eum admonere de hiis, quae forent emendanda.*

IN his ita se gerere tenetur. Primo ut modeste singulis, et benigne respondeat, ne verbis, aut gestibus impatientiam ostendat. Sic Gedeon viris Ephraim contra se iurgantibus modeste respondens compescuit spiritum, quo tumeabant Iudicum 8. Nam teste Sapiente Prov. 15. Responsio mollis frangit iram, sermo durus suscitatur furorem. Vix enim commotio commotione sedatur. Impatientia enim Praelati confundit ea, quae promovere debuit bona. His modis alios scandalizat, iuxta illud Prov. 14. Qui impatiens est, exaltat stultitiam suam. Reddit eum contemptum, Prov. 12. Qui vanus, et excors est, patebit contemptui. Facit eum exosum, Eccl. 9. Terribilis est in civitate sua homo linguosus, verbo suo odibilis erit. Provocat alios ad iram, Prov. 15. Vir iracundus provocat rixas: Qui autem patiens est, mitigat suscitatas. Non audent ei subditi suas necessitates aperire, iuxta id Iob 4. Si coeperimus loqui tibi, forsitan moleste accipies: Replet domum murmure. Prov. 11. Qui conturbat domum suam, possidebit ventos. Teneros mente fugat, et pusillanimes facit. Prov. 18. Spiritum ad irascendum facilem, quis poterit sustinere? Nemo audet eum admonere de hiis, quae forent emendanda.

⁴¹ **SECONDLY** he must be peaceable, lest he avenge injuries, after the example of the supreme Pastor, Lucae 6. *eritis filii Altissimi, quia ipse benignus est super ingratos, et malos.* Hence the holy Doctor says that many Bishops and Prelates were sanctified; because thus they arrived at the summit of the virtues. Therefore Paul says, first Timot. 3. *Qui Episcopatum desiderat, bonum opus desiderat, etc.*

SECUNDO debet esse pacificus, ne inimicitias ulciscatur exemplo summi Pastoris, Lucae 6. eritis filii Altissimi, quia ipse benignus est super ingratos, et malos. Hinc ait S. Doctor, multos Episcopos, et Praelatos fuisse sanctificatos; quia sic ad virtutum culmen pervenere. Ideo ait Paulus prima Timot. 3. Qui Episcopatum desiderat, bonum opus desiderat, etc.

⁴² **THIRDLY** let him be patient, and diligent in carrying out what is of his office; Therefore it is said, second Paral. 15. *Vos ergo confortamini, et non dissolvantur manus vestrae, erit enim merces operi vestro.* See the holy Doctor, discoursing most excellently.

TERTIO sit patiens, et studiosus ad exequenda, quae sui sunt muneris; Ideo dicitur secundo Paral. 15. Vos ergo confortamini, et non dissolvantur manus vestrae, erit enim merces operi vestro. Vide S. Doctorem, praeclare disserentem.

⁴³ The **FOURTH** wing is, that he be exemplary in life; for he must 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 paints on the tablet the demonstrations of figures, that what he says may be better grasped; for it is said, Act. primo. *Iesus coepit facere, et docere.* And Ioan. 13. *exemplum dedi vobis, ut quemadmodum ego feci vobis, ita et vos faciatis.* And Iudit. 3. Gedeon: *Quod me facere videritis, hoc facite.* So ad Titum 2. *In omnibus te ipsum praebe exemplum bonorum operum.* See the holy Doctor, setting forth wonderful things.

QUARTA Ala est, ut sit exemplaris in vita; debet enim esse norma vivendi, ut quae docet verbis, ostendat actionum figuris, sicut qui docet Geometriam, pingit in tabulo figurarum demonstrationes, ut quod dicit, melius capiatur; dicitur enim, Act. primo. Iesus coepit facere, et docere. Et Ioan. 13. exemplum dedi vobis, ut quemadmodum ego

feci vobis, ita et vos faciatis. *Et Iudit.* 3. *Gedeon:* Quod me facere videritis, hoc facite. *Sic ad Titum* 2. In omnibus te ipsum praebe exemplum bonorum operum. *Vide S. Doctorem, mira promentem.*

⁴⁴ The FIFTH wing of this Ecclesiastical Seraph is discretion, and provident consideration of the things to be done. This is the wisdom that Solomon asked for governance, 3. Reg. 3. *Dabis ergo Domine servo tuo cor docile, ut iudicare possit populum, etc.* And *Sapient.* 6. *Ad vos ergo Reges sunt hi sermones mei, ut discatis sapientiam, et non excidatis.* And *Psal.* 2. *et nunc Reges intelligite, erudimini, qui iudicatis terram.* And *Matt.* 5. *Vos estis lux mundi.*

QUINTA Ala huius Ecclesiastici Seraph. est discretio, et provida faciendorum consideratio. Haec est sapientia, quam petiit Salomon ad regimen, 3. Reg. 3. Dabis ergo Domine servo tuo cor docile, ut iudicare possit populum, etc. Et Sapient. 6. Ad vos ergo Reges sunt hi sermones mei, ut discatis sapientiam, et non excidatis. Et Psal. 2. et nunc Reges intelligite, erudimini, qui iudicatis terram. Et Matt. 5. Vos estis lux mundi.

⁴⁵ THEREFORE a DOUBLE circumspection is necessary for a bishop: that he may know what is to be done, and how. For neither is a good simply good, unless it be well done, that is, as is fitting; hence Bernard says, *serm.* 49. in *Cant. Tolle discretionem, et virtus vitium erit, ipsa ipsa zelus praecipitat, teste Apostolo: AEmulationem Dei habent, sed non secundum scientiam, Rom. 10. item compassio condescendit nimis sub specie pietatis. Proverb. 13. Qui parcit virgae, odit filium.* Patience without discretion renders one remiss in governing. Therefore *Levit. 2. In omni sacrificio offeres sal. et Rom. 12. rationabile obsequium et Genes. 4. Si recte offeras, recte autem non dividas, peccasti, iuxta LXX.* That is, doing good neatly does not suffice, unless one appears discreet, how, when, where, and why it was to be done.

DUPLEX ergo circumspectio est episcopo necessaria, ut sciat quid agendum sit, et qualiter. Nam nec bonum simpliciter bonum est, nisi bene fiat, idest, sicut decet, unde ait Bernardus serm. 49. in Cant. Tolle discretionem, et virtus vitium erit, ipsa ipsa zelus praecipitat, teste Apostolo: AEmulationem Dei habent, sed non secundum scientiam, Rom. 10. item compassio condescendit nimis sub specie pietatis. Proverb. 13. Qui parcit virgae, odit filium. Patientia sine discretionem reddit in regendo remissum. Ideo Levit. 2. In omni sacrificio offeres sal. et Rom. 12. rationabile obsequium et Genes. 4. Si recte offeras, recte autem non dividas, peccasti, iuxta LXX. Hoc est, bona facere non sufficit, nisi discrete, qualiter, quando, ubi, et quare agendum fuerit, videatur.

⁴⁶ But there are FOUR things especially in which the discretion of Bishops ought to shine. Therefore *Exod. 28.* the Pontiff wore on his breast the Rationale, adorned with four orders of gems, so that each order contained three gems.

QUATVOR autem sunt praecipue in quibus Episcopi discretio debet lucere. Ideo Exod. 28. Pontifex gerebat in pectore Rationale, ornatum quatuor ordinibus gemmarum, ut quilibet ordo tres gemmas contineret.

⁴⁷ But FOUR things pertaining to governance he must turn over in his breast. First, how he may govern his subjects in their due state, so that their good may prosper and persist.

QUATVOR autem ad regimen spectantia debet in pectore versare. Primum, quomodo in statu debito subditos gubernet, ut boni sui proficiant, et persistent.

⁴⁸ Second, how he may correct the fallen and the wayward. Third, the external affairs that are required of him, you must arrange fittingly. Fourth, how he is to conduct himself in these. See the holy Doctor, fitting three gems to each.

Secundum, quomodo lapsos, et devios corrigat. Tertium, exteriora negotia, quae requiruntur ab eo, congrue disponas. Quarto, in his se getar. Vide Sanctum Doctorem, singulis ternas gemmas aptantem.

⁴⁹ The SIXTH wing of Prelates is devotion. This *unction of the Spirit teaches all things*, 2. Ioan. 2. See all these things most excellently arranged in the holy Doctor; for I am weary to transcribe them literally; there indeed he exhibits the Hierarch of the Church as a Seraph to be contemplated, with breathing lineaments. See also the conditions of Bishops in quaest. 1. above, from the Fathers.

SEXTA Praelatorum Ala est devotio. Haec unctio Spiritus docet omnia, 2. Ioan. 2. Vide haec omnia in S. Doctore praeclarissime digesta; piget enim ad litteram transcribere; ibi sane Ecclesiae Hierarcham seraphinum spirantibus lineamentis exhibet contemplandum. Vide etiam quaest. 1. supra ex patribus, conditiones Episcoporum.

⁵⁰ SIMILARLY in part. 2. Eccl. Hierar. c. 1. he assimilates the Bishops to the Dominations. For the Dominations are called Angels of the first order of the middle Hierarchy, because, dominating over the inferior Angels, they instruct and inform them how in the office of Prelacy they ought to call their subjects back to the divine likeness, and, tyranny being set aside, order the deeds of their subjects liberally, as D. Isidore teaches, lib. 7. Ethymol. c. 5.; nearly the same has S. Dionysius in de caelesti Hierarchia, c. 3.

SIMILITER part. 2. Eccl. Hierar. c. 1. Dominationibus Episcopos assimilat. Dominationes enim dicuntur Angeli primi ordinis mediae Hierarchiae, quia inferioribus Angelis dominantes, eos instruunt, et informant, qualiter in Praelationis officio debeant subditos ad deificam similitudinem revocare, et fine tyrannide subditorum facta liberaliter ordinare, ut docet D. Isidorus lib. 7. Ethymol. c. 5. eadem fere habet S. Dionysius de caelesti Hierarchia, c. 3.

⁵¹ Bishops and Prelates are THEREFORE called spiritual, because true dominion is when vices are overcome, and virtuous works dominate in the kingdom of the soul, that is, of the Church. See the holy Doctor applying most excellently the state of the celestial Dominations to the governance of Bishops.

DICUNTUR ergo Episcopi, et Praelati spirituales, quia verum dominium est, quando superantur vitia, atque virtuosa opera in regno animae, sive Ecclesiae dominantur. Vide S. Doctorem eximie applicantem regimini Episcoporum statum Dominationum caelestium.

Question III: Whether it is lawful to seek or to refuse the episcopate

¹ IT MUST BE NOTED that there are three kinds of those who seek a Bishopric: some are unworthy; others are worthy, but seek it perversely out of avarice or ambition. Others are worthy, and seek it for right reasons of faith, as the holy Doctor teaches, lib. 1. Pharetrae, cap. 19, from the Fathers.

An liceat Episcopatum expetere, vel refutare.

NOTANDUM est tria esse genera appetentium Episcopatum: aliqui enim indigni sunt: alii digni, sed perverse appetunt ob avaritiam, vel ambitionem. Alii digni, et ob fidem rectum appetunt, ut docet S. Doctor lib. 1. Pharetrae, cap. 19. ex Patribus.

² I ASSERT first: that it is a mortal sin for an unworthy man to seek a Bishopric.

ASSERO primo: indignum apperere Episcopatum, est mortiferum peccatum.

³ IT IS PROVED because it is against Justice, nor can he receive the revenues; it is also against charity, for he harms the sheep. So Laym., tract. 2. lib. 4. cap. 15. num. 10; Valencia tom. 3. disp. 10. quaest. 3. puncto 1; Navarr. de orat. miscel. 42; Diana part. 4. tract. 4. res. 100; Bassaeus verb. Episcopus.

PROBATUR quia est contra Iustitiam, nec potest redditus accipere; est etiam contra charitatem, nam obest ovibus. Ita Laym. tract. 2. lib. 4. cap. 15. num. 10. Valentia tom. 3. disp. 10. quaest. 3. puncto 1. Navarr. de orat. miscel. 42. Diana part. 4. tract. 4. res. 100. Bassaeus verb. Episcopus.

⁴ I ASSERT secondly, that to seek a Bishopric out of ambition or avarice is perverse and mortal.

ASSERO secundo, appetere Episcopatum ob ambitionem, vel avaritiam, esse perversum, et mortale.

⁵ IT IS PROVED by D. Bonaventure, loc. cit. Pharetrae: for it is to order the Bishopric perversely to lower goods; hence D. Augustine, ad Oros. quaest. 65, says that such a man is not a bishop. Likewise he has lib. 19. de civitate cap. 19, which D. Jerome subscribed in Sophoniae cap. 3, where he cries out that such a man will quickly fall, as he related in quaest. 1. This is asserted also by Caiet. here, Sotus de Iustitia lib. 10. quaest. 2. art. 1, Tanner. disp. 6. quaest. 3. dub. 3, and Bassaeus.

PROBATUR a D. Bonaven. loc. cit. Pharetrae: est enim ordinare perverse Episcopatum ad bona inferiora, ideo D. August. ad Oros. quaest. 65. ait, hunc non esse Episcopum. Item habet lib. 19. de civitate cap. 19. subscrbit D. Hieronymus in Sophoniae cap. 3. ubi hunc cito corruturum clamat, ut retulit quaest. 1. Id asserunt etiam Caiet. hic, Sotus de Iustitia lib. 10. quaest. 2. art. 1. Tanner. disp. 6. quaest. 3. dub. 3. et Bassaeus.

⁶ IT IS CONFIRMED by D. Bonaventure from 1. Timot. 3, where he says: *if anyone desire a Bishopric, he desireth a good work*. Where the episcopal work is to be desired, if a Bishopric is desired, namely laboring for the glory of God and watching over the salvation of subjects; otherwise it would be perverse, and against the institution, he admonishes with the holy Fathers: Jerome loc. cit., Chrysostom homil. 35. in Matth., Augustine 19. de civitate, cap. 19, Gregory in the Pastoral, part. 1. cap. 8, whom Tannerus also relates.

CONFIRMATUR a D. Bonaven. ex 1. Timot. 3. ubi ait: si quis Episcopatum desiderat, bonum opus desiderat. Ubi opus Episcopale desiderandum, si desideratur Episcopatus, nempe laborandi ad Dei gloriam, et invigilandi saluti subditorum; alioqui fore perversum, et contra institutionem admonet cum SS. Patribus. Hieronymo loc. cit. Chrysostomo homil. 35. in Matth. August. 19. de civitate, cap. 19. Gregorio in Pastoralis, part. 1. cap. 8. quos refert etiam Tannerus.

⁷ I ASSERT thirdly, that it is lawful to seek a Bishopric in order to serve God and the Church.

ASSERO tertio, licitum esse Episcopatum appetere ad Deo serviendum, et Ecclesiae.

⁸ IT IS PROVED by D. Bonaventure, de sex alis Seraphim, cap. 5, from the passage of the Apostle cited above. Hence he observes that very many have in the Episcopate reached the summit of sanctity and have been canonized; but he notes that this was true in that laborious time of the Church's need, from D. Gregory in the prologue of the Pastoral, whom St. Bonaventure relates in the Pharetra, in the place cited.

PROBATUR a D. Bonaven. de sex alis Seraphim, cap. 5 ex allato. loco Apostoli. Hinc plurimos in Episcopatu ad culmen sanctitatis pervenisse, et canonizatos observat; sed aduertit, id verum extitisse eo tempore Ecclesiae laborioso in necessitate, ex D. Gregorio in prologo Pastoralis, quem S. Bonaven. refert in Pharetra, loco citando.

⁹ INDEED in the Pharetra, loc. cit., he says with D. Thomas, art. 1, that it is dangerous. Valencia adds, punct. 2. concl. 2, that commonly this appetite is mortal, because he casts himself into peril of his salvation. And truly the one seeking it makes himself unworthy, says D. Clement, epist. 1, from

the sentence of D. Peter, where he says: *This chair does not seek one who desires himself, and boldly seeks it, but one adorned in morals and erudite in words.*

ENIM vero in Pharetra, loc. cit. periculosum ait cum D. Thoma art. 1. Addit Valentia punct. 2. concl. 2. communiter hunc appetitum esse mortiferum, quia periculo se salutis abiicit. Et sane appetentem, se reddere indignum, ait D. Clem. epist. 1. ex sententia D. Petri, ubi ait: Haec cathedra cupientem se, et audacter expetentem non requirit, sed moribus ornatum, et verbis eruditum.

¹⁰ I ASSERT fourthly, that it is not necessary for him who recognizes that he is to be assumed to judge himself certainly worthy, but it is enough not to have a conscience of an evil condition. So D. Thomas, art. 3.

ASSERO quarto, non esse necesse, ut qui se assumendum agnoscit, aestimet se certo dignum, sed satis est, non habere conscientiam malae conditionis. Ita D. Thomas art. 3.

¹¹ IT IS PROVED from Tannerus num. 57, arguing from St. Bonaventure, lib. 4. Pharetrae, cap. 35, taken from D. Bernard, serm. 76. in Cant., where he says: *Not in vain has it been so often repeated: Peter, lovest thou me, in the commission of the sheep; I indeed think that this was signified thereby, as if Jesus had said to him, unless thy conscience bears thee witness that thou lovest me, and lovest me most perfectly, that is, more than thine own, more than thy friends, and even more than thyself, so that the number of my repetitions be fulfilled, thou shalt in no wise undertake this care, nor intermeddle with my sheep, for whom surely my blood was poured out.*

PROBATUR a Tannero num. 57. arg. S. Bonaven. lib. 4. Pharetrae, cap. 35. sumpto ex D. Bernardo serm. 76. in Cant. ubi ait: Non otiose toties repetitum est: Petre Amas me, in commissione ovium, ego quidem id significatum proinde puto, ac si dixisset illi Iesus, nisi testimonium tibi perhibente conscientia, quod me ames, et valde perfecte ames, hoc est plusquam tua, plusquam tuos, plus etiam quam te, ut huius repetitionis mea numerus impleatur, nequaquam suscipies curam hanc, ne intromittas de ovibus meis, pro quibus utique meus effusus est sanguis.

¹² Therefore if he does not have a conscience that he would set aside all things for the service of God and neighbor, even if he does not see that he has all the conditions, he may accept it.

Igitur si non habeat conscientiam, se postpositurum omnia Dei, et proximi servitio, etiamsi non videat, se habere conditiones omnes, potest acceptare.

¹³ The same the holy Doctor maintains, citing D. Gregory in the Pastoral, parte 1. cap. 9, who says: *Let him who is strong in virtues come compelled to the government; let him who is empty of virtues, not compelled, not approach.*

Id ipsum praetendit S. Doctor afferens D. Gregorium in Pastoralis, parte 1. cap. 9. dicentem: Virtutibus pollens coactus ad regimen veniat; virtutibus vacuus, nec coactus accedat.

¹⁴ AND in the Prooem. of the Pastoral: *When the necessity of things demands it, great thought must be given to how each one comes to the summit of government: and how, duly arriving at this, he lives: and living well, how he teaches: and teaching rightly, with what daily consideration he recognizes his own infirmity: lest either humility flee the access, or life contradict perfection, or doctrine desert life, or presumption exalt doctrine.*

ET in Prooem. Pastoralis: Cum rerum necessitas exposcit, pensandum valde est, ad calmen quisquis regiminis qualiter veniat: atque ad hoc rite perveniens, qualiter vivat: et bene vivens, qualiter doceat: et recte docens, infirmitatem suam quotidie quanta consideratione cognoscat: ne aut humilitas accessum fugiat, aut perfectioni vita contradicat, aut vitam doctrina destituat, aut doctrinam praesumptio extol-lat.

¹⁵ THE SAME, homil. 22. in Evang.: *They ought to take up the pastoral care who know in their own heart how to tame luxuries that pass away: so that when they preach mighty things to others, they themselves may not weakly succumb to soft desires.*

IDEM homil. 22. in Evang. Illi debent curam pastorem suscipere, qui in suo corde sciunt fluxa luxuria domare: ut cum aliis fortia praedicant, ipsi desideriiis mollioribus enerviter non succumbant.

¹⁶ HENCE I add fifthly, that it is not lawful for him who is worthily elected to refuse the Bishopric. So St. Bonaventure in the places cited with the Fathers, D. Thomas art. 2, Sanch. lib. 4. mor. cap. 8. num. 38, Bassaeus num. 4.

HINC affero quinto, non licere ei, qui dignus eligitur, Episcopatum recusare. Ita S. Bonaven. locis adductis cum patribus, D. Thomas art. 2. Sanch. lib. 4. mor. cap. 8. num. 38. Bassaeus num. 4.

¹⁷ FOR thereby, Can. 37. Apost., he is excommunicated who refuses a Bishopric enjoined upon him, as D. Bonaventure intimates in the 4th, in the place cited. It is evident also from the council of Antioch cap. 10, and from the sentence of D. Peter in Clement, epist. 1, saying that he sins more gravely who, in the necessity of the Church, on account of private peril, rejects a Bishopric, than he who would not bring aid to a Christian people laboring amid the waves, when he could. Therefore the latter would act against charity.

IDEO enim Can. 37. Apost. excommunicatur is, qui Episcopatum iniunctum recusat, ut innuit D. Bonaven. in 4. loco citando. Patet etiam ex concilio Antiocheno cap. 10. et ex sententia D. Petri apud Clementem epist. 1. dicentis, gravius peccare eum, qui in necessitate Ecclesiae propter privatum periculum, Episcopatum reiicit, quam qui populo Christiano in mediis fluctibus laboranti opem non ferret, cum posset. Itaque is ageret contra charitatem.

¹⁸ HERE, however, they ask, who is the one who has the power to oblige one to accept a Bishopric: I say it is the Pope. See Diana, part. 6. tract. 8. resol. 33.

QUAERUNT autem hic, qui sit elector, potens obligare ad suscipiendum Episcopatum: Dico esse Papam. Vide Dianam part. 6. tract. 8. resol. 33.

¹⁹ IN the creation of a Bishop three things intervene: Election, confirmation, and consecration. c. inter. c. licet extra de translat. Episcopi, et extra de elec. c. cum in cunctis.

IN creatione Episcopi tria interveniunt; Electio, confirmatio, et consecratio. c. inter. c. licet extra de translat. Episcopi. et extra de elec. c. cum in cunctis.

²⁰ BEFORE Confirmation he cannot by common law exercise any acts, C. qualiter, extra de elec. But he can by dispensation, C. nihil est. The one confirmed, however, can exercise all acts of Jurisdiction, but not of Order, until he is consecrated. See Valencia, quaest. 3. puncto 3.

ANTE Confirmationem non potest iure communi exercere aliquos actus C. qualiter, extra de elec. Potest vero ex dispensatione, C. nihil est. Confirmatus autem potest exercere omnes actus Iurisdictionis, non tamen Ordinis, donec consecratur. Vide Valentiam quaest. 3. puncto. 3.

²¹ THEREFORE the election and confirmation of Bishops belongs to the Roman Pontiff, as St. Bonaventure teaches, serm. 22. Hexaemer., and in 4. d. 29. quaest. 3. ad 3, where he also says it must be supposed that a just precept is given by the Pope; yet if the elected one knows that he exposes himself to peril of soul on account of his insufficiency, he teaches that he is not bound to obey. The

same holds Soto, lib. 10. de iust. quaest. 3. art. 2. But Valencia denies it, indeed says he is bound, citing the dictum of B. Peter above; but he speaks of peril of life, not of soul, as is evident.

IGITUR ad Romanum Pontificem spectat electio, et confirmatio Episcoporum, ut docet S. Bonaven. serm. 22. Hexaemer. et in 4. d. 29. quaest. 3. ad 3. ubi etiam ait supponendum, cum Papa esse iustum praeceptum; si tamen electus sciat, se periculo animae exponi ob suam insufficientiam, docet non teneri eum obedire. Idem tenet Soto lib. 10. de iust. quaest. 3. art. 2. Sed Valentia negat, imo ait eum teneri, allegans dictum B. Petri supra; sed loquitur de periculo vitae, non animae, ut patet.

²² That these things belong to the Roman Pontiff is established from the perpetual tradition of the Church: thus Anacletus Pope, epist. 2. ad Episcopos Italiae, related at 75. cap. 1; Innoc. I. epist. 1. ad Decentium; Pelagius epist. 2; Leo epist. 84, or 82; Gregor. lib. 4. regist. epist. 34; Concil. Later. cap. 5; Concil. Tolet. XII. cap. 6. See Valencia loc. cit.

Ad Pontificem autem Romanum haec spectare constat ex perpetua Ecclesiae traditione, sic Anacletus Papa epist. 2. ad Episcopos Italiae, relatus 75. cap. 1. Innoc. I. epist. 1. ad Decentium, Pelagius epist. 2. Leo epist. 84. vel 82. Gregor. lib. 4. regist. epist. 34. Concil. Later. cap. 5. Concil. Tolet. XII. cap. 6. Vide Valentiam loc. cit.

²³ Thus, Can. 31. Apost., he is excommunicated who has been created a Bishop by secular power; and in the Eighth Synod, Can. 22, Princes are excommunicated who constitute Bishops by their own authority. See Valencia on these.

Sic Can. 31. Apost. excommunicatur, qui fuerit potestate saeculari creatus Episcopus; et in Octava Synod. Can. 22. excommunicantur Principes, sua auctoritate Episcopos constituentes. Vide de his Valentiam.

²⁴ Note, however, that the Roman Pontiff cannot elect for himself a successor, as the Gloss notes on cap. Apostolica, 8. quaest. 1; yet he can establish the mode of electing the Roman Pontiff, as Symmachus defined in the first Roman Synod, celebrated under him, which is related at 79. dist. cap. si quis Papa, cap. si transitus. Hence Nicholas I. decreed that this election is to be made from the concordant vote of the Cardinals, as is had in dist. 23. cap. in nomine Domini, and dist. 79. cap. si quis Apostolicae. But afterwards Alexander III. in his Lateran Council, cap. 1, decreed that two parts of the Cardinals suffice. It is related in extra de elect. cap. licet; and this is observed even to these times, as is evident from cap. ubi periculum, de elect. in 6.

Nota tamen, Romanum Pontificem non posse sibi eligere successorem, ut notat Glossa cap. Apostolica, 8. quaest. 1. potest tamen ille statuere modum eligendi Romanum Pontificem, ut definivit Simmachus in prima Synodo Romana, sub ipso celebrata, et refertur 79. dist. cap. si quis Papa, cap. si transitus. Unde Nicolaus I. statuit electionem hanc faciendam ex concordi sententia Cardinalium, ut habetur dist. 23. cap. in nomine Domini, et dist. 79. cap. si quis Apostolicae. Sed postea Alexander III. in Concilio Later. suo cap. 1. decrevit, ut sufficient duae partes Cardinalium. Refertur extra de elect. cap. licet; et hoc usque ad haec tempora servatur, ut patet cap. ubi periculum, de elect. in 6.

²⁵ Yet Peter could do this by the singular nod of God. See Turrecremm., lib. 2. summae Ecclesiae, cap. 51.

Potuit tamen id facere Petrus ex singulari Dei nutu. Vide Turrecremm. lib. 2. summae Ecclesiae, cap. 51.

²⁶ Therefore the Pope alone can oblige anyone to accept a Bishopric; not indeed Prelates.

Igitur solus Papa potest obligare aliquem ad suscipiendum Episcopatum; non vero Praelati.

²⁷ I assert sixthly, that for a grave cause one can renounce a Bishopric. So D. Thomas art. 4, D. Bonaventure loc. cit. above in 4. The reason is, because an impediment may be present, rendering him insufficient, such as ignorance, sin, infirmity, etc.

Assero sexto, ex gravi causa posse aliquem Episcopatu renunciare. Ita D. Thomas art. 4. D. Bonaven. loc. cit. supra in 4. Ratio est, quia potest adesse impedimentum, reddens insufficientem, ut ignorantia, peccatum, infirmitas, etc.

²⁸ This, however, cannot be done without the authority of the supreme Pontiff, from Innocent III., cap. nisi cum pridem, extra de renunc., and many decrees 7. quaest. 1.

Hoc tamen non potest fieri absque autoritate summi Pontificis ex Innocentio III. cap. nisi cum pridem, extra de renunc. et multis decretis 7. quaest. 1.

²⁹ I assert seventhly, that outside of such a cause, since he is necessary to the people, the one renouncing sins.

Assero septimo, extra causam, cum sit necessarius populo, renunciens peccat.

³⁰ The reason is, because he prefers his own good to a grave public good. Therefore a Vow in religion would be null, since it concerns a lesser good.

Ratio est, quia bonum proprium praeponit bono gravi publico. Itaque Votum in religione esset nullum, cum sit de minori bono.

³¹ I assert eighthly, that in many cases one sins by not renouncing.

Assero octavo, in multis casibus peccare non renunciando.

³² Six causes, moreover, for which one is held to renounce a Bishopric are enumerated by Innocent III. loc. cit. The first is a sin impeding the execution of the episcopal office, even after penance has been performed. The second, weakness of body, impeding the execution of the pastoral office. Third, a lack of knowledge. Fourth, such malice of the people that there is no hope of profiting for that Bishop. Fifth, the scandal of the little ones, when from some probable cause they are so offended with the Bishop that he profits nothing among the people: Sixth is bigamy, or another irregularity. These D. Bonaventure also relates here and there.

Sex autem causae propter quas tenetur quis renunciare Episcopatu, numerantur ab Innocentio III. loc. cit. Prima est peccatum, impediens executionem officii Episcopalis, etiam post actam poenitentiam. Secunda debilitas corporis, impediens officii Pastoralis executionem. Tertia, defectus scientiae. Quarta, malitia tanta populi ut non sit spes illi Episcopo proficiendi. Quinta, scandalum pusillorum, quando ex aliquo probabili causa ita sunt Episcopo offensi, ut nihil apud populum ille proficiat: Sexta est bigamia, vel alia irregularitas. Eas sparsim refert etiam D. Bonaventura.

³³ The holy Doctor concludes on cap. 2. regulae min. that he who desires a Bishopric in order to decline the rigor of Religion shall sit with Lucifer on the sides of the North.

Concludit S. Doctor ad cap. 2. regulae min. illum, qui Episcopatum optaret ad Religionis rigorem declinandum, sessurum cum lucifero in lateribus Aquilonis.

Question IV: Whether residence is necessary for bishops, and by what law

¹ It is certain that residence in their own churches is necessary for Bishops.

Certum est, residentiam in Ecclesiis propriis esse Episcopis necessariam.

² It is had in multis decretis 7. quaest. 1. cap. pervenit, from Gregory in Regist. lib. 5. epist. 25; cap. suggestum, from Liberius epist. 1; cap. sciscitaris, from Nicholas ad Numfridium, and from the Council of Trent, sess. 23. cap. 1. de reformatione.

Habetur in multis decretis 7. quaest. 1. cap. pervenit, ex Gregorio in Regist. lib. 5. epist. 25. cap. suggestum, ex Liberio epist. 1. cap. sciscitaris, ex Nicolao ad Numfridium, et ex Concilio Trident. sess. 23. cap. 1. de reformatione.

³ Yet an absence for a brief time is not condemned, as the Council of Trent explains; and it also declares that they can be absent for grave causes, even for a long time. Four are enumerated: first, Christian charity, if one should aid another diocese gravely needy at little inconvenience to his own. Second, pressing necessity on account of persecution or illness; thus Julius P. also declares to the Eastern Bishops, and Pelagius II. epist. ad Benignum, and the holy Doctor proves it on cap. 10. Ioannis, with those words of Christ: *If they have persecuted you in one city, flee, etc.*, with D. Augustine tract. 46. Third, due obedience to the Pontiff calling him to himself. Fourth, the utilities of the Church, such as studies and other necessities.

Absentia tamen ad leve tempus non damnatur, ut explicat Concil. Trident. quod etiam declarat, posse ob graves causas abesse, etiam diu. Numerantur autem quatuor: prima, Christiana charitas, si alteri dioecesi graviter egenti succurret, parvo suae incomodo. Secunda, vigens necessitas ob persecutionem, vel morbum; sic declarat etiam Iulius P. ad Orientales Episcopos, et Pelagius II. epist. ad Benignum, et probat S. Doctor ad cap. 10. Ioannis, illis verbis Christi: Si vos persecuti fuerint in una civitate, fugite, etc. cum D. Augustino tract. 46. Tertia, debita obedientia Pontifici vocanti ad se. Quarta, Ecclesiae utilitates, ut studia, et caetera necessaria.

⁴ The question, however, is: whether they are bound to reside by divine law.

Quaestio autem est: an teneantur residere iure divino.

⁵ The first opinion is Catharinus', tract. de residentia, holding that they are bound by ecclesiastical law alone.

Prima opinio est Catharini tract. de residentia, tuentis eos iure solo Ecclesiastico teneri.

⁶ Yet the true opinion is that Bishops are bound by Divine law to reside. So Tutrianus tract. de residentia, Sotus lib. 10. de iust. quaest. 3, Caiet. ad art. 5, Covar. lib. 3. var. cap. 3, Gregorius de Valentia disp. 10. quaest. 3. puncto 5, who says it is the common opinion; the same says Tambur. tom. 1. disp. 14. quaest. 1, and Bassaeus 11. resid. num. 4.

Vera tamen sententia est, iure Divino teneri Episcopos residere. Ita Tutrianus tract. de residentia, Sotus lib. 10. de iust. quaest. 3. Caiet. ad art. 5. Covar. lib. 3. var. cap. 3. Gregorius de Valentia disp. 10. quaest. 3. puncto 5. qui ait esse communem sententiam, idem ait Tambur. tom. 1. disp. 14. quaest. 1. et Bassaeus 11. resid. num. 4.

⁷ It is proved by D. Bonaventure, primo on cap. 9 and 10 of Luke; for in cap. 9 he laid down the norm for the Apostles, and in them for all Bishops, for the executing of their office; for the Apostles, according to their Etymology, were sent to teach and instruct peoples, and to build them up by example: and into whatsoever house they had entered, he said: *abide there, and go not out from thence, unless cast out*: now the Apostles are the pattern of Bishops, and the seventy-two Disciples of the lower Pastors; but to all he proposed the office, as to laborers and reapers, Ioan. 4: *See the regions, for they are white already unto the harvest. I have sent you to reap*. So Matt. 10: *Pray the laborers, etc.* And to the idle he inculcates, Matth. 20: *Why stand you here all the day idle?* Indeed in the figure of this he placed man dwelling in Paradise, that he might work, Genes. 2. This he explains in Lucae 10: *The harvest indeed is*

great, but the laborers few, etc. Soon he compares them to Pastors, indeed even to Lambs: *But the good shepherd lays down his life for his sheep*, and he watches lest they be devoured by wolves: on the contrary: *the hireling sees the wolf coming, and flees*. Hence he says this is fulfilled Isaix 11: *The wolf shall dwell with the lamb*. Hence Peter 1. cap. 5: *Feed the flock which is among you*. These things indeed (the holy Doctor says) show attendance, and not any sluggish one, but a laborious one, a toilsome one, a vigilant one. Valencia uses this argument.

Probatur a D. Bonaven. primo ad cap. 9. et 10. Lucae, nam cap. 9. instituit normam pro Apostolis, et in illis pro omnibus Episcopis sui officii exequendi; Apostoli enim iuxta Ethymonem, missi sunt ad docendum, erudiendum populos, et exemplis eos aedificandum: et in quamcumque domum intrassent, ait: ibi manete, et inde ne exeatis, nisi eiectiones sunt autem Apostoli forma Episcoporum, et septuagintaduo Discipuli, inferiorum Pastorum; omnibus autem proposuit, tanquam operariis, et messoribus officium, Ioan. 4. Videte regiones, quia albae sunt iam ad messem. Ego misi vos metere. Sic Matt. 10. Voca operarios, etc. Et desidiosis inculcat, Matth. 20. Quid hic statis tota die otiosi? Idem in figura huius, hominem posuit residentem in Paradiso, ut operaretur Genes. 2. Hoc autem explicat Lucae 10. Messis quidem multa, operarii autem pauci, etc. Mox eos comparat Pastoribus, imo et Agnis: Bonus autem pastor animam suam ponit pro ovibus suis, et invigilat ne a lupis vorentur: e contra: mercenarius videt lupum venientem, et fugit. Hinc impleri ait id Isaix 11. Habitabit lupus cum agno. Hinc Petrus 1. cap. 5. Pascite, qui in vobis est, gregem. Haec profecto (ait S. Doctor) ostendunt assistentiam, nec quamcumque segnem, sed operosam, sed laboriosam, sed vigilantem. Hoc argumento utitur Valentia.

⁸ Soon he instituted them so that they enter into the cities, and there abide teaching; and if they are expelled, let them shake the dust from their sandals in testimony of their blameless flight. See the holy Doctor.

Mox instituit eos, ut intrent in civitates, et ibi maneant docentes, et si expellantur, excutiant pulverem de calceamentis in testimonium suae inculpatae fugae. Vide S. Doctorem.

⁹ IT IS CONFIRMED by the holy Doctor in the Pharetra, loc. cit. quaest. prima and 3, from the Fathers, who show that the Bishopric, the work, and the laborious attendance are signified at those words, 1. Timot. 3: *He who desires a Bishopric desires a good work*.

CONFIRMATUR a S. Doctore in Pharetra, loc. cit. quaest. prima, et 3. ex Patribus, qui Episcopatum, opus, et assistentiam laboriosam signare ostendunt ad ea verba, 1. Timot. 3. Qui Episcopatum desiderat, bonum opus desiderat.

¹⁰ IT IS PROVED secondly by D. Bonaventure, *de Eccl. Hierarchia, part. 4. cap. 2. et 3.* He shows that their presence is necessary for the things to which the Apostles and Bishops are likened. FIRST, indeed, they are compared to the heavens, *Iob 26. The spirit of the Lord adorned the heavens*, as D. Greg. expounds, *lib. 17. moral. cap. 19; Psal. 18. The heavens show forth the glory of God: and the firmament declares the work of his hands; soon: Their sound went forth into all the earth*. But where we have firmamentum, the Hebrew has: רָחִיָּא Rachia, which word is rendered in Latin *expansio*, which is understood also of the aerial heavens, as the holy Doctor notes according to the phrase of scripture, *Matth. 13. The birds of heaven came; Psal. 103. over it the birds of heaven shall dwell; Iob 12. The birds of heaven shall tell thee*. Now these heavens are present to us, thundering, snowing, raining, and sending forth dew. Therefore *Isaias 45, desiring the presence of the Apostles, cried out: Drop down dew, O ye heavens from above*.

PROBATUR secundo a D. Bonaven. de Eccl. Hierarchia, part. 4. cap. 2. et 3. Ostendit autem eorum praesentiam necessariam esse e rebus, quibus Apostoli, et Episcopi assimilantur. PRIMO enim caelis comparantur, Iob 26. Spiritus

Domini ornavit caelos, ut exponit D. Gregor. lib. 17. moral. cap. 19. Psal. 18. Caeli enarrant gloriam Dei: et opera manuum eius annuntiat firmamentum. *mox*: In omnem terram exivit sonus eorum. *Ubi autem habemus firmamentum*: Hebraeus habet: רָחִיָּא Rachia, quae vox latine vertitur expansio, quod de caelis etiam aëreis intelligitur, ut notat S. Doctor iuxta phrasim scripturae, Matth. 13. Venerunt volucres caeli, Psal. 103. super ea volucres caeli habitabunt. Iob 12. Volatilia caeli indicabunt tibi. *Iam isti caeli nobis praesentes sunt, tonantes, ningentes, pluentes, et rorem emittentes. Ideo* Isaia 45. Apostolorum praesentiam exoptans clamabat: Rorate caeli desuper.

¹¹ They are also called fiery heavens, *Thren. 1. Zachariae 22*. Now fire is present in order to warm things, for mover and moved must be together.

DICUNTUR etiam caeli ignei Thren. 1. Zachariae 22. Ignis autem praesens est, ut calefiat res, nam movens, et motum debent esse simul.

¹² Soon, however, *cap. 3.*, the holy Doctor compares Bishops to the sidereal heavens, which send down celestial influxes to us; for they distribute the Sacraments, especially MANNA. Bishops are called heavens, because they diffuse light, *Matth. 5. You are the light of the world*, with their spherical motion, by which they revolve around the center, they are ever present, bringing days, months, and years, producing germs and living things. These and other things which the holy Doctor pursues express excellently the residence and presence of Prelates necessary by Divine law, and by nature.

Mox vero cap. 3. S. Doctor comparat Episcopos caelis sydereis, qui caelestes influxus ad nos dimittunt; Sacramenta enim distribuunt, praecipue MANNA. Dicuntur Episcopi caeli, quia lucem diffundunt, Matth. 5. Vos estis lux mundi motu suo sphaerico, quo circa centrum volvuntur, semper assistunt, adducunt dies, menses, et annos, producent germina, et animalia. Haec et alia, quae S. Doctor prosequitur, egregie residentiam, et praesentiam exprimunt Praelatorum iure Divino, atque naturae necessariam.

¹³ IT IS PROVED thirdly by the holy Doctor *part. 1. Eccl. Hierar.* and in that whole work, for Bishops are as it were the Dominations, preeminent Angels, who attend upon the lower ones to be purged, illumined, and perfected; thus they are adorned with the name of Angels, *Isaiae 33; Malach. 2; Apoc. 1.*

PROBATUR tertio a S. Doctore part. 1. Eccl. Hierar. et toto illo opere, nam Episcopi sunt veluti Dominationes, Angeli praecellentes, qui inferioribus assistunt purgandis, illuminandis, et perficiendis, sic Angelorum nomine decorantur Isaiae 33. Malach. 2. Apoc. 1.

¹⁴ INDEED if Pastors are laborers, and Angels keeping watch are vine-dressers, Bishops are bound at least to attend; otherwise they will lose the name of Bishop, as the Fathers cited say, *quaest. 1. et 3.*, and St. Damasus, *epist. 4.*

PROFECTO si Pastores sunt operarii, et Angeli vigiles sunt vinitores, Episcopi tenentur ad minus assistere, alioqui nomen Episcopi amittent, ut dicunt Patres allati quaest. 1. et 3. et S. Damasus epist. 4.

¹⁵ THEREFORE Christ reproached the Pastor who deserts his flock, *Ioan. 10*. He reproaches him, *Zach. 11. O Pastor, and idolum, leaving his flock*, as the holy Doctor observes, *ad 10. Ioannis*. That this is indeed necessary is proved, that the Pastor know the face of his flock, as is said, *Prov. 27*, and the holy Doctor attends to it, *ad 10. Ioannis*.

IDEO Christus reprehendit Pastorem, qui deserit gregem suum Ioan. 10. Hunc reprehendit Zach. 11. O Pastor, et idolum, derelinquens gregem suum, ut observat S. Doctor ad 10. Ioannis. Hoc sane esse necessariam probatur, ut Pastor cognoscat vultum pecoris sui, sicuti dicitur Prov. 27. et attendit S. Doctor ad 10. Ioannis.

¹⁶ TYRRIANUS, *tract. de residentia*, cites the Canon of the Apostles, which he says he read in a most ancient codex, in which those are deprived of the communion of Christ who are absent from their flock.

TYRRIANUS *tract. de residentia citat Canonem Apostolorum, quem ait se in vetustissimo codice legisse, in quo Christi communione privantur, qui absunt a grege suo.*

¹⁷ FINALLY the Council of Trent commands this very thing, *sess. 23. cap. 1. de reform.*

TANDEM *hoc ipsum praecipit Concilium Trid. sess. 23. cap. 1. de reform.*

¹⁸ From what has been said you have also that Bishops are bound to residence by natural law, because natural law commands a rector to fulfill his function.

Ex dictis habes etiam iure naturali Episcopos residentiae teneri, quia ius naturale praecipit rectori fungi munere suo.

¹⁹ Catharinus' arguments are easily solved by Valencia, *puncto 5.*

ARGUMENTA Catharini *facile solvuntur a Valentia puncto 5.*

²⁰ He urges only this: divine law cannot be dispensed by the Pope; yet he dispenses concerning residence.

Id solum urget: ius divinum non potest a Papa dispensari; at dispensat circa residentiam.

²¹ IT IS ANSWERED, that the Pontiff does not remove the bond, but supplies other means of the Bishop's residence. Moreover, the Bishop during all the time he is absent without cause forfeits his whole revenues pro rata, from Concil. Trid. *sess. 25. cap. 1.* See Tol. *cap. 4;* Fernandez, *part. 4. cap. 7. num. 8;* Bassaeus v. *Episcop. num. 8.* Truly it is also mortal, if it be notably so: but he forfeits the fruits by that very fact without declaration, and they are applied to the fabric of the Church.

RESPONDETUR, *Pontificem non tollere vinculum, sed supplere aliis mediis residentiae Episcopi. Episcopus autem toto tempore, quo sine causa abest, perdit integros redditus pro rata, ex Concil. Trid. sess. 25. cap. 1. Vide Tol. cap. 4. Fernandez, part. 4. cap. 7. num. 8. Bassaeum v. Episcop. num. 8. Sane et mortale est, si sit notabiliter: perdit autem fructus ipso facto absque declaratione, et applicantur fabricae Ecclesiae.*

Question V: Whether the Church, and bishops, have dominion over certain temporal things

¹ THERE WERE certain heretics, whom Valencia *disp. 5. quaest. 10. punct. 2.* relates, whom Vuicleph followed; he was condemned for it in the Council of Constance, *sess. 8.*, as were those also denying that dominion over things is lawful to ecclesiastics.

An Ecclesia, et Episcopi habeant dominium rerum aliquarum temporalium.

FVERE *haeretici nonnulli, quos refert Valentia disp. 5. quaest. 10. punct. 2. quos secutus est Vuicleph. damnatus est ideo in Concil. Const. sess. 8. uti et negantes, licere Ecclesiasticis dominium rerum.*

² I ASSERT, however, as of faith, that dominion over temporal things is lawful to the Church, and to Bishops.

ASSERO *tamen de fide, Ecclesiae, et Episcopis rerum temporalium licere dominium.*

³ IT IS PROVED by D. Bonaventure, in *Apol. pauperum, responsionis tertiae cap. 2.*, from *Iosue 21*, where the priests of the old law had possessions and fields.

PROBATUR a D. Bonaven. in *Apol. pauperum, responsionis tertiae cap. 2. ex Iosue 21. ubi sacerdotes veteris legis habuerunt possessiones, et agros.*

⁴ IT IS PROVED secondly by the holy Doctor, *resp. tertiae cap. 1. ex 5. Actorum*, where Peter says to Ananias: *While it remained, did it not remain to thee, etc.*, as Chrysost. observes, *homil. 12. in Acta*, and Valencia notes, *disp. 5. quaest. 10. punct. 2.* It was declared also by the Church, as the holy Doctor teaches, *cap. 2. resp. quartae*; and it was declared in the Councils of Antioch, *cap. 24*, Agath. *cap. 48*, Carthag. *III. cap. 49*, and it is had in multis decretis, which the holy Doctor brings forward, *loc. cit.*

PROBATUR secundo a S. Doctore *resp. tertiae cap. 1. ex 5. Actorum, ubi Petrus ait Ananiae: Nonne manens tibi manebat, etc. ut observat Chrysost. homil. 12. in Acta. et notat Valentia disp. 5. quaest. 10. punct. 2. Id declaratum fuit etiam ab Ecclesia, ut docet S. Doctor cap. 2. resp. quartae, se declaratum est in Conciliis Antioch. cap. 24. Agath. cap. 48. Carthag. III. cap. 49. et habetur multis decretis, quae affert S. Doctor loc. cit.*

⁵ FIRST, *Can. si quis de clericis 12. quaest. 2.* it is had: *if any of the clerics should presume, with damnable and punishable obstinacy, either to suppress, or deny, or take away, or perhaps hand over to adversaries, the documents by which the possession of a Church is firmly held, whatsoever loss has been brought upon the Church through the absence of the documents, let him restore from his own means.*

PRIMO, *Can. si quis de clericis 12. quaest. 2. habetur: si quis de clericis documenta, quibus possessio Ecclesiae firma tenetur, aut suppressere, aut negare, auertere, aut aduersariis fortasse tradere, damnabili, et punienda obstinatione praesumpserit, quidquid pro absentia documentorum damni Ecclesiae illatum est, de propriis facultatibus reddat.*

⁶ D. GREGORY the Great, *registr. lib. 2. epist. 43.*, and it is related at *12. quaest. 2. c. Sicut*, where it is had, *as the Church ought not to lose her own things, so she ought not with the heat of rapacity to invade things belonging to others.*

D. GREGORIUS Mag. *registr. lib. 2. epist. 43. et refertur 12. quaest. 2. c. Sicut, ubi habetur, sicut Ecclesiae proprias res amittere non debet, ita eam rapacitatis ardore alienas invadere non oportet.*

⁷ IN the Council of Agath.: *If a Bishop shall have granted liberty to slaves of the Church, those things which had been given to them in the manumission they shall hold with perpetual firmness.* The Church therefore has slaves; but where there is servitude, the correlative dominion is present, as the holy Doctor infers.

IN Concilio Agath. *Si servos Ecclesiae libertate Episcopus donaverit, ea, quae in manumissione data illis fuerant, perpetua firmitate tenebunt. Habet igitur Ecclesia servos, ubi autem est servitus, adest et correlativum dominium, ut infert S. Doctor.*

⁸ MOREOVER, that distinct dominions belong to distinct Churches is proved by the holy Doctor, *16. quaest. 2. Can. Si quis*, Nicholas P., where he says: *if any of the Bishops should arrange to build a church in the territory of another city for whatever advantage of his own, let him not presume to make the dedication, which belongs to him in whose territory the church arises.*

INSUPER quod distinctis Ecclesiis distincta Dominia competant, probatur a S. Doctore *16. quaest. 2. Can. Si quis, Nicolaus P. ubi ait: si quis Episcoporum in alienae civitatis territorio pro quacumque suorum opportunitate Ecclesiam aedificare disponit, non praesumat dedicationem facere, quae illius est, in cuius territorio Ecclesia assurgit.*

⁹ THE SAME cause, quaest. 3. Can. Praesulum, Gelasius Pope: *it has also pleased that this be annexed, that if, which God forbid, the means of a Church, and likewise Dioceses, should be possessed by certain Bishops, claiming them to themselves by right, the tricennial law has closed it: because the authority of our sons the Princes has so commanded.*

EADEM causa, quaest. 3. Can. Praesulum, Gelasius Papa: illud etiam annecti placuit, ut si, quod absit, facultates Ecclesiae, necnon Dioeceses ab aliquibus possideantur Episcopis, iure sibi vendicent, quod lex tricennalis conclusit: quia et filiorum nostrorum Principum ita mandavit auctoritas.

¹⁰ THE SAME quaest., among the things mentioned, where the question of boundaries is decided, Innocent says: *cap. 6. inter, si a legitimate boundary does not enclose the same Basilica, and yet a long-time prescription is proven to be alleged, the appeal of the present Bishop shall not avail: since the tricennial objection imposes silence upon them. These things also secular Princes enjoin, as the Roman authority decreed for prelates.*

EADEM quaest. inter memoratos, ubi dirimitur quaestio limitum, ait Innocentius: cap. 6. inter, si limes legitimus eandem Basilicam non concludit, et tamen longi temporis probatur praescriptio obiecta, appellatio praesentis Episcopi non valebit: quoniam illis tricennalis obiectio silentium imponit. Haec etiam saecularium Principum praecipuunt, ut praesulum Romanam decrevit auctoritas.

¹¹ Hence the holy Doctor gathers not only that Churches have distinct dominion, because they prescribe mutually against each other, but also that they have it according to Divine law equally, and human, for the reason that prescription, as is evident in the alleged canon, arises from the edict of Princes; yet the approval rests on the authority of the supreme Pontiff.

Hinc colligit S. Doctor non modo Ecclesias habere dominium distinctum, quia mutuo inter se praescribunt, verum etiam quod id habeant secundum ius Divinum pariter, et humanum, pro eo, quod praescriptio, sicut in allegato canone patet, ab edicto Principum oritur; approbatio tamen summi Pontificis auctoritate nititur.

¹² He proves this more openly from 11. quaest. 1., the words of Ambrose against Auxentius: *If the emperor demands tribute, we do not deny it; let the lands of the Church pay tribute* (the holy Doctor infers) *but he who is bound to tribute to Caesar by reason of estates* — those estates are held not so much by divine law as by human, the Savior bearing witness, who says, Matth. 22: *Render to Caesar the things that are Caesar's; and to God, the things that are God's.*

Hoc probat patentius ex 11. quaest. 1. verbis Ambrosii contra Auxentium: Si tributum imperator petit, non negamus, agri Ecclesiae solvant tributum: Sed qui ad tributum Caesari tenetur ratione praediorum (infert S. Doctor) praedia illa teneantur non tam divino iure, quam humano, Salvatore teste, qui ait, Matth. 22. Reddite, quae sunt Caesaris, Caesari; et quae sunt Dei, Deo.

¹³ Further, dist. 8. cap. 1., from D. Augustine on John: *By what right do you defend the villas of the Church? Divine, or human? Divine right is had in the Divine scriptures; human in the laws of kings. Whence by what right does anyone possess what he possesses? Is it not by human right? Not by Divine right: The earth is the Lord's, and the fullness thereof, Psal. 23. The same he has on John: Do not say, what is it to me, and to the king? What then to thee, and to thy possession? for by the laws of kings possessions are possessed. Thou hast said: what is it to me, and to the king? Do not call them thy possessions, for thou hast thyself renounced those human laws by which possessions are possessed.* What can be said clearer than these things (the holy Doctor says) to show that the Church truly possesses temporal goods by Divine and human right? Wherefore he proclaims him importunate and impudent who denies these things.

Amplius dist. 8. cap. 1. ex D. Augustino in Ioannem. Quo iure defendis villas Ecclesiae? Divino, aut humano? Divinum ius in Divinis scripturis habetur; humanum in legibus Regum. Unde quisquis possidet, quod possidet? non ne iure humano? non iure Divino: Domini est terra, et plenitudo eius: Psal. 23. Idem habet super Ioannem: Noli dicere, quid mihi, et Regi? quid ergo tibi, et possessioni? per iura enim regum possidentur possessiones. Dixisti: quid mihi, et Regi? Noli dicere possessiones tuas, quia ipsa iura humana renuntiasti, quibus possidentur possessiones. Quid his clarius dici potest (ait S. Doctor) ad ostendendum, quod Ecclesia temporalia bona veraciter possidet iure Divino, et humano? Quare procacem esse, et protervum haec negantem proclamat.

¹⁴ It is proved also by reason by the holy Doctor at the end of that chapter, and D. Thom. art. 6, which Gregorius de Valencia, puncto 6, proclaims evident. To that which is not in the precept, but only in the counsel, no one is bound, unless someone binds himself to it by a particular vow; or it be necessary to execute the duty of the office owed: But the renunciation of temporal things is not commanded by God, nor do ecclesiastics vow it, nor is it necessary for ecclesiastics to rightly fulfill their function: Therefore. Tannerus also uses this argument, disp. 6. quaest. 3. dubio 3. num. 61.

Probatur etiam ratione a S. Doctore in fine illius capitis, et D. Thom. art. 6. quam Gregorius de Valentia puncto 6. evidentem acclamat. Ad id, quod non est in praecepto, sed tantum in consilio, nemo obligatur, nisi quis voto peculiari ad illud se obligat; aut sit necessarium ad officium debitum exequendum: Sed renunciatio temporalium non est a Deo praecepta, neque eam Ecclesiastici vovent, neque est necessaria ad hoc, ut Ecclesiastici recte suo munere fungantur: Ergo. Hoc argumento utitur etiam Tannerus disp. 6. quaest. 3. dubio. 3. num. 61.

¹⁵ He proves the same from the Fathers, Chrysost. homil. 8. in Matth., Orig. homil. 16. in Genes., Gregor. lib. 3. Dial. cap. 14., August. cont. Adimant. c. 26. See the holy Doctor, resp. tertiae cap. 1.

Idipsum probat ex Patribus, Chrysost. homil. 8. in Matth. Orig. homil. 16. in Genes. Gregor. lib. 3. Dial. cap. 14. August. cont. Adimant. c. 26. Vide S. Doctorem resp. tertiae cap. 1.

¹⁶ You will object: as religious ought to be poor in order to serve God, so also clerics according to their name, because they are called into the lot of the Lord.

Obiicies. Sicut religiosi pauperes esse debent, ut Deo serviant, ita et clerici iuxta suum nomen, quia in sortem Domini sunt vocati.

¹⁷ The holy Doctor answers, that clerics and Religious dedicate themselves to God in different ways; for clerics do not vow poverty.

Respondet S. Doctor, vario modo clericos, et Religiosos se Deo dicare; clerici enim paupertatem non vovent.

¹⁸ You will say: the ancient clerics led a common life, 12. quaest. 1. cap. Scimus, from Pope Urban.

Dices. Antiqui clerici communem agebant vitam 12. quaest. 1. cap. Scimus, ex Urbano Papa.

¹⁹ The holy Doctor answers, that clerics led the common life only by counsel; afterwards, charity growing cold, it had to be otherwise. And so D. Augustine, who admitted no one to orders who would not live in common, afterwards changed his opinion, as he himself testifies, 12. quaest. 1. cap. Certe ego, from serm. 2. de communi vita clericorum, or: ad fratres in eremo.

Respondet S. Doctor, clericos solum ex consilio communem vitam egisse, postea frigescere charitate aliter fieri oportuit. Et ita D. August. qui nullum ad ordines admittebat, qui nollet in communi vivere, postea mutavit sententiam, ut ipse testatur 12. quaest. 1. cap. Certe ego, ex serm. 2. de communi vita clericorum, seu: ad fratres in eremo.

Question VI: Whether bishops, and other ecclesiastics, have dominion over revenues that are superfluous to their state

¹ I have already shown that they have ownership of certain goods; and indeed the ownership of immovable goods given to the Church resides with the Church, as St. Augustine discusses *tract. 6. in Ioan.*, for the Bishop cannot alienate them, nor even lease them, except under certain conditions. Say the same of consumable goods, for which the same reasoning holds *Authent. Praeterea, C. de sacrosanctis Ecclesiis*.

An Episcopi, et alii Ecclesiastici habeant dominium reddituum, qui sunt superflui status eorum.

Iam ostendi, eos habere dominium aliquorum bonorum; et quidem immobilium bonorum, quae Ecclesiae donantur, esse dominium apud Ecclesiam, ut disserit S. August. tract. 6. in Ioan. neque enim potest Episcopus ea alienare, neque etiam locare, nisi certis conditionibus. Idem dic de bonis utentilibus, de quibus eadem est ratio Authent. Praeterea, C. de sacrosanctis Ecclesiis.

² But they have ownership of the stipends given them for their own particular ministries, as for Masses, etc.; the same of the distributions (as they are called) which they receive for personal services, as is gathered from *cap. un. de cler. non residentibus, in 6.*

Habent vero dominium stipendiorum, quae pro suis peculiaribus ministeriis eis dantur, ut pro Missis, etc. idem de distributionibus (ut aiunt) quas accipiunt pro personalibus praesentiis, ut colligitur ex cap. un. de cler. non residentibus, in 6.

³ It is also certain that they have ownership of that part designated to them, namely one of four. For it was the ancient custom that the goods of the Church be held in common and possessed by the Clergy, distributed by the Bishop, as is gathered from *Can. 38. Apost.* Afterwards, as the number of clerics grew and the dishonesty of dispensers increased, this arrangement was instituted by Sylvester in the Roman Synod, *cap. 4.*, that the total income of the Church be divided, with the first part for the Bishop; the second for the other clerics; the third for the poor; the fourth assigned to the fabric. So it appears also in *12. quaest. 2.*

Certum etiam est, eos habere dominium illius partis, quae designantur eis, puta ex quatuor. Fuit enim mos antiquus, ut Ecclesiae bona darentur in communi, et possiderentur a Clero, distribuerentur ab Episcopo, ut colligitur ex Can. 38. Apost. Postea crescente numero clericorum, et infidelitate dispensantium; haec ratio instituta fuit a Sylvestro in Synodo Romana, cap. 4. ut cumulus proventuum Ecclesiae divideretur, et pars Episcopo prima: Secunda aliis clericis; Tertia pauperibus: Quarta fabricae destinaretur. Sic patet etiam 12. quaest. 2.

⁴ Therefore, where this distribution still prevails, the Bishop has his fourth part in ownership; but where all things are held in common, he has ownership of those things that befit his state. All of this the holy Doctor has, more or less, *loco citato*.

Igitur, ubi haec distributio adhuc viget, Episcopus habet suam quartam partem in Dominio; ubi vero sunt omnia confuse, habet dominium eorum, quae statui conveniunt. Haec fere omnia habet S. Doctor loco citato.

⁵ The question, then, is: whether he is the owner of that part of the revenues that is superfluous, and so is bound to give to the poor only out of charity; or also out of justice, because their ownership resides with the poor.

Quaestio igitur est: an sit Dominus illius partis reddituum, qui sunt superflui, atque adeo solum ex charitate teneatur dare pauperibus; an etiam ex iustitia, ed quod dominium eorum sit apud pauperes.

⁶ The first opinion is that of Cajetan here, that other Ecclesiastics besides Bishops are not bound to dispense anything to the poor out of justice, and so are owners of everything. But Bishops ought out of justice to give to the poor that part which by the judgment of the wise is found not necessary for them, because it is too ample.

Prima opinio est Caietani hic, Ecclesiasticos alios, praeter Episcopos, non teneri aliquid pauperibus ex iustitia erogare; atque adeo esse omnium Dominos. Episcopos vero debere ex iustitia pauperibus eam dare partem, quae sapientis iudicio non comperit sibi, ed quod nimis sit ampla.

⁷ The second opinion denies to Bishops, and to all Ecclesiastics, ownership of the part of the income that is superfluous, and accordingly teaches that they are bound out of justice to give it to the poor. Thus Alensis 3. part. quaest. 36. m. 5. art. 2. Richar. 4. dist. 45. art. 3. quaest. 1. Palud. in 4. dist. 24. quaest. 3. art. 3. Antoninus 3. part. tit. 15. cap. 1. §. 19. Gabriel. in 4. dist. 15. quaest. 8. concl. 5. Maior. 4. dist. 14. quaest. 17. Petrus a Soto lect. 3. de Sacerd. vita, Michaël Medina lib. 7. de recta in Deum fide, cap. 27. Thomas Vuald. lib. 1. doctrinalis fidei antiquae, l. 4. cap. 42. and others cited by Couar. in can. cum in officiis, de testam. And it is the common opinion of the Canonists, vigorously defended by Nauar. tract. et Apolog. de reddit. Eccl.

Secunda sententia Episcopis, et omnibus Ecclesiasticis negat dominium partis proventuum superfluae, atque adeo docet ex iustitia teneri pauperibus. Ita Alens. 3. part. quaest. 36. m. 5. art. 2. Richar. 4. dist. 45. art. 3. quaest. 1. Palud. in 4. dist. 24. quaest. 3. art. 3. Antoninus 3. part. tit. 15. cap. 1. §. 19. Gabriel. in 4. dist. 15. quaest. 8. concl. 5. Maior. 4. dist. 14. quaest. 17. Petrus a Soto lect. 3. de Sacerd. vita, Michaël Medina lib. 7. de recta in Deum fide, cap. 27. Thomas Vuald. lib. 1. doctrinalis fidei antiquae, l. 4. cap. 42. et alii apud Couar. in can. cum in officiis, de testam. Estque communis Canonistarum, eamque tuetur acriter Nauar. tract. et Apolog. de reddit. Eccl.

⁸ The third opinion holds that Bishops and the others have ownership of these revenues. Thus D. Thom. here, and quodlib. 6. art. 12. Adrian. de restit. quaest. 12. Sylvester. verb. clericus, 4. quaest. 20. et verb. restitutio, 3. quaest. 5. Gerson in suis moral. tit. de avaritia, Sotus lib. 10. de iustitia, quaest. 4. art. 3. Driedo lib. 2. de libertate Christiana, cap. 4. Ioan. Arbotaeus in Theoph. disp. 10. quaest. 3. puncto 7. Tannerus disp. 6. quaest. 3. num. 3. dub. 22, where he asserts that the part of the poor is owed by justice when it is set apart.

Tertia sententia censet, Episcopos, et alios habere dominium eorum proventuum. Ita D. Thom. hic, et quodlib. 6. art. 12. Adrian. de restit. quaest. 12. Sylvester. verb. clericus, 4. quaest. 20. et verb. restitutio, 3. quaest. 5. Gerson in suis moral. tit. de avaritia, Sotus lib. 10. de iustitia, quaest. 4. art. 3. Driedo lib. 2. de libertate Christiana, cap. 4. Ioan. Arbotaeus in Theoph. disp. 10. quaest. 3. puncto 7. Tannerus disp. 6. quaest. 3. num. 3. dub. 22. ubi partem pauperum ex iustitia asserit, ubi est separata.

⁹ As for D. Bonaventure, he seems clearly to favor this opinion in the Apology for the Poor, fourth response, cap. 1, toward the end, where he compares Ecclesiastics, in giving their superfluities to the poor, with the religious, and says they bear some obligation, though not an equal one, because they are indeed not bound by so strict a law to give those things to the poor; for it is not of perfection to give to each his own. But he refers us to part 1 of the third response, where he plainly follows the second opinion.

Quoad D. Bonavent. videtur sane pro hac sententia in Apologia pauperum, resp. quarta, cap. 1. ad finem, ubi Ecclesiasticos, in dandis superfluis pauperibus, comparat cum religiosis, et ait aliquam prae se ferre conditionem, non

aequalem tamen, eo quod non teneantur quidem adeo stricto iure illa dare pauperibus; hoc enim non est perfectionis dare suum cuique. Enim vero remittit ad partem 1. responsionis tertiae, ubi aperte secundam sententiam sequitur.

¹⁰ I assert, with the second opinion, that all Ecclesiastics are bound by justice to give their superfluities to the poor.

Assero cum secunda sententia, teneri Ecclesiasticos omnes ex iustitia dare pauperibus superflua.

¹¹ It is proved first by the holy Doctor by a universal argument, in the fourth response of cap. 1: for by the law of nature all things were common; afterwards, when things were usurped by the powerful, it was agreed by the law of nations that the rich should possess what they had acquired, provided they bound themselves to dispense their superfluities to the needs of the poor. This clearly pertains to justice.

Probatur primo a S. Doctore ratione universali, responsionis quartae cap. 1. nam iure naturae omnia erant communia, postea usurpatis rebus a praepotentibus, iure gentium conventum est, ut ita divites habita possiderent, ut tamen se obligarent superflua necessitatibus pauperum erogare. Hoc sane ad iustitiam spectat.

¹² It is proved by the holy Doctor in the third response of cap. 1, from the most weighty arguments of D. Prosper in de vita contemplativa, lib. 2. cap. 9, where he says: *The holy men knew that the goods of the Church were nothing else than the vows of the faithful, and the prices of sinners, and the patrimony of the poor: they did not claim them for their own uses as their own property, but dispensed them as entrusted to the poor.*

Probatur vero a S. Doctore responsione tertia cap. 1. argumentis validissimis D. Prosperi de vita contemplativa, lib. 2. cap. 9. ubi ait: Scientes viri sancti, nihil aliud esse res Ecclesiae, nisi vota fidelium, et pretia peccatorum, et patrimonia pauperum: non eas vendicarunt in usus suos, ut proprias, sed ut commendatas pauperibus erogaverunt.

¹³ Hence the first argument is drawn: the goods of the Church are said in the decrees of the Fathers to be given to the Lord God, as appears in 12. quaest. 2. cap. Qui Christi, and 12. quaest. 1. cap. Res Ecclesiae, while Ecclesiastics are said to have only their administration. This argument the holy Doctor repeats in the third response, cap. 1, toward the end.

Primum igitur argumentum hinc eruitur, quod bona Ecclesiastica in decretis Patrum dicuntur Domino Deo donata, ut patet 12. quaest. 2. cap. Qui Christi, et 12. quaest. 1. cap. Res Ecclesiae, Ecclesiastici vero dicuntur eorum habere administrationem. Hoc argumentum refricat S. Doctor responsionis tertiae, cap. 1. finem versus.

¹⁴ Valentia responds that the meaning is that those goods were given over to the worship of God; otherwise they would not be owners of any necessary portion.

Respondet Valentia, sensum esse, ea bona esse collata ad Dei cultum; alioqui non alicuius portionis necessariae essent domini.

¹⁵ This, however, is frivolous, for the necessary part for the ministers is understood; for the title stands: *Who serves at the altar, let him live from the altar.* Moreover, it presses the point that they are said to be not owners, but universal administrators. I urge this: for D. Bernard calls the Pope himself by that name in the book de consid.

Hoc tamen frivolum est, nam subintelligitur pars necessaria ministris, est enim titulum: Qui altari servit, ex altari vivat. Caeterum premit, quod dicuntur, non domini, sed administratores universales. Urgeo: nam D. Bernardus sic nominat ipsum Papam lib. de consid.

¹⁶ From this the second argument is also brought out: always in the Church, among holy men and the Fathers, it has been understood that goods of this kind pertain especially to the poor, to widows, etc., as appears from Clem. lib. 2. Constit. Apostol. cap. 29. cap. 30, and 12. quaest. 1. cap. Praecipimus, and cap. ex his.

Secundum argumentum hinc etiam eluitur: Semper in Ecclesia apud viros sanctos, Patresque intellectum est, huiusmodi bona peculiariter ad pauperes, viduas, etc. pertinere, ut patet ex Clem. lib. 2. Constit. Apostol. cap. 29. cap. 30. et 12. quaest. 1. cap. Praecipimus, et cap. ex his.

¹⁷ Valentia responds that by this alone is indicated that the strictest precept of almsgiving presses.

Respondet Valentia, solum per hoc indicari, strictissimum urgere praeceptum eleemosynae.

¹⁸ On the contrary: because, when by the intention of the givers they are applied to this use, it is no longer a precept of mercy, but of justice.

Contra, quia cum ex intentione dantium huic usui applicentur; iam non est verum misericordiae praeceptum, sed iustitiae.

¹⁹ The third argument is drawn: for in various decrees they are said to be dispensers, not owners, as in 16. quaest. 1. cap. Decimae, and 23. quaest. 7. cap. Quod autem, and Extra de donationibus, cap. 2.

Tertium argumentum eruitur, nam in variis decretis dicuntur, esse dispensatores, non Domini, ut 16. quaest. 1. cap. Decimae, et 23. quaest. 7. cap. Quod autem, et Extra de donationibus, cap. 2.

²⁰ Valentia responds that either immovables are meant, or utensils; if revenues, it is understood for that time when some part has been set apart for the uses of the poor; or if they speak universally, the meaning is that the precept of Almsgiving presses.

Respondet Valentia, vel intelligi de immobilibus, vel de utensilibus; si de proventibus, intelligitur pro eo tempore, quo pars aliqua est pauperum usibus segregata; vel si universaliter loquuntur, sensus est, urgere praeceptum Eleemosynae.

²¹ Against this, however: for they plainly deny ownership, and assert mere administration.

Contra tamen, nam aperte negant dominium, et asserunt meram administrationem.

²² I urge further: for in other decrees they are called murderers of the poor, plunderers, etc. if what is left over to them they do not give to the poor, as in dist. 42. cap. Ordinamus, and 12. quaest. 2. cap. Gloria, §. Amico, and often elsewhere.

Urgeo; nam in aliis decretis dicuntur interfectores pauperum, raptores, etc. si quod ipsis superest, non dent pauperibus, ut dist. 42. cap. Ordinamus, et 12. quaest. 2. cap. Gloria, §. Amico, et saepe alias.

²³ Valentia responds that these things are said by way of exaggeration; as also of avaricious Laymen.

Respondet Valentia, haec dicere exaggerando; sicut et de Laicis avaris.

²⁴ But in truth the things laid down in the decrees are defined for practice, and decreed as statutes, not for sermons.

Enim vero ea, quae in decretis posita, sunt ad praxim definita, atque statuta decernuntur, non autem ad conciones.

²⁵ It is confirmed further: for those goods were bequeathed under this condition: therefore they have no force unless the condition is fulfilled, as appears in the Civil Law, Cod. de Donationibus, which are sub modo, or under a condition, and in the Canon Law cap. Verum, extra de conditionibus appositis.

Confirmatur adhuc: Nam bona illa fuere hac conditione legata: Ergo non valent nisi conditione impleta, ut patet in Iure Civili Cod. de Donationibus, qua sub modo, vel sub conditione, et Iure Canonico cap. Verum, extra de conditionibus appositis.

²⁶ Valentia responds that this is not firm enough, for otherwise Ecclesiastics who do not give their superfluities to the poor would not be owners of any portion. But those goods do not seem to have been given under that express condition, as appears from the form of the ancient donations, such as those of the Emperor Constantine, Tom. 1. Conciliorum.

Respondet Valentia, non esse satis hoc firmum, alioqui Ecclesiastici, qui superflua pauperibus non dant, non essent alicuius portionis domini. Non autem ea expressa conditione videntur data, ut constat ex forma donationum antiquarum, ut illarum Constantini Imperatoris Tom. 1. Conciliorum.

²⁷ But in truth it suffices that the donations were given according to the formula commonly understood by holy men, as D. Bonaventure used to say.

Enim vero satis est, fuisse donationes datas iuxta formulam communiter a sanctis viris intellectam, ut dicebat D. Bonaventura.

²⁸ It is confirmed: for by the Canon Law they are even forbidden to make wills: therefore they are not owners; nor does it avail to say they can do this by dispensation; for dispensation is then made by the authority of the Apostolic See, as Tanner noted, disp. 6. quaest. 3. num. 82.

Confirmatur, nam et iure Canonico prohibentur testari: Ergo non sunt domini, nec valet, dicere posse eos id ex dispensatione; nam dispensatio tunc fit auctoritate Apostolica, ut notavit Tannerus disp. 6. quaest. 3. num. 82.

²⁹ Valentia heaps up many things, quite frivolous, to defend his opinion.

Multa congerit Valentia satis frivola, ad suam sententiam tuendam.

³⁰ For first he vainly proclaims our opinion harsh and groundless. But it is not harsh, since it is what is commonly accepted in the Church, nor is it said without foundation.

Primo enim opinionem nostram duram, et sine fundamento frustra proclamat. Neque vero est durum, quod in Ecclesia est communiter acceptum, neque sine fundamento dicitur.

³¹ He objects secondly from the Council of Trent, sess. 23. cap. 1. de reform., where it is decreed that Ecclesiastics having the care of souls who do not reside shall not make their fruits: therefore it supposes that those who do reside make their fruits. It is confirmed: for those who do not attend the offices do not acquire distributions, cap. unic. de cler. non resid. in 6, where it is decreed.

Obiicit secundo ex Concilio Trid. sess. 23. cap. 1. de reform. ubi decernitur, ut Ecclesiastici, habentes curam animarum, qui non resident, non faciant fructus suos: Ergo supponit eos, qui resident, facere fructus suos. Confirmatur; nam qui non intersunt officiis, non acquirunt distributiones cap. unic. de cler. non resid. in 6. ubi decernitur.

³² It is answered that this concludes, at most, that they make their fruits and acquire distributions according to the rite of the Church, such that what must be spent according to their state is in their

ownership.

Respondetur, hoc tantum ad summum concludere, eos facere fructus suos, et acquirere distributiones, iuxta ritum Ecclesiae, ita ut quod sibi secundum statum est impendendum, sit in ipsorum dominio.

³³ He objects thirdly: the ministers of the Church ought not to be in a worse condition than the other ministers of the commonwealth; but these become owners of the whole stipend: therefore.

Obiicit tertio. Ministri Ecclesiastici non debent esse peioris conditionis, quam alii Reipublicae ministri; at isti fiunt domini totius stipendii: Ergo.

³⁴ It is answered that they have these goods as Ecclesiastics, and therefore are not of a worse condition, but of a higher state of perfection, as the holy Doctor admonishes in both places, where he compares Laymen with Ecclesiastics.

Respondetur, hos habere haec bona, ut Ecclesiasticos, ideo non peioris conditionis, sed altioris status perfectionis sunt, ut monet S. Doctor utroque loco, ubi Laicos Ecclesiasticis comparat.

³⁵ He objects fourthly certain absurdities. First, the poor could steal from avaricious clerics who do not dispense alms. Secondly, those who pay tithes could reserve a part so that the poor be rendered indemnified. Thirdly, an action in court would be given to the poor against clerics who do not dispense. Fourthly, why has the Church permitted the right of the poor not to be observed?

Obiicit quarto aliqua absurda. Primo enim possent pauperes surripere clericis avaris, non erogantibus eleemosynam. Secundo qui solvunt decimas, possent partem reservare, ut reddantur pauperibus indemnes. Tertio daretur actio in Iudicio pauperibus contra clericos non erogantes. Quarto cur Ecclesia passa est, non servari ius pauperum?

³⁶ These things are frivolous, and are resolved in one word: for neither is it free to anyone to make justice for himself; nor does the Church fail, since it has added very many decrees on this matter.

Haec frivola sunt, et uno verbo solvuntur, neque enim aut est cuique liberum sibi iustitiam facere; aut Ecclesia deficit, cum decreta plurima de hoc addiderit.

³⁷ Hence Azor. p. p. lib. 12. cap. 8. quaestio 3. Malder. 2. 2. quaest. 32. art. 6. dub. 2. Bassaeus V. eleemos. num. 6. say that the Bishop is bound to seek out the poor, that he may relieve them.

Hinc Azor. p. p. lib. 12. cap. 8. quaestio 3. Malder. 2. 2. quaest. 32. art. 6. dub. 2. Bassaeus V. eleemos. num. 6. dicunt, Episcopum teneri quaerere pauperes, ut eos sublevet.

Question VII: Whether those bishops who were formerly religious are bound to regular observance

¹ MUtatur the obedience of the Religious assumed to the Episcopate, so that he is subjected no longer to Praelates, but to the supreme Pontiff, the Father of all Religions, in a higher way, as D. Bonavent. teaches in 4. dist. 38. q. ultima, ad ult., and it is found in can. *statutum*, 18. quaest. 1.

MUtatur obedientia Religiosi assumpti ad Episcopatum, ut non amplius Praelatis, sed summo Pontifici, omnium Religionum Patri, altius subiiciatur, ut docent D. Bonavent. in 4. dist. 38. q. ultima, ad ult. et habetur can. statutum, 18. quaest. 1.

² They inquire here whether a Religious is capable of ownership of stable goods.

Quaerunt hic, an Religiosus sit capax domini stabilium bonorum.

³ It is answered negatively with D. Bonav. 4. dist. 38. art. 2. quaest. ult. ad ult. D. Thom. 2. 2. q. 185. art. 8. et quaest. 88. art. 11. ad 4. Sotus lib. 19. quaest. 5. art. 7. Sylvester V. *religio* 7. n. 11. Rodriguez tom. 2. quaest. 58. art. 1. Sylvius 2. 2. quaest. 185. art. 8. Valerus in differ. utriusque fori verb. *regularis*, differ. 5. Tolet. lib. 5. cap. 4. Diana part. 2. tract. 2. resol. 61, who all, with others, adduce that the Bishop is bound, on one assumed from among the regulars, to the observance of the vows by cap. *de monach.* 16. quaest. 1. That this is the common opinion, Azor says, tom. 1. lib. 12. cap. 7. quaestio 4.

Respondetur negative cum D. Bonav. 4. dist. 38. art. 2. quaest. ult. ad ult. D. Thom. 2. 2. q. 185. art. 8. et quaest. 88. art. 11. ad 4. Sotus lib. 19. quaest. 5. art. 7. Sylvester V. religio 7. n. 11. Rodriguez tom. 2. quaest. 58. art. 1. Sylvius 2. 2. quaest. 185. art. 8. Valerus in differ. utriusque fori verb. regularis, differ. 5. Tolet. lib. 5. cap. 4. Diana part. 2. tract. 2. resol. 61. qui omnes cum aliis afferunt teneri Episcopum, e regularibus assumptum, ad votorum observantiam ex cap. de monach. 16. quaest. 1. Hanc communem esse sententiam ait Azor tom. 1. lib. 12. cap. 7. quaestio 4.

⁴ They think indeed that such an exemption from the obligation of the vows is granted, Villalob. sum. tom. 2. tract. 25. diffic. 40. Medina de sacra hominum continentia, lib. 5. cap. 26. et 27. Angles in 4. quaest. de voto, dub. 6. Quand. in 4. dist. 38. prop. 17. I add that things repugnant to the state do not bind, as D. Thom. says, loco cit. Valentia puncto 8. Sylv. ad locum cit. D. Thom. Bassaeus V. *episc.* num. 7.

Existimant sane a votorum obligationem talem eximi, Villalob. sum. tom. 2. tract. 25. diffic. 40. Medina de sacra hominum continentia, lib. 5. cap. 26. et 27. Angles in 4. quaest. de voto, dub. 6. Quand. in 4. dist. 38. prop. 17. Addo aliqua non obligare repugnantia, ut ait D. Thom. loco cit. Valentia puncto 8. Sylv. ad locum cit. D. Thom. Bassaeus V. episc. num. 7.

⁵ But they inquire: whether a Bishop assumed from a religion becomes the owner of ecclesiastical revenues, and in this respect is absolved from the vow of poverty.

Quaerunt autem: an Episcopus, e religione assumptus reddatur Dominus reddituum Ecclesiasticorum, et quo ad hoc absolvatur a voto paupertatis.

⁶ The negative opinion the holy Doctor holds, loco cit., together with forty-two Doctors cited by Sanchez tom. 2. lib. 6. cap. 6, to whom add Tanner dist. 5. quaest. 4. dubio 6. num. 151. Sanctarellus tract. *de Apost.* cap. 6. dub. 3. Cenedo de paupert. relig. dub 43. Barbosa in collect. tom. 4. part. 2. causa 18. quaest. 1. Faustus in Thes. lib. 6. quaest. 190, cited by Diana part. 2. tract. 2. resol. 50.

Negativam sententiam censet S. Doctor loco cit. cum quadraginta duobus Doctoribus apud Sanchez tom. 2. lib. 6. cap. 6. quibus adde Tannerum dist. 5. quaest. 4. dubio 6. num. 151. Sanctarellum tract. de Apost. cap. 6. dub. 3. Cenedo de paupert. relig. dub 43. Barbosam in collect. tom. 4. part. 2. causa 18. quaest. 1. Faustum in Thes. lib. 6. quaest. 190. apud Dianam part. 2. tract. 2. resol. 50.

⁷ The reason is that these men ascend to a higher state of perfection, and so ought not to relax anything except what is repugnant to the state of a Bishop. But poverty does not stand in the way as regards ownership.

Ratio est, quia hi ad altiore statum perfectionis ascendunt, atque adeo non debent relaxare, nisi quae sunt repugnantia statui Episcopi. At paupertas non obstat, quo ad dominium.

⁸ *The opposite*, however, is taught by Sotus lib. 7. q. 4. art. 2. Medin. de sacr. cont. lib. 5. cap. 26. Angl. 4. 2. part. quaest. unic. de vot. art. 2. dub. 6. Vasquez 1. 2. disp. 165. cap. 8. num. 91. Diana part. 3. tract. 2. Resol. 50. et part. 5. tract. 8. Resol. 31. Hurt. 2. 2. disp. 160. sect. 3. and others cited by them. They rely on this, because in cap. unic. 18. quaest. 1. *de religioso Episcopo* it is said: *Like a lawful heir he has afterwards the power of claiming by law his paternal inheritance.* But claiming belongs to owners alone, leg. in rem, ff. de rei vendic.

Oppositum tamen docent Sotus lib. 7. q. 4. art. 2. Medin. de sacr. cont. lib. 5. cap. 26. Angl. 4. 2. part. quaest. unic. de vot. art. 2. dub. 6. Vasquez 1. 2. disp. 165. cap. 8. num. 91. Diana part. 3. tract. 2. Resol. 50. et part. 5. tract. 8. Resol. 31. Hurt. 2. 2. disp. 160. sect. 3. et alii apud illos. Nituntur, quia cap. unic. 18. quaest. 1. de religioso Episcopo, dicitur: Velut legitimum haeres paternam sibi haereditatem, postea iure vendicandi potestatem habet. Vendicate autem solis dominis convenit, leg. in rem, ff. de rei vendic.

⁹ ¶ You ask also whether he is bound to the observances of fastings, prayers, and the like, if they are not repugnant to the Episcopate.

¶ Quaeres etiam an is teneatur observantiis ieiuniorum, orationum et similium, si non repugnant Episcopatu.

¹⁰ I think he is not bound, so long as he has other weighty occupations. So think Sanctarellus loco cit. Lessius lib. 2. cap 40. dub. 14. num. 113. Sanchez loco cit. num. 19. Villalob. num. 17.

Existimo, non teneri, dum habet alias excellentes occupationes. Ita sentiunt Sanctarellus loco cit. Lessius lib. 2. cap 40. dub. 14. num. 113. Sanchez loco cit. num. 19. Villalob. num. 17.

¹¹ Hence it follows that such a Bishop is not bound to the offices of his religion, nor to the fasts. So Faustus in Thes. lib. 6. quaest. 194. Diana loco citato.

Hinc sequitur, talem Episcopum non teneri officiis suae religionis, nec ieiuniis. Ita Faustus in Thes. lib. 6. quaest. 194. Diana loco citato.

¹² It follows secondly that he is not bound to wear the habit of his Religion; Sanctarellus above tract. de apost. cap. 1. dub. 4. Barbosa in collect. tract. 3. lib. 3. tit. 24. and others. He does indeed enjoy the privileges granted to the individual members of the Religion, as Bassaeus says, num. 7.

Sequitur secundo, eum non teneri ferre habitum suae Religionis; Sanctarellus supra tract. de apost. cap. 1. dub. 4. Barbosa in collect. tract. 3. lib. 3. tit. 24. et alii. Gaudent sane privilegiis, concessis singulis Religionis membris, ut ait Bassaeus num. 7.

¹³ From what has been said you have that the Bishop is bound to residence. He is bound also to preach, if he can, from 1. Timot. 3. and the Council of Trent, sess. 5. cap. 4. and sess. 24. cap. 2. He is bound to convene a Synod every year; and to make visitation. He is bound to administer the Sacraments of Confirmation and Orders, but especially to have fit ministers.

Ex dictis habes, teneri Episcopum residentiae. Tenetur et concionari, si potest ex 1. Timot. 3. et Concil. Trident. sess. 5. cap. 4. et sess. 24. cap. 2. Tenetur quotannis Synodum convocare; et visitare. Tenetur administrare Sacramenta Confirmationis, et Ordinis, maxime vero aptos habere ministros.

¹⁴ I treat many other things concerning the duties of Bishops in my proper treatises; wherefore I stop here.

Alia multa de Episcoporum muniis ago in propriis tractatibus; quare hic sisto.

DISPUTATION III: ON THE STATE OF REGULAR PRELACY

¹ CUM the most excellent state of the Church is divided into two parts, the Clerical and the Monastic, after the Praelates of the Clerics have been treated in the preceding books, it now fittingly occurs to treat of the Prefect of the Monks, or Regulars: for he obtains a quasi-episcopal power over those subject to him, since he truly takes the place of a Bishop where the exemption of the Regulars prevails, as will be explained more fully in its place below; here, however, I wish to admonish the reader that I shall treat here, and rather strictly limit myself to, those questions which may apply to any Praelate of a Religion; the others, however, whether not thereby weighty, or resting on the particular statutes of Religious, I leave to be discussed elsewhere, since they contain not much Doctrine, and since each is bound by his own obligation to learn or teach them at home: Nevertheless I shall say something, compelled to it, of the proper ordinances of some Institutes, insofar as it touches the present undertaking.

CUM potissimus Ecclesiae status, in Clericalem, et Monachalem bipartitus sit, postquam de Clericorum Praelatis in superioribus actum sit; nunc de Monachorum, seu Regularium Praefecto convenienter agendum occurrit: Hic enim quasi Episcopalem potestatem in sibi subditos obtinet, cum vere in Episcopi locum, ubi Regularium viget exemptio, succedat; uti suo loco infra fusius explicabitur; hic autem monitum volo lectorem, praecipuas hic agitandas, et potius arctandas, quaestiones, quae in quemcumque Religionis Praelatum possint convenire; alias autem, vel non ideo graves, vel particularibus Religiosorum statutis nixas, aliis discutiendas dimitto; cum non multum contineant Doctrinae, et cum quisque ex propria obligatione domi eas ediscere, vel edocere teneatur: Nonnihil tamen de propriis aliquarum institutionum ordinationibus, quatenus ad praesens facit institutum, coactus dicam.

Question I: Whether the state of regular prelacy is necessary in a religious order

¹ It must be noted beforehand that a twofold power can be considered in Praelates: one is of Dominion: the other is of Jurisdiction: the former arises from the power of commanding, wherefore it can exist in the Father of a family with respect to his household, as also in a master with respect to his servant: the latter is born of the reception of that Order which Jurisdiction can follow from the declaration of a superior.

PRaenotandum est, duplicem considerari potestatem in Praelatis: Altera est Dominii: Altera est Iurisdictionis: illa oritur a virtute praecipiendi, quare in Patrefamilias potest esse respectu Domesticorum, sicut et in domino respectu servi: haec vero nascitur e susceptione talis Ordinis, quem potest Iurisdictio ex superioris declaratione consequi.

² Rursus a Praelatus is taken either broadly, insofar as he presides over some in spiritual things, in which sense the Parish priest is said to preside over those entrusted to his care; or properly, for him who has Jurisdiction in the contentious forum, in which sense Praelatus is now commonly understood.

Rursus Praelatus sumitur vel late, quatenus aliquibus in spiritualibus praeest, quo sensu dicitur Parochus praeesse his, qui ipsius curae demandantur; vel proprie, pro illo qui habet Iurisdictionem in foro contentioso, quo sensu nunc communiter Praelatus intelligitur.

³ ASSERO, supposing the institution of the regular life, that some pre-eminence in it is simply necessary, so all hold commonly with Suarez, to be cited below.

ASSERO, *supposita institutione vitae regularis, simpliciter necessariam esse in ea praelaturam aliquam, ita omnes communiter apud Suarez, infra citandum.*

⁴ *PROBATUR* by the holy Doctor, loco citato. The institution of the regular life is of beginners tending toward the advance of perfection; but such have need of having a superior, at whose nod they may avoid what is harmful, pursue what is useful, be taught what they are ignorant of, etc., as D. Paul says, *Hebr. 5. you have need that you be taught, what are the elements of the beginning of the words of the Lord.*

PROBATUR a S. Doctore loco citato. Institutio vitae regularis est incipientium ad perfectionis profectum tendere; sed tales indigent habere superiorem, ad cuius nutum noxia devitent, utilia sectentur, quae ignorant doceantur, etc. ut ait D. Paulus Hebr. 5. indigetis ut vos doceamini, quae sunt elementa exordii sermonum Domini.

⁵ *PROBATUR* secondly in the same place by the holy Doctor: that some are imperfect, who customarily run the more sluggishly in the stadium of virtues, and have need of someone by whom they are not only allured by examples, but also compelled by precepts to the exercise of virtue; which cannot be done without the power of Praelation; but men very imperfect, affected only with the desire of profiting, are wont to enter Religion from the world; and these are detained from sins at the beginning more by human fear than by the divine precept.

PROBATUR secundo ibidem, a S. Doctore; quod aliqui sunt imperfectiones, eo pigrius solent in virtutum stadio currere, indigentque aliquo, a quo non solum exemplis alliciantur, verum et praeceptis compellantur ad virtutis exercitium; quod fieri nequit absque potestate Praelationis; sed solent e mundo in Religionem ingredi viri valde imperfecti, solo affecti desiderio proficiendi; hi vero magis ab initio, humano timore, quam divino praecepto a peccatis detinentur.

⁶ *PROBATUR* thirdly by the Seraphic Doctor. In every well-ordered government it is necessary that there be someone to correct vices and defects; for, as the holy Doctor observes here, sin is like a fever, or a wound, which unless the skill of physicians forestalls them, pass into a worse state; nor can he who falls into fault of himself rise again, unless he is supported by a stronger and corrected; for fault leaves behind it a certain languor, over which it is necessary that power be obtained; wherefore it is said, *Luke 9. he gave them virtue and power, that they might cure languors*; but the languor of the infirm man is cured by humbly obeying the command of the physician, as the Seraphic Doctor concludes there; but the physician, unless he be in the same house with the infirm man, can allow him to perish before he knows that he is infirm.

PROBATUR tertio a Seraphico. In omni regimine bene ordinato necesse est ut sit aliquis qui vitia, et defectus corrigat; nam ut hic observat S. Doctor, peccatum est ad instar febris, vel vulneris, quae si medicorum solertia non praecaveantur, in deterius abeunt; nec, qui labitur in culpam, per se potens est resurgere, nisi a fortiori fulciatur, et corripiatur; relinquit enim post se culpa languorem quemdam, super quem necesse est, ut potestas obtineatur; quare dicitur Lucae 9. dedit illis virtutem, et potestatem, ut languores curarent, curatur autem languor infirmi, humiliter obtemperando praecepto medici, ut ibi concludit Seraphicus Doctor; medicus autem nisi sit in eadem domo cum infirmo, potest permittere, ut pereat, antequam ipsum infirmum esse cognoscat.

⁷ *PROBATUR* finally by Suarez tomo 4. de Relig. lib. 2. cap. 1. There being one correlative, it is necessary that the other exist: but Praelation and obedience in the regular life are two correlatives; the latter exists necessarily in it; therefore also the former.

PROBATUR denique a Suarez tomo 4. de Relig. lib. 2. cap. 1. Exsistente uno correlativo, necesse est ut existat aliud: sed Praelatio, et obedientia in vita regulari sunt duo correlativa; haec autem in ea necessario existit; ergo et illa.

⁸ From these you have that this power ought to be not only directive, but also coercive; for the former without the latter is for the most part useless, since it cannot be given over to execution.

Ex his habes potestatem hanc debere non solum esse directivam, sed etiam coactivam; illa enim sine hac plerumque inutilis est; cum nequeat executioni mancipari.

⁹ HABES secondly, that it need not necessarily, but befits it, to be a power of jurisdiction; for although everyone is contained sufficiently in religious observance by the dominative power, as appears now in the Nuns, and formerly in so many convents of Monks, whose Prefect for the most part excelled the others not in the dignity of the priesthood, but in the humility of his ministry, as is clear (omitting other instances) in D. Benedict, of whom we read that he was an Abbot, that is, the Father of Monks, but not a priest, as Suarez notes *num. 3. et D. Bonavent. in cap. 7. nostrae Regulae*: Nevertheless, since the stronger and more efficacious way of coercing faults is through the power of Jurisdiction, and since it can be exercised excellently together with the Power of Dominion, it was fitting that both be joined in the Praelates of Religions, as now almost everywhere it has grown strong by the usage of the Nations.

HABES secundo, illam non debere necessario, sed decere esse potestatem iurisdictionis; nam licet potestate dominativa quisque sufficienter contineatur in religiosa observatione, ut patet nunc in Monialibus, et olim in tot Monachorum conventibus, quorum Praefectus, ut plurimum, non sacerdotii dignitate, sed ministerii humilitate caeteris praestabat, ut clarum est (caeteris omissis) in D. Benedicto, quem fuisse Abbatem, scilicet Patrem Monachorum, non autem sacerdotem, legimus, ut notat Suarez num. 3. et D. Bonavent. in cap. 7. nostrae Regulae: Attamen cum modus validior et efficacior coercendi culpas sit per potestatem Iurisdictionis, et cum optime cum Potestate Dominii possit exerceri, decuit utramque in Religionum Praelatis coniungi, ut nunc ubique fere Gentium usu inolevit.

¹⁰ But this he urges the more strongly, because now most convents of men are exempted from the Jurisdiction of the Bishops, and it would be arduous to govern these either by the supreme Pontiff alone, or by those whom he delegates, since these delegations, being frequent and extraneous, would be liable to various exceptions, and would hinder rather than help.

Hoc autem eo fortius urget, quod plerique nunc virorum conventus ab Episcoporum Iurisdictione eximantur, quos arduum esset gubernari vel a solo summo Pontifice, vel ab his, quos delegatet, cum delegationes hae frequentes, et extraneae, variis forent exceptionibus obnoxiae; officerentque potius, quam prodessent.

¹¹ HABES thirdly, that the power of regular Praelation ought to be Monarchical; both because the Government of the Church, being the most perfect, is such, as the Seraphic Doctor inculcates so often and everywhere; and the fellowship of Religious is (so to speak) a homogeneous part of the ecclesiastical government, the rather because it continually applies itself to the acquiring of perfection, the attainment of which would be not a little delayed if it depended on a multitude, not on unity: Add that the Praelates of Religions ought to succeed into the place and the paternal affection; but one family cannot have several fathers.

HABES tertio, Potestatem praelationis regularis debere esse Monarchicam; tum quod Regimen Ecclesiae, quippe perfectissimum, tale sit, ut toties ubique inculcat Seraphicus Doctor; Religiosorum autem convictus est pars (ut ita dicam) homogenea Ecclesiastici regiminis, eoque potius, quod acquirendae perfectioni iugiter incumbat, cuius assecutio non modice retardaretur, si a multitudine, non ab unitate penderet: Adde Religionum Praelatos in locum, et affectum paternum debere succedere; unius autem familiae nequeunt plures esse patres.

Question II: How the prelate of a religious order is to be chosen

¹ ELECTION is made in three ways, according to the chapter, *Quia propter de Elect*. The first way is by public acclamation, which takes place when, without any preceding consultation, but by a sudden impulse, all agree as one, and at the same time name him and elect him: but this mode, since it depends on a divine impulse, has no rules prescribed by law.

Quomodo Eligendus est Religionis Praelatus.

TRIBUS modis fit Electio, iuxta caput, Quia propter de Elect. Primus modus est per publicam acclamationem, quae tunc fit, quando nulla praecedente consultatione, sed repentino motu omnes in unum sentiunt, eumque simul nominant, et eligunt: hic autem modus, cum e divino pendeat impulsu, non habet regulas aliquas, a iure praescriptas.

² The SECOND way of electing is by Scrutiny, which is made when those who must, will, and can be present are there, two or three trustworthy men are taken from among the rest, who diligently inquire into the votes of each, set them down in writing, and publicly announce them: in which case he is held to be elected in whom the greater part of the electors, or voters, has consented.

SECUNDUS Eligendi modus est per Scrutinium, quod fit, dum praesentibus his, qui debent, volunt, et possunt interesse, duo vel tres, fide digni, e caeteris assumuntur, qui singulorum vota diligenter exquirentes, ea in scriptis proferunt, et publice denunciant: quo casu is habetur electus in quem maior pars electorum, seu vocalium consenserit.

³ The THIRD way is by Compromise, and it takes place when several more suitable men are chosen by the whole assembly, into whose hands all the rest transfer their whole power of electing, according to a certain norm.

TERTIUS modus est per Compromissum, et fit, dum Plures viri, magis idonei, a toto Caetu eliguntur, in quos totam suam eligendi facultatem, iuxta quamdam normam, caeteri omnes transfundunt.

⁴ BESIDES these modes another is sometimes admitted, which is made by the nomination of a successor; yet this is not in use in ecclesiastical election, lest the prelacy seem to be possessed by succession or hereditary right, and lest various inconveniences be invited which would arise from the perverse affection of someone choosing a successor for himself at pleasure. In some Religions, however, someone is named who, as soon as the General or Provincial Superior dies, supplies his place until the Chapter is celebrated.

PRAETER hos modos admittitur aliquando alius, qui fit per nominationem successoris, qui tamen in electione Ecclesiastica non est in usu, ne successione aut iure haereditario Praelatio videatur possideri; et ut arceantur varia incommoda, quae ex pravo affectu alicuius, sibi eligentis successorem ad libitum, nascerentur. In aliquibus tamen Religionibus nominatur aliquis, qui mox ac defunctus est Praepositus Generalis, vel Provincialis, suppleat eius vices, donec Capitulum celebretur.

⁵ The mode MOST USUALLY employed in Religions is by Compromise, whose norm, like that of the scrutiny, is prescribed in the said chapter *Quia propter*, in these words: *When the election is to be celebrated, all being present who must, and will, and can conveniently attend, three men of proven fidelity are to be taken from the college, who in secret and one by one diligently inquire into the votes of all, and, having reduced them to writing, straightway publish them in common, with no obstacle of appeal at all interposed, so that, the scrutiny having been held, he may be elected in whom all, or the greater and saner part of the Chapter, consents.*

MODUS usitatissimus in Religionibus est per Compromissum, cuius norma, sicut et scrutinii, praescribitur dicto cap. Quia propter, his verbis: Cum electio fuerit celebranda praesentibus omnibus, qui debent, et volunt, et

possunt commodè interesse, assumantur tres de collegio fide digni, qui secrete, et sigillatim vota cunctorum diligenter exquirant, et in scriptis redacta, mox publicent in communi, nullo prorsus Appellationis obstaculo interiecto, ut is collatione habita eligatur, in quem omnes, vel maior, et sanior pars Capituli consentit.

⁶ ALTHOUGH mention is made here of the College, nevertheless the election of any Prelate is included, whether of a Church or of a Religion, as all the expositors approve, at Suarez *cap. 5*, just as is had more expressly in the Council of Trent, *session 25, cap. 6 de reformatione*: *In the first place the holy Synod strictly commands that all the aforesaid (whether Abbots, namely, or Generals) must be elected by secret votes, in such wise that the names of the individual electors are never published, nor may provincials or abbots in the future constitute priors, or others with any title whatever, for the purpose of carrying out an election, or supply the voices or suffrages of the absent, etc.*

QUAMVIS autem hic mentio habeatur de Collegio, includitur tamen electio cuiuscumque Praelati, sive sit alicuius Ecclesiae, sive Religionis, ut annuunt omnes expositores, apud Suarez cap. 5. sicut et expressius habetur in Concil. Trident. sess. 25. cap. 6. de reformatione: In primis sancta Synodus districte praecipit omnes supradictos (sive Abbates, scilicet, sive Generales) eligi debere per vota secreta, ita ut singulorum eligentium nomina nunquam publicentur, nec in posterum licet Provinciales, aut Abbates, Priores, aut alios quoscumque titulares ad effectum faciendae electionis constituere, aut voces, aut suffragia absentium supplere, etc.

⁷ Hence, all having been convoked who can, will, and must attend by citata duly issued, according to the words of the said chapter *Quia propter*, before all else the conditions for electing are to be examined, especially for the General: these however are either canonical or moral; these latter I reviewed above with the Saintly Doctor, in the *disp. de prudent.*, the former I shall briefly indicate here, with Suarez treating at length in *cap. 3*.

Hinc per Citatoria opportune emissa convocatis omnibus, qui possunt, volunt et debent adesse, iuxta verba dicti cap. Quia propter, ante omnia dispiciendae sunt conditiones eligendi maxime Generalis: Hae autem aut Canonicae sunt, aut morales; has cum S. Doctore recensui supra disp. de prudent. illas vero hic breviter indicabo, cum Suarez late differente cap. 3.

⁸ The first condition, therefore, required by the Canons, is that the one elected have the legitimate age, which according to the chapter *Cum in cunctis, de elect.* is twenty-five years, as you also have repeated in the Council of Trent, *session 24, cap. 12*. And although in the said places the talk is of those who hold ecclesiastical dignities with the care of souls, we need not doubt that regular prelacy is comprehended there, since it is truly a dignity gravely annexed to the ordinary care of souls, as Suarez teaches, *loco citato, num. 7*.

Prima igitur conditio, iuxta Canones requisita, est, ut Eligendus aetatem habeat legitimam, quae secundum cap. Cum in cunctis, de elect. est viginti quinque annorum, uti etiam repetitum habes in Concilio Tridentino sess. 24. cap. 12. Et licet dictis locis sermo sit de illis, qui cum cura animarum dignitates possident Ecclesiasticas, non est cur dubitemus praelationem regularem ibi comprehendendi, cum vere dignitas sit, curae ordinariae animarum graviter annexa, ut docet Suarez loco citato, num. 7.

⁹ Yet since in Bishops an age of 30 years is required in the same place, both on account of the episcopal dignity and on account of the graver causes which it falls to them to expedite, a similar age seems to be demanded also in regular prelates holding a quasi-episcopal power, such as Generals and provincials. But since the law speaks only of Bishops, who are indeed inferior in dignity to the said

Prelates, although they often surpass them in the gravity of affairs on account of the diversity of provinces, that law is not to be extended beyond the proper signification of the words, especially because it renders ipso facto null the contrary act, which in that case is odious, and therefore to be restricted, as Suarez notes, *loco cit.*, adducing Panormitanus, who shows that the common law said nothing definite even about an Abbot, although not rarely he holds a quasi-episcopal power, and accordingly that he is comprehended under the inferior dignities, insofar as the disposition of the law demands.

Quia tamen in Episcopis ibidem requiritur, aetas 30. annorum, tum propter dignitatem Episcopalem, tum propter graviores causas, quas ipsis incumbit expedire, videtur etiam similem aetatem exigi in praelatis regularibus, obtinentibus potestatem quasi Episcopalem, quales sunt Generales, et Provinciales. Verum cum de Episcopis tantum lex loquatur, quibus quidem inferiores dignitate sunt dicti Praelati, quamvis saepe rerum agendarum gravitate propter diversitatem provinciarum ipsos superent, non est Ius illud extendendum ultra verborum propriam significationem, eo maxime, quod contrarium actum ipso facto irritet, quo in casu odiosum est, ac propterea restringendum, ut notat Suarez loco cit. adducens Panormitanum, qui ostendit Ius commune etiam de Abbate, licet non raro potestatem quasi Episcopalem obtineat, nihil determinasse, ac proinde eum sub inferioribus dignitatibus, quatenus Iuris dispositio expostulat, comprehendi.

¹⁰ Nevertheless, although the common law determined nothing about these; the common usage of all Religions seems indeed to have provided for them abundantly; for since a Generalate or Provincialate requires long experience of affairs, which is acquired only over the course of many years, they are not wont to be elected to those dignities below the fortieth year of age, and we know only of the Seraphic Doctor Bonaventure, who, as Suarez observes, *cit. loco*, on account of his singular gifts and the excellence of his doctrine, in the 35th year of his age and the 13th of his Religion was elected General of the whole Order of Minors; for in him the maturity of spirit and genius had long outgone the gray hairs of years: not unlike is the example of Claudius Aquaviva, as Suarez has in the same place, elected Prefect General of the Society while he was in the thirty-ninth year of his age and the fifteenth of his Religion.

Attamen licet Ius commune de his nihil determinavit; videtur quidem, communem usum omnium Religionum abunde eis prospexisse; Cum enim Generalatus, seu Provincialatus longam requirat rerum experientiam, quae non nisi multo annorum tractu contrahitur, non solent infra quadragesimum annum eligi ad illas dignitates, solumque novimus Seraphicum Bonaventuram, qui, ut advertit Suarez cit. loco, ob singulares dotes, doctrinaeque excellentiam, aetatis suae anno 35. et Religionis 13. in Generalem totius Ordinis minorum electus est; in ipso enim Spiritus, et Genii maturitas annorum canitiem longe antevererat: non valde dissimile est exemplum in Claudio Aquaviva, ut habet ibidem Suarez, electo in Generalem Societatis praefectum, cum aetatis annum trigessimum nonum, et Religionis decimum quintum ageret.

¹¹ The second condition is solemn profession in the same religion: it is had in various chapters of the ancient law, as *cap. Cum ad nostram*, *cap. in magistro*, *cap. Cum causam de electione*; and it is confirmed anew in the Council of Trent, *session 14, cap. 10 de reformat. and session 25, cap. 21 de Regular.*

Secunda conditio est sollemnis in eadem religione professio: Habetur in variis capitulis Iuris antiqui, ut cap. Cum ad nostram, cap. in magistum, cap. Cum causam de electione; Et confirmatur de novo in Concilio Tridentino sess. 14. cap. 10. de reformat. et sess. 25. cap. 21. de Regular.

¹² Some cry out that this condition is so necessary that they assert it to be of natural law, at Suarez, *num. 12*, and it seems to be figured in those prohibitions of the old law, *Deuteronomy 22*, by which it

was forbidden to plough with an ox and an ass together, or to take a garment woven of wool and linen; for where the profession is unequal, the bond of love cannot be equal; for unlike things, by a certain natural tedium, do not long sustain one another, but seek divorce: thus argues Clement V, *Clementina I*, and the *Second Council of Seville*, saying: *In one and the same office the profession ought not to be unequal, for those cannot cohere and be joined whose vows and studies are diverse.*

Hanc conditionem adeo esse necessariam, quidam clamant, ut eam de iure esse naturali asserant apud Suarez numero 12. et figurari videtur in illis veteris legis prohibitionibus Deuteron. 22. quibus vetitum erat in Bove et Asino arare, seu de lino, et lano contextam vestem assumere; ubi enim vulgo dispar est professio, nequit par esse amoris vinculum; dissimilia enim naturali quodam taedio sese diu non sustinent, sed divortium appetunt: Ita arguit Clemens V. Clementina I. et Concilium Hispalense II. dicens: In uno, eodemque officio, non debet dispar esse professio, nam cohaerere, et coniungi non possunt, quibus et vota, et studia diversa sunt.

¹³ Yet I do not deny, with Suarez, that these inconveniences can be otherwise remedied, namely when necessity presses, and the abundance of grace persuades in the professed of another Order, who can easily make himself conformable to the rest and conciliate their minds benevolently; but this case, being extraordinary, is not subject to the present determination of the laws.

Non nego tamen cum Suarez, his incommodis aliter posse subveniri, urgente scilicet necessitate, et suadente abundantia gratiae in alieno professo, qui de facili possit se caeteris conformem reddere, eorumque animos benevole conciliare; sed casus hic, quippe extraordinarius, praesenti legum determinationi non subiicitur.

¹⁴ But if the Council of Trent determines concerning an Abbess that she is not to be elected unless she has lived laudably in religion for eight years, or at least five; yet this is not to be extended to the election of men, either from the same precept or from the nature of the thing: both because the masculine genus is not comprehended under the feminine, although not conversely; and because the law is odious, therefore to be restricted. Moreover, a longer probation of morals is demanded in women, in whom an experience of more frequent frailty has been found.

Quod si Concilium Trident. de Abbatisa statuatur, ut non eligatur, nisi per octo annos, aut ad minus quinque, laudabiliter in religione vixerit; id tamen nec ex eodem praecepto, aut ex natura rei ad virorum electionem extendendum est; tum quia genus masculinum sub foeminino, non comprehendatur, licet non item e converso; tum quod lex sit odiosa, ergo restringenda. Praeterea diuturnior morum probatio in foeminis exigitur, in quibus frequentioris fragilitatis experientia est comperta.

¹⁵ Yet by various constitutions several Religions have provided that some years pass after profession before any professed member is eligible, so that in the meantime he may devote himself to devotion and study; for the practices of religion are not all learned offhand, nor is it seemly that a young neophyte be set over his elders; yet it can be that these defects of age and experience be more happily compensated elsewhere, as if a passage is made from one religion to another, where he has seen equal practices on account of the proximity of the two religions; and there be in the one to which he passes necessity, and in himself sufficiency; wherefore we have said that that condition is not of the nature of the thing.

Variis tamen constitutionibus plures Religiones cautum fecere, ut post professionem aliquot anni transeant, antequam quisquam professus sit eligibilis, ut interim devotioni, et studio possit vacare; non enim ex abrupto tot religionis praxes ediscuntur, nec decens est, Neophytum iuvenem senioribus praefici; potest tamen esse, ut hi aetatis, et experientiae defectus aliunde faelicius recompensentur, ut si fiat transitus ab una religione in aliam, ubi pares praxes propter

utriusque religionis proximitatem viderit; et sit in illa ad quam transit, necessitas, et in ipso sufficientia; quare diximus, illam conditionem non esse ex natura rei.

¹⁶ The third Condition is the Priesthood; for since regular prelates are now ordinary pastors of souls, it is necessary that they obtain not only the dominative power founded in religious profession, but moreover spiritual jurisdiction. Thus *cap. 1 de aetate, et qualitate*, where it is required that the one elected Abbot, necessity pressing, be at least constituted in minor orders; therefore with no necessity pressing he ought to be a priest: but if the election were not of a priest, the election is not to be rendered null, but the one elected is to be ordained, so Suarez, *num. 21*.

Tertia Conditio est Sacerdotium, cum enim nunc Praelati regulares sint Pastores ordinarii animarum, necesse est ut non solum potestatem Dominativam, fundatam in religiosa professione, obtineant, sed insuper Iurisdictionem spiritualem. Ita cap. 1. de aetate, et qualitate, ubi requiritur, ut eligendus in Abbatem, instante necessitate, sit ad minus in minoribus Ordinibus constitutus; ergo nulla urgente necessitate debet esse Sacerdos: Quod si non sacerdotis fieret electio, non est electio irritanda, sed electus ordinandus, ita Suarez num. 21.

¹⁷ But if we regard only regular observance and religious subordination; this condition will not be necessary, since the Religion can be well governed with the sole power of dominion, as is plain at the beginning of the Order of Minors, which the holy Patriarch Francis happily instituted and governed, although he was not a priest; and he commands in *cap. 7 of the rule, that if the superiors, to whom recourse must be made for Reserved cases, are not priests, they cause penance to be enjoined through other priests of the order.*

Quod si autem regularem tantum observantiam, et religiosam subordinationem spectemus; haec conditio non erit necessaria, cum bene Religio gubernari possit cum sola potestate dominii, ut patet in principio Ordinis Minorum, quem S. Patriarcha Franciscus faeliciter instituit, et gubernavit, licet sacerdos non esset, praecipitque cap. 7. regulae, ut si superiores, ad quos pro Reservatis fieri debeat recursus, sacerdotes non sint, iniungi faciant poenitentiam per alios sacerdotes ordinis.

¹⁸ The fourth condition is that there be no Irregularity in the one elected; we saw this above, while treating of irregularity.

Quarta conditio est, ut desit Irregularitas in eligendo; hanc vidimus supra, agendo de irregularitate.

¹⁹ Just as many conditions can be assigned on the part of the elector: for first it is required that he be of the same Congregation with the one elected; the common law indeed enacts that the prelate of any congregation be elected by the members of that one, thus *cap. 1 de electione*, as also 2, 3, 4 and the following, *quest. 8, 2*. Secondly it is required that he be professed in that congregation, for novices are excluded from elections in the law; yet an express profession is not required in the elector, although it is required in the one elected, as the law provides, because more is exacted of him who is elected than of him who elects. Thirdly it is required that the elector be a cleric and initiated into the sacred orders, whence converts are not admitted, by which name only those religious are understood who are not destined for the priesthood or sacred orders; it is had in the *Clementina Ut i de aetate, et qualitate*, where it is decreed: *that no one henceforth in cathedral or collegiate churches, secular or regular, have a voice in chapter, even should this be freely conceded to him by others, unless he have been at least constituted in the order of subdiaconate*, which Suarez says is to be understood of all chapters, general, provincial, and conventual, *cap. 6 num. 5*.

Totidem etiam conditiones assignari possunt ex parte eligentis, primo enim requiritur ut sit de eadem Congregatione cum eligendo; Ius quidem commune statuit, ut Praelatus alicuius congregationis ab huius membris eligatur, ita cap. 1. de

electione, uti et 2. 3. 4. et sequentibus 8. quaest. 2. *Secundo requiritur, ut sit in ea congregatione professus, nam novitii ab electionibus in iure excluduntur; non requiritur tamen professio expressa in eligente, licet requiratur in eligendo, ut iure cautum est, quia plus exigitur in eo, qui eligitur, quam in eo, qui eligit. Tertio requiritur, ut eligens sit Clericus, et sacris initiatus, unde non admittuntur conversi, quorum nomine solum intelliguntur religiosi illi, qui ad Sacerdotium, vel sacros ordines non destinantur; Habetur in Clementina. Ut i de aetate, et qualitate, ubi decernitur: ut nullus de caetero in Ecclesiis Cathedralibus, vel collegiatis saecularibus, vel regularibus vocem in capitulo habeat, etiamsi hoc sibi ab aliis libere concedatur, nisi saltem in Subdiaconatus Ordine fuerit constitutus, quod de omnibus capitulis Generalibus, Provincialibus, et Conventualibus intelligi ait Suarez cap. 6. num. 5.*

²⁰ If, however, we regard the ancient law, while the old monasteries were made up almost entirely of lay monks, it is certain that the power of electing was in the hands of the laics by equal right as in those of clerics, since the latter were fewer, and sometimes none: but since the monastic body was for the most part at length raised to the dignity of the priesthood, and spiritual jurisdiction itself was conferred on them, it seemed unseemly that this be contributed by laics, who indeed in no way possess it, nor will possess it; as is touched upon in *cap. sacrosancta*, and *cap. Massana de electione*.

Si tamen ius antiquum spectemus, dum fere ex Monachis laicis vetera omnia caenobia constarent, certum est potestatem eligendi fuisse penes laicos pari iure, ac penes Clericos, cum hi pauciores essent, et aliquando nulli: Verum cum caetus monachalis ut plurimum ad Sacerdotii tandem dignitatem evectus fuerit, et ipsi spiritualis iurisdictio sit collata, indecens visum est, ut haec a laicis, eam quippe nullo modo possidentibus, nec possessuris, contribueretur; ut tangitur in cap. sacrosancta, et cap. Massana de electione.

²¹ Nevertheless there prevailed among some Orders the custom, or rather the Privilege petitioned from the Pontiff, that in certain minor Chapters the converts have a voice in electing one whom they call the Discretus, that he may bring to the provincial chapters the needs of the brothers, and in their name, together with the local superior, give his own voice.

Obtinet tamen apud nonnullos Ordines consuetudo, seu potius petita a Pontifice Privilegium, ut in Minoribus quibusdam Capitulis conversi vocem habeant ad eligendum unum, quem Discretum nuncupant, ut ad Capitula provincialia fratrum necessitates deferat, eorumque nomine simul cum locali praefecto vocem propriam praebeat.

²² Fourthly, Finally, it is required that the elector be entangled in no censure or ecclesiastical incapacity; and if he be secretly incapable, by intruding himself he sins mortally; but if the others knowingly consent to him, beyond the sin the election will be vitiated, and therefore will have to be rescinded; yet if he be such an excommunicate that the others are not bound to avoid him, nor do they reprehend him intruding himself; the election will not be vicious on this account, since no one is bound to reprehend him. Thus it is determined in the *Extravagant Ad evitanda*.

Quarto Denique requiritur, ut elector nulla censura, seu Ecclesiastica inhabilitate sit irretitus; quod si occulte inhabilis sit, se ingerendo peccat mortaliter; si vero caeteri scienter ei consenserint, ultra peccatum, vitiabitur electio, ac proinde erit rescindenda; quod si tamen talis sit excommunicatus, ut caeteri eum non teneantur evitare, nec reprehendant se ingerentein; non erit ex hac parte vitiosa electio, cum nullus eum reprehendere teneatur. Ita determinatur in Extravag. Ad evitanda.

²³ Further, although these conditions are specially understood on both sides of the general Prelate and those electing him, yet by a similar proportion they can be applied to the election of an inferior Prelate, both active and passive; so that there is no need to say anything in particular about this

matter; especially since the said chapter, *Quia propter*, must be observed by all as far as possible, in which are certain restrictions substantial, others accidental, which see described at length at Suarez, *loco citato*.

Porro hae conditiones specialiter licet intelligantur ex utraque parte de Praelato generali, et de ipsum eligentibus, simili tamen proportionem possunt applicari electioni Praelati inferioris tam activae, quam passivae; ita ut non opus sit aliquid in particulari de hac re dicere; eo praecipue quod dictum caput, Quia propter, ab omnibus, quantum fieri possit, observandum sit, in quo sunt nonnullae restrictiones substantiales, aliae vero accidentales, quas fuse descriptas vide apud Suarez loco citato.

²⁴ To this chapter *Quia propter* have been joined various constitutions, more or less, varying according to the Pleasure of each religion; and they prescribe the manner in which one is to proceed in each Religion for establishing prelates in it; yet for such elections to be valid or invalid in law, it is necessary that constitutions of this kind be approved by the Sovereign Pontiff, otherwise they will be able to add nothing to, or subtract anything from, the common law.

Huic capiti Quia propter, adiunctae sunt variae constitutiones magis, minusve, iuxta cuiusque religionis Placitum, variantes; praescribuntque modum, quo procedendum est in singula Religione, ad Praelatos in ea constituendos; ut tamen tales electiones validae, vel invalidae sint iure, necesse est ut a Summo Pontifice approbentur huiusmodi constitutiones, alias iuri communi nil valebunt addere, vel detrudere.

Question III: How many prelates there are in one religious order, and what order among them

¹ Since the hierarchical Order consists in this, that some are supreme, some lowest, and some intermediate, as the Seraphic Doctor inculcates from St. Dionysius more often here and there, and especially in *part one de ecclesiast. hierarchia*: *It is certain that that regimen is more perfect in which this Order is observed, such as that of the Church, whose governance is most perfect and most hierarchical: it has one supreme Prelate, but very many lowest pastors, and many intermediate Bishops, so that it may thus approach nearer to the Church triumphant, in which there is one supreme power, namely the Divine; another intermediate, namely the Angelic; and finally another lowest, namely the Human; in which hierarchy, the higher one ascends, the more excellent a power dominates over the rest; and on the contrary, the more one descends, the more the divided power is weakened.*

Quot sunt in una religione Praelati, et quis inter eos ordo.

Cum Ordo hierarchicus in eo consistat, ut quidam sint supremi, quidam ultimi, et nonnulli intermedii, ut saepius e D. Dionysio inculcat Seraphicus Doctor passim, et praecipue parte prima de ecclesiast. hierarchia: Certum est regimen illud perfectius esse, in quo Ordo iste servatur, quale Ecclesiae, cuius gubernatio perfectissima est, et maxime hierarchica, unum habet supremum Praelatum, infimos vero pastores plurimos, intermedios autem Episcopos multos, ut sic ad Ecclesiam triumphantem propius accedat, in qua una est potestas suprema, scilicet Divina; alia intermedia, nempe Angelica; alia denique infima, utpote Humana; in qua hierarchia, quo altius ascenditur, eo excellentior potentia caeteris dominatur; et e contra, quo magis descenditur, eo divisa potestas magis debilitatur.

² Hence the Religious Order, whose task it is to stand steadfastly in the footsteps of the Church, that it may better attain that perfection which it vowed in her, is governed under a threefold kind of Prelates; of whom one is supreme, commonly called the General; not that he is simply supreme, since

he acknowledges the Pontiff as his superior; but because in that order over which he is set he has no other to whom he owes obedience.

Hinc Religiosus Ordo, cuius est Ecclesiae vestigiis constanter insistere, ut quam in ea vovit perfectionem, melius attingat, sub triplici Praelatorum genere gubernatur; quorum unus est supremus, vulgo Generalis dictus; non quod simpliciter supremus sit, cum sibi superiorem agnoscat Pontificem; sed quia in eo ordine, cui praeficitur, alium non habeat, cui obedientiam praestet.

³ Another is the intermediate Prelate, subject to the General, having many convents under himself in one province, and on that account he is called Provincial.

Alius est Praelatus intermedius, Generali subditus, plures sub se habens in una provincia conventus, indeque Provincialis nuncupatur.

⁴ The lowest Prelate is called the one who has no other inferior to himself, and is set over a certain convent or place, whence he is wont to be called Conventual, or local, or Guardian: he is wont, however, to have another subordinate to himself rather in the economic administration than in any spiritual jurisdiction; this one is called Vicar in some religions, especially where the local superior has the name of Guardian; he is also called Subprior in respect of the Prior, and Prior in respect of the Abbot, just as Minister in respect of Rector: for local superiors rejoice in various names signifying this very thing; and since they are ordinary pastors, they can in some cases delegate their jurisdiction.

Infimus vero Praelatus dicitur ille, qui alium sibi inferiorem non habet, et certo conventui, seu loco praeficitur, unde Conventualis, seu localis, Guardianusve solet appellari: solet tamen habere alium sibi subordinatum in aeconomica potius administratione, quam in spirituali aliqua iurisdictione; hic Vicarius in quibusdam religionibus appellatur, praesertim ubi localis superior habet nomen Guardiani; vocatur etiam Subprior respectu Prioris, et Prior respectu Abbatis, sicut et Minister respectu Rectoris: Praepositi enim locales variis gaudent nominibus, id ipsum significantibus; qui cum sint pastores Ordinarii, possunt in aliquibus suam iurisdictionem delegare.

⁵ There are also those who hold the place of local Superiors, so that after their death, until the chapter is celebrated, or on account of the smallness of the convent or the fewness of the brothers, they preside; and although they are called Vicars, they are nevertheless in fact ordinary prelates, as is gathered from *cap. In singulis, de statu Monachor.*

Sunt etiam hii, qui vicem tenent Praefectorum localium, ut post ipsorum mortem, donec capitulum celebretur, vel ob parvitatem conventus, seu fratrum paucitatem praesideant; et quamvis Vicarii vocantur, sunt tamen re ipsa praelati ordinarii, ut sumitur ex cap. In singulis, de statu Monachor.

⁶ In every Religious Order there is wont to be a Provincial, not so in the Monastic, in which the sole Abbot or local Prior, under the general superior, governs each monastery: nevertheless usage has prevailed among the Carthusians that at the time of the chapter they institute certain Visitors, who however are not prelates, but for the time exercise a certain commission, on the completion of which they cease; so also in the Order of Minors Commissaries are created for certain causes, who are as it were intermediate Prelates, holding a delegated power; yet not exceeding the exigency of the cause for which it is given, unless it has been expressed otherwise; nevertheless in certain Missions there are commissaries having ordinary jurisdiction, and these are held in place of provincials there.

In omni Ordine Religioso solet esse Provincialis, non sic in Monachali, in quo solus Abbas, vel Prior localis sub praeposito Generali singula monasteria gubernat: usus tamen obtinuit apud Carthusienses, ut tempore capituli quosdam

Visitatores instituant, qui tamen praelati non sunt, sed pro tempore quadam funguntur commissione, qua peracta, cessant; uti etiam in Ordine Minorum creantur Commissarii pro certis causis, qui sunt veluti Praelati intermedii, habentes potestatem delegatam; non tamen excedentem causae exigentiam, pro qua datur; nisi aliter fuerit expressum; sunt tamen in aliquibus Missionibus commissarii, ordinariam habentes iurisdictionem, et hi pro Provincialibus inibi habentur.

⁷ AMONG Us the first Ordinary before all is the Lord Pope; after him the General chapter; third the General minister; fourth in each province the provincial chapter; sixth the Provincial; lastly in his place the Guardian, whether elected or provided. Our Elizzus places ordinary jurisdiction also in the Procurator of the curia, in the visitor, and in the commissary, whether general or provincial, and he cites Boerius, and Bictus, tract. 4, quaest. 1, num. 9. Yet it is certain that these do not come into the share of ordinary jurisdiction, if we take it insofar as it is contrasted with delegated; since these cannot subdelegate their own causes, except by the concession of the first delegating one, or with a grave cause pressing, in which the will of the delegating one is presumed, as Elizzus himself concedes, num. 10. Except those general Commissaries who are deputed not for one cause or another, but hold an ordinary residency, while they are set over Missions or a few convents, which cannot be erected into a province, in the governing of which the Commissary has, whether you wish to call him a general commissary or a provincial, ordinary jurisdiction.

APUD Nos primus prae omnibus Ordinarius est Dominus Papa; post ipsum Generale capitulum; tertio Generalis minister, quarto in qualibet provincia Capitulum provinciale; sexto Provincialis; ultimo in suo loco Guardianus, sive sit electus, sive provisor. Elizzus noster ponit etiam iurisdictionem ordinariam in Procuratore curiae, in visitatore, et commissario sive generali, sive provinciali, citatque Boerium, et Bictum tract. 4. quaest. 1. num. 9. Certum tamen est; hos non venire in partem Iurisdictionis ordinariae; si eam sumamus, quatenus a delegata contradistinguitur; cum hi suas causas subdelegare nequeant, nisi ex primi delegantis concessionem, vel urgente gravi causa, in qua praesumitur de voluntate delegantis, ut concedit ipse Elizzus num. 10. Excipe illos Commissarios generales, qui non pro una, aut altera causa deputantur, sed residentiam obtinent ordinariam, dum Missionibus, vel paucis praeficiuntur conventibus, qui in provinciam erigi nequeant, in quibus regendis habet Commissarius, sive ipsum velis vocare commissarium generalem, sive provinciale, iurisdictionem ordinariam.

⁸ THERE are also other intermediate Superiors, frequently among the Minors, called Custodes; which name signifies an act, not a degree, just as the name Seraph signifies an act, not an order, as the holy Doctor says on chapter 8 of the rule: and these, from the beginning of our Religion on account of the breadth of the provinces, which a sole Provincial did not suffice for, were instituted, having in their custodies the same power, though subordinate, which the provincial minister had in the whole Province: but now, this breadth of the provinces having been so restricted that the provincials can visit them twice a year, the use of these custodes has fallen into disuse; yet another succeeded to it, namely of watching over the brothers, in the absence of the Provincial, and of admonishing him of graver cases emerging; but if some sudden case has emerged, which must be provided for at once, the Custos can in that case exercise the office of the Provincial, as also in any other occurring, for which power is delegated to them: moreover he is subject to the local superior together with the others.

SYNT et alii Superiores intermedii, frequenter apud Minores, Custodes dicti; quod nomen actum dicit, non gradum, sicut nomen Seraphin dicit actum, non ordinem, ut ait S. Doctor in caput 8. regulae: et hi a principio nostrae Religionis propter provinciarum latitudinem, quibus non sufficebat solus Provincialis, instituti sunt, habentes in suis custodiis eandem potestatem, subordinatam tamen, quam in tota Provincia habuit minister Provincialis: sed iam, hac provinciarum latitudine, eo usque restricta ut bis quotannis eas valeant Provinciales visitare, hic custodum usus in

desuetudinem abiit, cui tamen successit alius, utpote vigilandi super fratres, absente Provinciali, eumque de gravioribus casibus emergentis admonendi; Quod si subitaneus aliquis casus emergerit, cui subito prospiciendum, poterit Custos in illo Provincialis munere fungi, uti et in quocumque alio occurrente, pro quo ipsi Potestas delegatur: Caeterum locali Praefecto cum aliis subiicitur.

⁹ THERE is also another kind of Custos, especially customary among us Capuchins: for in the first provincial Chapter, the Pentecost immediately preceding, they are wont to name one Custos alone, who in the election of the General may put forward the voice of the rest.

EST et aliud Custodis genus, praecipue apud nos Capucinos usitatissimum: in primo enim Provinciali Capitulo, Pentecosten proxime praecedente, unum solent nominare Custodem, qui in electione Generalis caeterorum vocem proferat.

¹⁰ IN this all the said prelates agree, namely the general, provincial, and local, that each one hold spiritual jurisdiction over subjects, and indeed ordinary, not delegated; since each of them is destined to his office by the election of the whole chapter: they also have immediate jurisdiction; for this pertains to ordinary prelacy; likewise this jurisdiction in all is quasi-episcopal, as Suarez notes, num. 9 and following, yet in a diverse manner, which, that you may understand,

IN eo conveniunt omnes dicti praelati, scilicet Generalis, Provincialis, et Localis, quod unusquisque Polleat Iurisdictione spirituali in subditos, et quidem ordinaria, non delegata; cum illorum quilibet ad suum officium totius Capituli electione destinetur: Habent etiam Iurisdictionem immediatam; haec enim pertinet ad praelationem ordinariam; Item haec Iurdictio in omnibus est quasi Episcopalis, ut notat Suarez num. 9. et seqq. diverso tamen modo, quod ut intelligas,

¹¹ IT IS TO BE NOTED that the particle *quasi* imports two things, as Suarez notes in the same place. For first it signifies the proper power of a Bishop, residing in an alien subject: second it signifies the power of a Bishop, but with a certain diminution; so that it is not properly an episcopal power, but quasi.

NOTANDUM est, particulam, quasi, duo importare, ut notat ibidem Suarez. Primo enim significat potestatem Episcopi propriam, in alieno residentem subiecto: Secundo significat potestatem Episcopi, sed cum diminutione quadam; ita ut non sit proprie potestas Episcopalis, sed quasi.

¹² THAT the general minister has this quasi-episcopal power, no one doubts, since he can exercise over his subjects many acts of jurisdiction which the Bishop can over his own; yet it is said *quasi* in the general, on account of the twofold reason signified, both because in dignity or character he is inferior to the Bishop; and because he cannot exercise absolutely all the acts of jurisdiction which the Bishop can; the same holds a fortiori in the provincial, since something is always in each province reserved to the general; and it flourishes most of all in the local superior; who could be said, by a more fitting similitude, to have a quasi-parochial power, if we compare the religious hierarchy with the ecclesiastical, and regard only ordinary jurisdiction; since nevertheless the local prelates can have from their privileges more acts forbidden to parish priests and commonly proper to Bishops, it must be said that in them there flourishes thus a quasi-episcopal power, yet with a greater diminution than in provincials; as the common law of old granted this quasi power to conventual abbots, as is plain at Suarez, *loco citato*, although they were subject to Bishops.

GENERALEM autem ministrum habere hanc quasi potestatem Episcopalem, nemini est dubium, cum possit in suos subditos exercere multos iurisdictionis actus, quos potest in suos Episcopus; dicitur tamen in Generali quasi, ob duplicem rationem signatam, tum quia dignitate, seu caractere inferior est Episcopo; tum quod non potest omnes

omnino iurisdictionis actus exercere, quos potest Episcopus; idem a fortiori valet in Provinciali, cum semper aliquid in qualibet provincia sit Generali reservatum; et potissime viget in superiore locali; qui possit dici aptiori similitudine habere potestatem quasi parochialem, si comparemus Hierarchiam religiosam, cum Ecclesiastica, et spectemus solam Iurisdictionem ordinariam; cum tamen praelati locales e suis Privilegiis valeant habere actus plures, Parochis vetitos, et Episcopis communiter proprios, dicendum est in ipsis sic vigere potestatem quasi Episcopalem, cum maiori tamen diminutione, quam in Provincialibus; uti Ius commune olim Abbatibus conventualibus hanc quasi potestatem tribuebat, ut patet apud Suarez loco citato, licet essent Episcopis subiecti.

¹³ But the said prelates DIFFER in many things, especially in the greater or lesser dependence, in subordination, and in the power of restricting the law of the inferior, as also in the breadth of power, especially extensive; for the local superior can care only for those things which are of his house; the provincial, those of his province; and the general, those of the whole religion; the first of these is subject to the second, the second to the third; not contrariwise; yet the rights of each are so composed among themselves that in one religion, according to its proper institute and custom, a conventual prelate can have less, in another more, as also the rest; which, since they rest more on a diverse practice, and the common law has not cared much for these, cannot be prescribed by any certain rules.

DIFFERUNT autem dicti praelati in multis, maxime in dependentia maiori, vel minori, in subordinatione, et inferioris iuris restringendi potestate, sicut et in potestatis amplitudine, praesertim extensiva; solum enim curare potest Praefectus localis, quae sunt suae domus; Provincialis, quae suae Provinciae; et Generalis, quae totius religionis; primus horum subditur secundo, secundus tertio; non e contra; cuiusque tamen ad invicem ita iura componuntur, ut in una religione iuxta proprium institutum, et consuetudinem possit praelatus conventualis minus, in alia maius, uti et caeteri; quae cum e diversa praxi magis constent, nec de his ius commune multum curaverit, nullis certis regulis possunt praescribi.

Question IV: Whether it befits a regular prelate to remain long in the same office

¹ PRELACIES, whose dispensations are in the power of human choice, do not demand from their nature that they be perpetual or temporary; wherefore in the earliest times, while few were those who aspired to the prelacy and the manner of governing was simple, without so many windings of laws with which prelates are now wont to be entangled, one governed a convent perpetually, and was removed only for notable insufficiency or death; and that this was the mind of our holy Father Francis is gathered from those words of our Rule: *Let all the brothers always be bound to have one of the brothers of this Religion as general Minister, at whose death the election of a successor is made by the provincial ministers, etc.*, although on account of grave causes it was afterward otherwise enacted by the Religion, as Croufers notes in his exposition of chapter 8 of the rule.

An deceat, Praelatum Regularem in eodem officio diu durare.

PRAELATIONES, quarum dispensationes sunt penes humanum arbitrium, non postulant e natura sua, ut sint perpetuae, vel temporariae; quare priscis temporibus, dum pauci essent, qui praelaturae studerent, simplexque esset gubernandi modus absque tot legum ambagibus, quibus nunc praelati implicati solent, unus perpetuo unum gubernabat conventum, solumque ob notabilem insufficientiam, vel mortem deponeretur; eamque fuisse mentem S. P. N. Francisci, colligitur ex illis Regulae nostrae verbis: Universi fratres unum de fratribus istius Religionis teneantur semper habere in generalem Ministrum, quo decedente electio successoris fiat a ministris provincialibus, etc. quamvis exinde ob graves causas aliter a Religione statutum sit, ut notat Croufers in expositione cap. 8. regulae.

² ON WHICH ACCOUNT now in all religious Orders, and in many monastic ones too, the custom has prevailed that all Prelates may endure for a fixed time only, more or less, according to the proper institute of each religion, or an Apostolic indult.

QUAM OB REM nunc in omnibus Ordinibus religiosis, et in multis etiam monachalibus mos invaluit, ut omnes Praelati pro certo tantum tempore possint durare, magis, minusve, iuxta cuiusque religionis proprium institutum, vel Apostolicum indultum.

³ Thus among the Minors and the Carmelites the general Minister endures for a six-year term; for since his chief duty is to visit personally the brothers of the whole Religion, it pleased to grant him only so much time as would suffice for that duty: if he sometimes ceases from the said visitation, this is per accidens, on account of some inconvenience or obstacle.

Ita apud Minores, et Carmelitas, Minister Generalis Sexennio durat; nam cum praecipuum eius munus sit fratres totius Religionis personaliter visitare; placuit tantum ei temporis concedere, quantum ad id muneris sufficeret: Quod si aliquando a dicta visitatione cessat; hoc per accidens est, ratione alicuius incommodi, vel obstaculi.

⁴ The ORDER of St. Augustine, however, has always acknowledged the same general, but as eligible or removable at each general chapter: wherefore he is not perpetual of himself. Otherwise must be said of the Carthusians, the Preachers, and the Jesuits, to each of whom one general minister is for the term of life.

ORDO autem S. Augustini eundem semper agnovit Generalem, sed eligibilem, vel deponibilem in singulo Capitulo generali: quare ex se perpetuus non est. Aliter dicendum de Carthusianis, Praedicatoribus, et Iesuitis, quibus singulis unus ad terminum vitae est Generalis minister.

⁵ The PROVINCIALS, however, as also the local superiors, are triennial, very rarely perpetual, against whom Navarrus lashes out with relaxed reins, *comment. 3 de Regular. num. 3 and following*, where he heaps up many inconveniences constantly born of the frequent change of prelates, and protests that he was never by any reasoning persuaded that it would profit the salvation of souls or the peace of communities; against whom Suarez treats learnedly, *tome 4 de Relig. lib. 2 cap. 7*, where he argues especially from the common custom received in the whole church and approved by the Sovereign Pontiffs, against which to go is not solid doctrine but most insolent madness, as the common rule of St. Augustine argues, which I have inculcated everywhere elsewhere. That this same thing is most fitting in the Order of Minors the Seraphic Doctor shows, *in the little Apologetic book against them, and c. in resp. ad quaest. 5*.

PROVINCIALES vero, sicut et praefecti locales, triennales, rarissime sunt, contra quos laxis fibris invehitur Navarrus, comment. 3. de Regular. num. 3. et sequentibus, ubi plura incommoda, ex frequenti praelatorum mutatione iugiter nascentia, congerit, nullaque sibi unquam ratione fuisse persuasibile protestatur, quod animarum saluti, seu communitatum paci id expediret; contra quem docte agit Suarez, tomo 4. de Relig. lib. 2. cap. 7. ubi arguit praecipue ex communi consuetudine in tota ecclesia recepta, et a Summis Pontificibus approbata, contra quam ire non solidam esse doctrinam, sed insolentissimam insaniam, arguit communis regula D. Augustini, quam alibi passim inculcavi. Id ipsum Convenientissimum esse in Religione Minorum ostendit Seraphicus Doctor, libello Apologetico in eos, et c. in resp. ad quaest. 5.

⁶ I ASSERT therefore, with the holy Doctor, that this temporary duration of prelacy is most fittingly ordained.

ASSERO igitur cum S. Doctore, hanc temporaneam praelationis durationem convenientissime ordinati.

⁷ IT IS PROVED, at the place cited, by St. Bonaventure: In the religious Prelate, besides the many gifts of soul, namely the zeal of justice, the mildness of gentleness, fraternal compassion, solid discretion, etc., there are required also other perfections of body, such as an honest personal presence, lasting vigor, so that he may be indefatigable in regular observance and in attending to offices; that maturity of age, so that he neither declines into excessive old age, burdensome to himself and others, nor begins from excessive youth, which does not press upon itself but insults others: but these perfections are found in few, and in those they are very unstable: *Therefore*, concludes the holy Doctor, *we can have few prelates stable in office*, since either they are weakened in body, whence they do not suffice for bearing so many labors, or they are even assailed by fear of conscience, whence not rarely they urgently beseech to be removed from office.

PROBATUR loco citato, a D. Bonaventura: *In Praelato religioso praeter plures animi dotes, zelum scilicet Iustitiae, mansuetudinis lenitatem, fraternam compassionem, solidam discretionem, etc. requiruntur etiam aliae perfectiones corporis, qualis est honesta personalitas, robor diuturnum, ut in regulari observantia, et in officiis assistendis sit indefessus; aetatis ea maturitas, ut nec declinet in nimiam senectutem, sibi, et aliis onerosam, nec incipiat a nimia iuventute, quae sibi non impetet, aliisque insultet: Sed hae perfectiones in paucis teperiuntur, et in illis sunt valde instabiles: Ergo, concludit Sanctus Doctor, paucos stabiles in officio possumus habere praelatos, dum vel corpore infirmantur, unde non sufficiunt tot laboribus exantlandis, vel etiam timore conscientiae percelluntur, unde non raro amoveri ab officio instanter efflagitant.*

⁸ IT IS PROVED secondly by St. Bonav. *there at the end*, in the relation which Suarez uses, loco citato: *He who knows that he will remain long, or forever, in the office of prelacy, easily forgets himself, and thereupon grows insolent; whereas, on the contrary, knowing that he is to be deposed, or to finish, in a short time, he is held in humility and fear; and this happens in both kinds of prelate, perpetual and temporary: for not rarely several, secure in their prelacies, have seemed to lord it over their clerics, against the precept of the Lord, 1 Peter 5, while in others that vice is detected very rarely; for by a certain emulation of virtue (sometimes perhaps also by a vicious ambition, which yet profits others) they imitate those whom they have seen to have borne themselves well and laudably in office, and study that good peace may be for themselves and others in their days, offering to each one such solace as they conveniently can, and diligently cutting off the vices that spread, knowing that they are shortly to render an account of their stewardship, when they have been made subject to another.*

PROBATUR secundo a D. Bonavent. ibi ad finem, *relatione, qua utitur Suarez, loco citato, Qui novit se diu, vel semper permanfurum in officio praelaturae, facile sui ipsius obliviscitur, indeque insolescit; e contra vero, sciens se brevi deponendum, vel finiturum; in humilitate, et timore continetur; atque hoc accidit in utroque hoc genere praelati, perpetui, et temporanei: visi enim sunt non raro plures, de suis praelaturis securi, dominati in cleris, contra praeceptum Domini, 1. Petri 5. cum in aliis rarissime illud vitium deprehendatur; virtutis enim aemulatione quadam, (aliquando forsitan etiam vitiosa ambitione, quae aliis tamen proficiat) quos viderant bene, et laudabiliter in officio se gessisse, imitantur, studentque ut bona pax sit ipsis, et aliis in diebus suis, illud, quod commode possunt, solatium unicuique praebendo, et quae grassantur vitia, sollicitè amputando, scientes se brevi reddituros rationem villicationis suae, cum alteri fuerint subditi.*

⁹ ADD that the prelacy is not so much an exercise of virtues as a reward: wherefore distributive Justice would seem to be injured, while so many outstanding in doctrine and virtues should be perpetually subjected to others perhaps untrained and not sufficiently upright; whence the

community would be deprived of not a few advantages: and although those who excel in virtue can use such subjection for their own progress; yet it belongs not to themselves to make good use of an evil, but to the Religion, to drive them to so rigid a discipline, whence many experience ruin rather than progress.

ADDE Praelaturam non tam virtutis esse exercituum, quam praemium: quare videretur Iustitiam distributivam laesum iri; dum tot, doctrina, et virtutibus praestantes, aliis forsitan rudibus, nec satis probis, iugiter subiicerentur; unde communitas commodis non paucis privaretur: Et licet, qui virtute praestarent, possint tali subiectione uti in suum profectum; ad ipsos tamen ex malo bene uti, non autem ad Religionem spectat, eos ad tam rigidam disciplinam adigere, unde plures experiuntur ruinam, potius quam profectum.

¹⁰ HENCE the holy Doctor, 4 dist. 15 part. 2 dub. 13, adduces as an example of the proud prelate, who is for the whole people unto ruin, David, ambitiously numbering the people subject to him, and glorying in their multitude, or perhaps in the years over which he presided; whence the hand of the Lord was made heavy upon the whole people, to signify that nothing harms a community so much as the pride of the prelate, which is born especially from the perpetuity of his duration.

HINC in exemplum superbi praelati, qui toti populo est in ruinam, affert S. Doctor, 4. dist. 15. part. 2. dub. 13. David, ambitiose numerantem populum sibi subiectum, et gloriantem in multitudine eorum, vel forsitan annorum, quibus praefuit; unde super ipsum populum facta est manus domini gravis, ut significetur, nil tam communitati obesse, quam praelati superbiam, quae e perpetuitate durationis praecipue nascitur.

¹¹ Should you ask whether one must obey prelates thus openly insolent.

Si quaeras, num obediendum sit praelatis ita aperte superbientibus.

¹² THE HOLY DOCTOR ANSWERS, in his exposition on Ecclesiastes, chapter 20, fol. 332, col. 2, that such prelates are of a threefold difference; for some are unjust in themselves; yet commanding others justly, and executing the rest of their office justly; to whom therefore obedience is justly given.

RESPONDET S. Doctor, expositione in Ecclesiast. cap. 20. fol. 332. col. 2. tales praelatos in triplici esse differentia, quidam enim in se sunt iniusti; aliis tamen iuste imperantes, et caetera sui officii iuste exequentes; quibus idcirco iuste obeditur.

¹³ THERE are others elected unjustly, and exercising the office of Prelate in an equally unjust manner, to whom obedience is not due; finally others elected justly, yet pressing hard and harshly, to whom in those things which are according to God one must submit: yet it is just that such a one be removed, because, as the holy Doctor says there, *he merits to lose the privilege who abuses the power granted to him.*

SUNT Alii, iniuste electi, et pari modo munus Praelari exequentes, quibus non est obediendum; alii denique iuste electi, dure tamen et fortiter impetantes, quibus in his, quae iuxta Deum sunt, est obtemperandum: Iustum tamen est talem amoveri, quia ut ait ibi S. Doctor, privilegium meretur amittere, qui concessa sibi abutitur potestate.

¹⁴ THE reasons adduced press most of all in Religions in which the sole active life, or rather a mixed one, is pursued; for on account of the immense cares besetting here, on account of the frequent occasions in which the Prelate is bound to command and the subjects to obey, on account of the constant assistance or presence of the prelate himself, that so many arduous things may be better sustained, scarcely can one endure long, and scarcely can subjects obey long with merit or a cheerful spirit; wherefore if he act more harshly, these console themselves that his deposition is near at hand, as the Seraphic Doctor observes, *loco prius citato, at the end.*

RATIONES autem allatae maxime urgent in Religionibus, in quibus vitae soli activae, vel magis mixtae vacatur; nam ob ingentes hic ingruentes sollicitudines, ob frequentes occasiones, in quibus Praelatus tenetur imperare et subditi obedire, ob iugem assistentiam, vel praesentiam ipsius praelati, ut tot res arduae melius sustententur; vix potest unus diu durare, vixque meritorie, aut hilari animo possunt subditi diu obedire; quare si durius ille agat, consolantur hi, quod in proximo sit deponendus, ut advertit Seraphicus Doctor, loco prius citato, ad finem.

¹⁵ THAT long series and heap of inconveniences, however, which Navarrus accumulates from the frequent change of Prelates, *loco citato*, is easily dissolved, if it be noted that those and similar inconveniences arise rather from an undue election of Prelates than from their temporary duration, as Suarez notes, *num. 6*. But since in *cap. Quia propter*, and in the *Council of Trent de reform. Regularium*, provision has been made sufficiently for electing in the due manner, I do not suspect that any grave argument can be drawn from this: and if certain few murmurings of brothers, or the intemperate ambition of some, should disturb these frequent elections, they are readily met by other remedies instituted in each Religion, as seems best to expedite.

ILLA vero magna incommodorum series, et congeries, quam e frequenti Praelatorum mutatione accumulat Navarrus, loco citato, facile solvitur, si advertatur, ea, et similia inconvenientia potius oriri ex indebita Praelatorum electione, quam ex temporali eorundem duratione, ut notat Suarez, num. 6. Verum quia in Cap. Quia propter, et in Consilio Tridentino de reform. Regularium, sat provisum sit debito modo eligendi; non est cur hinc grave aliquod argumentum sumi posse suspicemur: Quod si paucae quaedam fratrum obmurmurationes, aut intempestiva nonnullorum ambitio has frequentes electiones molestet; his facile aliis remediis, in singula Religione, pro ut melius expedire videtur, institutis, occurritur.

Question V: Whether a religious prelate has the power of coercing subjects with penalties, both spiritual and corporal

¹ AS TO the first part, it is presupposed from the treatise on Censures, *disp. 1*, which we shall deliver, in *part 3*, where we treat of the Sacrament of Penance, that regular Prelates have the power of inflicting a censure, which contains under itself almost all other spiritual penalties.

An in Praelato religioso sit potestas coercendi subditos poenis, tum spiritualibus; tum corporalibus.

QUOAD primam partem, supponitur e tractatu de Censuris, disp. 1. quem trademus, 3. parte ubi de Sacramento poenitentiae, Praelatos regulares habere potestatem ferendi censuram, quae caeteras fere poenas spirituales sub se continet.

² Reason also favors it; for since they are instituted for this, that they may diligently exercise their subjects in the study of virtue and perfection, they ought to have not only the Key, that they may introduce them, but also the sword, wherewith to coerce stiff necks and the contumacious. For the directive force has little vigor, unless it is at times pressed harder by a coercive force.

Ratio etiam favet, cum enim ideo sint instituti, ut suos subditos sedulo in virtutis, et perfectionis studio exercent, non solum Clavem habere debent, ut ipsos introducant, sed et gladium, quo duras cervices, et contumaces coercent. Parum enim vigoris habet vis directiva, nisi durius aliquando a vi coactiva obtrudatur.

³ THE penalties, however, which regular Prelates can inflict, must regard persons, not places; wherefore they cannot lay local interdicts, as Suarez teaches, *cap. 9 num. 5*, since they are destined only for governing persons, not indeed places; they can nevertheless by virtue of simple Obedience forbid brothers to visit certain places; which is not a legal interdict, as is of itself plain; for that

generally prohibits a place from being frequented by all, which does not fall under the power of a regular prelate, since not all, but only the community of brothers, is subject to him.

POENAE tamen, quas ferre possunt Praelati regulares, debent personas, non loca respicere; quare interdicta localia nequeunt ponere, ut docet Suarez, cap. 9. num. 5. quia ad personas gubernandas, non vero ad loca, solum destinantur; possunt tamen virtute simplicis Obedientiae quaedam loca adeunda fratribus interdicere; quod non est iuris interdictum, ut ex se patet; hoc enim generaliter locum omnibus adiri prohibet, quod non cadit sub potestate praelati Regularis, cum non omnes, sed solum fratrum communitas ipsi subiiciatur.

⁴ CHAPTERS, however, which are subject to prelates can be suspended by the same, as Suarez teaches, *loco citato*; but not those to which they are compared as equals, or by which in some things they are surpassed; wherefore the general cannot suspend the general chapter, nor the provincial that which is celebrated in his province, just as neither can the local superior suspend the conventual chapter.

CAPITULA tamen, quae praelatis subiiciuntur, posse ab iisdem suspendi, docet Suarez, loco citato; non vero illa, quibus adaequate comparantur, vel a quibus in nonnullis superantur; Quare Generalis non potest suspendere Capitulum generale, nec Provincialis illud, quod in sua provincia celebratur, sicut nec Superior localis Capitulum conventuale.

⁵ IRREGULARITY, however, to be imposed, is not of regular jurisdiction: for this belongs to the supreme Prelate of the whole church; and in the cases determined by him, in *cap. Is qui, de sentent. excom. in 6*. The prelates of a Religion can nevertheless declare, if any subject of theirs has fallen into it.

IRREGULARITAS autem imponenda, non est iurisdictionis regularis: hoc enim spectat ad supremum totius ecclesiae Praelatum; et in casibus ab ipso determinatis, in cap. Is qui, de sentent. excom. in 6. Possunt tamen Religionis praelati declarare, si quis sibi subditus in eam impegerit.

⁶ BUT there are certain incapacities for casting a vote in chapters, and for other things which are of regular jurisdiction, which it is plain from the common practice they may have the right to inflict; yet they cannot institute them by their own authority, unless with the common law they have some necessary connection, or an express approval from the Sovereign Pontiff. Above all, however, the common law itself must be examined: is such a penalty expressed in it? in what tenor? does it concern all ecclesiastical persons, under whom religious are understood? or only clerics, from whom they are distinguished? for if the penalty is imposed universally on all ecclesiastical persons, the prelate must still consider whether it is imposed *ipso iure*, or whether it is to be imposed by the Prelate himself; and in either case fulfill his own duty; but if it is laid only on clerics, the Prelate will be able to inflict a similar penalty on a religious, on account of the similitude of the delict and of the person, as prudence and equity shall demand.

VERUM sunt nonnullae inhabilitates ad ferendam vocem in capitulis, et ad alia, quae sunt iurisdictionis regularis, quas e communi praxi patet illis licere; inferre non tamen eas possunt instituere propria autoritate, nisi cum iure communi necessariam aliquam habeant connexionem, vel a Sum. Pontifice expressam approbationem. Apprime autem dispiciendum est ipsum ius commune, num in ipsa talis poena sit expressa? quo tenore? num in omnes personas ecclesiasticas, sub quibus intelliguntur Religiosi? num solis clericis, a quibus distinguuntur? nam si imponatur poena universaliter omnibus personis ecclesiasticis, debet praelatus adhuc considerare, num sit ipso iure imposita, num vero ab ipso Praelato imponenda; et in utroque suum munus obire; si vero sit solis posita clericis, poterit Praelatus similem poenam ob delicti, et personae similitudinem, Religioso infligere, pro ut prudentia, et aequitas postulaverint.

⁷ AS TO the second part of the question, it must be said that corporal penalties are of two kinds: some lighter; others graver: that the Prelate can impose the former daily practice teaches, even by a simple word or command, so that the subject is bound to execute them upon himself; in which they are distinguished from the other, graver penalties, which indeed the Prelate can at times inflict, and the subject suffer, yet not execute them upon himself.

QUOAD secundam quaestionis partem, dicendum est, Poenas corporales, alias esse leviores; alias vero graviore: illas imponere posse Praelatum quotidiana docet praxis, etiam simplici dicto, vel imperio, ita ut teneatur subditus eas in seipsum exequi, in quo distinguuntur ab aliis poenis gravioribus, quas quidem Praelatus aliquando potest infligere, et subditus pati, non tamen eas in seipsum exequi.

⁸ THERE is, however, no small doubt, which are those graver penalties which it is lawful for a regular Prelate to impose on his subject.

DVBIVM autem non modicum est, quatenam sint illae poenae graviore, quas licet Praelato regulari suo subdito imponere.

⁹ IT IS CERTAIN first, that the prelate cannot punish a religious cleric with degradation, or similar penalties, by which he is deprived of the clerical privilege; nor indeed, even if he be not a cleric, deliver one deposed from religious profession to the secular arm; unless for this they have a special concession from the Sovereign Pontiff: both because thus the irregularity to be incurred is scarcely forestalled; and because that immunity of the religious from such a penalty is in favor of the whole religion, which a Prelate cannot thus punish.

CERTUM est primo, praelatum nequire Religiosum clericum degradatione, vel similibus poenis, quibus privilegio clericali privatur, punire; imo nec, etiamsi clericus non sit, depositum a professione religiosa, brachio saeculari tradere; Nisi ad hoc specialem habeant a Summo Pontifice concessionem: tum quod sic vix praecavetur irregularitas incurrenda; tum quod ea immunitas religiosi a tali poena, sit in favorem totius religionis, quam sic punire non potest Praelatus.

¹⁰ IF it should sometimes happen that religious are tortured by the secular arm; I say that such men are then, as to the jurisdiction of the Prelates, no longer religious; for they are cast out as incorrigible, and deprived of the habit they are apprehended in some crime, or on account of a misdeed committed in religion, to take note of which belongs to the secular power; which the Prelate can quite justly permit, since he is already emancipated from the religion: by no means, however, when he can hand him over to be punished by his own hands.

QUOD si aliquando contingat, religiosos a brachio saeculari torqueri; Dico tales tunc quoad Praelatorum iurisdictionem, religiosos non esse; sunt enim eiecti ut incorrigibiles, et habitu privati in aliquo facinore deprehenduntur, vel propter scelus in religione commissum, in quod saecularis potestatis est animadvertere, corripuntur; quod satis iuste potest Praelatus permittere, cum sit iam a religione emancipatus: nequaquam vero cum potest propriis manibus puniendum tradere.

¹¹ SUAREZ concludes the same concerning mutilation or public flogging, num. 3; for these are dispositions unto death or homicide, which no cleric can either command or execute without irregularity; add that they are set in opposition to ecclesiastical mildness and religious compassion: whence it is not in use even among Bishops themselves.

IDEM de mutilatione, seu publica flagellatione concludit Suarez, num. 3. sunt enim ad mortem, seu homicidium dispositiones, quas absque irregularitate nemo clericus potest, seu mandate, seu exequi; adde eas ecclesiasticae mansuetudini, et religiosae compassioni ex adverso opponi: unde nec ipsis Episcopis est in usu.

¹² THE same seems to me plainly concerning the penalty of the galleys, that a religious Prelate cannot justly command it by his own authority; although Suarez leans to the opposite; nor does he rightly solve the reasons which he himself objects, so that he ought to hold that opinion equally persuaded to himself.

IDEM mihi plane videtur de poena ad triremes, ut eam Religiosus Praelatus propria autoritate nequeat iuste mandare; quamvis Suarez in oppositum propendeat; nec rationes, quas sibi obiicit, rite solvat, ut eam opinionem sibi aequè persuasam habere debeat.

¹³ For FIRST in this penalty there intervene bloody floggings, not only per accidens on account of the rowing, as Suarez says, but per se, since they are inflicted quite well both on those already rowing, and on account of the sole fault for which they are condemned to it.

PRIMO enim in hac poenae interveniunt cruentae flagellationes, non solum per accidens ratione remigationis, ut ait Suarez, sed per se, cum optime et iam remigantibus, et ob solam culpam, propter quam eo damnantur, infligantur.

¹⁴ SECONDLY this is done by laics against the tenor of the *Chapter Si quis suadente; and cap. Universitatis de sentent. excom.*, where degradation is presupposed to be done unto scourging by laics; but that regular prelates cannot degrade, except by a special indult, we said above.

SECUNDO hoc fit a laïcis contra tenorem Capitis, Si quis suadente; et cap. Universitatis de sentent. excom. ubi degradatio ad verberationem a laïcis faciendam praesupponitur; Praelatos vero regulares degradare non posse, nisi ex speciali indulto, supra diximus.

¹⁵ THIRDLY to torture one's subjects thus is not customary among Bishops, and the Sovereign Pontiff alone uses that power; but if the Bishops do not do this, as Suarez says, that they themselves may undergo less burden, and the guilty less peril, by consigning them to perpetual prison, why does it not rather fall to regular prelates, being less able to undergo such great burdens, and no less bound to guard against the perils of guilty subjects; which from this source are wont to accrue most frequently, and at the same time most enormously; whence nowhere among the ancient Fathers, although in ecclesiastical discipline much more severe than the moderns, do we read that this penalty was in use; not on account of the fewness of the brothers, as Suarez says; for although there were not then so many religious orders, there were nevertheless innumerable throngs of Monks, as Suarez himself confessed in express terms a little before this, *cap. 1 num. 13*, where he says there were at Mount Nitria up to five thousand Monks; who, since they were almost all lay Monks only, not priests, as is gathered from Suarez, *eodem num.*, where he narrates that Epiphanius wrote in a letter to John Bishop of Jerusalem that he had raised to the priesthood a certain monk refusing it, because the multitude of brothers lacked a presbyter — it is almost incredible that at any time some of them gravely did not offend, as we truly read in the *Lives of the Fathers* of a certain Marianus, who, while a girl, concealed her sex under the habit of a man, and lived laudably for a long time in a certain monastery; and when the Prelate commanded her that on a certain night she spend the night with the other monks in the house of a certain secular benefactor, that on the next day they might carry away from there the things necessary for the convent; it happened that the daughter of the householder permitted herself that same night to be corrupted by a certain soldier; and since she could long no longer conceal the evident crime of her pregnant womb, she cast the whole blame upon the said Marianus, which her parents reported to the Abbot with much exaggeration; and in that time guilt of that kind was most grave, both on account of the singular sanctity of the Monks, and on

account of the enormity of a scandal not frequent; the Abbot, however, Marianus being called to the question, and humbly acknowledging that he had committed graver crimes, condemned him with no other sentence than that of ejection: yet the Abbots of convents, although at that time they were subject to Bishops, held over those subject to themselves a quasi-episcopal power, which now regular prelates cannot have greater, as *Suarez teaches, cap. 2 num. 11 and following*. Wherefore I should not think it lawful for our prelates to be now less indulgent to clerical priests than the ancient Fathers once were to lay monks, unless perhaps we wished to aggravate the fault on account of the excellence of the state; which indeed I do not judge to be impious, provided we reserve its punishment to other, less rigid penalties, or to the superior power: whence I do not think that those Religions in which the custom of inflicting this penalty flourishes, as *Navarr. teaches, comment. 3 de regularib. num. 53*, and after him *Suarez, citato loco*, can carry it into execution without a special Pontifical indult, although they act more secretly, and there is less scandal, if they say nothing of it in their books; since graver penalties must always be determined by the common law, or by the Pontiff.

TERTIO suos subditos ita torquere non est apud Episcopos usitatum, solusque Summus Pontifex ea utitur potestate; quod si Episcopi id non faciant, ut ait Suarez, ut et ipsi minus gravamen subeant, et Rei minus periculum, eos perpetuo carceri mancipando, cur id non incumabat potius praelatis Regularibus, quippe minus potentibus ad subeunda tanta gravamina, nec minus obligatis ad praecavenda subditorum reorum pericula; quae hinc frequentissime, simul et enormissime solent accedere; unde nusquam apud antiquos Patres, etsi in ecclesiastica disciplina multo modernis severiores, legimus hanc poenam fuisse in usu; non propter fratrum paucitatem, ut ait Suarez; nam licet tunc non fuerint tot ordines religiosi, fuere tamen Monachorum innumerabiles turbae, ut ipse Suarez expressis terminis paulo ante fassus est hic, cap. 1. num. 13. ubi in Monte Nitriae fuisse ait ad quinque millia Monachorum; qui cum fuere fere omnes solum Monachi laici, non praesbyteri, ut colligitur ex Suarez, eodem num. ubi narrat Epiphanium, epistola ad Ioannem Episcopum Hierosolymitanum scripsisse, se quemdam monachum renuentem, ad Sacerdotium evexisse, ed quod fratrum multitudo careret presbytero, incredibile fere est ex ipsis aliquando aliquos graviter non deliquisse, sicut revera legimus in vita Patrum, Marianum quemdam, cum puella esset, suum sexum sub viri habitu occultasse, et diu in quodam monasterio laudabiliter vixisse et dum praeciperet ei Praelatus, ut quadam nocte cum caeteris monachis pernoctaret in domo saecularis cuiusdam benefactoris, ut inde proximo die, quae conventui essent necessaria, asportarent; accidit, ut patrisfamilias filia, se a quodam milite eadem nocte corrumpi permetteret; quae cum praegnantis uteri patens scelus celare diu nequirit, totam culpam in dictum Marianum refudit, quam parentes multa exaggeratione ad Abbatem detulere; fuit autem in tempore illo id genus culpae gravissimum, tum propter singularem Monachorum sanctitatem; tum propter non frequentis scandali enormitatem; Abbas tamen, Mariano ad quaestionem vocato, et humiliter annuente, se graviora scelera patrasse, non alia, quam eiectionis sententia eum damnavit: Conventuum autem Abbates licet Episcopis tunc sublicerentur, potestatem quasi Episcopalem, qua maiorem nequeunt nunc praelati regulares habere, in sibi subditos obtinebant, ut docet Suarez, cap. 2. num. 11. et seqq. Quare non putem fas esse nostris praelatis, ut sint nunc minus indulgentes Clericis praesbyteris, quam fuere olim prisci Patres laicis Monachis, nisi forte velimus culpam ex status excellentia magis gravare, quod quidem nefas esse non arbitror, modo eius punitionem aliis poenis sar rigidis, vel superiori potestati reservemus: unde non opinor, eas Religiones, in quibus viget consuetudo hanc poenam ferendi, ut docet Navar. comment. 3. de regularib. num. 53. et post eum Suarez, citato loco, absque speciali Pontificis indulto eam executioni mandare, licet ve secretius agant, et minus sit scandalum, nihil de eo in suis libris musitent; cum graviores poenae sint semper iure communi, vel Pontificio determinandae.

¹⁶ The penalties of exile, however, or of change of place, belong to the ordinary power of the prelate. Yet if the prelate wish to delegate a subject to a remote place outside the religion; that delegation will be equivalent to an ejection; for just as if he had been cast out alone, the subject will not be bound to

stay in such a place; since he is already outside the obligation of obedience, which ceases, the subjection ceasing.

Poenae vero exilii, seu loci mutationis poenes ordinariam est praelati potestatem. Si tamen praelatus velit subditum delegare in locum remotum extra religionem; illa delegatio aequivalebit eiectioni; nam perinde, ac si esset solum eiectus, non tenebitur subditus stare tali loco; cum iam sit extra obligationem obedientiae, quae cessat, cessante subiectione.

¹⁷ Hence if the prelate should command him whom he was about to eject, that he not enter such and such a religion, the one ejected would not be bound to comply with such a condition, because while it is being fulfilled he is his own master; see Suarez, *cap. 10 num. 10*.

Hinc si praelatus praeciperet ei, quem eiecturus esset, ut non intraret talem, vel talem religionem, non teneretur eiectus tali conditioni stare, quia dum est adimplenda, est sui iuris; vide Suarez, cap. 10. num. 10.

¹⁸ YOU WILL ASK whether the prelate can command the guilty one not to flee from prison.

QUAERES, num praelatus potest praecipere reo, ut e carcere non aufugiat.

¹⁹ Couarruvias answers, *lib. 1 Variar. cap. 2 num. 4. Caieran. 2 2 quaest. 69 art. 4*, and others, at Suarez, *loco citato*, that such a precept is just, and that the guilty one is bound to comply with it, both because he is bound to keep himself within the cloister according to the prescription of the Superior; and to forestall the scandal that would thence emerge; which, however, Suarez teaches is to be understood in respect of pure detention; for if death, or the gravest inconveniences adverse to the natural law, were feared from it, it would have to be said otherwise, according to what we said above in *disput. 30 de reo, quaest. 11*.

RESPONDET Couarruvias, *lib. 1. Variar. cap. 2. num. 4. Caieran. 2. 2. quaest. 69. art. 4. et alii apud Suarez, loco citato, tale praeceptum iustum esse, tenerique reum ei stare, tum quod tenetur intra claustrum iuxta praescriptionem Superioris se continere; tum scandalum inde emersurum praevenire; quod tamen intelligendum esse docet Suarez ratione purae detentionis; nam si mors, aut gravissima incommoda, iuri naturali adversantia, inde timerentur, aliter dicendum esset, iuxta ea, quae supra diximus disput. 30. de reo, quaest. 11.*

²⁰ YOU WILL ASK whether the prelate can command the guilty one to destroy himself gradually by fasting or hunger, by abstaining from food, or taking so little as would not suffice for sustaining life.

QUAERES, num possit praelatus praecipere reo, ut paulatim inedia, seu fame se perimat, abstinendo a cibo, vel tantillum sumendo, quod vitae sustentandae non sufficeret.

²¹ IT IS ANSWERED by the common opinion that such a precept is iniquitous, and therefore does not bind; yet as a secular Judge can command his officers not to furnish food to a malefactor, so it seems the same is lawful for a regular prelate in respect of religious, at Suarez, *num. 11*.

RESPONDETUR e communi sententia, tale praeceptum iniquum esse, ac proinde non obligare, sicut tamen potest Iudex saecularis mandare officiariis, ut malefactori cibum non subministrent, videtur idem licere praelato regulari, respectu Religiosorum, apud Suarez, num. 11.

Question VI: What solemnities a regular prelate, acting in judgment, is bound to observe

¹ The Seraphic Doctor SUPPOSES, in his *exposition on Eccles. fol. 332. col. 2.*, that judicial acts can take place among Regulars, not only over subjects but even over prelates, so that if they are wicked or less suitable, they may be corrected and removed — which doubtless should be done with due order

preserved, not clandestinely, or in some unknown manner; otherwise Regulars, by reason of their profession of the Religious life, would be in a worse condition than seculars, against whom no grave sentence is anywhere said to be passed except according to the strict points of the law.

Quales solemnitates tenetur Praelatus Regularis, agens in iudicio, observare.

SUPPONIT Seraphicus Doctor, in expositione in Eccles. fol. 332. col. 2. Apud Regulares fieri posse actus iudiciarios, non solum in subditos, sed etiam in praelatos, ut si pravi, aut minus idonei sint, corrigantur, et amoveantur, quod proculdubio servato ordine, non clandestino, aut ignoto aliquo modo fieri debeat; alias essent Regulares propter vitae Religiosae professionem, deterius conditionis, quam saeculares, in quos nullibi fertur gravis aliqua sententia, nisi iuxta iuris apices.

² YET since that luxuriant pomp of ceremonies, customarily observed in secular courts, befits neither poverty nor the Religious state, several Popes have granted to Regular prelates that, setting aside the minutiae of the law and rejecting the whole apparatus of subtleties and legal niceties, attending to the simple truth of the matter, they might proceed *de plano*.

CUM tamen luxurians illa caeremoniarum pompa, in curiis saecularibus servari solita, nec paupertatem, nec statum deceat Religiosum; concessere Pontifices plures Praelatis regularibus, ut omissis iuris rimulis, et reiecto tot subtilitatum, et apicum apparatu, ad simplicem rerum veritatem attendentes, de plano procederent.

³ THUS first Innocent III. After willing in the General Lateran Council *can. 8. and cap. 4.* that certain things of the common law be observed in judgments that are not notorious, so that first there be the inscription before the accusation, and the charitable admonition before the denunciation, and finally the clamorous denunciation arising against a Prelate before the index be made¹ prior to the inquisition, he adds at §. ultimo: *This Order, however, we do not believe must be observed everywhere with regard to Regular persons, which, since it requires cause, can more easily and freely be removed from their administrations,* in which words the Gloss has, *V. Praesent.*, that around seculars the order of law be observed, but around Regulars not everywhere.

¹ N. Editor's note: the print reads 'ad iudiciis autes' (pg-704 of the 1655 scan); the phrase is corrupt in the print itself and could not be emended with confidence, so it is rendered as 'before the index be made'.

ITA in primis Innocentius III. Postquam in Generali Concilio Lateran. can. 8. et cap. 4. quaedam de iure communi in iudiciis, non notoriis, observari vellet, ita ut prius fiat inscriptio, quam accusatio, et charitativa monitio, quam denunciatio, et clamorosa denique infamatio, quae contra Praelatum ad indicis autes increbuerit, prius fiat, quam inquisitio, §. ultimo subdit: Hunc tamen Ordinem circa Regulares personas non credimus usquequaque servandum, quae cum causam requirat, facilius, et liberius ab administrationibus amoveri possunt, in quae verba habet Glossa, V. Praesent. ut circa saeculares iuris ordo servetur, circa vero Regulares non usquequaque.

⁴ LIKEWISE Boniface VIII., at Rodericus, in *coll. Privil. fol. 54.* He decreed thus: *Boniface, etc. To all the brothers of the Order of the Friars Minor, etc. We grant that they may freely proceed to punishments and corrections, and the Prelate, etc., with the minutiae and points of the law set aside, according to the approved customs generally made and to be made by the institutes of the Order.*

ITEM Bonifacius VIII. apud Rodericum, in coll. Privil. fol. 54. Sic decrevit: Bonifacius, etc. Universis fratribus Ord. fratrum Minorum, etc. Indulgemus, ut ad punitiones, et correctiones, et Praelati, etc. Rimulis iuris, et apicibus postpositis, libere procedere valeant, secundum consuetudines approbatas, et generaliter factas, et faciendas Ordinis instituta.

⁵ LIKEWISE cap. *Ea quae*, §. *quod si Abbas de statu Monachi*, says: if a parricide be found, or one otherwise deserving of removal, let him be removed without the noise of judgments: Hence many prelates of Religious Orders, or others delegated to render judgments, supposing all things to be permitted them at their pleasure, pass over more freely those things that are of the law, even substantially, and that concern the intimate truth of the matter, as our Bictus testifies, *quaest. 8. num. 5. V. appellare, in compendio Privileg., and P. Elizeus, in rerum criminal. methodo, tract. 3. quaest. 1. num. 1. cum quibus.*

ITEM Cap. Ea quae, §. quod si Abbas de statu Monachi, dicitur: si filapidator inventus fuerit, vel alias merito amovendus, amoveatur absque iudiciorum strepitu: Hinc plures Religionum praelati, seu alii, ad iudicia ferenda delegati, omnia sibi ad placitum licere autumantes, quae iuris sunt, etiam substantialiter, et quae intimam rei veritatem respiciunt, liberior praetermittunt, ut testatur Bictus noster, quaest. 8. num. 5. V. appellare, in compendio Privileg. et P. Elizeus, in rerum criminal. methodo, tract. 3. quaest. 1. num. 1. cum quibus.

⁶ I ASSERT, that Regular judges are bound to observe all the substantial, or essential, solemnities of the law.

ASSERO, Iudices regulares teneri omnes solemnitates substantiales, seu essentielles iuris observare.

⁷ It is PROVED first, because what pertains to the justice of the law, any judge whatever is bound to observe; such are the said solemnities, as to precede with citation, to require the necessary proofs, etc. Therefore.

PROBATUR primo, quia quae sunt de iustitia iuris, ea quivis iudex tenetur observare; tales sunt dictae solemnitates, ut praemittere citationem, exigere probationes necessarias, etc. Ergo

⁸ It is PROVED second from the sense of those terms of law, *de plano, sine strepitu, absque rimulis, et apicibus*. For *de plano* in the elements *Dispendiosam, de iudiciis*, and in the Gloss, *ad cap. Olim, de accusat.*, signifies to give judgment from a plain inspection of the matter, not pronouncing judgment from the tribunal with the joinder of the issue, the exposure of the libel, etc. Likewise *sine strepitu* signifies that that great apparatus of witnesses, advocates, or procurators be cut off, by whose caviling and clamor the truth is not infrequently entangled in various labyrinths; Likewise *absque rimulis, etc.*, that those subtleties of the law and sharper points, by which the truth is often blunted, be passed over.

PROBATUR secundo e sensu illorum iuris terminorum, de plano, sine strepitu, absque rimulis, et apicibus. De plano enim in element. Dispendiosam, de iudiciis, et in Glossa, ad cap. Olim, de accusat. significat dare iudicium ex plana rei inspectione, non dicendo iudicium e tribunali cum litis contestatione, libelli expostulatione, etc. Item sine strepitu, significat, ut magnus ille testium, advocatorum, seu procuratorum apparatus amputetur, quorum cavillatione, et obstrepitu solet non raro veritas variis labirthis implicari; Item absque rimulis, etc. ut illae iuris subtilitates, et acutiora puncta, quibus saepenumero obtunditur veritas, praetermittantur.

⁹ It is CONFIRMED from Clement V., successor of Boniface VIII., who, explaining the aforesaid privilege granted to Regulars, *loco citato*, indicates six things to be omitted in judgments of Regulars, because they contribute little to the truth of the matter; but four to be admitted, since they more nearly touch the substance of the judgment, as the Gloss notes there, *V. Saepe*.

CONFIRMATUR e Clementis V. Bonifacii VIII. successore, qui explicans praefatum privilegium, Regularibus indultum, loco citato, indicat sex in iudiciis Regularium omittenda; quia ad veritatem rei parum faciunt, quatuor vero admittenda, quippe iudicii substantiam propius attingentia, ut notat Glossa ibidem, V. Saepe.

¹⁰ *FIRST*, then, the said Pontiff decrees that the Regular Judge require neither the libel nor the joinder of the issue.

| PRIMO autem decernit dictus Pontifex, ut Iudex Regularis libellum non exigat, neque litis contestationem.

¹¹ *SECOND*, that he may proceed in vacation time.

| SECUNDO, ut tempore feriato procedere valeat.

¹² *THIRD*, that he cut off adjournments, and repel dilatory and frustrating appeals.

| TERTIO, ut amputet dilationes, appellationes frustratorias, et dilatatorias repellat.

¹³ *FOURTH*, that he restrain the quarrels of Procurators and the superfluous multitude of witnesses.

| QUARTO, ut Procuratorum iurgia, et testium superfluam multitudinem refraenet.

¹⁴ *FIFTH*, that, citing to the definitive sentence, he not be bound to add the word *peremptorie*.

| QUINTO, ut ad sententiam definitivam citans, non teneatur opponere ly peremptorie.

¹⁵ *SIXTH*, that the petition of the Plaintiff and the Defendant, which he requires at the very beginning of the suit in writing, or if you refuse in words, be forthwith reduced to writing. But if in these cases the solemn judicial order be observed by consent of the parties, the process shall stand, etc. This position, however, rather belongs to what must be said below.

| SEXTO, ut petitio Agentis, et Rei, quam petit in ipso litis exordio scriptis, aut si verbo renuis, statim in scriptis redigatur. Quod si in his casibus ex consensu partium solemniter ordo iudiciarius servetur, processus valeat, etc. Haec tamen positio potius ad infra dicenda spectat.

¹⁶ *BUT* since it would be prolix to repeat all these in each Bull or grant of the Popes, in their place the said terms of law have sufficed: *de plano, sine strepitu, etc.*

| CUM autem prolixum esset haec omnia in singulis Bullis, aut Pontificum indultis repetere, in eorum loca suffecti sunt dicti iuris termini, de plano, sine strepitu, etc.

¹⁷ *FOUR* things, however, are to be observed from the same Pontiff in each judgment of Regulars.

| QUATUOR vero sunt observanda ex eodem Pontifice in singulis iudiciis Regularium.

¹⁸ *FIRST*, that the judge admit the necessary proofs, and not exclude the citation and the taking of the oath, both *de calumnia et malitia* and concerning the truth to be said.

| PRIMO, ut probationes necessarias iudex admittat, citationem, et iuramenti praestationem, tam de calumnia, et malitia, quam de veritate dicenda non excludat.

¹⁹ *SECOND*, that he admit the positions, as necessary for arriving at the truth; and fix the term both for giving the positions and for exhibiting the articles and all the acts, nor may they be produced further after the renunciation in the cause, unless each party in turn remit.

| SECUNDO, positiones, tamquam ad veritatem habendam necessarias admittat; terminumque tam ad positiones dandas, quam ad articulos, et omnia acta exhibenda praefigat, nec post renuntiationem in causa ultra producantur, nisi utraque pars invicem remittat.

²⁰ *THIRD*, that he examine the parties, whether *ex officio* or at their instance.

TERTIO, partes, sive ex officio; sive ad earum instantiam examinet.

²¹ *FOURTH*, that he cite to the definitive sentence, which he is bound also to render in writing.

QUARTO, ad sententiam definitivam citet, quam et scriptis ferre tenetur.

²² From these positions you have what was the mind of Boniface VIII. in the aforesaid privilege, when he commands that the Regular Judges may freely proceed with the minutiae and points of the law set aside: where he does not will that those solemnities be omitted that pertain to the substance of the act, but only those that contribute to the adornment or pomp of the cause; for as P. Elizaueus, cited above, notes, *quaest. 1. num. 15.*, although subtleties may sometimes come under the name of solemnity, still not vice versa: every solemnity is not understood under the name of subtlety or minutia.

Ex his positionibus habes, quae fuerat mens Bonifacii VIII. in praefato privilegio, dum iubet, ut rimulis iuris, et apicibus postpositis libere procedere valeant Iudices Regulares: ubi non vult, ut eae solemnitates omittantur, quae ad substantiam actus pertinent, sed solum illae, quae ad causae ornatum, seu pompam conducunt, nam ut notat P. Elizaueus supra citatus, quaest. 1. num. 15. licet solemnitatis nomine aliquando veniant subtilitates, non tamen vice versa, solemnitas omnis intelligitur nomine subtilitatis, aut rimulae.

²³ *BESIDES*, where the words are ambiguous in some law, favor must rather be shown to the defendant, *cap. Cum sunt partium, de reg. iuris in 6. leg. favorabiliores, ff. de reg. iuris, et leg. Atrianus, ff. de actione, et obligatione*; thus also all Jurists assert with one mouth; but the Privilege of Boniface, whose words are ambiguous, if understood so that it would be licit to omit even things that concern the truth of fact, would be to the ruin not only of the matter but not rarely of the innocent person himself; since thus, neither by appearing, nor defending himself, nor by other licit means of defense could he protect himself: Therefore.

PRAETEREA ubi verba sunt ambigua in aliqua lege, reo potius est favendum cap. Cum sunt partium, de reg. iuris in 6. leg. favorabiliores, ff. de reg. iuris, et leg. Atrianus, ff. de actione, et obligatione, ita etiam omnes Iuristae uno ore asserunt; sed Privilegium Bonifacii, cuius verba ambigua sunt, sic intellectum, ut liceret etiam quae facti veritatem respiciunt, omittere, esset in ruinam non solum rei, sed non raro ipsius innocentis; cum sic nec comparendo, nec se defendendo, nec aliis licitis defensionis mediis posset se tueri: Ergo.

²⁴ *ALTHOUGH* the Privilege of Boniface is understood by all to be extended more widely than the concessions of other Pontiffs, it nevertheless contains nothing further, except that he wills that in criminal causes also one proceed civilly de plano, not sitting at the tribunal in the manner of a secular judge, observing those minutiae or subtleties of the law that disfigure the state of Religious and sometimes cast the truth itself into peril: The other concessions, however, speak of a civil cause, so that in it one proceed civilly de plano.

LICET autem Bonifacii Privilegium ab omnibus intelligatur, latius extendendum, quam aliorum Pontificum concessionibus; nil tamen ultra habet, praeterquam quod vult, in causis etiam criminalibus civiliter procedendum de plano, non sedendo pro tribunali, modo iudicis saecularis, observando eas rimulas, seu subtilitates iuris, quae statum Religiosorum dedecent, ipsamque veritatem aliquando in diferimen coniiciunt: Aliae autem concessionibus loquuntur in causa civili, ut in ea civiliter de plano procedatur.

²⁵ From these things I desire to conclude, that the judge is always bound to examine the truth of the matter to its utmost point in every act whose justice depends on it: And this is true, whether the

sentence be interlocutory, which takes on the settling of some circumstances of fact, such as may be the torture of witnesses, ejectments, or adjournments; or definitive, which, all things maturely considered, bears the ultimate sentence on the principal matter, or sometimes on a necessary one, at whose pronouncement in that case the authority of the one pronouncing expires; or finally the sentence of precept, in which the judge, having cognizance of the crime of the Accused, either from his confession or from the notoriety of the fact, condemns him by precept or prohibition to punishment: for although many things are not of the substance of such a judgment, there is nevertheless a substantial order to be observed in it, that the guilty party first confess himself a debtor before he be compelled to payment, and that his crime first be able to be concealed by no tergiversation before he be condemned to condign penalties; yet if the accused be contumacious in acknowledging himself a debtor, let the judge of whatever sort be commanded, without further proof, that he pay; the money once paid is not to be sought back on this account, provided he be truly a debtor, even if the precept was not just.

Ex his libet concludere, semper iudicem teneri rei veritatem ad apicem examinare in omni actu, cuius iustitia inde pendeat: Et hoc verum est, sive sententia sit interlocutoria, quae suscipit aliquas facti circumstantias terminandas, quales possunt esse testium torturae, eiectiones, vel dilationes; sive sit definitiva, quae mature cunctis consideratis, de principali, vel aliquando de necessario, ultimam fert sententiam, cuius prolatione expirat in eo casu proferentis autoritas; sive denique sit sententia praecepti, in qua iudex cognito Rei crimine, vel ex ipsius confessione, vel ex notorietate facti, eum praecepto, vel prohibitione ad poenam damnat: nam quamvis multa non sint de substantia talis iudicii, est tamen in eo ordo substantialis servandus, ut prius se reus fateatur debitorem, quam ad solutionem cogatur, et ut prius nulla valeat eius crimen tergiversatione celari, quam ad condignas poenas condemnetur; si tamen contumax sit reus in agnoscendo se debitorem, praecipiaturs absque ulteriori probatione iudex qualiscumque, ut solvat; soluta pecunia, ex hoc capite non est repetenda; dummodo vere debitor sit, licet praeceptum non fuerit iustum.

²⁶ *SHOULD* you ask what things are substantially necessary for a rendered sentence to stand. I answer first, that it is necessary that it be reduced to writing, rendered, and rendered; and that this be manifested in the writing itself, *cap. fin. de sent. et re iudic. in 6*. For since processes are wont to be undertaken from rendered sentences, that they may be better proved and all rashness of fact avoided, it has pleased that without writing there be none; which is so true that by consent of the parties it cannot be omitted.

QUOD si quaeras, quae sunt substantialiter necessaria, ut sententia lata teneat. Respondeo primo necessarium esse, ut sit in scripturam reducta, sit lata, et lata; idque in ipsa scriptura manifestetur, cap. fin. de sent. et re iudic. in 6. Cum enim soleant intentari processus ex latis sententiis, ut melius probentur, et omnis facti temeritas devitetur, placuit, ut absque scriptura sit nulla, quod adeo verum est, ut ex consensu partium praetermitti non possit.

²⁷ *IT* is nevertheless received by custom in many places, that the Judge read and pronounce the sentence through the *Aquarius*, and he himself pronounce only the word of condemnation or absolution; thus *Clarus quaest. 95. cum Bicko 145. num. 6.*, even though the law provides otherwise, so that the Gloss, in *cap. etsi sententia de sent. et re iudic. in 6.*, says the sentence will be null unless it be rendered and read by the judge himself; yet more honored Judges are excepted, such as Bishops and Prelates of great name, who have the sentence duly pronounced by another; Likewise those who are blind are excepted,¹ since they cannot read, yet are held to pronounce judgment, as is had in *leg. caecus, ff. de iudic. et leg. certi, Cod. eodem*: Better, however, in these cases does custom stand, which is the best interpreter of the laws.

¹ N. Editor's note: the print reads 'expiuntur noniter caeci'; 'noniter' is a corrupt word, probably for 'item' (likewise), and it is rendered accordingly.

EST tamen consuetudine receptum in multis locis, ut Iudex sententiam legat, et proferat per Aquarium, ipseque solum verbum condemnationis, vel absolutionis pronunciet, ita Clarus quaest. 95. cum Bicko 145. num. 6. etsi iure sit aliter cautum, ita ut Glossa in cap. etsi sententia de sent. et re iudic. in 6. dicat, sententiam fore nullam, nisi ab ipso iudice sit lata, et lecta; excipiuntur tamen Iudices honoratiores, quales sunt Episcopi, et magni nominis Praelati, qui per alium curant sententiam rite proferri; Item excipiuntur noniter caeci, cum nequeant legere, putant tamen iudicium proferre, ut habetur leg. caecus, ff. de iudic. et leg. certi, Cod. eodem: Melius tamen in his casibus consuetudini statur, quae est optima legum interpretis.

²⁸ IT is nevertheless not necessary that an interlocutory sentence be committed to writing, but it suffices that the judge interpose, and then indicate to the Notary, that he commit to writings what he has interposed; that however this is not necessary for anything else except that the judge be the better believed, the Gloss teaches in the *dictum*, cap. fin. V. diffinitiva; and that the same can be understood of the precept, although rarely does the necessity of it in writings occur.

NON est tamen necesse, ut sententia interlocutoria scriptis mandetur, sed sufficit iudicem interloqui, et deinde indicete Tabellioni, ut quae fuerit interlocutus, scripturis consignet, quod tamen non esse ad aliud necessarium, nisi ut melius iudici credatur, docet Glossa in dictum, cap. fin. V. diffinitiva, quod idem de praecepto intelligi possit, licet raro huius necessitas in scriptis contingat.

²⁹ SECOND, it is necessary for the value of the sentence that the absent accused be cited, and brought before it, ex Clem. de verb signific. and the other laws cited above. Then let it be published within the term of the citation: *But if the Accused act contumaciously and refuse to appear, let it be intimated to him in every better manner, and be affixed to the door or gates of his residence, that thus it may affect the accused as far as can be done.* Moreover the term of citation is commonly judged to be ten days.

SECUNDO necessarium est ad sententiae valorem, ut reus absens citetur utque coram proferatur, ex Clem. de verb signific. et aliis legibus supra citatis. Deinde publicetur in termino citationis: Quod si Reus contumaciter agat, et comparere refugiat; omni meliori modo ei intimetur, et portae, vel valvis suae residentiae affigatur, ut sic reum, quantum fieri potest, afficiat, Citationis autem terminus communiter decem dierum iudicatur.

³⁰ THIRD, in the sentence is required the determination of the penalty, leg. in summa, ff. de sentent. et re iudic.; yet if one has been established by the law for such a delict, it suffices that it be intimated to the accused, thus several, cited at Elizzaeum, quaest. 16. num. 11. Also some require that the penalty be such, according to the gravity or lightness of the delict, that it not be against penalties limited by the Canons, laws, or custom, otherwise the sentence will be null; because in these cases the cognition of the cause is credited to the judge, but not the diminution or augmentation of the penalty: Vide leg. 1. §. 1. ff. ad S. C. Turpil. There can nevertheless be some causes inducing the Judge to judge a lighter or graver penalty; these the sentence ought to express; and thus the sentence will be valid.

TERTIO in sententia requiritur poenae determinatio leg. in summa, ff. de sentent. et re iudic. si tamen a iure pro tali delicto statuta sit, sufficit, id reo intimari, ita plures apud Elizzaeum citatum, quaest. 16. num. 11. Item requirunt nonnulli, ut sit talis poena, iuxta delicti gravitatem, vel levitatem, ut non sit contra poenam per Canones, leges, vel consuetudinem taxatas, alias sententia erit nulla; quia his in casibus causae cognitio creditur iudici, non autem poenae diminutio, vel augmentatio: Vide leg. 1. §. 1. ff. ad S. C. Turpil. possunt tamen esse causae nonnullae inducentes Iudicem ad leviolem vel graviorem poenam iudicandam; quas sententia debet exprimere; et sic valida erit sententia.

³¹ FOURTH, it is required for the sentence that it be professed in word of the present, namely, I absolve, or I condemn; then that it be sealed with the seal of the office, with two subscribed; all these things, however, are to be transacted with that maturity of time, that room be given to the accused for defense, for the advocacy of witnesses, etc., otherwise he will be able to appeal on account of the brevity of the term, as will be said in the following question.

QUARTO requiritur ad sententiam, ut verbo de praesenti scilicet, absolvo, vel condemno, profetatur, deinde ut sigillo officii obsignetur, cum duobus subscriptis; haec autem omnia ea temporis maturitate sunt actitanda, ut detur reo locus ad defensionem, testium advocacionem, etc. alias poterit propter brevitatem termini appellare, ut quaest. seq. dicitur.

Question VII: Whether appeal can be made from a regular prelate or judge

¹ The QUESTION can be put thus, that an appeal is made from a Regular Prelate to the Superior next above,¹ within or outside the Order; outside the Order he cannot appeal, except to the Roman Pontiff, to whom it is licit for all to appeal, *Cap. Romanum 2. quaest. 6.*; the reason is jurisdiction, which outside the Religion, if it be exempt, is found nowhere else than in the Roman Pontiff; for jurisdiction is necessary for an appeal; hence after the Society of Jesus had been exempted by Paul III., it was added that they should not appeal outside, as *Suarez, tomo 4. de Relig. lib. 2. cap. 11. num. 5.* teaches, at whom is had also the Constitution of *Greg. XIII.* gravely commanding the Friars Minor not to dare appeal to secular Tribunals.

¹ Editor's note: the 1655 print reads 'ad Superiorem posttatem', a transposition of 'potestatem' (the superior authority); rendered 'next above'.

An possit a Praelato, seu Iudice Regulari appellari.

QUAESTIO potest ita colligi, ut appelletur a Praelato Regulari ad Superiorem potestatem intra, vel extra Ordinem; Extra non posse appellari, nisi, ad Romanum Pontificem, ad quem omnibus appellare licet, Cap. Romanum 2. quaest. 6. docet ratio iurisdictionis, quae extra Religionem, si sit exempta, non alibi invenitur; quam in Romano Pontifice; ad appellationem enim necessaria est iurdictio; hinc postquam Societas Iesu exempta esset a Paulo III. additum est, ut extra non appellarent, ut docet Suarez, tomo 4. de Relig. lib. 2. cap. 11. num. 5. apud quem habetur etiam Constitutio Greg. XIII. graviter praecipiens fratribus Minoribus, ut ad saecularia Tribunalia appellare non audeant.

² Even WITHIN the Religion appeals appear to be prohibited, *cap. reprehensibilis, de appellationibus*, where it is established that subjects not break out into the voice of appeal against ecclesiastical discipline; and at the end it is said: *this especially do we will to be observed in Religious: that Religious, when they are to be corrected for some excess, not presume to appeal against the Regular discipline of their Prelate and Chapter, but humbly and devoutly accept what has been enjoined upon them for their salvation:* Similar things are repeated in the statutes of the various Orders, in which Religious are commanded, humb acquiescing in the correction of their Superiors, to desist from the voice of appeal.

INTRA etiam Religionem appellationes fieri videtur prohibitum, cap. reprehensibilis, de appellationibus, ubi statuitur, ne subiecti contra disciplinam Ecclesiasticam in vocem appellationis erumpant, et ad finem dicitur: praecipue vero hoc in Religiosis volumus observari: ne Religiosi, cum pro aliquo excessu fuerint corrigendi, contra Regularem Praelati sui, et Capituli disciplinam appellare praesumant, sed humiliter, ac devote suscipiant, quod pro salute sua fuerit eisdem iniunctum: Similia repetuntur in diversorum Ordinum statutis, in quibus Religiosis praecipitur, ut Superiorum correctioni humiliter acquiescentes, ab appellationis voce desistant.

³ I ASSERT nevertheless, that any Religious unjustly and gravely sentenced by his Superior can licitly appeal to another greater Superior in the same Order; thus teaches the *Seraphic Doctor, in Speculo animae, loco citato*.

ASSERO tamen, quemlibet Religiosum iniuste, et graviter a suo Superiore sententiatum, posse licite appellare ad alium Superiorem maiorem in eodem Ordine, ita docet Seraphicus Doctor, in Speculo animae, loco citato.

⁴ It is PROVED: Natural defense is to be denied to no one; but this presses when subjects are too heavily oppressed by Superiors, and sometimes it cannot be done otherwise than by appealing: Therefore. *Vide Decium, et Panormitanum, in cap. Ad nostram, de appellationibus, cap. licet de officio Ordinis, Navarrum, Comment. 3. de regular. num. 51. et Suarez loco citato*, who does not approve the response of others, *ad Cap. Reprehensibilis, supra, etc.*, where they will that the statutes of the Orders prohibit appeal while it is made, the mode of correction not being exceeded; whence *Decius and Panormitanus, already alleged, ad cap. Ad nostram, conclude: from legitimate correction one does not appeal, unless the mode is exceeded*; whence, by the rule of contraries, they gather that appeals are legitimately undertaken by Religious if the mode of correction is exceeded; But if this were true, *Suarez argues, num. 4.*, there would be no difference between a cleric with respect to his Bishop and a Religious in the Order with respect to his Prelate; since the former can appeal if the excess of correction requires it, the latter by no means: it is certain, however, that the subjection of the subject to the Religious Prelate is stricter, on account of the constant tending toward perfection, or obligation of tending, as also on account of the cohabitation of both, for the most part, where the presence urged by *Turnus* presses: than that of clerics to their Bishop: But absurdly would Pontiffs have enacted particular statutes for obtaining the appeal of Religious, if these were not bound to their observance by a stronger bond than secular Clerics are bound to those laws by which appeal is forbidden to them, that excess of correction not being present.

PROBATUR: Naturalis defensio nulli est deneganda; sed hoc urget, quando subditi nimis a Superioribus praegravantur, nec aliter fieri aliquando, potest nisi appellando: Ergo. *Vide Decium, et Panormitanum, in cap. Ad nostram, de appellationibus, cap. licet de officio Ordinis, Navarrum, Comment. 3. de regular. num. 51. et Suarez loco citato, cui non placet aliorum responsio, ad Cap. Reprehensibilis, supra, etc. ubi volunt Religionum statuta prohibere appellationem, dum fit, non excedente modo correctionis*; unde *Decius, et Panormitanus, iam allegati, ad cap. Ad nostram, concludunt: a correctione legitima non appellatur, nisi modus excedatur; unde iuxta Regulam contrariorum colligunt, legitime a Religiosis appellationes intentari, si correctionis modus exceditur*; Quod si verum esset, arguit *Suarez, num. 4. differentiam nullam esse inter clericum respectu sui Episcopi, et Religiosi in Ordine ad suum Praelatum; cum ille possit appellare, si excessus correctionis id exigat, iste autem, nequaquam: pro certo autem est, strictiorem esse subiectionem subditi ad Praelatum Religiosum, propter iugem ad perfectionem tendentiam, vel tendendi obligationem, sicut etiam propter utriusque, ut plurimum, cohabitationem, ubi, urget praesentia Turni: quam clerici ad suum Episcopum: Absurde autem Pontifices particularia statuta condidissent, pro habenda Religiosorum appellatione, si hi non adstringerentur ad eorum observationem fortiori vinculo, quam saeculares Clerici ad illa iura, quibus ipsis interdicitur appellatio, non urgente illo correctionis excessu.*

⁵ These things certainly neither disprove, nor altogether even prove; first indeed, since against a grave excess of correction natural defense cries out, innate deeply and intimately in all animals, not to say men; I do not see why Clerics and Religious should not be equal in this, since the rational nature of both is of equal condition.

Haec sane nihil num inprobantur, nec omnino etiam probantur; primo quidem, cum contra gravem excessum correctionis clament naturalis defensio, omnibus animalibus, nedum hominibus, alte, et intime innata; non video cur Clerici, et Religiosi in hoc non sint pares, cum rationalis amborum natura paris sit conditionis.

⁶ SECOND, however, I freely suppose, that the statutes of the Orders or the grants of the Pontiffs did not precisely intend that no appeal be made except when the correction exceeded the mode; otherwise, as Suarez well deduces, num. 4., since this had long been prohibited to them both by the common law and by the elevated dictate of justice itself; for anyone even moderately sensible knows that where correction is legitimate, there appeal is illicit.

SECUNDO tamen animo libenter, Religionum statuta, seu Pontificum indulta non id praecise intendisse, ut non fieret appellatio, nisi quando in modo correctio excederet, alias, ut bene deducit Suarez, num. 4. cum iam diu hoc ipsis esset tam iure communi, quam ipsius iustitiae elato dictamine prohibitum; quisque enim, vel modice sensatus, novit, quod ubi legitima sit correctio, ibi illicita sit appellatio.

⁷ WHEREFORE I judge that the said sayings, whether of Pontiffs or of the statutes of the Orders, were enacted chiefly for two reasons: The first is: that since they were made around the time when those Orders were being exempted by Apostolic Privileges from episcopal jurisdiction, which could the more frequently resume its pristine right in appeals, nor were Religious lacking who bore that exemption more grudgingly than others, and would not accept it, while they were corrected by their own Prelates, attempting it by appealing; it seemed good to the Supreme Pontiff and also to the Prelates of the Orders to oppose special statutes to this liberty; this seems to be insinuated in those words related above; *That Religious, when they are to be corrected for some excess, not presume to appeal against the Regular discipline of their Prelate and Chapter*; for since the Prelate and the Chapter of the Religion compose the whole Regular discipline, if anyone should appeal against it, he would necessarily appeal outside, which we showed above to be illicit.

QUARE arbitror, dicta, sive Pontificum, sine Ordinum statuta propter duo praecipue fuisse condita: Primum est: quod cum facta sint circa tempus, quo ipsi ordines Apostolicis Privilegiis eximerentur a iurisdictione Episcopali, quae in appellationibus frequentius poterat pristinum ius resumere, nec deessent Religiosi, qui caeteris aegrius eam exemptionem ferrent, eamque non acceptare, dum a suis Praelatis corrigerentur, appellando attentarent; Visum est Summo Pontifici, et Religionum etiam Praelatis specialia statuta huic libertati opponere; hoc insinuari videtur illis verbis supra relatis; Ne Religiosi cum pro aliquo excessu fuerint corrigendi, contra regularem Praelati sui, et Capituli disciplinam appellare praesumant; cum enim Praelatus, et Capitulum Religionis componant totam disciplinam Regularem, si contra eam quis appellet, necessario appellaret extra, quod illicitum esse supra monstravimus.

⁸ NOTE, however, there, when it is said, *that Religious, pro aliquo excessu corrigendi*, is not understood some excess committed by the Prelate in correcting, but the fault of the subject presupposed to the correction; for although PRO sometimes signifies *iuxta*, as when it is said that someone PRO suo Munere conducts a cause; yet more frequently, and properly, it is taken for the proposition PROPTER; so that they are said to be corrected on account of, not according to, the excess; otherwise valid would be the response of those saying that one cannot licitly appeal even when the mode of correction is exceeded.

NOTA autem ibi, dum dicitur, ne Religiosi, pro aliquo excessu corrigendi, non intelligi excessum aliquem a Praelato inter corrigendum admissum, sed culpam subditi, correctioni praesuppositam; nam licet PRO aliquando significet iuxta, ut quando dicitur, aliquem PRO suo Munere causam agere; frequentius tamen, et proprie sumitur pro

propositione PROPTER; ut dicantur corrigi propter, non iuxta, excessum; alias valida esset responsio dicentium, nec licite posse appellari, quando etiam in modo correctionis exceditur.

⁹ BECAUSE, however, in Canon law, the Chapter is taken for the congregation of all the brothers, with the Prelate presiding, to decide or correct something; sometimes also, according to the common manner of speaking in various Religions, it is taken for the place in which the Religious are wont, at appointed hours before the local superior, to accept and execute penances, for the most part light ones, for faults that either they themselves humbly confess of their own accord, or that the Prelate himself objects to them: Hence the second exposition does not displease me, that the aforesaid statutes of the Religions, at least, willed that brothers thus corrected by their local Prelates acquiesce in them, and not appeal to Superiors, whether General or Provincial, for the lightening of so small a penance. For the custom of many Religions is that the greater Prelates not assist at these chapters except rarely; because the office of correcting in this belongs to the local superior, from whom some brothers, less corrected, are wont to defect irreligiously and appeal to other superiors, either for the lightening of the imposed burden, or on account of a harsher rebuke, or removal from office, by which they persuade themselves that among the rest they will suffer a loss of reputation; wherefore at the end of the said chapter, *reprehensibilis*, is placed: *But let them humbly and devoutly accept what has been enjoined upon them for their salvation*; for this is the tribunal of piety, devotion, and humility, not of rigorous justice; wherefore do not wonder if the voice, *appellare*, there is not taken according to the rigor of the law. To this exposition Suarez himself inclines, *num. 11*.

QUIA vero in iure Canonico, Capitulum sumitur pro congregatione omnium fratrum ad aliquid praesidente Praelato statuendum, vel corrigendum; aliquando etiam iuxta communem loquendi modum in variis religionibus sumitur pro loco, in quo solent Religiosi statutis horis coram praefecto locali pro culpis, quas vel ipsi humiliter ultro fatentur, vel ipse Praelatus eis obiicit, poenitentias, licet ut plurimum leves, acceptare, et exequi: Hinc secunda expositio mihi non displicet, praefita, saltem Religionum, statuta voluisse, ut fratres sic a Praelatis localibus correcti, iisdem acquiescerent, nec pro levamine tantillae poenitentiae ad superiores, seu Generales, seu Provinciales appellarent. Mos enim plurimum Religionum est, ut Praelati maiores his capitulis non assistant, nisi rato; quia ad localem spectat hoc corrigendi munus, a quo solent irreligiose deficere nonnulli fratres minus correcti, et ad alios superiores appellant vel ad levamen impositi gravaminis, vel propter duriolem increpationem, seu ab officio amotionem, qua sibi suadent inter caeteros se famae iacturam perpassuros, quare in fine dicti capituli, reprehensibilis, ponitur: Sed humiliter, ac devote suscipiant, quod pro salute sua fuerit eisdem iniunctum; hoc enim pietatis, devotionis, ac humilitatis tribunal est, non rigorosae iustitiae; quare non mireris, si vox, appellare, ibi, iuxta iuris rigorem non sumatur. Huic expositioni accinit ipse Suarez, num. 11.

¹⁰ The assertion is PROVED therefore second: It is licit in every order to have recourse to the immediate Prelate; therefore also to appeal: For appeal is the genus of recourse; but the General as well as the Provincial, or those called by other names according to the custom of the various Orders, are immediate Prelates, having immediate jurisdiction, independent of the local Prelate. Therefore.

PROBATUR itaque assertio secundo: Ad Praelatum immediatum in omni ordini licitum est recurrere; ergo et appellare: Appellatio enim genus est recursus; sed tam Generalis, quam Provincialis, sive aliis nominibus, iuxta morem diversorum ordinum vocati, sunt Praelati immediati, immediatam habentes iurisdictionem, independentem a Praelato locali. Ergo.

¹¹ It is PROVED third from the decree of the Sacred Congregation of the year 1587, which I touched above, where concerning the Accused *disp. 39. quaest. 9.*, where certain things are discussed obiter concerning appeal. For this decree ordains that Regulars may appeal from one Prelate of the Religion

to the next Superior, from him to the General, from the General to the Protector of the Religion, from him finally to the Sacred Congregation, at Sothus, *in compendio privil.*, under the word *appellare*, and Lezana, *tom. 1. cap. 9. num. 7.*; the cause of correction is excepted, however, not breaking into excess, as P. Elizeus notes, *tract. 11. quaest. 2.*

PROBATUR tertio e decreto Sacrae Congreg. anno 1587. quod tetuli supra ubi de Reo disp. 39. quaest. 9. ubi quaedam de appellatione obiter discussi. Hoc enim decretum ordinat, ut Regulares possint appellare ab uno Praelato Religionis ad Superiorem proximum, ab hoc ad Generalem, a Generali ad Protectorem Religionis, ab hoc denique ad Sacram Congregationem, apud Sothum, in compendio privil. verbo appellare, et Lezanam, tom. 1. cap. 9. num. 7. excipitur tamen causa correctionis, in excessum non irrumpentis, ut notat, P. Elizeus, tract. 11. quaest. 2.

¹² You will ASK whether a personal appeal is licit for a Religious, setting out on the road toward a greater Superior without the license of the local Prelate; for a verbal appeal can be made even if one remain in his convent.

QUAERES, num licita sit Religioso personalis appellatio iter arripiendo versus Superiorem maiorem absque licentia Praelati localis; verbalis enim appellatio potest fieri, etsi quis in suo conventu manserit.

¹³ It is ANSWERED, if it be made with the local Prelate unaware or unwilling, such a one is condemned by the Council of Trent, *sess. 25. cap. 4. de regular.*, where it is thus read: *nor is it licit for Religious to withdraw from their convents, even under the pretext of going to their Superiors, unless they have been sent or called by them; but whoever shall be found without the aforesaid mandate, obtained in writing, is to be punished by the Ordinaries of the places as a deserter of his institute.*

RESPONDETUR, si fiat inscio, aut invito Praelato locali, talem damnari a Concilio Trident. sess. 25. cap. 4. de regular. ubi sic legitur: nec licet Regularibus a suis conventibus recedere, etiam praetextu ad Superiores suos accedendi, nisi ab eisdem missi, aut vocati fuerint, qui vero sine praedicto mandato, in scriptis obtento, inventus fuerit, ab Ordinariis locorum, tamquam desertor sui instituti puniatur.

¹⁴ These things, however, Suarez asserts true up to that point, *num. 15.*, whatever Navarrus say to the contrary, *Comment. 2. de regularib. num. 61.*, so that even if the subject be unjustly burdened by his Superior, or suffer from it some private damage, nevertheless he cannot depart with him unwilling or unaware. The reason is, because of two evils each must choose the lesser; but a lesser evil is a private harm, arising from the unjust burdening of some private person, than a public disturbance and scandal, overflowing upon the whole Religion from such a departure; But if the mind of the Council had been only to bind the subjects once such a burden was removed, it would have ordained nothing new; since this had long before been ordained by various statutes of the Religions and decrees of the Pontiffs; wherefore the sacred Council saw that such burdens lie under such modes of departing; it saw also that the natural law binds everyone to his own defense; but it saw, on the other side, that a stronger bond of natural law is claimed, namely that the whole Religion not undergo scandal on account of one man's inconvenience: Hence, although in any case such an appellant be found without the mandate of his Superior in writing, he can in the external forum be detained and punished; because the judge judges according to externals, and the presumption stands against one thus appealing.

HAEC autem eo usque vera asserit Suarez, num. 15. quicquid in contrarium dicat Navarrus, Comment. 2. de regularib. num. 61. ut etiamsi iniuste subditus a suo Superiore gravetur, aut privatum aliquod damnum inde patiatur, non tamen possit ipso invito, aut inscio discedere. Ratio est, quia e duobus malis minus debet quisque eligere; sed minus

malum est nocumentum privatum, quod oritur ex iniusto alicuius privati gravamine, quam publica turbatio, et scandalum, redundans in totam Religionem ex tali discessu; Quod si mens Concilii esset obligare solum subditos, praeciso tali gravamine nil de novo ordinasset; cum hoc iam pridem ordinatum esset variis Religionum statutis, et Pontificum decretis; quare vidit S. Concilium talia gravamina subesse talibus discedendi modis; vidit etiam ius naturale obligare quemque ad sui defensionem; sed vidit, ab alia parte, fortius iuris naturalis vinculum praetendi, ut scilicet tota Religio non subiret scandalum propter unius incommodum: Hinc licet quovis casu taliter appellans inveniretur sine mandato Superioris in scriptis, posset in foro Ecclesiae detineri, et puniri; quia iudicat iuxta externa, et praesumptio stat pro ipsa contra ita appellantem.

¹⁵ FOR these reasons I would easily believe that in the forum of conscience only two cases are given excusing from sin in such an appeal; The first is, if the common good should be supremely imperiled by delay or retardation, or some grave evil, repairable by no other way, be feared; which is to be judged not by one's own but by the prudent judgment of another, Suarez admonishes, *num. 15.*

OB has rationes facile crederem in foro conscientiae duos tantum dari casus excusantes a peccato in tali appellatione; Primus est, si commune bonum ob moram, vel retardationem summopere periclitaretur, vel gravi aliquod malum, nulla alia via reparabile, timeretur, quod non proprio, sed alieno prudentis iudicio esse diiudicandum monet Suarez, num. 15.

¹⁶ The SECOND case is, when a grave private harm presses, as of infamy or death, and it is probably hoped that no grave scandal will come of it, as if one must go with a companion, where it is the custom that two always set out socially together, and there be no danger of falling in with those who are wont to examine newly arrived brothers rather harshly, even to the showing of the Obedience, etc.

SECUNDUS casus est, quando damnum etiam privatum grave urget, ut infamiae, vel mortis, et probabiliter speratur, nullum inde grave scandalum eventurum, ut si cum socio sit eundum, ubi mos est, ut duo socialiter semper proficiscantur, nec sit periculum incidendi in illos, qui durius solent advenas fratres examine usque ad Obedientiae ostensionem, etc.

¹⁷ You will ASK second, whether a Religious convicted in judgment, but not confessing, can appeal, and conversely.

QUAERES secundo, utrum Religiosus in iudicio convictus, sed non confessus, possit appellare, et e contra.

¹⁸ It is ANSWERED, that one who has confessed, but not been convicted, cannot appeal, *leg. 2. Cod quor. appellationes non recipiuntur*; the reason is, because in order to appeal it is necessary that the accused be burdened, since appeal is in aid of innocence, so the Gloss, *cap. Cum special, §. Porro, de appellat.* Therefore whoever is unjustly burdened has the faculty of appealing, *cap. Ut debitus, de appell.* Truly, if he be convicted and not confessing, he will be able to appeal, thus *leg. 2. citata.* Of one who has confessed, however, it is understood that he cannot appeal if the confession was not extorted, if he confessed in his own defense, and the like: For the Gloss, *Cap. Romana, §. cit. V. vel de quo*, requires three things in order that the condemned cannot appeal, namely that he be convicted, confessing, and overcome by arguments; wherefore if he was convicted and confessing, nay even overcome concerning a hidden crime, through error or terror and similar impulses, the place of appealing can still be had, as P. Elizzus notes, *cap. 2. cit. num. 5.*

RESPONDETUR, confessum, sed non convictum, appellare non posse, leg. 2. Cod quor. appellationes non recipiuntur; ratio est, quia ad appellandum, necesse est, ut reus gravetur, cum appellatio sit in subsidium innocentiae, ita Glossa, cap. Cum special, §. Porro, de appellat. Ideo quicumque iniuste gravatur, habet facultatem appellandi, cap. Ut debitus, de appell. Verum si sit convictus, et non confessus, poterit appellare, ita, leg. 2. citata. De confesso

autem intelligitur, cum non posse appellare, si confessio non fuit extorta, si confessus est ad sui defensionem, et similia: Nam Glossa, Cap. Romana, §. cit. V. vel de quo, tria requirit ad hoc, ut condemnatus nequeat appellare, scilicet ut sit convictus, confessus, et argumentis superatus; quare si fuit convictus, et confessus, imo superatus de crimine occulto, ex errore, vel terrore, similibusque motibus, poterit adhuc habere locum appellandi, ut notat P. Elizzus, cap. 2. cit. num. 5.

Question VIII: Who is the judge from whom, and to whom, appeal is made

¹ The Judge from whom the appeal is made must be such that he has begun to burden the accused; wherefore whether he be a delegate or an Ordinary, provided he not be supreme in rendering the judgment, from him appeal is licitly made; I said: *unless he be supreme, etc.*, because from the Supreme Pontiff it is licit to appeal not even to a General Council; as was said, where concerning excommunication of the Bullae Coenae.

Quis sit Iudex a Quo, et ad Quem appelletur.

Iudex, a quo fit appellatio, debet talis esse, ut reum coeperit gravare; quare sive sit delegatus, sive Ordinarius, modo non sit in ferendo iudicio supremus, ab ipso licite appellatur; dixi: nisi sit supremus, etc. quia a Summo Pontifice nequidem ad Generale Concilium licet appellare; ut dictum est, ubi de excom. Bullae Coenae.

² But where the Judge has rendered sentence, interposing that clause: *omni appellatione remota*, or other equivalent terms, appeal cannot be made from him; because such a sentence removes all impediments of execution, unless in some case of law mention of appeal be expressly made.

Ubi autem Iudex tulit sententiam, interponendo clausulam illam: omni appellatione remota, vel aliis terminis aequivalentibus, ab eo nequit fieri appellatio; quia talis sententia removet omnia impedimenta executionis, nisi in casu aliquo iuris expressa fiat mentio appellationis.

³ But if the sentence be actually committed to execution, no appeal is given from the execution, unless he exceed in executing, *Cap. pastoralis, §. etsi, de officio iudic. deleg. et leg. ab executione, Cod. quorum appellation. etc.*

Si vero executioni sententia actu mandetur, ab executione non datur appellatio, nisi excedat in exequendo, Cap. pastoralis, §. etsi, de officio iudic. deleg. et leg. ab executione, Cod. quorum appellation. etc.

⁴ The Judge *ad quem* must be the proximate superior of the Judge from whom the appeal is made, and thus grade by grade up to the supreme judge, as is had in the decree of the Sacred Congregation related above. But if it be done otherwise, the adverse party objecting, the appeal is held null; yet if it be done through error and in good faith, the cause is devolved to the competent Judge, *leg. 1. ff. de appellat.*

Iudex ad quem, debet esse proxime superior Iudice, a quo appellatur, et sic fit gradatim usque ad supremum iudicem, ut habetur relato decreto Sacrae Congreg. Quod si aliter fiat, parte adversa se opponente, appellatio nulla habetur; si tamen ex errore, et bona fide fiat, devolvitur causa ad Iudicem competentem, leg. 1. ff. de appellat.

⁵ These things, however, are not understood of the Pope, to whom, as also to his Legate, the legation still remaining, it is licit to appeal, the intermediate Judges omitted, *c. dilecti, 3. de appellat.*; say the same if the middle Prelate be long absent, then the cause can be accelerated to another superior to him.

Haec tamen non intelliguntur de Papa, ad quem sicut et ad eius Legatum, legatione adhuc manente, licite, intermediis Iudicibus omissis, appellatur, c. dilecti, 3. de appellat. idem dic si Praelatus medius diu absit, tunc ad alium, eo superiorem, potest causa accelerari.

⁶ If the Pope has delegated someone to the cognizance of a particular cause, then the appeal is made to the Pope himself, not to his Legate a latere; let the same hold for every delegate judge, from whom the appeal is made immediately to the one delegating.

Si Papa aliquem delegavit ad cognitionem particularis causae, tunc ad ipsum Papam, non ad Legatum eius a latere fit appellatio; idem esto iudicium de omni delegato, a quo ad delegantem fit immediate appellatio.

⁷ The OFFICE, however, of the Judge *ad quem* is manifold. For first he must inquire of you, whether anything substantial is lacking to the appeal?

OFFICIUM autem Iudicis ad quem multiplex est. Primo enim inquirere te debet, num nil substantiale desit appellationi?

⁸ The SUBSTANTIAL things, however, required for a legitimate appeal are: first, the expression of the name of the appellant party, as also of the judge, *a quo*; this however is only congruous; then the mention of the place and time at which the appeal was made, that it may be known whether at the due time, etc. Then that it be committed to writing, unless it be made in continenti; yet if sufficient proof of it can be had elsewhere, it may be omitted.

SUBSTANTIALIA autem, ad appellationem legitimam requisita, sunt primo expressio nominis partis appellantis, sicut et iudicis, a quo; hoc tamen tantum congruum est; deinde mentio loci, et temporis, quo facta fuit appellatio, ut sciatur, num debito tempore, etc. Deinde ut scripturae mandetur, nisi fiat in continenti; si tamen eius sufficiens probatio aliunde possit haberi, potest omitti.

⁹ THIRD, the cause must be expressed, except in the definitive sentence, in which it suffices to intimate that one appeals from an unjust cause. Vide the dictum, *quaest. 146. num. 17. et seq.*

TERTIO debet causa exprimi, nisi in sententia definitiva, in qua sufficit intimare, se ab iniusta causa appellare, Vide dictum, quaest. 146. num. 17. et seq.

¹⁰ The appellant must also seek from the Judge, *a quo*, the Apostoli, or letters of notification, by which he signifies that he has had recourse to the appeal; of these letters, however, there are various species; for some are Testimoniales, by which the appellant, in the absence of his Judge, attests before upright and trustworthy men the said appeal: Others are Reverentiales, by which the judge, *a quo*, attests that out of reverence for the judge, *ad quem*, he has neither delayed nor impeded the appeal: Finally others are Refutatoriae, by which the appeal, as light and frivolous, is repelled, these having been seen.

DEBET etiam appellans Apostolos, seu litteras nunciatorias petere a Iudice, a quo, quibus significet se detulisse appellationi; harum autem litterarum variae sunt species; aliae enim sunt Testimoniales, quibus appellans, absente suo Iudice, coram probis, et fide dignis viris attestatur dictam appellationem: Aliae sunt Reverentiales quibus testatur iudex, a quo, se ob reverentiam iudicis, ad quem, appellationem non distulisse, nec impediisse; Aliae denique sunt Refutatoriae, quibus tanquam levis, et frivola, appellatio retunditur, his visis.

¹¹ SECOND, the Judge, *ad quem*, must diligently examine the justice of the appeal, whether in it there was a burden to the accused, whether the cause was deferred, etc.

SECUNDO Iudex, ad quem debet diligenter examinare iustitiam appellationis, num in ea fuerit gravamen rei, num causa deferta, etc.

¹² THIRD, whatever has been transacted by the Judge, *a quo*, he must take care to have transferred to himself, unless it contributes nothing to the declaration or cognition of the cause, *cap. Exhibita, de iudiciis*; he must, however, diligently inspect whatever things have been established against the Accused, and, as far as can be done, consult the reputation of the Judge, *a quo*. Other things more numerous, vide at Bictus in the places cited, Elizaetus, *tract. 11. throughout*, Farin. *tract. de Iudice, quaest. 5. et seqq.* and others among these.

TERTIO quicquid a Iudice, a quo actitatum est, ad se curet transferri, nisi nil ad causae declarationem, vel cognitionem testentur *cap. Exhibita, de iudiciis*; debet autem diligenter inspicere, quaecumque in Reum statuta sunt, et quantum fieri potest, consulere famae Iudicis a quo. Alia plura vide apud Bictum locis citatis, Elizaetum, *tract. 11. per totum*, Farin. *tract. de Iudice, quaest. 5. et seqq. et alios apud istos*.

Question IX: Whether a regular prelate can dispense his subject, which subject, and in what

¹ THAT this power exists in Prelates the Seraphic Doctor supposes rather than proves, *exposit. in Eccl. fol. 314. col. 2*. The reason is, that Religious Prelates in exempt Orders succeed to Bishops; whence they are said to have a power, as it were, Episcopal; as was seen above, *quaest. 2*. But Bishops can dispense with their subjects in many matters: Therefore.

An Praelatus Regularis possit dispensare cum suo subdito, Quis, et in quibus.

HANC in Praelatis potestatem existere supponit potius, quam probet Seraphicus Doctor, *exposit. in Eccl. fol. 314. col. 2*. Ratio est, quia Praelati Religiosi in Ordinibus exemptis, succedunt Episcopis; unde dicuntur habere potestatem, quasi Episcopalem; ut supra visum est, *quaest. 2*. Episcopi autem in multis dispensare possunt cum suis subditis: Ergo.

² BESIDES, the urgent necessity of the Brethren requires that at times something be dispensed with them; but it would be hard always to have recourse to the Pontiff, or to others delegated by him; while meanwhile the public or private salvation of someone might be endangered.

PRAETEREA exigit urgens necessitas Fratrum, ut cum ipsis aliquando in nonnullis dispensetur; durum autem esset ad Pontificem semper recurrere, vel ad alios ab ipso delegatos; cum interim possit publica, vel privata alicuius salus periclitari.

³ FINALLY, the common law grants to Greater Prelates, having ordinary jurisdiction, that they may provide for the salvation of their subjects in all things; which cannot be done unless they have the power of dispensing; whose act pertains to ordinary jurisdiction in Bishops, or in those having a power quasi-episcopal.

TANDEM Ius commune concedit Maioribus Praelatis, habentibus ordinariam iurisdictionem ut possint prospicere subditorum saluti per omnia; quod fieri nequit nisi habeant dispensandi potestatem; cuius actus spectat ad iurisdictionem ordinariam in Episcopis, vel in habentibus potestatem quasi Episcopalem.

⁴ THERE remains therefore to see in what matters they can dispense; for it is certain that the power of dispensing in all things is not granted to Regular Prelates; since not even Bishops have it; for many things are reserved to the Supreme Pontiff; but that those things which are not reserved, but are left

by common law to the disposition of Bishops, are without doubt left also to Prelates of Regulars for their subjects.

RESTAT igitur videndum in quibus possint dispensare; Certum enim est non concedi Regularibus Praelatis dispensandi in omnibus potestatem; cum nec Episcopi eam habeant; sunt enim plura Summo Pontifici reservata; quae vero non reservantur, sed iure communi relinquuntur dispositioni Episcoporum, indubitatum est, ea etiam Praelatis Regularium relinqui pro sibi subditis.

⁵ WHEREFORE doubt can arise only concerning those things in which the dispensation of a Regular is valid, as Suarez notes, *tome 4. de Relig. lib. 2. cap. 120*. These are Vows, Irregularities, the precepts of the Church, and the observance of the Rule.

QUARE solum dubitari potest de quatuor, in quibus valeat dispensatio Regularis, ut notat Suarez, tomo 4. de Relig. lib. 2. cap. 120. Haec sunt Vota, Irregularitates, praecepta Ecclesiae, et Regulae observantia.

⁶ AS TO Vows, if they are essential to Religion, in them only the Pope can dispense, as we said above: *on vows with D. Bonavent. in 4. dist. 38. art. 2. quaest.* But if they were made within Religion itself, the Prelate can void them by dominative power, or change them; or dispense by the power of Jurisdiction, as Suarez teaches above.

QUOAD Vota, si sunt Religioni essentialia, in eis solus Papa dispensare potest, ut diximus supra: de votis cum D. Bonavent. in 4. dist. 38. art. 2. quaest. Si vero facta sunt in ipsa Religione, potest ea Praelatus irritare potestate dominativa, vel commutare; aut dispensare potestate Iurisdictionis, ut docet Suarez supra.

⁷ AS TO Irregularities, as they are ordinarily imposed by the Supreme Pontiff, so are they removed; yet since some are in the common law, over which Bishops have power, it must be said that Regular Prelates can over the same, with respect to their subjects. I said in the common law, because if for some special reason the dispensation of certain irregularities is granted to Bishops, it is probably denied to Regulars according to Suarez *n. 11*. Whence he judges that irregularities contracted from a hidden crime, whose dispensation is given to Bishops in the Council of Trent *sess. 14.*, are not to be dispensed by other Prelates; and he brings forward in proof of this special concession a declaration of the sacred Congregation in these words: *In this decree (namely the Tridentine) inferiors are not comprehended, having ordinary and quasi-episcopal jurisdiction, but only Bishops, exclusively as regards all others.*

QUOAD Irregularitates, sicut ordinarie a Summo Pontifice ponuntur, ita et tolluntur; cum tamen nonnullae sint in iure communi, in quas potestatem habent Episcopi, dicendum in easdem posse Praelatos Regulares, quoad suos subditos. Dixi in iure communi, quia si aliquo speciali irregularitatum aliquarum dispensatio Episcopis conceditur, Regularibus probabiliter negatur apud Suarez n. 11. Quare arbitratur, irregularitates e crimine occulto contractas, quarum dispensatio in Concil. Trid. sess. 14. Episcopis datur, aliis Praelatis dispensandas non dari; affertque in specialis huius concessionis fidem, declarationem quamdam sacrae Congreg. his verbis: In hoc decreto (Scilicet Tridentini) non comprehenduntur inferiores, habentes iurisdictionem ordinariam, et quasi Episcopalem, sed tantum Episcopi, privative quo ad omnes alios.

⁸ FOR WHICH REASON Suarez does not judge it absurd, *num. 12.*, that Religious, though exempt, should have recourse to Bishops for the absolution of such irregularities, since they cannot be absolved of them by their own through their subordinates; because the act of dispensation was made proper to the Bishop by the Council; wherefore it does not imply that they have jurisdiction in this case, though they do not have it in others, just as Religious can be partakers of an Episcopal Indulgence, because it is in favor, as is also that case of which we speak.

QUAM OB REM absonum non arbitratur Suarez, num. 12. ut Religiosi, licet exempti, ad Episcopos recurrant pro absolutione talium irregularitatum, cum ab his per suos nequeant absolvi; quia actus dispensationis factus est a Concilio proprius Episcopi; quare non implicat, eos habere in hoc casu iurisdictionem, licet eam non habeant in aliis, sicut possunt Religiosi Indulgentiae Episcopalis participes esse, quia est in favorem, sicut et casus ille, de quo loquimur.

⁹ But if the power of dispensing in this irregularity be granted to the Regular Prelates themselves by privilege or delegation, they can forbid their subjects to have recourse to others for absolution; since the Prelate has the power that no one interfere with his subjects in those things which he himself can furnish; otherwise Regular observance and peace would easily be disturbed; as Suarez has it, cit. cap. 12. num. 15. Yet there are not lacking those who think that whatever is granted to Episcopal Prelates for the good governance of souls, the same is not denied to Regulars by an equality of reason and obligation, as Suarez notes, and rightly grants, num. 24. It will be otherwise, however, if such concessions are made to Bishops on account of their greater authority or gravity to be conciliated; for since they frequently deal with uneducated laity, who little venerate the Mysteries of faith or the Majesty of the orthodox Religion, they sometimes need to obtain special indults, by which their authority, sustained with greater splendor and more august veneration, may be set before the people.

Quod si potestas in hac irregularitate dispensandi sit privilegio, vel delegatione concessa ipsis Praelatis Regularibus, poterunt prohibere subditos, ne ad alios pro absolutione recurrant; cum habeat Praelatus potestatem, ut nullus se intromittat ad suos subditos in his, quae ipse potest praestare; alias enim Regularis observantia, et pax facile perturbaretur; ut habet Suarez, cit. cap. 12. num. 15. Non desunt tamen, qui opinantur quicquid Praelatis Episcopalibus conceditur ad bonum regimen animarum, id ipsum ob rationis, et oneris paritatem, Regularibus non denegari, ut notat Suarez, et merito concedit, num. 24. Secus autem erit, si propter maiorem auctoritatem, vel gravitatem, Episcopis conciliandam, ipsis tales concessionem fiant; nam cum inter saeculares rudes frequenter versentur, qui fidei Mystera, aut Religionis orthodoxae Maiestatem parum venerantur; necesse aliquando habent specialia indulta obtinere, quibus auctoritatem suam, maiori splendore, et augustiori veneratione suffultam, populo obtendant.

¹⁰ Let the same judgment be concerning dispensation in the precepts of the Church, as in the things said above. For the common Rule is: Whatever is granted to Bishops by common law for the salvation of souls, that is not denied to Prelates holding a quasi-episcopal power. For since in the observance of fasting, in hearing Mass on a feast day, in the recitation of the Office, and similar ecclesiastical precepts frequently occurring and not rarely needing dispensation, recourse cannot easily be had to the Supreme Pontiff, nor even to the Bishops themselves, even if the Religion were not exempt; the moral necessity of good governance requires that this power be left in the hands of the Prelates of the Orders, who are accustomed to be had at a nod, since they reside continually in their convents.

Idem esto iudicium de dispensatione in praeceptis Ecclesiae, ac in supra dictis. Communis enim Regula est: Quidquid Episcopis iure communi conceditur in animarum salutem, id Praelatis, Episcopalem quasi potestatem obtinentibus, non negari. Nam cum in observatione ieiunii, in auditione Missae die festo, in recitatione officii, et similibus praeceptis Ecclesiasticis frequenter occurrentibus, et non raro dispensatione indigentibus, non possit facile haberi recursus ad Summum Pontificem, nec ad ipsos etiam Episcopos, etiamsi Religio non esset exempta; moralis bene gubernandi necessitas exigit, ut penes Praelatos Ordinum, ad nutum haberi solitos, cum in conventibus suis iugiter resideant, haec potestas relinquatur.

¹¹ But those things which are granted to Bishops by special law, pertaining more to the function of Orders than to the exercise of jurisdiction, are not considered permitted to Regular Prelates; for what

would such an indult serve? unless perhaps the said Prelates were such that they could confer minor Orders by privilege.

Quae autem speciali iure Episcopis indulgentur, magis ad Ordinis functionem, quam ad iurisdictionis exercitium spectantia, Regularibus Praelatis non censentur permissa; ad quid enim serviret tale indultum? nisi forte dicti Praelati tales essent, ut Ordines minores conferre possent ex privilegio.

¹² Hence Suarez proposes the doubt, whether that special Concession made to Bishops by the Council of Trent sess. 11. and 13., for promoting one ordained to a higher order before the year from which he received the former, was made also to Regular Ordinaries, so that by their letters of dimission they can send their Religious before a year from the order received to the Bishop, that they may receive new orders; and he reports the declaration of the Cardinals made in the said sess. 23. at Marzillam, lib. 3. tit. 13. cap. 9., in these words: *the Bishop to whom the one ordained is dimitted cannot make this judgment: Therefore it pertains to the Bishop from whom he is dimitted*; but such is whoever is an Ordinary, as is clear from the other part of the same declaration of the Cardinals, in cap. 13., in these terms in Suarez, num. 22.: *on account of the eminence of Doctrine, and good testimony, and with the consent of the ordinary, the Supreme Pontiff grants that in a shorter time, etc.* wherefore since the name of Ordinary comes to the General or Provincial; to these will pertain to grant letters of dimission to those to be ordained, but not to the ordaining Bishop.

Hinc proponit dubium Suarez, an illa specialis Concessio, facta Episcopis a Concilio Trid. sess. 11. et 13. de promovendo ordinato ad altiorem ordinem ante annum, a quo priorem suscepit, sit etiam facta Ordinariis Regularibus, ita ut dimissoriis suis litteris valeant suos Religiosos ante annum a suscepto ordine mittere ad Episcopum, ut novos ordines recipiant, refertque declarationem Cardinalium in dictam, sess. 23. habitam apud Marzillam, lib. 3. tit. 13. cap. 9. his verbis: non potest Episcopus, ad quem dimissus est ordinatus, hoc iudicium ferre: Ergo spectat ad Episcopum, a quo dimittitur; talis autem est quicumque Ordinarius, ut patet ex alia particula eiusdem declarationis Cardinalium, in cap. 13. his terminis apud Suarez, num. 22. ob eminentiam Doctrinae, et bonum testimonium, et de consensu ordinarii, Summus Pontifex concedit, ut breviori tempore, etc. quare cum nomine Ordinarii veniat Generalis, seu Provincialis; ad hos spectabit dimissorias litteras ordinandis concedere, non autem ad ordinantem Episcopum.

¹³ It is confirmed because the council grants that promotion before the finished year on account of the necessity or utility of the Church in which the one to be ordained serves; but the judgment of this utility or necessity stands with the Prelate ordaining; therefore it also stands with him to give the said letters.

Confirmatur quia concilium illam promotionem ante finitum annum concedit ob necessitatem, vel utilitatem Ecclesiae, in qua Ordinandus militat; sed huius utilitatis, vel necessitatis iudicium stat penes Ordinandi Praelatum; ergo etiam stat penes ipsum dare dictas litteras.

¹⁴ Nevertheless Suarez concludes that, notwithstanding these, since the whole execution of the matter depends on the ordaining Bishop, who can refuse the letters of dimission, though the validity of the letters depends more on the Ordinary; and truly usage has prevailed that, with both concurring, namely the Ordinary and the Ordaining, that aforesaid promotion takes effect; the former indeed gives sufficient proof of letters and of life, and at the same time intimates the necessity and utility of the Church; the latter, accepting this, is accustomed to dispense in the intervening time by a simple declaration of his will, which he performs for the most part, at least in Gaul, through his Vicar presiding over the examination of those to be ordained.

Concludit tamen Suarez, his non obstantibus, cum tota rei executio pendeat ab Episcopo ordinante, qui potestates dimissorias refutare, licet ipsarum, validitas ab Ordinario magis pendeat; et revera usus obtinuit, ut utroque, Ordinario scilicet et Ordinate, concurrente, illa praefata promotio effectum sortiatur; ille quidem sufficientis litteraturae, et vitae probatis testimonium dat, simulque necessitatem, et utilitatem Ecclesiae intimat; hic autem, id acceptans, in interstitiis dispensare solet simplici voluntatis suae declaratione, quam ut plurimum saltem in Gallia praestat per suum Vicarium, ordinandorum examini praesidentem.

¹⁵ Finally, as to Regular Observance: there are many things which conduce to it. Some generically and essentially; some specifically; and some even contingently. Generically and essentially, the three substantial vows conduce to Regular observance, emitted in every Religion, without which Religion itself cannot stand, as was said above, where we treated of the Religious state: In these, however, dispensing is granted to no one below the Supreme Pontiff, as was asserted above at the proper beginning of this question; and it is clear from the Council of Trent sess. 25. de Regul. cap. 1. VII. and from the common Custom of all Orders; for nowhere has it yet been seen that Prelates of Religions have usurped this power to themselves, and deservedly, since it leads to ruin of every kind.

Denique quoad Regularem Observantiam: Multa sunt, quae ad ipsam conducunt. Quaedam generice, et essentialiter; quaedam specificae; et quaedam etiam contingenter: Generice, et essentialiter ad Regularem observantiam conducunt tria vota substantialia, in omni Religione emissa, sine quibus ipsa Religio stare nequit, ut dictum est supra, ubi de statu Religioso: In his autem nulli infra Summum Pontificem dispensare conceditur, ut iam supra proprie initium huius quaestionis assertum est; patetque e Concilio Trident. sess. 25. de Regul. cap. 1. VII. et ex communi omnium Ordinum Consuetudine; nusquam enim adhuc visum est, Religionum Praelatos hanc sibi potestatem usurpasse, et merito, cum sit in omnimodam ruinam.

¹⁶ Specifically, there conduce to the state or Regular observance, beyond the three vows common to all Religious, certain particular vows, which are as it were the specific differences of such a Religion, as in the Jesuits to obey the Supreme Pontiff in undertaking missions: in the Minims not to eat meat, etc.

Specificae ad statum, seu observantiam Regularem faciunt, ultra tria vota, omnibus Religiosis communia, quaedam vota particularia, quae sunt velut differentiae specificae talis Religionis, ut in Iesuitis obedire Summo Pontifici, in suscipiendis missionibus: in Minimis non vesci carnibus, etc.

¹⁷ That in these also a Regular Prelate cannot dispense is certain; though he can in some event declare the cessation of the obligation in one or another act.

In his etiam non posse Praelatum Regularem dispensare, certum est; licet possit in aliquo eventu declarare cessationem obligationis in uno, aut altero actu.

¹⁸ He can first, because those vows compose the special Order of Regular observance within such a state; which no Prelate can change, especially because it depends on the statutes in General Chapters, which are above particular Superiors, not able to dispense in the law of a superior; add that such statutes, approved by the Supreme Pontiff, pass into laws enacted by himself.

Potest primo, quia vota illa componunt Ordinem specialem Regularis observantiae intra talem statum; quem nullus Praelatus potest immutare, eo praecipue, quod dependeat a statutis in Capitulis Generalibus, quae sunt supra particulares Praefectos, non potentes in lege superioris dispensare; adde talia statuta, a Summo Pontifice approbata, in leges ab ipso conditas transire.

¹⁹ I said, though he can in some event, etc. For where subjects are vexed by scruples of doubt whether it be lawful for them, some special cause occurring, to do something against such vows; the authority of a superior can intervene to remove the scruples, by declaring that they may, by way of concession, act in such a case, as is clear from the indult of Pius II. given to the Friars Minor, in Suarez, num. 46., in these words: *Prelates may grant, or dispense with, weak and infirm subjects in things which are not contrary to the Rule.*

Dixi licet possit in aliquo eventu, etc. ubi enim subditi scrupulis divexantur dubii, num sibi liceat, occurrente aliqua speciali causa, aliquid agere contra talia vota; potest intervenire autoritas superioris ad amovendos scrupulos, declarando licet per modum concessionis, ipsos posse in tali casu operari, ut constat ex indulto Pii II. dato fratribus Minoribus apud Suarez, num. 46. his verbis: Praelati possint annuere, seu dispensare cum subditis debilibus, et infirmis, quae non sunt contraria Regulae.

²⁰ Where note, that those things which are substantial in the genus, or for the whole Religion, cease as to obligation for particular cases in the same genus; whence although in our Rule it is ordained for the whole Order that we walk with bare feet, shod only with sandals; yet the Rule itself declares that for some in particular, on account of their necessity, that obligation does not lie; whence the Pontiff subjoins, after he had said, with weak subjects, etc., *those things which are not against the Rule*, doubtless because he himself indulges the infirm, that they may take in those things which are necessary for their solace.

Ubi adverte, quae in genere, vel pro tota Religione substantialia sunt, cessare pro particularibus in eodem genere obligationis unde licet in nostra Regula pro universo ordine statutum sit, ut nudis pedibus, solum Sandaliis induti, incedamus; tamen ipsa Regula declarat, aliquibus in particulari propter eorum necessitatem eam obligationem non incumbere; unde subdit Pontifex, postquam, dixerat, cum subditis debilibus, etc. quae non sunt contra Regulam, nimirum quia ipsa indulget infirmis, ut quae ad eorum solatium necessaria sunt, insumere possint.

²¹ Nor does it stand in the way that the Pontiff uses the word *dispense*, because this is not to relax the law, but to declare it, according to the more probable opinion, which St. Bonaventure teaches, in 4. dist. 38. art. 2. quaest. 3., and which we maintained here, tract. de voto, disp. 1. quaest. 29., where we also showed that this right of dispensing belongs to Prelates having a quasi-episcopal power: Yet it must be noted that the vows of subjects are of a twofold kind; For some are those which each one already professed in Religion emits for the sake of greater devotion and piety, and these the Prelate can void, change, or dispense, as he himself judges better; even if they were emitted with his license, as the master, disp. cit. de voto, above; for by the emission of a vow the will of the subject is not exempted from the power of the Prelate, to whom the dispensation of the vow may seem to conduce more to the Religious's salvation than its observance.

Nec obstat, Pontificem uti voce, dispensare, quia hoc non est ius relaxare, sed declarare iuxta probabiliorem opinionem, quam docet S. Bonavent. in 4. dist. 38. art. 2. quaest. 3. et quam nos hic sustinuimus, tract. de voto, disp. 1. quaest. 29. ubi etiam ostendimus hoc ius dispensandi convenire Praelatis habentibus potestatem quasi Episcopalem: Advertendum tamen est vota subditorum esse duplicis generis; Quaedam enim sunt quae quisque in Religione iam professus emittit maioris devotionis, et pietatis causa, et haec Praelatus potest irritare, commutare, vel dispensare, pro ut ipsi melius videtur; etiamsi cum ipsius licentia sint emissa, ut dominus, disp. cit. de voto, supra; non enim emissionem voti eximitur voluntas subditi a potestate Praelati, cui voti dispensatio magis ad Religiosi salutem conducere videri possit, quam ipsius observatio.

22 ¶ SOME vows also are emitted by subjects, which pertain to such a state by the statute of Religion, as we intimated above. And indeed to dispense with these for the whole Religion is not the part of the Regular Prelate, but of the Supreme Pontiff, as has been proven: yet for one or another case it can be done otherwise, as has been said.

¶ *QUAEDAM etiam vota omittuntur a subditis, quae ex Religionis statuto ad talem statum pertinent, ut supra innuimus. Et haec quidem pro tota Religione dispensare non est Praelati regularis, sed Summi Pontificis, ut probatum est: pro uno tamen, aut altero casu secus fieri potest, ut dictum est.*

23 NEITHER will you say: To what purpose then so many indults of Pontiffs, granting Prelates the faculty of dispensing even for one or another case, as experience shows in every Religion?

¶ *NEQUE dices: Ad quid ergo tot Pontificum indulta, etiam pro uno, aut altero casu Praelatis concedentia facultatem dispensandi, ut in singulis Religionibus experientia constat?*

24 Suarez ANSWERS, cap. 12. num. 26. that this faculty is indeed annexed by law to the prelacy; yet since the Prelate himself can be anguished by scruples, whether there be a greater or lesser necessity of the subject, and whether such be the circumstance of the matter requiring dispensation, that it can be granted, it is necessary that the authority of the Supreme Prelate intervene to remove this anxiety and to approve such a circumstance of the matter, that dispensation may be made more easily, more expeditiously, and more securely; for the declaration of the law, whereby someone is exempted from its observance, does not suffice on the judgment of a learned man, much less of one seeking it, but an authoritative definition of the Prelate having the power for it is required, as I taught from the mind of the Angelic Doctor, above on the vow.

¶ *RESPONDET enim Suarez, cap. 12. num. 26. iure quidem hanc facultatem praelationi esse annexam; cum tamen possit ipse Praelatus scrupulis angi, utrum ea sit subditi maior, vel minor necessitas, et utrum talis sit rei, dispensationem exigentis, circumstantia, ut possit concedi, necesse esse ut Supremi Praelati autoritas interveniat ad hanc anxietatem removendam et ad talem rei circumstantiam approbandam, ut facilius, expeditius, et securius dispensetur; nam declaratio iuris, ut ab eius observantia aliquis eximatur, non ob docti viri, multo minus ambientis, iudicium sufficit, sed requiritur autoritativa Praelati, ad id potestatem habentis, definitio, ut ex mente S. Doctoris docui, ubi supra de voto.*

25 ¶ LASTLY, certain things conduce to Regular observance according to the ordinance of each Religion, made in Provincial or other Chapters, or introduced by laudable custom; as not to lock the door of the cell with a key, to observe silence at the appointed hours, not to enter another's cell, and the like: in these, however, there is not properly a dispensation, but a license granted on petition; for since ordinances of this kind are only directive, or only penal, at the judgment of the Superior, not for the most part binding unto sin, except per accidens, no dispensation is required, which is proper to a law that binds.

¶ *ULTIMO loco Quaedam ad observantiam Regularem faciunt iuxta cuiusque Religionis ordinationem, in Capitulis Provincialibus, vel aliis factam, vel laudabili consuetudine introductam; ut cellae ostium clavi non obserare, silentium statutis horis observare, alterius cubiculum non intrare, et similia: in his autem proprie non dispensatur, sed petita licentia conceditur; cum enim huiusmodi ordinationes sint tantum vel directivae, vel solum poenales ad arbitrium Superioris, non obligantes, ut plurimum, ad peccatum, nisi per accidens, non requiritur dispensatio, quae est propria iuris obligantis.*

26 ¶ THEN these things are not simply commanded, but that they be done in the due manner, that is, with the license of the Superior: therefore this suffices, as a condition affecting the matter of merit; whence although without a cause, or at least for the delight of mind, or at the request of a companion, the subject petition license in these things, he uses it licitly and validly, which however is not admitted in a dispensation: Nor ought the Prelate to be too severe in these, at least if he suspects no bad custom to be bred from them; for otherwise the austerity of Prelates in granting these or similar licenses brings it about that occasions of acting against them stealthily are seized, and bad manners creep in from there; whence, with brow too much furrowed, Prelates sterner than the strict, often strive in vain to shut off their access.

¶ *DEINDE haec simpliciter non praecipuntur, sed ut fiant debito modo, eum licentia scilicet Superioris: ergo haec sufficit, tamquam conditio, meriti materiam afficiens; unde licet absque causa, vel saltem ad animi oblectationem, vel ad socii petitionem subditus petat in his licentiam, licite, et valide ea utitur, quod tamen in dispensatione non admittitur: Nec debet Praelatus in his nimis esse severus, saltem si pravam aliquam consuetudinem inde progignendam non suspicetur; alioera enim Praelati austeritas in horum, vel similium licentiis concedendis, efficit, ut furtim contra eas actitandi occasiones arripiantur, praviq; mores inde irrepant; unde torto nimis supercilio, aequo rigidiores Praelati eis aditum praecludere frustra saepe moliuntur.*

27 ¶ AS TO the Prelates who can grant these dispensations, or licenses, namely whether they are Local, Provincial, or General, the common law determined nothing; which, since it speaks only of Bishops, or Abbots — which Abbots, though they were prefects of convents, yet a single one presided over his whole order — we cannot argue otherwise concerning Regular Prelates than by consequences derived from their power; for Religious Prelates, if exempt, succeeded to their place as regards the governance of subjects, as I have touched upon more than once elsewhere in this disputation.

¶ *QUOAD Praelatos, qui has dispensationes, vel licentias concedere possunt, utrum scilicet sint Locales, Provinciales, vel Generales, Ius commune nihil determinavit; quod cum de solis Episcopis, vel Abbatibus loquatur, qui abbates licet essent conventuales Praefecti, tamen toti suo ordini singulus praeficiebatur; non possumus de Praelatis Regularibus aliter argumentari, quam iuxta consequentias, ab istorum potestate derivatas; Religiosi enim Praelati, si exempti, in illorum loca quoad subditorum gubernationem successere, ut non semel alibi in hac disputatione tetigi.*

28 ¶ YET since each Religion has prescribed to itself an order among Prelates, as I said, *quaest. 3.*, that order and its practice must be kept; nevertheless Suarez hands down the general rule of this practice, namely, that each Prelate can dispense in those things which are granted to him to be dispensed either by law or by the Rule itself; and he teaches that this rule is handed down by *Innoc. in cap. 2. de eo, qui furt. Ord. suscepit*, and confirmed by the common approbation of the Doctors, as is clear from *Sylvester and Angelo, V. dispensatio*, and others, in *cap. ut si Clerici, §. de adulteriis in indic.*

¶ *CUM tamen singula Religio sibi ordinem inter Praelatos praestituit, ut dixi, quaest. 3. ille ordo, eiusque praxis servanda est; tradit tamen Suarez Regulam generalem huiusce praxis, scilicet, ut quilibet Praelatus in his possit dispensare, quae vel iure, vel ipsius Regula, dispensanda ei conceduntur; eamque tradi docet ab Innoc. in cap. 2. de eo, qui furt. Ord. suscepit, et communiter Doctorum approbatione firmari, ut patet e Sylvestro, et Angelo, V. dispensatio, et aliis, in cap. ut si Clerici, §. de adulteriis in indic.*

29 ¶ BUT since in the Rules and Constitutions of Religions some things are accustomed to be reserved to the General Minister, some also to the Provincial; those things are considered permitted to inferior Prelates which are not found forbidden to them, or specially reserved to superiors: Except

the Society of Jesus, by the Bull of Greg. XIII., in Suarez, num. 15. where he teaches, that whatever is not specially granted to the Prelates of this Society is considered forbidden.

¶ *CUM autem in Regulis, et Constitutionibus Religionum quaedam reservati soleant Ministro Generali, quaedam etiam Provinciali; ea censentur inferioribus Praelatis permissa, quae non inveniuntur eis prohibita, aut superioribus specialiter reservata: Excipe Societatem Iesu e Bulla Greg. XIII. apud Suarez, num. 15. ubi docet, quicquid Praelatis huius Societatis non est specialiter concessum, censi prohibendum.*

30 ¶ FINALLY, as to the persons to whom the dispensation is to be imparted, it is necessary that they be subjects of the one dispensing by some law; wherefore they are in a threefold difference: For either they are the Prelates themselves, middle and lowest; or professed subjects, whose privileges and exemption the Novices in many things enjoy; or finally they are seculars, serving Regulars domestically.

¶ *DENIQUE quoad personas, quibus dispensatio est impertienda, necesse est, ut sint aliquo iure subditi dispensanti; quare sunt in triplici differentia: Vel enim sunt ipsi Praelati medii, et infimi; vel subditi professi, quorum privilegiis, et exemptioni in multis gaudent Novitii; vel denique sunt saeculares, domestice Regularibus servientes.*

31 ¶ That the lowest Prelate have recourse to the proximate superior for dispensation in those things which are forbidden to himself, or to the supreme Superior of the Religion, if they are specially reserved to him, the common practice teaches.

¶ *PRAELATUM infimum ad proximum superiorem pro dispensatione recurrere in his, quae ipsi sunt prohibita, vel ad supremum Religionis Superiorem, si ei sint specialiter reservata, communis praxis edocet.*

32 ¶ Say the same of the intermediate Prelate also with respect to the supreme one; but he can dispense with himself by himself: For this is believed to be the intent of the Pontiff, from whom he obtains jurisdiction; otherwise Religion would not be sufficiently provided for in its head, as Suarez argues, cap. 14. num. 5.

¶ *IDEM dic de Praelato etiam intermedio respectu supremi; hic autem secum per se ipsum dispensare potest: Hoc enim creditur Pontificis intentum, a quo iurisdictionem obtinet, alias non satis Religioni in suo capite provideretur, ut arguit Suarez, cap. 14. num. 5.*

33 ¶ But professed subjects are the proper matter into which dispensation falls; whence they are to be dispensed by their own Prelates, to whom they are actually subject; for a local prelate of one convent cannot dispense with the subjects of another; otherwise the order of Prelacy would not be rightly instituted in distinct places.

¶ *PROFESSI autem subditi sunt propria materia, in quam cadit dispensatio; unde a suis Praelatis, quibus actu sunt subiecti, dispensandi sunt; non enim potest praelatus localis unius conventus dispensare cum subditis alterius; alias non recte esset institutus ordo Praelaturae in districtis locis.*

34 ¶ HENCE those Religious who, according to the particular Statutes, constitutions, or Customs of their order, are subject to the Prelates of the places through which they pass, seek dispensations or licenses from no others than these. For since these are for that time the Prelates of those who among us are commonly called *Foreigners*, they cannot at the same time be subject to the Prelates of their own residence in the execution of some act; otherwise confusion and contradiction would arise from the diverse wills or mandates of either Prelate; to remove which the Seraphic Doctor shows, in 4. dist. 19. art. 3. quaest. 1. fundam. ult., that God provided for the execution of jurisdiction by a singular

Prelation of one, so that all of one parish are governed by one Pastor, all of one diocese by one Bishop, etc., as was shown by me, *tomb 4. de Actib. hum. disp. 17. quaest. 14.*, where I also showed that the Guardian of the way, or of the place through which one passes, commanding the pilgrim brother, can bind him to apply Masses for the alms of his Convent, though the Guardian of the residence of such a Religious had previously commanded the opposite; for our Constitutions subject us, by reason of the journey, to the Prelates of the convents through which we pass.

¶ *HINC Religiosi illi, qui iuxta particularia sui ordinis Statuta, constitutiones, vel Consuetudines, subduntur Praelatis locorum, per quae transeunt; non ab aliis, quam ab his dispensationes, aut licentias exquirunt. Nam cum hi sint pro eo tempore Praelati illorum, qui apud nos vulgo Forestieri nuncupantur, non possunt simul Praelatis propriae residentiae in actus alicuius executione subiici; alias confusio, et contradictio e diversis utriusque Praelati voluntatibus, seu mandatis nasceretur, ad quam tollendam ostendit Seraphicus Doctor, in 4. dist. 19. art. 3. quaest. 1. fundam. ult. Deum executioni iurisdictionis providisse per singularem unius Praelationem, sic per unum Parochum omnes unius Parochiae, per unum Episcopum omnes unius dioecesis, etc. gubernantur, ut a me ostensum est, tomb 4. de Actib. hum. disp. 17. quaest. 14. ubi etiam ostendi, Guardianum itineris, seu loci, per quem transitur, praecipientem Peregrino fratri, posse obligare, ut pro Conventus sui eleemosynis Missas applicet, licet oppositum prius praeceperit Guardianus residentiae talis Religiosi, nostrae enim Constitutiones nos subdunt, ex itineris causa, Praelatis conventuum, per quos transimus.*

35 ¶ Yet if it can be done that the dispensation be sought from one's own Prelate, by deferring it, and its execution not touch the Prelate of the place of the journey; for the conservation of peace and order, it is better expedient that it be deferred.

¶ *QUOD si tamen fieri possit, ut a proprio Praelato dispensatio, eam differendo, petatur, nec tangat eius executio Praelatum loci itineris; ad pacis, et ordinis conservationem, melius expedit, ut differatur.*

36 ¶ NOR do the things lately said stand in the way, that the sacred Cardinal Congregation declared concerning secular Clerics that they are not subject to the Prelates under whom they pass on a journey as regards dispensation, as *Suarez has it, cap. cit. num. 1. at the end*; on account of which authority he infers the same concerning Religious, not seeing the contrary kept in the special statutes of Religions on account of the stricter discipline: but where there is a special Constitution, the example of others does not militate against it; otherwise there would be no reason why it should be special.

¶ *NEC obstat nuper dictis, quod Sacra Cardinal. Congregatio, de Clericis forensibus declaraverit, eos Praelatis, sub quibus in itinere transeunt, non subiici quoad dispensationem, ut habet Suarez, cap. cit. num. 1. in fine, propter quam auctoritatem; idem infert de Religiosis, non videns contrarium specialibus statutis Religionum ob strictiorem disciplinam servari: ubi autem est specialis Constitutio, contra ipsam non militat aliorum exemplum; alias non esset ratio, cur specialis esset.*

37 MOREOVER I said above that Novices enjoy the Privileges and exemption of the professed in many things; because Prelates cannot conduct themselves toward them equally as toward the professed in all things; whence they cannot impart to them those dispensations which are to endure perpetually in their effects, as to dispense in the interstices, irregularities, etc., that they may be promoted to orders; unless they have a special Privilege for it; it is clear because the power of dispensing with professed subjects is prudently believed to be conferred on Prelates for this reason, that as much as lies in them, they are subject to them perpetually; but the state of a Novice is mobile and uncertain, as Suarez well shows, *in the place cited*.

PORRO dixi supra, Novitios in multis gaudere professorum Privilegiis, et exemptione; quia non in omnibus possunt Praelati erga illos aequae ac erga professos se habere; unde non possunt eis eas dispensationes impertiri, quae perpetuo sunt in effectibus duraturae, sicut dispensare in interstitiis, irregularitatibus, etc. ut ad ordines promoveantur; nisi habeant speciale ad id Privilegium; patet, quia potestas dispensandi cum subditis professis ideo Praelatis prudenter creditur collata, quia quantum ex se est, perpetuo illis subiiciuntur; Novitii autem status mobilis et incertus est, ut bene ostendit Suarez, loco citato.

³⁸ FINALLY, as to lay or secular persons ministering in the convents of Regulars, they are not to be exempted from the power of Bishops by the Privileges of the latter, unless they are expressed in them under a special title; as appears in the Indult of Eugenius IV. for the Monks of St. Jerome, which is extended by communication to others; where the faculty of dispensing with seculars serving domestically is given to local Prelates, that they may be excused from the ecclesiastical fast, and eat meat, urgent necessity pressing, etc. for which consult the Compendia of the Privileges of the Society, V. dispensatio.

TANDEM quoad personas, laicas vel saeculares, ministrantes in conventibus Regularium, horum Privilegiis non sunt eximendi a potestate Episcoporum, nisi in eis speciali titulo exprimantur; ut videtur in Indulto Eugenii IV. pro Monachis S. Hieronymi, quod per communicationem ad alios extenditur; ubi localibus Praelatis datur facultas dispensandi cum saecularibus, domesticis servientibus, ut possint a ieiunio Ecclesiastico eximi, et carnibus, urgente necessitate, vesci, etc. pro quibus consule Compendia Privilegiorum Societatis, V. dispensatio.

Question X: What power a regular prelate has to absolve, both from sins and from penalties

¹ SINCE, when I shall treat of the Minister of the Sacrament of Penance, in the 3. part, treat. on this Sacrament, I shall speak of those who can absolve from reserved cases, censures, and sins, little remains here to be discussed, beyond certain general principles, from which anyone can easily infer whatever is to be alleged in particular.

Quam potestatem habeat Praelatus Regularis ad solvendum, tam a culpis, quam a poenis.

CUM tractaturus de Ministro Sacramenti Poenitentiae 3. parte, tract. de hoc Sacramento, dicturus sim de his, qui possunt absolvere a casibus reservatis, censuris, et culpis, pauca hic restant discutienda, praeter principia quaedam generalia, unde facile quis inferre possit, quicquid in particulari sit afferendum.

² FIRST therefore it is undoubted that every ordinary Prelate has the faculty of absolving from those penalties and sins which are not forbidden to him by special prohibition; but since that Prelate of the Religion, of which we treated in the preceding questions, is an Ordinary, this power is not to be denied to them.

PRIMO itaque indubitatum est, omnem Praelatum ordinarium habere facultatem absolvendi ab illis poenis, et culpis, quae ipsi speciali prohibitione non interdicuntur; cum autem Praelato illi Religionis, de quibus quaestionibus praecedentibus, sint Ordinarii, non est ipsis neganda haec potestas.

³ SECONDLY it is certain, by the same principle, that this power can be delegated to another; for this always follows upon ordinary Jurisdiction. Indeed Suarez holds, cap. 15. num. 4., and usage obtains, that the Prelate is bound to this delegation of jurisdiction; for since he is bound to provide for the salvation of his subjects in the better way, and the delegation of power is the most apt and not rarely necessary means for this, he would not be free from fault if he reserved to himself alone the

confessions of all, and the more so because, with the vindicative or dominative power, he could join the knowledge had in confession; whence various scandals would arise, and subjects would be turned away from the Sacrament.

SECVNDO certum est per idem principium, hanc potestatem posse alteri delegari; hoc enim ad Iurisdictionem ordinariam semper consequitur. Imo tenet Suarez, cap. 15. num. 4. usque obtinet, ut obligetur Praelatus ad hanc iurisdictionis delegationem; cum enim teneatur omni meliori modo subditorum saluti prospicere; et potestatis delegatio ad id sit medium aptissimum, et non raro necessarium, non a culpa vacaret, si sibi soli omnium confessiones reservaret, eoque magis, quod cum potestate vindicativa, vel dominativa possit coniungere notitiam in confessione habitam; inde varia scandala nascerentur, et subditi a Sacramento averterentur.

⁴ HENCE Clement VIII., in the decree *de reservat. casuum*, concerning Regulars, reported in Suarez, in the place cited, thus decreed: let it not be lawful for the Superiors of Regulars to hear the confessions of subjects, unless they have committed some reserved sin: or the subjects themselves of their own accord, or of their own motion, have sought it of them. Whence Prelates are accustomed in each convent to depute several to receive the confessions of the brethren, any one of whom the subject may choose for himself as confessor, that he may more freely attend to his salvation. Yet this confessor, thus deputed permanently by the Provincial or another Prelate, does not obtain ordinary jurisdiction, since he cannot subdelegate it to another.

HINC Clemens VIII. in decreto, de reservat. casuum, pro Regularibus relato apud Suarez, loco citato, sic statuit: non liceat Superioribus Regularium confessiones subditorum audire, nisi quando peccatum aliquod reservatum admiserint: aut ipsimet subditi sponte, aut proprio motu id ab eis petierint. Unde solent Praelati in quolibet conventu deputare plures ad fratrum confessiones excipiendas, quorum quemvis poterit subditus sibi in confessarium eligere, ut liberius possit vacare suae saluti. Hic tamen confessarius, sic deputatus permanenter a Provinciali, vel alio Praelato, non obtinet iurisdictionem ordinariam, cum eam alteri subdelegare nequeat.

⁵ IT IS DOUBTED, however, whether one having jurisdiction delegated by the Pontiff can be hindered from hearing the confession of a Religious of another order? It is answered that such a Religious cannot be hindered on the part of his own Prelate, but can be on the part of the Prelate of him who wishes to confess; for since that power is understood to be given over due matter, and the Prelate makes his subject incapable of passive absolution, he will then not be able to confess, nor on that account can the confessor exercise any jurisdiction over him: yet if the Pontiff should expressly indulge that it be lawful even against the dissent of the penitents' Prelates, then the indult would hold in that sense; yet until he expresses his mind in this or a similar way, he is presumed to have willed otherwise.

DUBITATUR autem, an habens iurisdictionem, delegatam a Pontifice, possit impediri, quo minus confessionem Religiosi alterius ordinis excipiat? Respondetur, talem Religiosum ex parte sui Praelati non posse impediri, posse tamen ex parte Praelati illius, qui velit confiteri; cum enim ea potestas intelligitur data supra materiam debitam, et Praelatus reddat suum subditum incapacem passivae absolutionis, non poterit tunc confiteri, nec propterea confessarius iurisdictionem aliquam in ipsum exercere: si tamen Pontifex expresse ita indulgeret, ut liceret, etiam Praelatis poenitentium contradicentibus, tunc indultum eo sensu teneret; usque tamen dum suam mentem ita, vel simili modo exprimat, praesumitur aliter voluisse.

⁶ IT IS CONFIRMED by the declaration of Innoc. IV. made to the order of Preachers, and had in the *supplem. of the Minors, and in the Compendium of the Society, under the word, Confessarius, §. 5.*, where it is had that the Preaching brethren obtaining from the Supreme Pontiff the faculty of hearing

confessions generally cannot nevertheless receive the confessions of Religious, unless these obtain license for it from their own Prelates: a similar concession made to the Minors and Carmelites is recorded in Rodriguez, *tome 1. quaest. 62. art. 4.*, and Suarez commemorates many other indults, *lib. 2. tome 4. de Relig. cap. 16. num. 15.* The usage also of almost all Religions confirms this same, which, while it is known to the Pontiff and is not disapproved, declares his mind to have been according to the things already said.

CONFIRMATUR e declaratione Innoc. IV. facta ordini Praedicatorum, et habita in supplem. Minorum, et in Compendio Societatis, verbo, Confessarius, §. 5. ubi habetur, ut fratres Praedicatores obtinentes a Summo Pontifice facultatem, ut generaliter confessiones audiant, non posse tamen Religiosorum confessiones accipere, nisi hi a suis Praelatis ad id licentiam obtineant: similis concessio, facta Minoribus, et Carmelitis recensetur apud Rodriguez, tomo 1. quaest. 62. art. 4. et plura alia indulta commemorat Suarez, lib. 2. tomo 4. de Relig. cap. 16. num. 15. usus etiam omnium fere Religionum id ipsum confirmat, qui, dum a Pontifice scitur, nec improbetur, declarat eius mentem fuisse iuxta iam dicta.

⁷ HENCE infer that a Religious journeying, and received into hospitality in a convent of another order, ought not to confess there; and this almost every Religion specially ordains for its subjects; unless a grave necessity of confessing, or scandal from the omission of confession, impends.

HINC infer, Religiosum peregrinantem, et hospitio exceptum in conventu alterius ordinis, non debere ibi confiteri; idque specialiter quaelibet fere Religio pro suis subditis statuit; nisi gravis confitendi necessitas, vel scandalum ex omissione confessionis instet.

⁸ YOU WILL ASK whether it is lawful for Regular Prelates to reserve cases.

QUAERES, num Praelatis Regularibus liceat casuum reservatio.

⁹ THE UNDOUBTED assertion of all is that it is lawful: it is clear from the practice of all Religions; it is clear moreover from the Council of Trent *sess. 14. cap. 7.*, where, though the discourse be of the supreme Pontiff and Bishops, he nevertheless understands all others who have a quasi-episcopal Jurisdiction; since this power does not depend on the character of a Bishop, nor is it granted to his dignity alone, but to the commodious and more efficacious governance of subjects; which agrees with greater reason in Regular Prelates on account of the greatest obligation of leading to perfection, this means of turning from sin is not to be denied them.

INDUBITATA omnium assertio est eam licere: patet ex omnium Religionum praxi; patet insuper e Concilio Trident. sess. 14. cap. 7. ubi licet sermo sit de supremo Pontifice, et Episcopis, intelligit tamen omnes alios, qui quasi Episcopalem habent Iurisdictionem; cum non a charactere Episcopi huiusmodi potestas pendeat, nec eius soli dignitati concedatur, sed commodae, et efficaciori subditorum gubernationi; quae cum potiori ratione conveniatur in Praelatis Regularibus propter summam ad perfectionem conducendi necessitudinem, non est ipsis hoc medium a peccato avertendi denegandum.

¹⁰ BESIDES it is proven from the Rules of so many Religions, which the Supreme Pontiffs have approved; thus Honorius III. approved the Rule, in which *cap. 5.* it is read: *If any of the brethren have mortally sinned at the instigation of the enemy, for those sins concerning which it has been ordained among the brethren that recourse be had to the Provincial Ministers alone, the aforesaid brethren are bound to have recourse to them, etc.*, where the discourse is of notorious sins, as the Angelic Doctor notes, on the Rule, *cap. 7.*; see the Monumenta of the orders, *concess. 66.*, and likewise the supplement of the Minors with the decree of Clement VIII. *de casibus reservatis Regularibus*, specially ordaining, as I shall say more aptly

and more fully, in the 3. part, treatat. on the Sacrament of Penance, where we treat of reserved cases. Here only it is to be noted by the common opinion that, for some sin to be reserved, it must be mortal and completed in act.

PRAETEREA probatur ex tot Religionum Regulis, quas Summi Pontifices approbatunt; sic Honorius III. approbavit Regulam, in qua cap. 5. legitur: Si qui fratrum instigante inimico mortaliter peccaverint, pro illis peccatis, de quibus ordinatum fuerit inter fratres, ut recurratur ad solos Ministros Prouinciales, tenentur praedicti fratres ad eos recurrere, etc. ubi sermo est de notoriis, ut notat S. Doctor, in Regulam, cap. 7. vide Monumenta ordinum, concess. 66. uti et supplementum Minorum cum decreto Clementis VIII. de casibus reservatis Regularibus, specialiter ordinante, ut dicam aptius, et fusius, 3. parte, tractat. de Sacramento Poenitent. ubi de casibus reservatis. Hic solum notandum est e communi sententia, ut peccatum aliquod reservetur, debere esse mortale, et opere completum.

¹¹ But lest the reservation of cases, too frequent and manifold, finally become odious on this account, that it be burdensome, a declaration of the sacred Congregation was made, on January 9, 1601, whereby the local Ordinaries (among whom also understand, by equality of reason, the Prelates of Regulars) are admonished to reserve to themselves as few cases as they can, according to the true exigency of the subjects and places.

Ne autem casuum reservatio nimis frequens, et multiplex, tandem eo quod onerosa sit, odiosa pariter fiat, facta est Sacrae Congreg. declaratio, anno 1601. 9. Ianuarii, qua locorum Ordinarii (sub quibus etiam intellige ob rationis paritatem Regularium Praelatos) monentur, ut quam paucos possint, iuxta subditorum, et locorum veram exigentiam, casus sibi reservent.

¹² To the ORDINARIES of Regulars, moreover, the said decree of Clement VIII. enjoins that they reserve only the eleven cases recalled therein, or those of them they prefer; yet they can reserve some other sin newly emerging, provided it be done for the Province in a Provincial Chapter, or in a General one for the whole Order.

ORDINARIIS vero Regularium dicto Clementis VIII. decreto iniungitur, ut undecim casus, inibi memoratos, vel quos illorum maluerint, tantum reservent; possunt tamen aliquod aliud peccatum, de nouo emergens reservare, modo pro Prouincia fiat in Capitulo Prouinciali, vel in Generali pro toto Ordine.

¹³ Among US, moreover, by the Consent of the whole General Chapter held at Rome in the year 1613, all the said eleven cases are reserved, which I shall examine in the place cited.

APUD nos autem Consensus totius Capituli Generalis Romae celebrato anno 1613. omnes dicti undecim casus reservantur, quos expendam, loco citato.

¹⁴ To absolve belongs to him whose it is to reserve; for sins are reserved in order that recourse be had to the Prelate reserving, and thus a stricter rein be cast upon the wicked propensity to sin; But if he shall have delegated the power of absolving from these, or shall have deputed some confessors, according to the decree of Clement VIII. reported above, both for sins and for reserved cases; as is now mostly in use; the cases seem reserved to such confessaries; since those who have lapsed into them are not bound to have recourse to the Superior, while he deputed has functioned with the power given: Yet in these and similar things the practice and ordinance of each Religion is to be inspected; namely, whether the power was granted with some burden to be performed by the confessor, or by the penitent himself? whether with the burden of presenting himself, or the penitent, to the Superior reserving? etc. which are to be observed according to the custom of each

Religion: And let these things have been said briefly concerning the first part of the question, as far as the present place concerns it.

Ab his illius est absolvere, cuius est reservare, idem enim reservantur, ut recursus fiat ad Praelatum reservantem, et sic fraenum strictius peccandi pravae propensioni iniiciatur; Quod si ille potestatem ab his absolvendi delegaverit, vel aliquos confessarios iuxta decretum Clementis VIII. supra relatum, tam ad culpas, quam ad casus reservatos deputaverit; ut iam plerumque est in usu; casus videntur talibus confessariis reservari; cum in illos lapsi non teneantur Superiorem adire, dum ab illo deputatus data fuerit potestate functus: Inspicienda tamen est in his, et similibus, praxis, et ordinatio cuiusque Religionis; num scilicet cum aliquo onere a confessatio, vel ipsius poenitente praestando, fuerit concessa potestas? num cum onere se, vel poenitentem praesentandi Superiori reservanti? etc. quae pro cuiusque Religionis more sunt observanda: Et haec breviter dicta sint de priori parte quaestionis, pro ut huius loci interest.

¹⁵ The SECOND part of the question, whether Prelates can also absolve from censures, is almost decided by what was said above: for censures are loosed by the same by whom they are imposed, whence since to impose censures is necessary for the office of an Ordinary to be duly executed, and for some Regular observance, to remove them also often expedites the same; wherefore whether the censure be laid by a man, or by the law, by a particular or universal sentence, the Regular Prelate will be able to absolve from it, unless it be reserved to a superior Prelate, in whose special reservations an inferior can do nothing, though conversely he can remove the censures laid by an inferior.

SECUNDA pars quaestionis, an Praelati etiam a censuris valeant absolvere, iuxta supra dicta fere deceditur: censurae enim ab iisdem solvuntur, a quibus feruntur, unde cum ferre censuras necessarium sit ad officium Ordinarii rite exequendum, et ad Regularem aliquam observantiam; illas etiam tollere saepe eidem expedit; quare sive censura sit lata ab homine, vel a iure, per sententiam particularem, vel universalem, poterit Regularis Praelatus ab illa absolvere, nisi sit reservata Praelato superiori, in cuius speciales reservationes nihil potest inferior, licet a contra possit ille tollere censuras ab inferiori positas.

¹⁶ If, however, a Bishop, in a case lawful to him, lay censures upon a Religious, as the Council of Trent defines he can, *sess. 25. cap. 13. de Regular.*, they are now to be removed by the Bishop himself, or by him whom he shall have delegated, according to the universal Rule already handed down: for it would be ridiculous, and against the intent of the council, that a Regular Prelate could remove at will, against the Bishop's own wish, a censure the Bishop had laid; nor does the exemption stand against this, which ceases for such a case. In which matter only the Authority of the Pontiff may be considered, who, as he could wholly bestow exemption on Regulars, so also enjoined subjection upon some of them, as is seen in the various decrees of the Council of Trent concerning Regulars, where it is intimated that Bishops do not act precisely as Ordinaries in laying censures against Religious; but as having a power delegated from the Pontiff; which shows the obligation of a greater bond, on account of the greater jurisdiction, namely Pontifical, as Suarez cited notes, *cap. 20. num. 4.*, where he observes in passing, from the Privilege of Nicholas IV. reported in the *Compendium of the Society*, under the word, *excommunication*, §. 3., that whatsoever censures laid by Bishops upon Religious do not hold, unless they were expressed *nominatim*: for thus it is had, *Nicholas IV. did not will the brethren to be bound by any sentence of excommunication, suspension, and interdict of man, unless mention were made nominatim, nor would it suffice if he said in a general sentence, that they hold as much as if they were named expressly.* Whence Suarez infers, *num. 5.*, that it does not suffice that the convent or such a Religion be named; for since he speaks of the brethren and subjects *nominatim*, etc., it is required that these be signified in particular; otherwise the Privilege would serve for little.

Si tamen Episcopus in casu sibi licito ferat censuras in Religiosum, sicut ferre posse definit Concilium Trident. sess. 25. cap. 13. de Regular. nunc ab ipso Episcopo, vel ab illo, quem delegaverit, sunt tollendae iuxta Regulam universalem iam traditam: ridiculum enim esset, et contra concilii intentum, ut possit Praelatus Regularis, quam posuerat Episcopus censuram, ad libitum ipso invito tollere; nec contra facit exemptio, quae pro tali casu cessat. In qua re solum considerare licet Auctoritatem Pontificis, qui sicut omnino potuit Regularibus exemptionem elargiri, ita et pro nonnullis eis subiectionem mandate, ut videre est in variis decretis Concilii Trid. de Regularibus, ubi insinuat Episcopos non agere praecise ut Ordinarios in censuris, contra Religiosos ferendis; sed ut habentes potestatem a Pontifice delegatam; quod maioris vinculi obligationem ostendit, ob maiorem iurisdictionis, ut pote Pontificiae, ut notat Suarez citatus, cap. 20. num. 4. ubi obiter advertit ex Priuilegio Nicolai IV. relato, in Compendio Societatis, verbo, excommunicatio, §. 3. censuras quasvunque ab Episcopis in Religiosos latas non valere, nisi nominatim fuerint expressi: sic enim habetur, Nicolaus IV. noluit fratres ligari aliqua sententia excommunicationis, suspensionis, et interdicti, hominis, nisi nominatim fieret mentio, nec sufficeret, si diceret in sententia generali, ut perinde valeant, ac si essent nominati expressi. Unde infert Suarez, num. 5. non sufficere ut conventus, vel Religio talis nominetur; cum enim loquatur de fratribus, subditisque, nominatim, etc. requiritur ut hi in particulari significentur; alias Priuilegium ad parum serviret.

¹⁷ MOREOVER Regulars have many Privileges of absolving from censures, reserved in the law to a Bishop, which may be seen in the compendious compilers: But in what order, or upon what persons, they can exercise their Privileged jurisdiction, is better known from the tenor of the indults and from the practice of the Religions than from any juridical demonstration, especially since the common law has expressed nothing on this matter; but ever concerning other Prelates it is understood under the name of Abbot, whose Privileges are some granted to the very places in which they reside, wherefore they cannot be drawn to other houses, even of the same institute; for Privileges hold as much as they sound; Others are personal, given immediately to the Prelates themselves; and if mention be made of a Prelate simply, it is understood to be made of whoever has Ordinary jurisdiction, since he is truly a Prelate; which holds a fortiori of him, if the discourse be in the plural of Prelates; for thus it is extended to Conventuals, Provincials, etc. See on these Suarez at length, differing, *Cap. 12. where above.*

*HABENT praeterea Regulares plura Priuilegia absolvendi a censuris, in iure reservatis Episcopo, quae videre licet apud compendiosum compilatores: Quo autem ordine, aut in quas personas Privilegiatam iurisdictionem exercere valeant, melius constat ex indultorum tenore, et e Religionum praxi, quam iuridica aliqua demonstratione, praesertim cum de hac materia ius commune nil expresserit, sed semper de caeteris Praelatis nomine Abbatis intelligitur, quorum Privilegia alia sunt concessa ipsis locis, in quibus resident, quare nequeunt trahi ad alias domus, esto eiusdem instituti; quia Privilegia tantum valent, quantum sonant; Alia autem sunt personalia, data ipsis Praelatis immediate; quod si fiat mentio de Praelato simpliciter, intelligitur facta de quocumque habente Ordinariam iurisdictionem, cum is sit vere Praelatus; quod ipsum a fortiori tenet, si in plurali sermo sit de Praelatis; quia sic ad Conventuales, Prouinciales, etc. extenditur. Vide de his Suarez late differentem, *Cap. 12. ubi supra.**

Question XI: Whether a regular prelate has the power to administer temporal things, and what power

¹ SINCE temporal goods are aids and alleviations of the needs which the human race suffers on the way by reason of its condition of constitution, however much a Regular person abstain from the care and handling of secular things, it is necessary that the community subsist by means of them and obtain their dominion, or at least their use. But since, if the administration of temporalities should burden the whole community, disturbances, suspicions, and other inconveniences would thence

arise, not without reason did canonical law once transfer this whole burden in the Monastic Order to Abbots; and in the Religious Order now the special statutes of each have provided the same with respect to Regular Prelates.

An habeat Praelatus Regularis Potestatem administrandi temporalia, et quam.

CUM res temporales sint in adminicula, et levamina necessitatum, quas humanum genus ex conditione suae constitutionis in via patitur, quantumvis Regularis persona a rerum saecularium cura, et contrectatione absteineat, necesse est, ut his communitas subsistat, earumque dominium, vel saltem usum obtineat. Verum cum si toti communitati administratio temporalium incumberet, inde perturbationes, suspiciones, aliaeque incommoda nascerentur; non abs re in Ordine Monachali totum hoc onus ius canonicum in Abbates olim transtulit; et in Ordine nunc Religioso specialia cuiusque statuta idem praestitere, respectu Praelatorum Regularium.

² I ASSERT therefore that this manner of administering, granted to Abbots by ancient law, is most fitting, that the whole dispensation of temporal goods should remain in them. The Seraphic Doctor consequently proves this with most ample testimonies of Scripture, throughout the whole book *de Paupertate Christi*; where he approves both renunciation of goods, the common and the proper, though he asserts the latter to be more perfect than the former; see him there. Wherefore, this renunciation and polity of living in community being supposed, it is necessary that the Power of ministering be in someone; and this cannot be more fittingly than in the Abbot, or Father of the Community: both because this ministration is of dominative power, which resides in him; and because it is decent that to whom persons are subject, the goods of persons also be subject, because the accessory follows the nature of the principal. Add the congruity, that the power of dominion and of jurisdiction be united in one; whence the manner of governing will be more expeditious if temporal and spiritual things depend on one, than if on diverse; especially if the former goods are ordered immediately to spiritual profit, as happens in Monks, who may expend temporal goods only as much as is necessary for the sustenance of life or the execution of offices.

ASSERO igitur, convenientissimum esse hunc administrandi modum, iure antiquo Abbatibus concessum, ut penes ipsos tota rerum temporalium dispensatio maneret. Hoc locupletissimis scripturarum testimoniis consequenter probat Seraphicus Doctor, toto libro de Paupert. Christi; ubi utramque bonorum abrenunciationem, communem, et propriam, approbat, licet hanc illa perfectiorem asserat; ipsum vide. Quare supposita hac renunciatione, et politia vivendi communitate, necesse est ut penes aliquem sit Potestas ministrandi; hoc autem convenientius nequit esse, quam penes Abbatem, seu Communitatis Patrem, tum quia haec ministratio est potestatis dominativae, quae in ipso resident; tum quia decens est, ut cui subiiciuntur personae, subdita sint etiam personarum bona, quia accessorium sequitur naturam principalis. Adde congruitatem, ut potestas dominii, et iurisdictionis in uno uniantur; unde expeditior erit modus gubernandi, si temporalia, et spiritualia ab uno dependeant, quam si a diversis; praesertim si priora bona sint immediate ordinata ad spiritualem profectum; ut in Monachis contingit, qui quantum necesse est ad vitae sustentationem, vel ad officiorum executionem de temporalibus possunt insumere.

³ It IS PROVED, second, by the Saintly Doctor from the example of Christ himself, who willed, while he presided over the College of Apostles, that he himself minister temporal things also to them; to which end he had purses carried by Judas, for three causes, as the Saintly Doctor notes, *in the place cited*. The first is to supply the need of the poor, begging from door to door. The second is to have compassion on the infirm. The third was to minister to those who were with him in his company; to which he adds, to alleviate also the extreme necessity which could impend while he passed through the lands of foreigners in the time of persecution; whence, being about to approach the Samaritans,

whom he foresaw would minister nothing to him, he had purses prepared, as St. Bonaventure notes, *in the place cited*. Wherefore, in imitation of this temporal ministry which Christ did not disdain to exercise while he was in the company of the Apostles, as appears in John 13, and as St. Bonaventure notes on the Rule there, the disciples thought, when he said to Judas, *that which thou dost, do quickly*, that because Judas had the purses, Jesus had said to him, *buy those things which we have need of*, etc.

PROBATUR secundo a S. Doctore exemplo ipsius Christi, qui voluit, dum Collegio Apostolico praeesset, ut ipse illis etiam temporalia ministraret; ad quem finem loculos per Iudam portari curavit, propter tres causas, ut notat, S. Doctor, loco citato, Prima est ad indigentiam pauperum, ostiatim mendicantium, supplendam. Secunda est ad infirmis compatiendum. Tertia erat, ad his, qui cum ipso erant in comitatu, ministrandum, cui addet ad levandam etiam extremam necessitatem, quae potuit imminere, dum tempore persecutionis alienigenarum terras pertransiret; unde Samaritanos aditurus, quos praevidebat nihil ipsi ministraturos, loculos parari fecerat, ut notat S. Bonavent. loco citato. Quare in imitationem huius ministerii temporalis, quod Christus exercere non est dedignatus, dum esset in Comitatu Apostolorum, ut patet Ioan. 13. et notat D. Bonavent. in Regulam ibi, existimarunt discipuli, dum diceret Iudae: quod facis fac citius, quod quia loculos haberet Iudas, dixisset ei Iesus, eme ea, quae opus sunt, etc.

⁴ Hence the Prelates of Regulars take temporal goods to be ministered to their subjects; as Suarez also notes, *chap. 26*: so that if poverty be only in the particular, property remains with the Community, but use with the Prelate; if however it be also in common, as in the Friars Minor, the Prelates have the naked use of ministering likewise, not dependently on the Community, in which is the property of nothing, but dependently on the supreme Pontiff, or on one of the most Eminent Cardinals whom he shall have deputed to that task, as St. Bonaventure teaches in the chapter, *cited of the Rule*, and in the *Apologia pauperum*, where he learnedly explains that common distinction of use and dominion, to prove that one is separable from the other: see him there *resp. 3. chap. 1.*, where he adds more things which are amplified everywhere in the expositors of the Rule, which I omit here; for it is not the place here to defend poverty, since no one now keeps vigil in assailing it like a Vigilantius.

Hinc Regularium Praelati bona temporalia suis subditis ministranda assumunt; ut advertit etiam Suarez, cap. 26. ita ut si paupertas sit solum in particulari, proprietas maneat apud Communitatem, usus vero penes Praelatam; si vero sit etiam in communi, ut in fratribus Minoribus, nudum pariter ministrandi usum habeant Praelati, non dependenter a Communitate, penes quam nullius rei est proprietas, sed dependenter a summo Pontifice, vel ab uno ex Eminentissimis Cardinalibus, quem ad id deputaverit, ut docet D. Bonavent. in caput, cit Regulae, et in Apologia pauperum, ubi docte communem eam usum, et dominii distinctionem explicat ad probandum unum ab alio esse separabile: Ipsum vide ibi resp. 3. cap. 1. ubi plura apponit, quae passim in Regulae expositoribus ampliuntur, quae hic omitto; non est enim huius loci paupertatem propugnare, cum nullus iam Vigilantius eius impugnationi invigilet.

⁵ It IS PROVED, third, from the Seraphic Doctor, *in the place cited*, by the example of the primitive Church, whose heart not only was one, and soul one; but goods also common under Apostolic administration; so that all sold their possessions and carried the prices of them to the feet of the Apostles, to indicate that property, the wellspring of immense evils, must be trodden under the feet of the Prelate, as he notes from St. Jerome to Demetrius, *epist. 8.*, in the place above; where he also subjoins from the same: *and distribution was made to every one, according as he had need*, by the Apostles, namely; wherefore Ananias and Saphira, struck by the blow of death, fell at the feet of St. Peter, because they had dared to contaminate his public ministration in the common goods of the faithful with private property.

PROBATUR tertio a Seraphico, loco citato, exemplo primitivae Ecclesiae, cuius non solum cor erat unum, et anima una; sed bona etiam communia sub Apostolica administratione; ita ut omnes venderent possessiones suas, earumque pretia ad Apostolorum pedes deferrent ut indicarent proprietatem, quippe ingens malorum Seminarium, sub Praelati pedibus esse calcandam, ut e D. Hieronymo ad Demetrium epist. 8. notat S. Doctor, ubi supra; ubi etiam ex eodem subdit: dabatur autem singulis, prout opus erat, ab Apostolis scilicet; quare mortis ictu percussi, Ananias, et Saphira, ad pedes D. Petri cecidere, eo quod publicam eius ministrationem, in bonis fidelium communibus, privata proprietate contaminare sint ausi.

⁶ HENCE the Coenobitic life, the Seraphic Doctor says, took its origin and form, according to the Gloss of Bede, *ibid.*, because one ministered the common goods to all; and hence in many Religions, where poverty is stricter, the Prelates claim for themselves the name of Minister, to show that nothing is to be assumed to themselves in the goods of the Religion but the naked ministry.

HINC Coenobiticam vitam originem, et formam sumpsisse ait Seraphicus, iuxta Glossam Bedae, *ibid.* eo quod unus omnibus communia ministraret; et hinc in multis Religionibus, ubi strictior est paupertas, nomen sibi Ministri vindicant Praelati, ut ostendant nil sibi in Religionis bonis, praeter nudum ministerium, assumendum.

⁷ It IS PROVED, fourth, from the chapter Nullam, 18 q. 2, where it is established by Pope Pelagius: *all things which pertain either to the reverence of divine worship or to the utility of the Monastery, the care of the Abbot, to whom the whole power ought to pertain, ought to fulfill*, which the Saintly Doctor indicates to be the most ancient law, on chap. 1 of the Rule; and that it was not newly constituted but declarative of old law, Suarez reports, num. 2 chap. 26.

PROBATUR quarto, ex cap. Nullam, 18. quaest. 2. ubi a Pelagio Pontifice statuitur: universa, quae vel ad divini cultus reverentiam, vel ad utilitatem Monasterii pertinent, Abbatis sollicitudo, ad quem potestas tota pertinere gonferet, debet adimplere, quod ius esse antiquissimum indicat S. Doctor, in cap. 1. Regulae; illudque non de novo esse constitutum, sed veteris iuris declarativum refert Suarez, num. 2. cap. 26.

⁸ It IS CONFIRMED by the Saintly Doctor on chap. 2 of the Rule, litt. A. 2, from the diverse institutes of St. Augustine, St. Benedict, etc., as Suarez also has it, num. 3.

CONFIRMATUR a S. Doctore in cap. 2. Regulae, litt. A. 2. ex diversis institutis D. Augustini, D. Benedicti, etc. ut habet etiam Suarez, num. 3.

⁹ It IS PROVED, fifth, by St. Bonaventure, in the said chap. 2 of the Apologia, fol. 423 litt. A, by the authority of Gregory IX, whose Rescript to the Friars Minor is read thus: *We say, that they ought to have property neither in common nor in particular, but of utensils and books, and those things which it is lawful to have; the Order have the use, and the brethren use them according as the General or Provincial Ministers shall have determined in disposing*: wherein he refers the whole administration to the providence of the said Ministers, not however excluding local Prelates, who undertake this burden more immediately, but because the matter there treated was the disposition of weightier things, which must always be with the greater Prelates; see here the Saintly Doctor, chap. 3 resp. 3, weaving a most splendid Panegyric of the poverty of the Minors, praising exceedingly possession also in common, being indeed supported by the examples of so many Patriarchs, Augustine, Benedict, and other Saints; yet in these last times, with avarice creeping in gradually and charity growing tepid, he shows it necessary that some should uproot the whole root of cupidity from the foundation, professing a more sublime poverty, both in common and in particular, than which the Seraphic one, our Father Francis, chap. 6 of his Rule, enriched with these words: *This is that height of most high Poverty, etc.* Wherefore most high? the Saintly

Doctor asks, postilling: unless because most remote from the world, and consequently nearest to the kingdom of heaven, and also most like that eternal life, as far as is possible, where nothing earthly is proper or common.

PROBATUR quinto a D. Bonavent. dicto, cap. 2. Apologiae, fol. 423. lit. A. autoritate Gregorii IX. cuius Rescriptum ad fratres Minores sic legitur: Dicimus, quod nec in communi, nec in speciali debent proprietatem habere, sed usensilium, et librorum, et eorum, quae licet habere, Ordo usum habeat, et fratres secundum quod Generalis, vel Provinciales Ministri disponendo duxerint, his utantur: ubi totam administrationem in dictorum Ministrorum providentiam refundit, non excludens tamen Praelatos locales, qui immediatius hoc onus suscipiunt, sed quia ibi agebatur de graviorum rerum dispositione, quae debet semper esse penes Praelatos maiores, vide hic S. Doctorem. cap. 3. resp. 3. praeclare paupertatis Minorum Panegyrim attextentem, possessionem etiam in communi summopere laudantem, quippe tot Patriarcharum, Augustini, Benedicti, et aliorum Sanctorum exemplis nixam; hisce tamen ultimis temporibus, subrepente sensim avaritia, et tepescente charitate, necessarium ostendit, ut nonnulli sint, qui omnem cupiditatis radicem funditus evellant, sublimiorem tum in communi, tum in speciali paupertatem profitendo, quam Seraphicus, P. N. Franciscus, cap. 6. suae Regulae, his ditavit verbis: Haec est illa celsitudo altissimae Paupertatis, etc. Quare altissima? quaerit postillando S. Doctor. nisi quia a mundo remotissima, et per consequens caelorum regno vicinissima, illi etiam vitae aeternae, quantum est possibile, simillimae, ubi nil terrenum est proprium, vel commune.

¹⁰ There REMAINS to be explained the second part of the question, *wherein is asked what sort of power of ministering temporalities there be in Regular Prelates.*

RESTAT explicanda secunda pars quaestionis, qua, qualis sit potestas ministrandi temporalia in Praelatis Regularibus, quaeritur.

¹¹ HERE it must be carefully distinguished between those vowing total poverty, and those only promising it by a special vow; for a different power is found in each; yet both can be considered in three respects as regards ministering, namely as regards receiving, conserving, and alienating; for the whole administration of any temporal good is reduced to these three acts.

HIC distinguendum est caute inter omnimodam paupertatem voventes, et eam solum speciali voto promittentes; dispar enim potestas in utroque deprehenditur; Ambo tamen possunt quoad tria inter ministrandum considerari, quoad accipere scilicet, conservare, et alienare; omnis namque boni temporalis administratio ad hos tres actus reducitur.

¹² OF the power of acquiring the common law limits nothing, leaving it to the prudence of the Prelates in general terms: *faithfully and diligently, all things which pertain either to the reverence of divine worship or to the utility of the same Monastery, etc.*; by reason of which words the Prelate of a Community which has not vowed poverty in common may receive whatever is offered to him by just title of donation, testament, etc., whether it be offered to himself or to the community; yet its dominion is always acquired to that alone, not to him; for although the Prelate put on a common person as regards those dispositions of goods which accrue to the utility of the Monastery, yet it is nowhere permitted him to possess anything of his own; because as regards the observance of the vow which he made, he does not cease to be a private person; wherefore what other brethren also acquire passes into disposition, as the Saintly Doctor says, *in the said chap. 2 litt. E*, but not into the dominion of the Abbot.

DE potestate acquirendi nil limitat Ius commune, illud Praelati prudentiae relinquendo, generalibus terminis: fideliter. et studiose, universa, quae vel ad divini cultus reverentiam, vel ad utilitatem eiusdem Monasterii pertinent, etc. ratione quorum verborum potest Praelatus Communitatis, quae in communi non vovit paupertatem,

quicquid iusto titulo donationis, testationis etc. ei offertur, recipere, sive sibi ipsi, vel communitati offeratur, huic tamen soli eius dominium semper acquiritur, non autem illi; nam licet Praelatus induat personam communem quoad illas bonorum dispositiones, quae cedunt in utilitatem Monasterii, nusquam tamen ipsi permittitur aliquid proprii possidere; quia quoad voti, quod emisit, observantiam, non desinit esse persona privata; quare quod alii etiam fratres acquirunt, transit in dispositionem, ut ait S. Doctor, dicto cap. 2. lit. E, non autem in dominum Abbatis.

¹³ BESIDES this common manner of acquiring, there are many statutes of Religions and Rules modifying the acquisition of Prelates and subjects, which are varied either by their own judgment or by the Privileges of Pontiffs: each Religious may better see these for himself.

PRAETER hunc communem modum acquirendi, sunt plura Religionum, et regularum statuta, acquisitionem Praelatorum, et subditorum modificantia, quae vel ipsorum arbitrio, vel Pontificum Privilegiis diversificantur: haec quisque Religiosus apud se melius videat.

¹⁴ THIS alone is to be noted here, that in the Religion of the Minors, according to the pure observance of the Rule, nothing can be acquired for the Prelate or for the Monastery, as regards quid iuris; but only as regards quid facti, or as regards pure use, so that the Dominion remains with the giver, or if he abdicate it, it passes under the dominion of the supreme Pontiff, or of the Roman Church, as St. Bonaventure teaches in these terms, *in the place cited litt. E*; and after him the other expositors of the Rule, according to the declarations of diverse Pontiffs, especially Gregory IX, Nicholas III, and Clement V.

ILLUD solum hic notandum est, in Religione Minorum iuxta puram regulae. observantiam, nec Praelato, nec Monasterio aliquid posse acquiri, quo ad quid iuris; sed tantum quoad quid facti, seu quoad purum usum, ita ut Dominium maneat penes dantem, vel si illud abdicet, transeat sub dominio summi Pontificis, seu Romanae Ecclesiae, ut docet sub his terminis D. Bonaventura loco cit. litt. E. et post eum caeteri Regulae expositores iuxta diversorum Pontificum declarationes, praecipue Gregor. IX. Nicolai III. et Clementis V.

¹⁵ NOR is this new in law, that use be separated from dominion, since property, possession, usufruct, and simple use are several things concurring under diverse titles in the same thing, and really distinct from one another, as the Saintly Doctor teaches *in this chapter*, and after him Galitius, Crousers, Corduba, and many others *on chap. 4 of the Rule*. But the law which once established that use should not be perpetually separated from the Dominion of things is civil, and moreover has no place in the dispositions of Pontifical law. Moreover, the Saintly Doctor notes *litt. C* that this was therefore provided in Civil law, lest dominion, deprived of perpetual use, be useless to the owner; but this reason ceases in spiritual things, where for one thing relinquished in favor of the poor, a hundredfold is received.

NEC hoc novum est in iure, ut usus a dominio separetur, cum proprietas, possessio, usufructus, et simplex usus sint plura concurrentia diversis titulis in eadem re, et inter se realiter distincta, ut docet S. Doctor hoc capite, et post eum Galitius, Crousers, Corduba, aliique plures in cap. 4. regulae, Ius autem, quod olim constituit, ut perpetuo usus a Dominio rerum non sit separatus, civile est, ac praeterea non habens locum in dispositionibus iuris Pontificii; Praeterea, notat S. Doctor litt. C. hoc ideo fuisse iure Civili cautum, ne dominium, usu perpetuo destitutum, inutile sit domino; haec autem ratio in spiritualibus cessat, ubi pro uno, quod in favorem pauperum dimittitur, centuplum accipitur.

¹⁶ Nor does it avail to urge that then use is separable from dominion when both remain unconsumed; not indeed when the substance of the thing is destroyed by use, for then it draws dominion along with it indistinctly.

Nec urgeri etiam prodest, quod tunc usus a dominio est separabilis, quando utrumque inconsumptum manet; non vero quando rei substantia usu disperditur, tunc enim secum indistinctum trahit dominium.

¹⁷ To this instance, which the Adversaries of the Minors have made so much of, the Saintly Doctor responds *litt. C. 1. fol. 423*: that it is most false by daily experience; for by the very law, as the Seraphic notes there, the son of a family uses the adventitious peculium, and consumes it by continuous use, yet does not obtain its property even for a moment.

Huic instantiae, quam tanti fecere Minorum Adversarii, Respondet S. Doctor litt. C. 1. fol. 423. Eam quotidiana experientia falsissimam esse; 'nam ipso iure, ut ibi notat Seraphicus, filiusfamilias utitur peculio profectio, illudque continuo usu absumit, nec tamen eius proprietatem, nequidem momento obtinet.

¹⁸ MOREOVER, what is more improper than for the rich to receive guests with sumptuous dishes, giving them not only things to eat, soon consumed by use, but most splendid utensils, yielding to the use of fact, not to the dominion of law; if anyone were to seize any of these for himself not to use but to possess, he would deservedly be rebuked for injustice; by no means, however, however much he consumed while feasting, although dominion thus perished with the use. Of this use without dominion, lawful, Christ makes mention in those words: *behold the birds of the air, which neither sow nor reap; yet to them it is sown and reaped, while they brood upon the harvests of others without any injustice, and indeed enjoy by use the necessary nourishment from the dominion of others; and yet the heavenly Father feeds them,* namely the sparrows, snatching the grains of another's field; in a not too unlike manner before the Lord himself: *the disciples were plucking the ears of corn while passing through alien fields,* since indeed they appeased their pressing hunger with a benefit that offered itself, though offered by no one; who would say them bound to restitution, because they made dominion perish together with the use? Since not even the Lord himself, the fount of all justice, would reproach them even lightly, nay rather the very Jews, most observant in detecting the disciples' defects, upbraided them not with the consumption of another's goods, but with the breaking of the Sabbath; but Christ declared them immune expressly from the latter, and tacitly from the former, saying, *Luke 6: Have ye not read this, what David did, etc.*; where although he teaches explicitly that extreme necessities are not subject to the observance of the Sabbath, yet implicitly he wills to show it lawful, and most meritorious, to strip oneself of one's own goods in the common and particular renunciation of the vow, and to live on another's; since the disciples voluntarily cast themselves into the aforesaid necessity.

PRAETEREA quid urratius, quam divites lautis ferculis convivas excipere, eisque non solum esculenta, usu mox absumenda, verum et splendidissima utensilia in facti usum, non in iuris dominium cedere; quorum vel si aliquid quis sibi non utendum, sed possidendum arriperet, iniustitiae merito increparetur; nequaquam vero, quantumvis inter convivandum absumeret, licet sic cum usu dominium periret. Huius usus, absque dominio liciti, meminit Christus illis verbis: respicite volatilia caeli, quae nec serunt, nec metunt, ipsis tamen et seritur et metitur, dum aliorum messibus absque ulla iniustitia incubant, et usu quidem necessariae alimoniae ex aliorum dominio fruuntur; et tamen pater caelestis pascit illos, scilicet passeret, alienae segetis grana abripietes; quo non nimis absimili modo coram ipso domino: discipuli vellebant spicas, dum aliena pertransirent arva, ut quippe instantem famem obvio, licet a nullo oblato, beneficio sedarent; quis vero eos restitutioni dixerit obnoxios, eo quod dominium simul cum usu perire fecerint? cum nec ipse Dominus, omnis iustitiae fons, eos vel leviter culparet, quinimo ipsi Iudaei, qui detegendis discipulorum defectibus oculatissimi invigilabant; non rei alienae assumptionem, sed Sabbathi fractionem ipsis improperebant; Christus vero ab hac expresse, et ab illa vero tacite eos immunes declarabat, dicens, Lucae 6. Nec hoc legistis, quod fecit David, etc. ubi licet explicite doceat necessitates extremas non subiacere Sabbathi observantiae, tamen implicate

vult ostendere licitum esse, et maxime meritorium, se suis rebus in communi, et in speciali votina renunciacione expoliare, et alieno victitare; cum voluntarie se discipuli in praedictam necessitatem proiecerint.

¹⁹ This is further unfolded, if the nature of dominion be weighed, which is a free power of using, selling, alienating one's own thing independently of another, etc., as all the Jurists cry with one mouth; hence it is that a madman and a minor cannot possess without the authority of a tutor, because they have not the affection of holding which is free, although they touch the things themselves with hand or body, as the Saintly Doctor teaches from the Jurist, *in the place cited litt. B. 2*, where he also exemplifies the same of a sleeper, who should receive some thing closed in his hand; for he is not said to possess it, because he lacks the liberty, or the mind necessary for possessing. So in like manner, although the use and handling of things be with the Friars Minor, yet since they lack the mind of acquiring, they acquire nothing: for liberty is not acquired by one unwilling; nor is a benefit conferred on one who refuses it; nor is anyone compelled to accept a harmful inheritance, as the Seraphic Doctor, cited, reports from the disposition of law; wherefore as the inheritance passes into the dominion of him to whom it is owed by the mind of accepting it, and is repudiated by a contrary mind, whence to comport oneself as heir is not so much of fact as of mind, as the Saintly Doctor reports from Julian; if a Friar Minor lack the mind of acquiring, nay rather possess not only within but declare outwardly the mind of repudiating, how shall he be said to acquire unwillingly that which others are wont to hunger for with full will? The Saintly Doctor has this to the matter, and almost to the word, which are weighed and fortified among the expositors of the Rule with much amplification. But let these things have been said as regards the power of acquiring, both by Prelate and subject, among us equally prohibited as regards property, but otherwise as regards the use of things, as is observed in practice.

Hoc amplius enucleatur, si perpendatur natura dominii, quod sit libera potestas re sua independenter ab alio utendi, vendendi, alienandi, etc. ut uno ore omnes conclamant Iuristae; hinc est quod furiosus, et pupillus sine tutoris autoritate nequeant possidere, quia affectionem non habent tenendi, quae sit libera, licet manu, vel corpore res ipsas contingant, ut ex Iurisconsulto docet Sanctus Doctor loco cit. litt. B. 2. ubi etiam id ipsum exemplificat, de dormiente, qui manu rem aliquam conclusam reciperet, non enim eam dicitur possidere, quia careret libertate, sive animo ad possidendum necessario: Sic a pari, licet rerum usus, et contrectatio sit penes fratres Minores, cum tamen careant animo acquirendi, nihil acquirunt: libertas enim nolenti non acquiritur; nec beneficium invito confertur, nec damnosam haereditatem aliquis adire compellitur, ut ex iuris dispositione refert Seraphicus Doctor citatus; quamobrem sicut haereditas animo eam adeundi in Dominium transit eius, cui debetur, et contrario animo repudiatur, unde pro haerede se gerere non tam facti, quam animi est, ut ex Iuliano recitat S. Doctor; si Frater Minor animo acquirendi careat, imo animum repudiandi non tantum intus possideat, sed foris declaret, quomodo invitatus dicitur acquirere id, ad quod alii plenius voluntatibus solent inhiare; haec ad rem, et fere ad verbum habet S. Doctor, quae apud Regulae expositores multa ampliatione ponderantur, et muniuntur. Atqui haec dicta sint quoad potestatem acquirendi, tam Praelato, quam subdito apud nos quoad proprietatem aequè prohibitam, secus vero quoad usum rerum, prout praxi servatur.

²⁰ AS REGARDS the power of conserving, in which is the second act of Administering, this is left to the prudence of a wise Prelate according to laudable customs of Religions: for the ancient law only requires that temporal things be dispensed faithfully and for the utility of the monastery, as is had in the alleged *chapter Nullam*: whence the stricter the poverty of each Religion, the tighter in this matter is the obligation of each Prelate. Wherefore if it was thought among the primitive monks, possessing in common, a piaculum and a kind of sacrilege to squander even a little of what pertained to the utility of the Convent, how much rather ought this to be urged now in Religions, at least where

property is also abdicated in common; see Cassian, *lib. 4 Instit. chap. 20*, where he cries out that not only persons but things offered to monasteries are *most sacred*, and warns that they must be handled not only with careful diligence but with great reverence.

QUOAD potestatem conservandi, in qua est secundus actus Administrandi, haec patiter prudentis Praelati solertiae iuxta laudabiles religionum consuetudines relinquitur: Ius enim antiquum solum exigit, ut fideliter, et ad monasterii utilitatem res temporales dispensentur, ut habetur allegato cap. nullam: unde quo strictior est cuiusque Religionis paupertas, eo arctior hac in re est singuli Praelati obligatio; Quare si piaculum, et quodam genus sacrilegii apud primitivos monachos, in communi possidentes, putabatur vel modicum dilapidare, quod ad utilitatem Conventus spectaret, quanto potius id urgere debet nunc in Religionibus, saltem ubi proprietates etiam in communi abdicantur; vide Cassianum lib. 4. Instit. cap. 20. ubi non solum personas, sed res monasteriis oblatas, Sacrosanctas acclamat, easque non solum solerti cura, sed et magna reverentia fuisse tractandas monet.

²¹ And lest anyone understand this of things serving more immediately the sacred altar, he subjoins: *and with such faith do they procure and dispense all things, that they trust with full credulity that they shall obtain a reward from the Lord, who have even moved without place, or placed more fittingly, those things which are held to be of defect and small and vile; for such was the sincere and holy simplicity of the ancient Monks, that they accounted all things made sacred by the touch of a place consecrated to God.* These things Suarez notes, *num. 7*.

Et ne quis haec intelligat de rebus, immediatius sacro altari servientibus, subdit: tantaque fide universa procurant, atque dispensant, ut etiam ea, quae defectui habentur, parvaque habentur, et vilia, sine loco moverint, vel competentius collocaverint, mercedem se consequuturos a domino tota credulitate confidant, quippe ea fuerat veterum Monachorum sincera, sanctaque simplicitas, ut cuncta contactu loci, Deo sacrati, facta reputarent. Haec notat Suarez num. 7.

²² MOREOVER this obligation of conserving the goods of the poor weighs upon the Prelate from justice, and upon those whom they have created for this end as officials and ministers, so that they are positively bound to be mindful of their duty; but others are bound to it only negatively (to speak with Suarez), namely not to give or handle the goods of the monastery unduly; and this obligation can pertain either to justice, by which one is bound that what is not his own he not appropriate to himself, or even to the vow of poverty, which relinquished his own, and much more does not admit what is another's.

CAETERUM haec conservandi res pauperum obligatio ex iustitia incumbit Praelato, illisque, quos creaverint in hunc finem officiales, et ministros, ita ut positive teneantur sui muneris memores esse; alii vero, non nisi negative (ut cum Suarez loquar) ad id tenentur, scilicet non indebite dare, vel tractare res monasterii, et haec obligatio potest pertinere sive ad iustitiam, qua quis obligatur, ut non suum sibi non appropriet, sive etiam ad paupertatis votum, quod suum dimisit, et multo magis alienum non admittit.

²³ The POWER finally of alienating is the last appendix of Prelacy; and it can be considered as regards movable or immovable things; likewise movables, whether they endure permanently, as books, utensils, and the like; or are soon consumed, as things to eat and drink, etc. These last, since they consist in mere use, scarcely fall under another rule than frugal and ordered temperance, according to decency.

POTESTAS denique alienandi est ultima Praelationis appendix; et considerari potest quoad res mobiles, vel immobiles; item mobiles vel permanentes durant, ut libri, utensilia, et similia; vel mox consumuntur, ut esculenta, poculenta etc. Haec ultima cum in solo usu consistant, vix sub alia regula, quam sub frugali, et ordinata temperantia, iuxta decentiam cadunt.

²⁴ BUT the power of alienating or exchanging enduring movables, or even immovables, the supreme Pontiffs have so determined and diversified by many sacred sanctions that each Religion can see more aptly for itself what it can do in this matter: Suarez also is to be seen, amply expounding the Pontifical constitutions indulged to his Society for the alienation of goods throughout the whole chap. 27 and 28 to the end.

VERUM potestatem alienandi, vel commutandi res mobiles durantes, sive etiam immobiles, ita pluribus sacris sanctionibus determinatur, et diversificentur summi Pontifices, ut apud se quaelibet Religio, quid hac in te possit, aptius videre queat: videndus est etiam Suarez, ample Pontificum constitutiones suae societati pro rerum alienatione indultas explicans toto cap. 27. et 28. usque ad finem.

²⁵ IT is worth observing for the Friars Minor that from the beginning of the Religion Gregory IX had sanctioned, and St. Bonaventure reports in the *Apologia pauperum* cited resp. 4 chap. 2: Nor ought movables to be sold, or changed beyond order, or alienated in any way whatsoever, unless the Cardinal of the Roman Church who shall be the Governor of the order have granted authority over this, or assent, to the General or Provincial ministers. Not that the dominion of the things whose use is granted us is properly with the most Eminent Cardinal, Protector of the Religion; since the supreme Pontiff reserves that to himself, as the Saintly Doctor everywhere inculcates not rarely in his opuscula, and especially q. 26 in the determinations of questions around the Rule of St. Francis; but that the Pontiff is wont to transfer his power in this office to one of the Cardinals.

ILLUD pro fratribus Minoribus observare, operae praetium est, quod a Religionis exordio Gregorius IX. sanxiverat, et refertur a D. Bonaventura in Apologia pauperum cit. resp. 4. cap. 2. Nec debent vendi mobilia, vel extra ordinem commutari, aut alienari quouomodo, nisi Ecclesiae Romanae Cardinalis, qui fuerit ordinis Gubernator, Generali, vel Provincialibus ministris auctoritatem super hoc praebuerit, vel assensum. Non quod rerum, quarum nobis conceditur usus, penes Eminentiss. Cardinalem, Religionis Protectorem, proprie sit dominium; cum illud sibi summus Pontifex reservet, ut passim in opusculis inculcat non raro S. Doctor, et praecipue quaest. 26. in determinationib. qq. circa Reg. S. Francisci; sed quod suam hoc in munere potestatem Pontifex in unum e Cardinalibus transferre soleat.

²⁶ BUT the words of the Seraphic Doctor, in the place just cited, are these: *The Prelate of the Apostolic See, who is the General provider of all the poor of the church, having special care of our order, has assumed to himself the property of all movables which are conferred on the order, except those whose dominion those conferring them retained, and he grants us only the use of the same things*, etc. But shortly after he subjoins: *Alms which is given us by the faithful passes into our use, and the dominion of his, to whom we are prepared, if he shall command it, to resign all things that we have, as to the Lord, as is fitting.*

VERBA autem Seraphici Doctoris, loco proxime citato, haec sunt: Praesul sedis Apostolicae, qui est Generalis omnium pauperum ecclesiae provisor, specialiter nostri ordinis curam habens, omnium mobilium, quae ordini conferuntur, proprietatem sibi assumpsit, exceptis his, quorum dominium sibi conferentes retinuerunt, et nobis usum earundem rerum solum concedit, etc. post pauca vero subdit: Eleemosina, quae nobis a fidelibus datur transit in usum nostrum, et illius dominium, cui parati sumus, omnia, quae habemus cum iusserit, tanquam Domino, prout convenit, resignare.

²⁷ HERE is the primitive state of the Minors, in which the Prelates have no right to alienate in any way the goods of the Religion except according to the concessions of the supreme dispenser of the whole Order; which have been granted to some as perpetual privileges, and as dispensations of the rigor of that rule which many for the vicissitudes of times pretended. But to others they were given

according to occurring necessities, so that of such concessions, as of the other things, they have rather a transient use than a right, or permanent duration.

HIC est primaevus Minorum status, in quo Praelati nihil habent iuris res Religionis quoquomodo alienandi, nisi iuxta concessionem supremi totius Ordinis dispensatoris; quae nonnullis sunt indultae, tanquam perpetua privilegia, et illius regulae rigoris dispensationes, quem pro temporum vicissitudine plures praetendebant. Aliis vero sunt datae iuxta occurrentes necessitates, ita ut talium concessionum, sicut et caeterarum rerum, habeant potius usum transeuntem, quam ius, seu durationem permanentem.

Question XII: Whether regular prelates can do anything concerning the conferring of orders and the blessing of things or places, and what

¹ THIS question, as regards the first part, is to be solved more broadly; I say therefore, according to the ancient law, from the Seventh Synod *chap. 14, on chap. 1 dist. 69*, only this is read as law: *Abbots can in their own monastery ordain Lectors only; and since the Ostiariate and Tonsure are inferior to the lectorate*, thence the Gloss there and Innocent gather, *chap. Cum contingat, de aetate et qualitate*, that these also can be conferred by an Abbot according to that law; which law Suarez concludes to be undoubted, *chap. 29 num. 3, where num. seq.*, where he requires four conditions in such an Abbot.

An, et Quid possint Praelati Regulares circa Ordines conferendos, et res, seu loca benedicenda.

HAEC quaestio quoad primam partem latius est absolvenda; Dico igitur iuxta ius antiquum ex VII. Synodo cap. 14. in cap. 1. dist. 69. tantum legi: Abbates posse in proprio monasterio Lectores tantummodo ordinare, et cum Ostiarius, et Tonsuratus sint lectoratu inferiores, colligunt hinc Glossa ibid. et Innocentius, cap. Cum contingat, de aetate, et qualit. verumque ab Abbate iuxta ius illud posse conferri; quod Ius indubitatum esse concludit Suarez cap. 29. num. 3. ubi num. seq. quatuor conditiones in tali Abbate exigit.

² The FIRST is, that such an Abbot be set over some Monastery; where in the Latin edition of the councils not an Abbot specifically is expressed, but the Prefect of the Monastery, as Suarez well notes, *in the place cited*; by which name, if you regard the thing itself, all Regular Prelates can come; but if you consider the use, or custom, which is the best interpreter of ancient laws, no Prelate who is not an Abbot can aspire to that power; for this has been neither seen nor heard in our times, although many other privileges of Abbots, insofar as they are prefects of coenobia, are communicated to Regulars, as appears everywhere in the compendiums of Privileges, and Suarez teaches, *in the place cited*.

PRIMA est, ut talis Abbas alicui Monasterio praeficiatur, ubi in latina conciliorum editione non exprimitur speciatim Abbas, sed Monasterii Praefectus, ut bene notat Suarez loco cit. quo nomine, si rem ipsam spectes, possunt venire omnes Praelati regulares; verum si ipsum usum, seu consuetudinem, quae legum antiquarum est optima interpret, consideres; nullus Praelatus, non Abbas, ad eam potest aspirare; hoc enim ad nostra tempora, nec visum, nec auditum est, licet plura alia Abbatum Privilegia, quatenus sunt caenobiorum praefecti, Regularibus communicentur, ut patet passim in compendiis Privilegiorum, et docet Suarez loco cit.

³ The REASON of this non-communication can be, that that favor was granted to Abbots rather in favor of the more eminent dignity than of regular government; this appears from the fact that the laws always express the Abbot most specifically; but where there is a most specific clause, communication is excluded: Add that Pontifical insignia are granted to Abbots, not to others; which would not become others equally.

RATIO huiusce non communicationis potest esse, quod fauor ille indultus sit Abbatibus potius in gratiam praeeminentioris dignitatis, quam regularis regiminis; hoc patet ex eo, quod semper iura Abbatem specialissime expriment; ubi autem est specialissima clausula, communicatio excluditur: Adde Pontificalia insignia Abbatibus, non aliis, concessa; quae alios etiam non aequae decerent.

⁴ The SECOND condition is Priesthood, for this ordination is of itself of order, at least broadly, rather than of jurisdiction, that it may be valid.

SECUNDA conditio est Sacerdotium, nam haec ordinatio, ex se est ordinis, saltem late, potius quam iurisdictionis, ut valide fiat.

⁵ The THIRD is the benediction, imparted to him by the Bishop, which is understood in *chap. cit. impositione manus*.

TERTIA est benedictio, ipsi ab Episcopo impartita, quae intelligitur cap. cit. impositione manus.

⁶ The FOURTH is jurisdiction, on account of which it is asked whether, if an Abbot ordain the subject of another, he do it validly; which is the same as asking whether that condition be required for a licit, or for a valid ordination: The Gloss affirms, *chap. Abbates de privilegiis, in 6*, that it is required only for a licit ordination.

QUARTA est iurdictio, propter quam quaeritur, an si Abbas, ordinans alterius subditum, valide id faciat; quod idem est ac quaerere, an illa conditio requiratur ad licitam, vel an ad validam ordinationem: Affirmat Glossa cap. Abbates de privilegiis, in 6. eam requiri tantummodo ad licitam ordinationem.

⁷ The COMMON opinion of Doctors, however, with Suarez *num. 8*, requires it by force of the ancient law, that he may be ordained licitly and validly; because this is a privilege granted only in one's own monastery. But a privilege is not to be drawn beyond the proper signification of the words. It is proved by a like case: if a pope gave this privilege for one person and not for another, or for one day and not for another, that he could do this is undoubted; doubtless an Order conferred on such a person or at such a time would be valid; but not otherwise, since otherwise, after the time of the privilege ended, he could ordain, and thus an Abbot, just like a Bishop, from an intrinsic power, or extension of his Character, could confer orders, which no one has said; whence only broadly by pontifical extension is this act in an Abbot of Orders, as I said in the second condition: wherefore this power is not very unlike the power of Confirming given to a simple priest for a certain time or place; which circumstances, if he did not observe, he would confirm neither validly nor licitly. Understand this by force of the old privilege, for otherwise perhaps it is now ordained, as I shall say below.

COMMUNIS tamen sententia Doctorum apud Suarez num. 8. eam requirit vi iuris antiqui, ut licite, et valide ordinetur; quia hoc est priuilegium, solum concessum in proprio monasterio. Priuilegium autem non est ultra propriam verborum significationem trahendum. Probatur a simili, si pontifex daret hoc priuilegium pro una persona, et non pro altera, siue pro uno die, et non pro alio, quod ipsum facere posse indubitatum est; proculdubio Ordo collatus tali personae, vel tali tempore teneret; non autem aliter, alias post priuilegii tempus finitum, posset ordinare, et sic Abbas, perinde, ac Episcopus, ex intrinseca potestate, seu extensione sui Characteris, possit ordines conferre, quod nemo dixerit; unde solum late pontificia extensione hic actus in Abbate est Ordinis, ut in secunda conditione dixi: quare haec potestas non multum absimilis est Confirmandi potestati datae simplici sacerdoti ad certum tempus, vel locum; quas circumstantias, si non observaret; nec valide, nec licite confirmaret. Haec intellige vi priuilegii veteris, nam aliter forsan nunc ordinatum est, ut dicam infra.

⁸ You WILL ASK whether that condition, that the Abbot be blessed, be now necessary, so that without it the ordination be invalid.

| QUAERES num illa conditio, ut Abbas sit benedictus, sit nunc necessaria, ita ut absque ea invalida sit ordinatio.

⁹ It is answered, with Suarez num. 17, that triennial Abbots can do this by special privilege, as is had in the Cistercian compendium, V. Abbas §. 4 and 5, and by the privilege of Julius II, with Suarez in the place cited; see Felinus on chap. eam te de rescriptis, with many others on chap. inter monasterium de re iudicata. Yet the privilege of these Abbots is restricted to Religious subjects alone, whence they cannot ordain others, although subjects, who are seculars, contrary to the cited concession of Julius II, by which it pleased him to promote any subjects whatsoever to Orders. This restriction is had in the Council of Trent, sess. 23 chap. 10 de reformatione, to which in Confirmation succeeds the declaration of the Holy Congregation, with Suarez in the place cited; yet if such an Abbot should ordain or tonsure one not subject to himself, he would not be retonsured or reordained, but dispensed, because the Council says: it is not lawful, but not: it does not avail; as the sacred Congregation of Cardinals also declares, with Suarez num. 20.

| Respondetv cum Suarez num. 17. Abbates triennales ex privilegio speciali id posse, ut habetur in compendio Cisterciensi, V. Abbas §. 4. et 5. et ex privilegio Iulii II. apud Suarez loco cit. vide Felinum in cap. eam te de rescriptis, cum aliis multis in cap. inter monasterium de re iudicata. Horum tamen Abbatum restrictum est privilegium ad solos subditos Religiosos, unde alios, etsi subditos, saeculares ordinare nequeant, contra concessionem Iulii II. citatam, per quam libebat quoscumque subditos ad Ordines promovere. Restrictio haec habetur in Concilio Trident. sess. 23. cap. 10. de reformat. cui in Confirmationem succedit declaratio S. Congregat. apud Suarez loco cit. si tamen talis Abbas sibi non subditum ordinaret, vel tonsuraret, non esset retonsurandus, vel reordinandus, sed dispensandus, quia dicit Concilium: non licet, non autem: non valet; ut etiam declarat sacra Cardinalium Congreg. apud Suarez num. 20.

¹⁰ You WILL ASK whether, by force of the old privileges above mentioned, other orders above the Lectorate can be given.

| QUAERES, num vi veteris privilegii, supra memorati, possint dari alii ordines supra Lectoratum.

¹¹ It is answered by Suarez negatively, because this is determined in the very text, nor are privileges to be amplified against the force of their proper words.

| Respondet Suarez negative, quia id in ipso textu determinatum est, nec sunt privilegia contra vim propriam verborum amplianda.

¹² BVT it was declared by the Congregation of Cardinals in the said chap. 10 of the Council, says Suarez num. 21, that Abbots obtaining the right of bearing the Mitre and Staff, and having priesthood with benediction, can confer the minor Orders on whomsoever, provided they have letters dimissorial with a special note from their own Prelates, if they are aliens, and moreover the license of that Bishop in whose diocese the orders are to be ministered. Which new law, if it be true — of which Suarez doubts at the end, and deservedly, since it could never appear — must needs be more ample than the ancient, in which it was proved neither licit nor valid, as we saw above.

| Vervm a Congregat. Cardinalium in dict. cap. 10. Concilii declaratum est, ait Suarez num. 21. Abbates obtinentes ius deferendi Mitram, et Baculum, et habentes cum benedictione sacerdotium, posse quibuscumque conferre Ordines minores, modo ad id habeant litteras dimissorias sub speciali nota a propriis Praelatis, si sint alieni, et insuper licentiam

illius Episcopi, in cuius dioecesi ordines sunt ministrandi. Quod ius novum, si verum est, de quo dubitat in fine Suarez, et merito, cum nunquam videri possit, necesse est ut ampliatius antiquum, in quo id nec licite, nec valide probatum erat, ut supra vidimus.

¹³ Some will have this power extended to the Diaconate and Subdiaconate by the privilege of Innocent VIII given to the Abbot of Citeaux and four other principal Abbots of that order.

Alit volunt hanc potestatem ad Diaconatum, et Subdiaconatum extendere ex privilegio Innocentii VIII. dato Abbati Cisterciensi, et aliis quatuor principalibus Abbatibus istius ordinis.

¹⁴ BVT whatever be the truth of that indult, which the collector of the Privileges of the Cistercian Order omitted, it is certain that the Council of Trent established that *Regulars be ordained neither in minority of age, nor without diligent examination of the Bishop, any privileges whatsoever being in this respect wholly excluded*, wherein it is intimated that all Regulars are to be ordained in sacred orders only by Bishops, as Navarro teaches, *concil. 13 de privil.*, with Suarez *num. 24 at the end*.

Vervm quicquid sit de veritate illius indulti, quod omisit collector Privilegiorum Ordinis Cisterciensis, certum est Concilium Trident. statuisset, ut Regulares nec in minori aetate, nec sine diligenti examine Episcopi ordinentur, Privilegiis quibuscumque quoad hoc penitus exclusis, ubi insinuat, regulares omnes in sacris ordinari solum ab Episcopis, ut docet cum Navarro concil. 13. de privil. cum Suarez num. 24. in fine.

¹⁵ AS REGARDS Benediction to be imparted to things or vestments; it is certain that Regular Abbots can consecrate the Pallae of the altar, Corporals, and the rest of its vestments. But if the matter be of the consecration of an Altar, a Chalice, or another thing, in which the anointing of Chrism intervenes, this is granted to Bishops alone; the Doctors are to be seen on either side in *chap. Abbates de privilegiis in 6*, and Suarez *in the place cited*.

Qvoad Benedictionem, rebus, vel vestibus impertiendam; certum est, Regulares Abbates posse Pallas altaris, Corporalia, et caetera eius indumenta sacrare. Verum si sermo sit de Arae, Calicis, alteriusve rei consecratione, ubi unctio Chrismatis intervenit, hoc solis Episcopis est concessum; videantur Doctores pro utraque parte in cap. Abbates de privileg. in 6. et Suarez loco cit.

¹⁶ The former power was introduced for all Regular Abbots rather by custom and the tacit concession of the supreme Pontiff than by any manifest privilege; although privileges exist for some. But why such a right was sanctioned by custom, and not the right of chrismating, ordaining, etc., since to bless and consecrate are acts of order, to be performed by a simple priest with a certain solemnity of words, Suarez teaches, *num. 4*, saying that certain things befit Bishops by force of Episcopal consecration, as to Confirm, to bless Chrism, and the like; which, because they are of divine right, cannot be abrogated by any custom; for things divine, like things human, are not subject to this: Certain things also are annexed to Episcopal power by ecclesiastical institution, and resting rather on the sacerdotal than pontifical Character: but these, since they are in the manner of jurisdiction, can be acquired by the extrinsic signification of the supreme Prelate and tacit approbation: for although true jurisdiction is not to be introduced except by express concession; yet if it be already exercised and knowingly tolerated, it is a sign that it was once truly granted.

Prior potestas potius consuetudine, et tacita summi Pontificis concessione, quam manifesto aliquo privilegio introducta est pro omnibus Abbatibus regularibus; licet non desint pro aliquibus privilegia. Cur autem consuetudine tale ius sit sancitum, non autem ius Chrismandi, ordinandi, etc. cum benedicere, et consecrare sint ordinis actus, quippe certa verborum solemnitate a solo presbytero praestanda, docet Suarez num. 4. dicens, nonnulla Episcopis convenire ex vi

consecrationis Episcopalis, ut Confirmare, Chrisma benedicere, et similia; quae, quia iuris sunt divini, nulla possunt consuetudine abrogari; Divina enim huic, sicut humana, non subiacent: Quaedam etiam sunt annexa potestati Episcopali ex ecclesiastica institutione, et innixa potius Characteri sacerdotali, quam pontificali: haec autem, cum sint ad instar iurisdictionis, possunt extrinseca supremi Praelati significatione, tacitaque approbatione acquiri: nam licet vera iurisdicatio non sit introducenda, nisi expressa concessione; si tamen iam exerceatur, et scienter toleretur, signum est, eam aliquando fuisse vere concessam.

¹⁷ But the said custom, although it holds for Abbots, yet fails for Mendicants: for we cannot find such a memorable custom for them; although from other titles the aforesaid right of consecrating the vestments of the sacred altar, pallae, etc., accrues to them.

Dicta autem consuetudo licet pro Abbatibus vigeat, pro Mendicantibus tamen deficit: non enim immemorabilem talem consuetudinem pro ipsis invenire possumus; licet ex aliis titulis praefatum ius sacra altaris indumenta, pallas, etc. sacrandi ipsis accrescat.

¹⁸ For in the first place the communication of Mendicants with monastic orders can have place in this, although it does not as regards the conferring of Orders; for to this pressed special reasons, which I touched above: But for the benedictions of vestments the necessity can be greater, nor is the reason unlike in Mendicants, on account of the continual use of vestments and altar ornaments, and the number of priests sacrificing daily.

In primis enim communicatio Mendicantium cum ordinibus monachalibus in hoc potest locum habere, licet non habeat quoad Ordinum collationem; nam ad hanc speciales urgebant rationes, quas supra tetigi: Sed ad benedictiones vestium potest maior esse necessitas, nec dispar ratio in Mendicantibus, propter continuum paramentorum, Altarisque ornamentorum usum, et sacerdotum quotidie sacrificantium numerum.

¹⁹ Wherefore Leo X, the Pontiff, indulged to the Minors that they may exercise such benedictions under only a twofold restriction; the first is, that they bestow them for the use of their own brethren; the second, that where Chrism or anointing is required, they cannot bless; otherwise the said concession is most ample. See the *compend. of the Society*, V. *benedicere*, §. 1, and the *supplem. of the Minors*, *concess.* 55. But that it may be more distinctly recognized in what things and by what Persons the said privilege of Leo X is to be applied to use, it pleases to report the words written of it, as they are had in the *compend. of the Minors*, V. *benedictio*, §. 14, and are reported by Bonagratia citing below, V. *benedicere*, num. 63; in which places this is established: *That all and singular the Churches, Cemeteries, Chapters, and Oratories of the same Order and Observance, existing anywhere, both received and to be received, and the vestments, ornaments, and other things whatsoever necessary for Divine worship and the use of the Brothers, in which Chrism does not intervene, for the use of the same Brothers only, they may validly bless with solemn benediction, which other Brothers of the same Order deputed for this in General Chapters cannot do; and that they can likewise reconcile Churches, etc., which have been polluted in any way by effusion of blood or seed, and this with water blessed by the aforesaid Prelates, especially in remote places, where they could not approach the Bishop blessing the water for two days. And although Corporals are not there expressed, they are nevertheless included: And it is more expressly permitted by Innocent VIII: That the Priors of the Order, and Vicars in the absence of the Prior, and anyone having the government of any Monastery whatsoever, can bless Corporals, vestments, and the other ecclesiastical ornaments pertaining to Divine worship, of his own Monastery as well as from wherever they come. But this Constitution is had in Sorore, in Addit., and was made for the Congregation of St. Justina, 1487, and for those communicating with it.*

Qvare Leo X. Pontif. Minotibus indulsit, ut huiusmodi benedictiones possint exercere sub duplici tantum restrictione; prima est, ut eas pro usu suorum fratrum impendant; secunda, ut ubi Chrisma, seu unctio requiritur, non possint benedicere; caeteroquin dicta concessio amplissima est. Vide compend. Societatis, V. benedicere, §. 1. et supplem. minorum, concess. 55. Ut autem expressius dignoscatur, in quibus rebus, et a quibus Personis dictum Leonis X. privilegium est usui applicandum; placet quae de eo scripta sunt verba referre, ut habentur in compend. minorum, v. benedictio, §. 14. et referuntur a Bonagratia infra citando, V. benedicere, num. 63. his itaque locis statutum est: Ut omnia, et singula eiusdem Ordinis, et Observantiae Ecclesiae, Coemeteria, Capitula, et Oratoria ubicunque existentia, tam recepta, quam recipienda, ac paramenta, et ornamenta, et alia quaecunque ad Divinum cultum, et usum Fratrum necessaria, in quibus Chrisma non intervenit, pro eorundem Fratrum usu tantum, solemni benedictione valeant benedicere, quod non possint alii Fratres eiusdem Ordinis, qui ad hoc in Capitulis Generalibus deputati fuerint; ac quod similiter possint reconciliare Ecclesias, etc. quae quomodolibet sanguinis, vel seminis effusione pollutae fuerint, et hoc cum aqua, per praedictos Praelatos benedicta, praesertim in locis remotis, ubi Episcopum aquam benedicentem per duas diatas adire non potuerint. Quamvis autem ibi non exprimantur Corporalia, includuntur tamen: Et expressius permittitur ab Innocent. VIII. Ut Priores Ordinis, et Vicarii in absentia Prioris, et quisvis habens regimen cuiuscunque Monasterii, possit benedicere Corporalia, vestimenta, caeteraque ornamenta Ecclesiastica, ad cultum Divinum pertinentia, tam sui Monasterii, quam etiam undecumque sint. Haec autem Constitutio habetur apud Sorbum, in Addit. et facta est Con- gregat. S. Iustinae 1487. et cum ea communicantibus.

²⁰ Nor does it stand against this last privilege that it be an oracle of the living voice, and consequently ought to lack force by the constitutions of Gregory XV and Urban VIII, indicating to the General and the other ministers of each order that such oracles of the voice, being revoked, be published in the provinces and convents of Regulars; for without this publication they do not obtain revocation.

Nec obstat huic ultimo privilegio, quod sit vivae vocis oraculum, ac proinde virtute carere debeat ex constitutionibus Gregorii XV. et Urbani VIII. indicantibus Generali, aliisque cuiusque ordinis ministris, ut talia vocis oracula pro revocatis publicentur in provinciis, et conventibus regularium, nam absque hac publicatione revocationem non obtinent.

²¹ For to this instance Bonagratia, our countryman, responds at length in his summula, V. *Benedicere*, and the word *Privilegium*, that all oracles of the living voice passed into the Bullary confirmations by the declaration of subsequent Pontiffs; see him proving this by the various responses of ministers, both Provincial and General, drawn from the archives of our order; and likewise by the response of Urban VIII himself made to Father M. Antonio de Carpenedulo, then General of the Capuchins, whereby he willed in no way to involve the Prelates of this order in his revocations; which was perhaps done on account of his singular affection toward this Religion, in which his own German brother had then lived with the highest praise, until he was raised to the dignity of Cardinal.

Huic etenim instantiae respondet fuse Bonagratia noster in sua summula, V. Benedicere, et verb. Privilegium, quod cuncta vivae vocis oracula in Bullares confirmationes transierunt ex declaratione subsequentium Pontificum; vide ipsum variis ministrorum tam Provincialium; tum Generalium responsionibus, ex nostri ordinis Archivis deductis, id probantem, uti et responsione ipsius Urbani VIII. facta P. M. Antonio de Carpenedulo, pro tunc Capucinatorum Generali, quod Praelatos huiusce ordinis nullatenus suis revocationibus involvere voluerit; quod forsan factum est, ob singularem eius affectum erga hanc Religionem, in quo tunc Germanus ipsius frater summa cum laude, donec ad Cardinalitiam fuerit dignitatem evectus, vixerat.

²² For the various species and forms of benedictions, see our Bonagratia, *under the word Benedicere*; see also Suarez *lib. 2 cited, chap. 30 num. ult.* at the end, where he mentions the privilege of Innocent VIII granted to the Cistercians; and another of Julius II given to the Prior General of the Canons of St.

Savior, to whom it is granted without restriction that they may bless whatever pertains to the fact of the Altar, or sacred uses, whether of their own monastery or from wherever they come.

De variis benedictionum speciebus, et formulis, vide Bonagratiam nostrum verbo Benedicere, vide etiam Suarez lib. 2. citato, cap. 30. num. ult. in fine, ubi Innocentii VIII. privilegium memorat, concessum Cisterciensibus; et aliud Iulii II. datum Priori Generali Canonorum S. Salvatoris, quibus conceditur absque restrictione, ut possint quaecumque ad factum Altare, seu sacros usus spectantia, tam proprii monasterii, quam undecumque sint, benedicere.

LAST DISPUTATION: ON THE STATE OF THE ACTIVE AND THE CONTEMPLATIVE LIFE

¹ Notorious is this division into the Active and Contemplative life, long prefigured in the two wives of Jacob, Rachel and Lia; long fulfilled in the nightly watches of Christ the Savior and his daytime labors; commended also in the busy cares of Martha and the repose of Mary; and likewise marked in the solicitude of Peter and the solitude of John; as I shall draw out more fittingly below in the proofs, intending afterward to speak of the comparison of one to the other, and also of the excellence of each, whether taken separately or jointly. But after the Active life alone, or the Contemplative, (as each is called a state, or a certain excellence over the other) had long been exercised in the Church, there emerged at last the Mixed life, not only most useful and profitable to the Church, but in itself, because of the concord struck between Martha and Mary, most illustrious. But near the end we shall consider the principal acts of the Active life, and likewise the grades of the Contemplative.

Notissima est haec divisio in vitam Activam, et Contemplativam, dudum praefigurata in duabus uxoribus Iacob, Rachel, et Lia; diu impleta in nocturnis Salvatoris Christi vigiliis, et diurnis ipsius laboribus; commendata est etiam in Marthae negotiis, et Mariae otiis; nec non signata in Petri sollicitudine, et Ioannis solitudine; ut infra in probationibus aptius deducam, dicturus postea de comparatione unius ad alteram, uti et de praestantia cuiusque, sive seorsim, sive coniunctim: Postquam autem diu in Ecclesia Vita, vel sola Activa, vel Contemplativa, (prout singula dicit statum, seu quemdam super alteram excessum) fuerit actitata; emersit tandem vita Mixta, non solum Ecclesiae valde utilis, et proficua; sed in se, propter initam cum Maria Marthae concordiam, multum conspicua: Prope vero finem praecipuos Activae actus, sicut et Contemplativae gradus contemlabimur.

Question I: Whether the division of life into active and contemplative is sufficient

¹ Common is that division of the soul into Intellect and Affect, whence is born another division of the actions of the soul into Cognition and Praxis; for the latter regards the will, by which it is either commanded or elicited; the former the intellect, in which it either rests or orders the rest toward it.

Utrum sit sufficiens Divisio vitae in Activam, et Contemplativam.

Communis est illa divisio animae in Intellectum, et Affectum, unde nascitur alia divisio actionum animae in Cognitionem, et Praxim; haec enim respicit voluntatem, a qua vel imperatur, vel elicitur; illa vero intellectum, in ea vel sistentem, vel caetera ad eam ordinantem.

² The sufficiency of this division is drawn from the Seraphic Doctor, part 2 of the *Breviloquium*, chap. 9, at the end: for Cognition is nothing other than the discernment of truth; and affection nothing other than flight or appetite, the former of evil, the latter of good: hence the whole soul is intellectual and affective.

Sufficientia huius divisionis eruitur e Seraphico Doctore 2. parte Brevil. cap. 9. in fine: Cognitio enim nihil aliud est, quam veri discretio; et affectio nihil aliud est, quam fuga, vel appetitus, illa mali, hic boni: hinc tota anima intellectiva est, et affectiva.

³ But further, the intellective part either discerns truth as truth, and so rests in pure cognition, or discerns it as good, and so passes into affect, and by participation in this the intellect becomes in a way practical; then the intellective power is concerned either with the understanding of eternal

things, and so is called the superior part, or with the intention of temporal things, and so is called the inferior part; but in whatever station the intellect is considered, it has an affect, or will, proportioned to itself.

Verum adhuc pars intellectiva, vel discernit verum, ut verum; et sic sistit in pura cognitione, vel illud discernit, ut bonum, et sic transit in affectum, et huius participatione fit intellectus quodammodo practicus; deinde potentia Intellectiva versatur circa intelligentiam aeternorum, et sic nominatur pars superior, vel circa temporalium intentionem; et sic dicitur pars inferior; in quacumque autem statione consideretur intellectus, habet affectum, seu voluntatem, sibi proportionatam.

⁴ It must be supposed, second, from St. Thomas, q. 169 a. 1, that Life is here taken for that in which man is more occupied and delights; whence, since some delight more in internal operations, while others are more occupied with external actions, hence these are said to live in diverse ways: These things seen.

Supponendum est secundo e D. Thoma quaest. 169. art. 1. Vitam hic sumi pro eo, in quo homo magis occupatur, et delectatur; unde cum nonnulli internis operationibus magis delectentur, alii vero magis externis occupentur actionibus, hinc est quod hi diversemode dicantur vivere: His visis.

⁵ I assert that the said division of life into the Active and the Contemplative is good and sufficient.

Assero, dictam divisionem vitae in Activam, et Contemplativam, bonam esse, et sufficientem.

⁶ It is proved by St. Bonaventure, *serm. 1. de S. Nicol.*, on the authority of St. Augustine, *tract. 124 on John*, about the middle, where we read: *The Church knows two lives preached to it by God, one of which is called active, the other contemplative: the first in labor, the second in rest, etc.* Nor is it an objection that Augustine there says one is exercised on earth; the other possessed in heaven; for he speaks of the latter, that is, of the contemplative as it is perfect, excluding all labor and sin; which is accidental, and not essential to this state.

Probatur a D. Bonaventura serm. 1. de S. Nicol. autoritate D. Augustini tract. 124. in Ioannem, sub medio, ubi sic habet: Duas vitas sibi divinitus praedicatas novit Ecclesia, quarum una dicitur activa, altera contemplativa: Prima in labore. Secunda in requie, etc. Nec obstat quod ibidem D. Augustinus dicat, unam actitari in terris; aliam vero possideri in caelis; loquitur enim de posteriori, seu de contemplativa, pro ut est perfecta, omnem laborem, et peccatum excludens; quod per accidens est, et non essentiale huic statui.

⁷ It is proved, second, by the Saintly Doctor on *Luke 10*, where he admirably describes the ministry of Martha and the repose of Mary; but by these two that twofold life, working and contemplating, is figured, as all the Commentators on that passage hold. See also Sts. Augustine, *book 22 contra Faustum, chap. 52*; Gregory, *book 6 Moralia, last chap.*, and on the *Books of Kings, chap. 4*; Jerome on *chap. 3 of Lamentations*, around the words: *Bonum est viro, etc.*; and others in Suarez, *lib. 1 de varietate Religionum, chap. 5*.

Probatur secundo a S. Doctore in cap. 10. Lucae, ubi egregie describit ministerium Marthae, et otium Mariae; per has autem duas figuratur duplex illa vita, operans, et contemplans, ut habent omnes huius loci Commentatores. Vide etiam DD. August. lib. 22. contra Faustum, cap. 52. Gregorium lib. 6. moral. cap. ult. et in libros Regum, cap. 4. Hyeronymum in cap. 3. Thren. circa ea verba: Bonum est viro, etc. et alios apud Suarez lib. 1. de varietate Religion. cap. 5.

⁸ This division the Saintly Doctor also proves in *chap. 45 of the Meditations on the Life of Christ*, where he says it is asserted by the Saints; and he draws it out thus: *Every man applying himself to his salvation exercises himself principally toward his own utility, correcting himself from vices and forming himself in virtues, and secondarily devotes the offices of piety and justice, or works of Charity, to his neighbor; or he principally studies the utility and benefit of his neighbor, on account of his own merit accruing from it more abundantly, as in discharging the office of Prelate, Preacher, and Confessor; and in these consists the whole active life; for we do not reckon purely secular affairs, contributing little to salvation, among the functions of the active life; for although in these affairs there are truly actions, yet they are rather idleness than business, and more distracting than active.*

Hanc divisionem probat etiam S. Doctor c. 45. medit. vitae Christi, ubi eam a Sanctis ait asseri; Quam sic deducit: Omnis ferio salutis suae incumbens, exercet se principaliter ad suam utilitatem, corrigendo se a vitiis, et informando se virtutibus, ac secundario obsequia pietatis, et iustitiae, seu Charitatis opera impendit proximo; aut principaliter studet utilitati, et emolumentis proximi, suo tamen merito, inde cumulatius resultanti, ut obeundo munus Praelati, Praedicatoris, ac Confessarii, et in his consistit tota vita activa; non enim computamus negotia pure secularia, ad salutem parum conferentia, inter functiones vitae activae; licet enim in his negotiis sint vere actiones, sunt tamen vetius otia, quam negotia, et magis distractiva, quam activa.

⁹ The second member of the division is gathered thus: He who refrains from external operation conducing to his own or his neighbor's salvation must needs devote himself to internal consideration, namely, persevering in prayer and applying himself to the study of Sacred Letters: That he may perform this opportunely, let him seek solitude of mind, attend to God alone, that thus by degrees, first instructed, then illuminated, at last inflamed, imbued with true wisdom, he may ascend the summit of the contemplative life, as far as is allowed in this age.

Secundum divisionis membrum sic colligitur: Qui ab externa operatione, sua, vel proximi salutis conducenti, se continet, necesse est, ut internae considerationi vacet, orationi scilicet instando, et sacrarum litterarum studiis incumbendo: Ut autem hoc opportune praestet, mentis quaerat solitudinem, solique Deo intendat, ut sic gradatim primo instructus, deinde illuminatus, tandem inflammatus, apicem vitae contemplativae, quantum in hoc saeculo licet, vera sapientia imbutus, conscendat.

¹⁰ In this twofold sphere of Operation and Contemplation is exercised the Gate of that Castle, through which Jesus, having entered, was received in hospitality by Martha and Mary, one hastening about, ministering, and anxiously running hither and thither; the other sitting placidly at the feet of Jesus, ardently suspending her heart upon his words; whence St. Bernard says with the Seraphic Doctor, *chap. 46 of the cited Meditations*: on Jesus entering into this castle, two sisters, Martha and Mary, that is, operation and intellect, received him: *But Jesus bestows on each what is fitting: virtue and wisdom. Virtue to operation, wisdom to intellect*: For the Christian life to be lived piously and justly, virtuous operation, or operative virtue in the hand, suffices and is required, that each provide for himself and his neighbor; and sapient understanding in the mind, that one wisely savoring things above pour them out abundantly also to his neighbor, whether by conversing or by preaching; whence in *2 Cor. 1* nothing else is preached by the Apostles than the power of God and the wisdom of God, as the Saintly Doctor notes in the place just cited; for in these is the whole man, nor is anything further required.

In hac duplici Operationis, et Contemplationis valva versatur illius Castellum Ianua, per quam Iesus ingressus, a Martha, et Maria hospitio est exceptus, una discurrente, ministrante, et hinc inde sollicitè cursitante; altera ad pedes Iesu placide

sedente, et ad verba eius cor suum ardentem suspendente; unde ait D. Bernardus apud Seraphicum cap. 46. in meditat. cit. intrante Iesu in hoc castellum, duae sorores Martha, et Maria, id est, operatio, et intellectus, exceperunt eum: Iesus autem duo confert singulis congruentia, virtutem, et sapientiam. virtutem operationi, sapientiam intellectui: Ad vitam enim Christianam pie, et iuste peragendam sufficit, et requiritur virtuosa operatio, seu operosa virtus in manu, ut sibi, et proxime quisque provideat; et sapida intelligentia in mente, ut superna intelligenter sapiens, ea proximo etiam abundanter, sive conversando, sive praedicando profundat; unde 2. Cor. 1. ab Apostolis nil aliud praedicatur, nisi Dei virtus, et Dei sapientia, ut advertit S. Doctor, loco proxime cit. in his enim est totus homo, nec amplius quid requiritur.

¹¹ It is proved, third, by the example of Christ, who was wont to pass the night on the mountain and to teach in a level place, as is said in *Luke 6*. For the mountain is designated the place of contemplation, because it is elevated from the earth and segregated from the commerce of men; whence Moses, Aaron, and Hur ascended to the top of the hill, that the former might pray, *Exod. 7*. So Sara, *Tob. 3*, went up into the upper chamber of her house, as the Saintly Doctor expounds *on chap. 6 of Luke*. But the level place, in which agriculture is exercised, signifies laborious action; therefore, that he might give an example of both lives, Christ ascended the mountain by night to contemplate, and by day descended into the level place, that there in a level and common place he might work the salvation of all by teaching, consoling, and healing; and it follows: *A great multitude of the people from all Judea, and Samaria, and Jerusalem, and those who had come to hear him and to be healed of their infirmities*, by which words it is intimated that the functions of the active life are to be devoted not to trivial secular affairs, but to the spiritual benefit of one's neighbor and to the common salvation of all.

Probatur tertio exemplo Christi, qui pernoctare solebat in monte, et docere in loco Campestri, ut dicitur Lucae 6. Mons enim designatur locus contemplationis; eo quod sit elevatus a terra, et ab hominum commercio segregatus, unde Moysis, Aaron, et Hur ascendebant in verticem collis, ut prior oraret Exod. 7. Sic Sara Tobiae 3. perrexit in superius cubiculum domus suae, ut disserit S. Doctor ad caput 6. Lucae. Locus autem Campestris, in quo agricultura exercetur, signat laboriosam actionem; ideo ut utriusque vitae praeberet exemplum Christus, noctu ascendebat in montem ad contemplandum, et diu descendebat in locum Campestem, ut ibi in plano, et communi loco, omnium salutem, docendo, consolando, et curando operaretur; et sequitur: Multitudo copiosa plebis ab omni Iudaea, et Samaria, et Ierusalem, et qui venerant, ut audirent eum, et sanarentur a languoribus suis, quibus verbis insinuat, functiones vitae activae, non trivialibus saeculi negotiis, sed spiritualibus proximi emolumentis, communique omnium saluti impendendas.

¹² It is proved, fourth, by the Saintly Doctor from the practice of the Church, which from the beginning instituted the Clerical state for the active life and procuring the salvation of one's neighbor, and the Monastic state for the contemplative life and attaining one's own salvation principally: But whether there be some mixed state embracing both, I shall say below.

Probatur quarto a S. Doctore ex praxi Ecclesiae, quae ab initio statum Clericalem, pro vita activa, et salute proximi procuranda; statumque Monachalem pro vita contemplativa, et propria salute consequenda principaliter instituit: Utrum autem sit aliquis status mixtus utrumque complectens, infra dicam.

¹³ And although many scriptures may be adduced as supports of either life, as the Seraphic Doctor everywhere adduces in the places cited above; yet, as Suarez well notes, from them it is not clearly gathered that both lives are to be taken up separately, or in diverse states of men; but it only intimates that in us a twofold holy operation can be found, one external, placed in action; the other internal, consisting in consideration; and that these can be found in each one, as I shall explain more

clearly below: But those operations are of life, or vital, insofar as each one is more principally and with greater excellence occupied in one; hence it is that the twofold life is commonly gathered from those scriptures under the name of Active and Contemplative.

Quamvis autem possint plures scripturae in utriusque vitae adminicula adduci, ut passim locis supra citatis profert Seraphicus Doctor; tamen, ut bene notat Suarez, ex illis clare non colligitur, utramque vitam seorsim, vel in diversis hominum statibus esse ascitandam; sed solum insinuat, in nobis duplicem sanctam operationem posse inveniri, alteram externam, in actione positam; alteram internam, in consideratione consistentem; et has in unoquoque posse reperiri, ut clarius infra exponam: Cum autem illae operationes sint vitae, seu vitales, in quantum una quisque principalius, et maiori excessu occupatur, hinc est, quod communiter duplex vita sub nomine Activae, et Contemplativae ex illis scripturis colligitur.

¹⁴ But that there are diverse states of men: one wholly distended by actions and taking little of contemplation, or rather of internal attention; the other, on the contrary, wholly attentive and devoted to contemplation, caring for externals moderately and only as life's necessity requires: the aforesaid practice enduring in the Church alone proves, and it is most excellently drawn from that single example of Martha and Mary, of whom one was wholly in the ministry of her neighbor; the other was at leisure for divine contemplation; the studies of which sisters were long before prefigured in the sweet embraces of Lia and the laborious childbirths of Rachel, as the Fathers commonly expound with St. Bonaventure in the places cited above, and especially on chap. 10 of Luke.

Verum quod sint diversi hominum status: Alter totaliter actionibus distentus, parumque contemplationis, seu potius internae attentionis insumens; Alter vero totus contemplationi e contra attentus, et addictus, modice, et quantum ad vitae necessitatem attinet, de externis curans, sola probat praefata praxis in Ecclesia durans, optimeque deducitur e solo illo Marthae, et Mariae exemplo, quarum una tota ministerio proximi; altera divinae vacabat contemplationi, quarum sororum germana studia diu ante praefigurabantur in dulcibus Liae complexibus, et operosis Rachelis partibus, ut communiter exponunt patres cum D. Bonaventura locis supra citatis, et praecipue in cap. 10. Lucae.

Question II: Which state is more excellent: the state of the active life, or of the contemplative

¹ This question is not difficult to decide; for Christ himself passed a decisive judgment in favor of the contemplative life, when those two sisters, Martha and Mary, in the presence of him who had come, were pleading their cause; the one speaking to the heart with studious silence, the other soliciting the ears of Christ with talkative ministry, saying: *Lord, dost thou not care that my sister hath left me alone to serve? Speak to her therefore, that she help me.* To this, however, Christ brought forth a judicial definition (as the holy Doctor says), repeating and reiterating: *Martha, Martha, thou art solicitous, and art troubled about many things; but one thing is necessary: Mary hath chosen the best part*, and he adds the reason of the judgment: *which shall not be taken away from her*; on which words the holy Doctor thus comments: *One is preferred to many, because not one from many, but from one, many, as St. Augustine says, tract. 27 on John, near the end: Many are the things that were made; one is he who made them; good are the things he made, how much better is he who made them; nay, absolutely the best: and this is the part of the contemplative soul.*

Quisnam status est altero praestantior, num status vitae Activae: vel e contra, Contemplativae.

Haec quaestio non difficile deceditur; ipse enim Christus pro vita contemplativa decisivam tulit sententiam, dum duae illae sorores, Martha et Maria, ad factam ipsius praesentiam, causam agerent; et una studioso silentio loqueretur ad cor; altera verboso ministerio sollicitaret ad aures Christi, dicens: Domine, non est tibi curae, quod soror mea reliquit

me solam ministrare? Dic ergo illi, ut me adiuvet: *Ad haec autem Christus Iudicalem (ait S. Doctor) protulit diffinitionem, replicans, et repetens: Martha, Martha, sollicita es, et turbaris circa plurima; porro unum est necessarium, Maria optimam partem elegit, subditque iudicii causam: quae non auferetur ab ea, in quae verba sic postillat S. Doctor: Praeponitur unum multis, quia non unum a multis, sed ab uno multa, ut ait D. Augustinus tract. 27. in Ioan. prope finem; Multa sunt, quae facta sunt; unus qui fecit; bona valde, quae fecit, quanto melior ille, qui fecit: imo simpliciter optimus; et haec est pars animae contemplativae.*

² Hence in *Lamentations* 3. it is said: *The Lord is my portion, saith my soul, therefore will I wait for him;* and in *Psalms* 141. *I cried to thee, O Lord, and I said: Thou art my hope, my portion in the land of the living.* This is the portion of those who contemplate, says St. Bonaventure, in whose person it is said, *Deuteronomy* 3. *I will pass over, and will see this excellent land beyond the Jordan, and this goodly mountain, and Libanus.*

Hinc Threnorum 3. *dicitur: Pars mea dominus, dixit anima mea, propterea expectabo eum, Psalmo* 141. *Clamavi ad te domine, et dixi: Tu es spes mea, portio mea in terra viventium. Haec est portio contemplantium, ait D. Bonaventura, in quorum persona dicitur, Deuteronomio* 3. *Transibo, et videbo terram hanc optimam trans Iordanem, et montem istum egregium, et Libanum.*

³ This excellence of the contemplative life over the active is *CONFIRMED* by the holy Doctor from the defects of the latter, which Christ intimates by that reduplicated name: *Martha, Martha, thou art solicitous, etc.* For God is accustomed to repeat the name of him whom he wishes to arouse to more attentive consideration of his defects; thus in *Jeremias* 32. he upbraids the sinful man with a triplicated name: *Earth, earth, earth, hear the word of the Lord;* and in *Exodus* 3,¹ seeing that Moses boldly drew near to see the vision of the bush which the flame had kindled and he had not yet seen, he called out to him, saying: *Moses, Moses.* So now he reproaches Martha for her excessive solicitude, calling her, *Martha, Martha,* and for this reason upbraids her for a threefold defect, as the holy Doctor pursues: namely, for solicitude in thought, for tribulation in affect, and for division in act.

¹ Editor's note: the 1655 print reads 'Exodi 30.'; the scene described (Moses at the burning bush, 'Moyses, Moyses') is *Exodus* 3, so the chapter citation is corrected here, with the print's reading preserved in this note.

CONFIRMATUR a S. Doctore haec vitae contemplativae praestantia prae activa, ex huius defectibus, quos insinuat Christus ingeminato illo nomine: Martha, Martha, sollicita es, etc. Ita enim consuevit Deus ingeminare nomen illius, quem ad defectus attentiores considerationem vult excitare, ita Hier. 32. hominem peccatorem triplicato nomine increpat: Terra, Terra, Terra, audi sermonem Domini, et Exodi 3. videns Deus, quod audacter appropinquaret Moyses ad videndam visionem rubi, quam flamma accenderat, nec visserat, interpellavit eum dicens: Moyses, Moyses. Ita modo Martham nimiae sollicitudinis arguit, vocans eam, Martha, Martha, quam propterea ob triplicem defectum increpat, ut prosequitur S. Doctor, ob sollicitudinem scilicet in cogitatu, ob tribulationem in affectu, et divisionem in actu.

⁴ But these three things chiefly hinder a man from spiritual progress in God; wherefore Philip. 4 gives counsel: *Be nothing solicitous, but in every prayer, etc. let your petitions be made known to God;* and 1 Peter, last chapter: *Casting all your anxiety upon him, because he hath care for you.* For solicitude distracts the powers of the soul, weakens them when dispersed, and at last divides them from God, who is one and loves unity; whence St. Paul says, 1 Cor. 7: *He who is with a wife is solicitous about the things of the world, and is divided; but the unmarried woman and the virgin thinketh on the things of the Lord, that she may be holy both in body and in spirit.* Wherefore the Eastern Church, although it permitted clerics or priests, whose portion and study is to labor for the salvation of their neighbor, to take wives; yet we read that it was

never attempted or permitted to Monks (even were they laymen); for they, having all things at once in one, ought not to abandon that one thing, as is said in Tob. 10.

HAEC autem tria hominem maxime a spirituali in Deum profectu tetrahunt; quare Philip. 4. consulitur: Nihil solliciti sitis, sed in omni oratione, etc. petitiones vestrae innotescant apud Deum, et 1. Petri, ult. Omnem sollicitudinem vestram proicientes in eum, quoniam ipsi cura est de vobis: Sollicitudo enim vires animae distrahit, ac dispersas debilitat, tandemque a Deo dividit, qui unus est, unitatemque diligit; unde ait D. Paulus 1. Cor. 7. Qui cum uxore est sollicitus est, quae sunt mundi, et divisus est: mulier autem innupta, et virgo cogitat, quae domini sunt, ut sit sancta mente, et corpore: quamobrem Ecclesia Orientalis, licet Clericis, seu praesbyteris, quorum portio, et studium est incumbere proximi saluti promovendae, indulserit uxores ducere; id tamen Monachis, (esto essent laici) nunquam attemptum, vel permissum legimus; quippe qui omnia simul in uno habentes, non debuerunt illud unum dimittere, ut dicitur Tob. 10.

⁵ Then tribulation in affect, by which the active life is most of all molested, is dissuaded in John 14: *Let not your heart be troubled; you believe in God, believe also in me*; for the troubled eye is not sharp enough to see, as the holy Doctor remarks here, of which kind was what Isaias foretold of Christ, Isaias (24): *He shall not be sad, nor troublesome.*

DEINDE turbatio in affectu, qua vita activa plurimum molestatur, dissuadetur Ioan. 14. Non turbetur cor vestrum; creditis in Deum, et in me credite, non enim satis perspicax est ad videndum oculus turbatus, ut advertit S. Doctor hic, quale de Christo praedixit Isaias, 24. Non erit tristis, neque turbulentus.

⁶ Finally division in act, which is frequent amid the multitude of affairs, is turned aside in Ecclesiasticus 11: *Son, let not thy acts be in many things*; for operations, even of the animal faculties, that is, of the sensitive and vegetative part, require a gathering, and as it were an attention, of all the powers of the soul, that they may be carried out well and completely; the more intensely one power is occupied about its object, the more remissly do the other faculties operate about their proper objects; and the more a man is distracted about temporal things, the more easily and frequently does he slip from the consideration of eternal things; whence, since these inconveniences are often encountered in the active life, our Savior reproved it in Martha, that by pointing out the defect of her action he might correct its importunity, as the holy Doctor concludes in the place cited, letter D.

DENIQUE divisio in actu, quae frequens est in negotiorum multitudine, avertitur Eccl. 11. Fili ne in multis sint actus tui; cum enim operationes, etiam facultatum animalium, seu partis sensitivae, et vegetativae, requirant collectionem, et velut attentionem omnium potentiarum animae, ut bene, et complete peragantur, quo intensius una potentia occupatur circa suum obiectum, eo remissius aliae facultates operantur circa proprie obiecta, quantoque magis circa temporalia homo distrahitur, tanto facilius, et frequentius a consideratione aeternorum labitur; unde cum haec incommoda in vita activa saepe numero offendantur, eam in Martha reprehendit Salvator noster, ut per ostensionem ipsius defectus actionis importunitatem corrigeret, ut concludit S. Doctor loco cit. litt. D.

⁷ Not therefore, however (the Seraphic Doctor resumes), is the part of Martha evil; for the excess of action, the manner or excess, not the substance, is reprehended; whence Christ said: *Thou art troubled about many things*; for turbation extinguishes the spirit of devotion; nor, even though it be born of fervor in acting or ministering charitably, is it laudable; because Charity, in order that it may profit the neighbor, must be well ordered in itself; as the Spouse says in the Canticles, when, at the approach of the young maidens, who had often experienced the fervor of her correction, they trembled: *He ordered charity in me*; for having attained a placid quiet of mind, after long contemplating

and marveling at the beauty of her spouse, she dismissed every troubled manner of acting, as St. Bernard expounds on the Canticles on those words.

NON propterea tamen, (resumit Seraphicus) pars Marthae mala est; actionis enim nimietas, modus, seu excessus, non substantia, reprehenditur; unde dixit Christus: Turbaris circa plurima, turbatio enim spiritum devotionis extinguit; nec, licet ex fervore agendi, vel ministrandi etiam charitative, nascatur, laudabilis est; quia Charitas, ut proximo proficiat, debet in seipsa bene ordinari; uti ait Sponsa in canticis, cum ad eius accessum Adolescentulae, saepius correptionis fervorem expertae, trepidarent; ordinavit in me Charitatem, quippe placidam mentis quietem nacta, postquam sponsi pulchritudinem diu contemplando miraretur, omnem turbide agendi modum dimisit, ut exponit S. Bernardus super Cantica. in ea verba.

⁸ It is *PROVED* further by the holy Doctor on the same chapter 10 of Luke, that the Contemplative life excels the active: *What is more permanent, other things being equal, is more excellent.* But contemplation is more permanent than action: Therefore. The major is evident; for the excellence of Charity shines forth above the other theological virtues in this, that it never falls away, but endures even in the beatific vision, at least in specific reason; but the contemplative operation begins here and remains in the future, as the Gloss has it on those words: *Which shall not be taken away, etc.* Therefore it is the better, the more it remains, as the Seraphic Doctor subjoins; for, as he reports there from the said Gloss: *the labor of multitude passes away, and the Charity of unity remains;* in figure of which, speaking of John, who bore the person of the Contemplative, the Lord says: *So I will have him remain till I come,* indicating that the part which Mary chose is not to be taken away but to be perfected; concerning which he says in book 3 on chapter 10 of Luke, tome 5: *The fire of love, which here begins to burn, when it shall have seen him whom it loves, blazes forth more in love;* and this same is prefigured in Isaias 31: *Whose fire is in Sion, and his furnace in Jerusalem.*

PROBATUR adhuc a S Doctore ad idem c. 10. Luce, Vitam Contemplativam praecellere activae: Quod est permanentius, caeteris paribus, est praestantius: Atqui contemplatio permanentior est actione: Ergo. Maior patet, nam Charitatis praestantia in eo prae caeteris virtutibus Theologicis lucet, quod nunquam excidat, sed etiam in visione beatifica, in ratione saltem specifica, duret: Sed Contemplativa operatio hic incipit, et in futuro permanet; ut habet Glossa in ea verba: Quae non auferetur, etc. Ergo eo est melior, quo manentior, ut subdit Seraphicus Doctor, nam ut ibi ex dicta Glossa refert: transit labor multitudinis, et remanet Charitas unitatis, in cuius figuram de Ioanne, gerente personam Contemplativi, ait dominus: Sic eum volo manere, donec veniam, indicans partem, quam elegit Maria, non auferendam, sed perficiendam, de qua ait lib. 3. in cap. 10. Lucae tom. 5. Amoris ignis, qui hic ardere inchoat, cum ipsum, quem amat, viderit, in amore amplius ignescit, id ipsum praefiguratur Isaia 31. Cuius ignis est in Sion, et caminus in Ierusalem.

⁹ It is *PROVED* lastly by St. Bonaventure in the same place, where in three little words he concludes all the reasons which Suarez there (in the place cited, chapter 6) deduces at length, saying: The Contemplative life is simply more to be desired, as being the better, *both because it is more secure, and because it is sweeter, and because it is more stable.* The Seraphic Doctor nevertheless concludes that the active life is not on that account to be despised: both because it is prior; and because it is more penal; and because it is more fruitful; for it avails for itself and for others, in which nonetheless the contemplative life prevails over it for itself and for others; for the latter does not impede, nay rather promotes, the salvation of others; for whether one be a Prelate or a preacher, in order to rule well and preach well to himself and others, it is necessary that he not neglect Contemplation; whence St. Gregory says of both lives, book VI Morals, chapter 18, quoted by the Seraphic Doctor in the place cited: *Great are the merits of the active life, but greater those of the Contemplative.*

PROBATUR ultimo a S. Bonavent. eodem loco, ubi tribus verbulis concludit omnes rationes, quas fuse deducit Suarez loco cit. cap. 6. dum ait: Vita Contemplativa simpliciter est magis desideranda tanquam ea, quae est melior, Tum quia securior, Tum quia suavior, tum qui stabilior: Concludit tamen Seraphicus, non ideo despiciendam esse activam, tum quia anterior; tum quia poenaliior; tum quia foecundior, valet enim sibi, et aliis, cui nihilominus pro se, et pro aliis praevallet contemplativa: Haec enim non impedit, imo promovet aliorum salutem; sive enim Praelatus sit, sive praedicator, ut sibi et aliis bene praesit, et praedicet; necesse est, ut Contemplationem non deferat; unde de utraque vita ait D. Gregorius, lib. VI. Moral. cap. 18. apud Seraphicum, loco cit. Magna sunt activae merita, sed Contemplativae potiora.

¹⁰ YOU WILL OBJECT: to what purpose, then, is the life that is only active, if even in Prelates and preachers the Contemplative life takes its place: for prelature and preaching are external actions principally ordered to the neighbor.

OBIICIES; *ad quid ergo vita sola activa, si etiam in Praelatis, et praedicatoribus Contemplativa eius vices obeat: nam Praelatio, et praedicatio sunt actiones externae, ad proximum principaliter ordinatae.*

¹¹ The holy Doctor ANSWERS in the place cited, letter D, and with him Suarez in the said chapter 6, that spiritual exercises, such as those of Prelates and Preachers, since they have a connection with contemplation, as being as it were its acts and effects, suppose it as their origin; for preaching is nothing else than the internal contemplation of truth described outwardly in words and gestures; whence spiritual men must sometimes go out and sometimes go in, now ascend, presently descend, as in that vision of Jacob, Gen. 28, the angels ascended and descended, at once contemplating God and aiding men. But that life which is purely active obtains the greater, or more proper, part of itself in bodily exercises, as in assisting the sick, visiting widows, succoring the bodily necessities of the poor. Now these actions, although they require proceeding from an intention and some consideration, do not properly require contemplation, such as will be described below in question 5; otherwise no action would be good or meritorious which did not suppose contemplation.

RESPONDET S. Doctor loco cit. litt. D. et cum eo Suarez dicto cap. 6. exercitia spiritualia, qualia sunt Praelatorum, et Praedicatorum, cum habete connexionem cum contemplatione, ut sint velut eius actus, et effectus, ac proinde eam tanquam suam originem supponere: Praedicatio enim nihil est aliud, quam interna veritatis contemplatio, foris verbis, et gestibus descripta; unde viros spirituales oportet aliquando egredi, aliquandoque ingredi, modo ascendere, mox descendere, uti in visione illa Iacob, Gen. 28. angeli ascendebant, et descendebant, contemplando simul Deum, et hominibus subveniundo: Vita autem illa, quae pure activa est, potiore, seu propriore sui partem in exercitiis obtinet corporalibus, ut aegris assistendo, viduas visitando, corporalibus inopum necessitatibus succurrendo: Hae autem actiones, licet requirant procedere ex intentione, et aliquali consideratione; non tamen proprie contemplationem, qualis infra quaest. 5. describetur, requirunt, alias nulla actio esset bona, seu meritoria, quae contemplationem non supponeret.

¹² We conclude, however, with the holy Doctor, 1 part of the Cen(tury), sect. 46, that both lives, in order to be perfect, must affect, occupy, or engage the three powers of the soul, so that with respect to these, each one has three properties, in which the one exceeds the other, not by an excess of excellence, but of exclusion; so that the one excludes the other as to act, which is true only in those who cultivate either the active or the contemplative life alone; but not in those leading the mixed life, as I shall say below in the following question.

Concludimus tamen cum S. Doctore 1. parte centil. sect. 46. utramque vitam, ut perfecta sit, debere afficere, officere, seu occupare tres animae potentias, ita ut respectu harum, unaquaeque tres habeat proprietates, in quibus altera ab altera exceditur, non excessu excellentiae, sed exclusionis; ita ut una alteram quoad actum excludat, quod verum est in his

| solum, qui vitam vel activam, vel contemplativam tantum colunt; non autem in agentibus vitam mixtam, ut infra dicam, quaest. sequenti.

13 ¶ The FIRST property of the active life is sedulous diligence of public utility and necessity; and this occupies the Rational power, whose office it is to consider how and why it should issue forth into action.

| ¶ *PRIMA vitae activae proprietas est utilitatis et necessitatis publicae sedula diligentia; et haec vim Rationalem occupat, cuius est considerare, quomodo, et quare in actionem prodeat.*

14 The SECOND is charity toward the neighbor, by compassionating his misery; and this holds the place in the Concupiscible.

| *SECUNDA est erga proximum charitas, compatiendo eius miseriae, et haec in Concupiscibili locum obtinet.*

15 The THIRD is fruitfulness of good works in acting, by persevering patiently unto the end; and this continually kindles the Irascible toward arduous things.

| *TERTIA est bonorum operum in agendo fecunditas, patienter usque ad finem perseverando, et haec Irascibilem continuo ad ardua accendit.*

16 But of the CONTEMPLATIVE life the first property is the intuition of supernal beauty with delight, and this affects the Rational.

| *CONTEMPLATIVAE vero prima proprietas est supernae pulchritudinis intuitus cum delectatione, quae afficit Rationalem.*

17 The SECOND is repose with serenity and security, and this pacifies the Irascible.

| *SECUNDA est quies cum serenitate, et securitate, quae Irascibilem pacificat.*

18 The THIRD is cleanness of heart, with the gust of supernal goodness, whereby the Concupiscible is delighted.

| *TERTIA est cordis munditia, cum bonitatis supernae gustu, quo Concupiscibilis iucundatur.*

Question III: Whether there is a mixed life resulting from the active and the contemplative, and which of them is more excellent

1 The Seraphic Doctor here mentions THREE orders of the Ecclesiastical state, instituted of old, to each of which its own distinct office fell. First, the Cenobites, continually profiting in the study of virtues, follow the footsteps of Christ, inasmuch as he led a social life with his disciples, and was for them the exemplar of perfection; for the Cenobitic life is a professed Society of many living together under one manner of life, that by mutual examples they may spur one another on to emulating the better charisms: wherefore this state is most convenient for progress in perfection, nor does it on that account lose the name of a Religious or Monastic institution, because the solitude of bodies is not there so exactly observed; for although Monas means one, yet that one rather signifies that solitude which is more adapted to the end of acquisition, for the sake of which the monastic state was first instituted; and to this solitude the unity, or solitude, of mind contributes more than that of body: whence St. Augustine on Psalm 132, on those words, *Quam bonum, et quam iucundum habitare fratres in unum* (How good and how pleasant it is for brethren to dwell together in one), thus speaks of monastic solitude: *for they who so live in one as to make one man, so that it be true of them, as it is written, one*

heart and one soul; many bodies, but one heart and one soul, are rightly called Monas, that is, one alone; wherefore from the beginning of the Church, when many withdrew into desert places for the sake of the pursuit of perfection, they were accustomed to come together on fixed days, exhorting and exciting one another to the unity of spirit; as is read in the lives of the Fathers.

Utrum detur Vita mixta ex Activa, et Contemplativa resultans, et utra harum sit Praestantior.

TRES ordines status Ecclesiastici, antiquitus institutos, hic memorat Seraphicus Doctor, quorum cuique suum distincte munus incumberebat. Primo Coenobitae in virtutum studio iugiter proficientes, Christi sequuntur vestigia, quatenus socialem cum discipulis vitam agebat, ipsique fuit perfectionis exemplar; Coenobitica enim vita est plurium in unum genus vivendi professa Societas, ut mutuis exemplis ad aemulanda Charismata meliora sese promoveant: quare status hic convenientissimus est perfectionis profectui, nec nomen institutionis Religiosae, vel Monachalis ideo perdit, quod ibi corporum solitudo tam exacte non servetur, nam licet Monas dicat unum; illud tamen unum magis signat eam solitudinem, quae accommodatior est acquisitionis fini, propter quem status monachalis primo institutus est; ad hanc autem magis confert unitas, seu solitudo mentis, quam corporis: unde D. Augustin. in ea verba Psal. 132. Quam bonum, et quam iucundum habitare fratres in unum, sic de solitudine monachali loquitur: nam qui sic vivunt in unum, ut unum hominem faciant, ut sit illis verum, sicut scriptum est, cor unum, et anima una; multa corpora, sed unum cor, et una anima, recte dicitur Monas, idest, unus solus, quare ab initio Ecclesiae, cum plures ob perfectionis studium in loca deserta secederent, solebant statis diebus in unum convenire, mutuo se exhortando, et excitando ad spiritus unitatem; ut legitur in vita Patrum.

² In the SECOND place are the Hermits, more frequently intent upon Contemplation, and keeping a more exact solitude, withdrawing from every congregation and commerce of men; and these sometimes dwelt in the monasteries which they built for themselves in the wildernesses, whence also they were called Eremitae, though less properly; such were the Religious of St. Basil, as Suarez has it, lib. 1. cit. cap. 2. But others dwelt solitarily in desert places, fleeing all society of men; and these are properly called Hermits, such as that Paul who is acclaimed in the Calendar as the first Hermit.

SECUNDO loco sunt Eremitae, frequentius Contemplationi instantes, et exactiorem servantes, solitudinem, ab omni hominum congregatione, et commercio secedentes; et hi aliquando in conventibus, quos sibi in Eremis struxere, habitarunt, unde etiam Eremitae sunt vocati, licet minus proprie; quales fuere Religiosi D. Basilii, ut habet Suarez, lib. 1. cit. cap. 2. Alii vero solitarie in desertis locis degebant, omnem hominum Societatem fugientes; et hi proprie Eremitae nuncupantur, qualis fuit ille Paulus, qui primus Eremita in Calendario, acclamatur.

³ In the THIRD and last place are the secular Clerics, so called because they hold a place in the civil dealings and contracts of the age; and accordingly in the very age (saeculum) they can dwell with other seculars; while they are Pastors of souls, or Rectors of Churches, of whom the state is twofold, Episcopal and Parochial: the former destined for ruling dioceses, the latter for caring for parishes.

TERTIO tandem loco sunt saeculares Clerici, ideo dicti, quod in civilibus saeculi commerciis, et contractibus ineundis locum habent; ac proinde in ipso saeculo cum aliis saecularibus possint cohabitare; dum sunt animarum Pastores, vel Ecclesiarum Rectores, quorum duplex est status, Episcopalis, et Parochialis, ille Dioecesibus regendis, hic Parochiis curandis destinatur.

⁴ But since that threefold state did not at once attain the perfection of Christ, but one state imitated his contemplative life only by withdrawing into the desert, another emulated his conversation among the disciples and the examples of his virtues, and the last finally followed him in procuring the salvation of the neighbor; the Seraphic Doctor argues that it behooved some to be given who would

follow Christ in all things, and would reconcile his nocturnal Contemplations and withdrawals with his diurnal occupations; and such would truly lead a mixed life.

VERUM cum triplex ille status Christi perfectionem non simul attingeret, sed unus eius contemplativam vitam, secedendo in deserto tantum imitaretur, alter status eius inter discipulos conversationem, et virtutum exempla aemularetur, ultimus denique eum in procuranda proximi salute sequeretur; Arguit Seraphicus Doctor, dari decere nonnullos qui, Christum in omnibus sectarentur; eiusque nocturnas Contemplationes, et secessus, cum diurnis occupationibus conciliarent; talesque vere mixtam vitam ducere.

⁵ I ASSERT therefore, with the Seraphic Doctor, that there is given a Mixed Life resulting from the Contemplative and the Active. This is the common opinion of the Fathers and Scholastics, as in Suarez, *cit. cap. 6.*, where, among the many whom he produces, he passes over St. Bonaventure, while retaining the authority of so great a Doctor, and rendering his reasons useful to himself. This is held before others by St. Thomas 2. 2. *quaest. 188. art. 6. et 3. dist. 35. quaest. 1. art. 4. quaestiunc. 1.* See also there Durandus *quaest. 2. Paludanus, 4. dist. 38. quaest. 2. art. 1. Cajetan 2. 2. quaest. 188. art. 6. Antoninus 3. parte, tit. 16. cap. 1. §. 2. Henriquez, quodlib. 12. quaest. 25. Sylvester, in summa, V. Religio 1. quaest. 4. and the Canonists in cap. nisi cum pridem, de renunciat. Archi. in cap. si quis, dist. 56.*

ASSERO igitur cum Seraphico Doctore, dari vitam Mixtam, ex Contemplativa, et Activa resultantem: Haec est communis Patrum, et Scholasticorum sententia, Apud Suarez, cit. cap. 6. ubi inter plures, quos profert, D. Bonavent. praetermittit, Auctoritatem tanti Doctoris reticens, rationes autem eius, sibi proficuas reddens. Hanc tenent prae aliis D. Thomas 2. 2. quaest. 188. art. 6. et 3. dist. 35. quaest. 1. art. 4. quaestiunc. 1. Vide etiam ibi Durandum quaest. 2. Paludanum, 4. dist. 38. quaest. 2. art. 1. Caietan. 2. 2. quaest. 188. art. 6. Antonin. 3. parte, tit. 16. cap. 1. §. 2. Henriquez, quodlib. 12. quaest. 25. Sylvestrum, in summa, V. Religio 1. quaest. 4. et Canonistas in cap. nisi cum pridem, de renunciat. Archi. in cap. si quis, dist. 56.

⁶ It is PROVED especially by St. Bonaventure in the place cited above, by the example of Christ himself, made the exemplar of both lives, while he tarried by night on Mount Olivet, intent on Contemplation and holy prayer; but by day he taught in the Temple, healed the sick, etc., as is said in Luke 21. On which passage the holy Doctor shows that therein is given to Prelates an example of perfect vigilance in the life at once Active and Contemplative; for since the government of souls is a most arduous office, its true and laudable dispensation or ministration can be obtained only from above, from the Father of lights, from whom is every perfect gift; and therefore one must devote oneself to Contemplation, on which the supernal truth shines. But prelature of itself, since it is a ministry to another, also implies action, nor does it impede Contemplation, if action proceeds in an orderly way from it; for, as the holy Doctor says, *in the place cited*, the faithful exercise of a good work quiets the conscience, and by fattening it raises it to supernal things. The Seraphic brings the example of one who labored in preparing a banquet, at which he afterwards feasted pleasantly, and whose sweetnesses he tasted beforehand in the very preparation.

PROBATUR praecipue a D. Bonaventura loco supra citato, exemplo ipsius Christi, facti in exemplar utriusque vitae, dum nocte morabatur in Monte Oliveti, Contemplationi, et sanctae orationi intentus; die autem docebat in Templo, aegros sanabat, etc. ut dicitur, Lucae, 21. in quem locum ostendit S. Doctor, ibi dari Praelatis perfectae vigilantiae exemplum in vita et Activa, simul et Contemplativa; cum enim regimen animarum sit officium valde arduum, non nisi desuper a patre luminum, a quo est omne donum perfectum, eius vera, et laudabilis dispensatio, seu ministratio obtineri potest; ac proinde Contemplationi, cui allucet superna veritas, vacandum est: ex se autem Praelatio, cum sit ministerium ad alterum, etiam actionem importat, nec Contemplationem, si ab hac ordinate procedat, impedit: Nam ut ait, S.

Doctor, loco citato, *Boni operis fidelis exercitatio, conscientiam quietat, et impinguando elevat in superna; exemplum affert Seraphicus, eius, qui laboraret, convivium praeparando, in qua postea iucunde epularetur, et cuius dulcedines in ipsa praeparatione praegustaret.*

⁷ It is PROVED secondly by the holy Doctor, *on chapter 10 of Luke*, by the example of the Virgin Mother of God, to whom was infused whole and without division what was given in parts to Martha and Mary; of whom the figure was the Ark, in which at once the tablet of testimony and the rod of Aaron were kept; for by the tablet of testimony is signified the reception of divine truth through Contemplation; and by the rod of Aaron is indicated the rectitude of good action, both as regards oneself and as regards the neighbor, as St. Bonaventure explains, *in the place cited.*

PROBATUR secundo a S. Doctore, in cap. 10. Lucae, exemplo Deiparae Virginis, cui quicquid per partes datum est Marthae, et Mariae, totum absque divisione infusum; cuius figura erat Arca, in qua simul tabula testimonii, et virga Aaron custodiebantur; per Tabulam autem testimonii signatur susceptio divinae veritatis per Contemplationem; et per Virgam Aaron indicatur rectitudo bonae actionis, tum quo ad se, tum quoad proximum, ut explicat S. Bonaventura, loco citato.

⁸ It is PROVED thirdly by St. Bonaventure in *the Meditation on Christ, chapter 57.*, by the authority of the Fathers, among whom St. Bernard is celebrated, while he treats of this matter in *Sermon 3 on the Assumption*, speaking of the Active and Contemplative life thus: *He acquires a good degree who has ministered well; perhaps a better, who has devoted himself well to God; but the best, who is perfect in both;* where he indicates that each state of life is separable from the other, as we proved above, yet that the more excellent is he who has joined both in one.

PROBATUR tertio a S. Bonvent. in meditatione Christi, cap. 57. autoritate Patrum, inter quos celebris est D. Bernardus, dum de hac agit materia, Sermone autem 3. de assumpt. loquens de vita Activa, et Contemplativa sic habet: Bonum acquirit gradum, qui bene ministraverit; forte meliorem, qui bene vacaverit Deo, optimum autem, qui perfectus est in utroque, ubi indicat utrumque vitae statum esse a se invicem separabilem, ut supra probavimus, praestantior tamen eum esse, qui utrumque in uno coniunxerit.

⁹ *The same* in *Sermon 50 on the Canticles* speaks thus: *Who doubts that a praying man speaks to God? Yet how often, charity bidding, are we thence withdrawn and torn away for the sake of those who need our works or our company; how often does pious repose yield to the tumult of affairs; how often, for the sake of administering earthly things, do we most justly put off from ourselves the celebrating of the solemnities of Mass? The order is preposterous, but necessity has no law;* in which words he shows not only that both lives can be conveniently completed in one, but that the necessity of perfection demands it; which pertains to the second part of the question, noted in the title.

IDEM Sermone 50. super Cantica sic habet: Orantem hominem Deo loqui quis dubitet? quoties tamen inde charitate iubente abducimur, et avellimur, propter eos, qui nostra indigent opera, vel sequela, quoties pie cedit negotiorum tumultibus Pia quies, quoties pro administrandis terrenis iustissime ipsis supersedemus, celebrandis Missarum solemnitiis? Ordo praeposterus est, sed necessitas non habet legem, quibus verbis non solum ostendit, utramque vitam in uno commode posse compleri, sed perfectionis necessitatem id exigere; quod facit ad secundam quaestionis partem, in titulo notatam.

¹⁰ *The same*, in the epistle to the Brethren of Mount Dei, long before the middle, quoted by St. Bonaventure *in the place cited, chapter 56.*, writes thus: *The good and prudent servant often compares labor with leisure, nor is he dissolved into it, but is by it rather gathered more into himself, who always had before his eyes*

not so much what he does as what he intends by doing: for since man consists of a twofold part, of which the one requires quiet, the other exercise; and has a twofold operation, internal by knowing, and external by laboring; likewise as he has two things in himself to be purged, as the holy Doctor notes in the place cited, chapter 51, from St. Bernard, sermon 3 on the ascension, namely, the Intellect and the Affect, the intellect that he may know, and the affect that he may will, and that he may will efficaciously; man ought to join the action of virtue with the contemplation of truth, that while the one ruddies within in the mind, the other may be exhibited without in work. See further St. Bernard to the brethren of Mount Dei, col. 3, and on those words of the Canticles: Surge, propera amica mea, etc. (Arise, make haste, my love, etc.), where he describes the spouse now hastening to the vineyard for labor, now also resting in the bed of Contemplation, and thus exercising the gifts of both lives, by acting and contemplating; as the holy Doctor also most excellently explains, LL. CC. in Meditat. vitae Christi.

IDEM epist. ad Fratres de monte Dei, longe ante medium, apud D. Bonavent. loco citato, cap. 56. sic scribit: servus bonus, et prudens ad otium saepe comparat laborem, nec in eum dissolvitur, sed per eum magis in se ipsum colligitur, qui semper prae oculis habuit, non tam quod agit, sed quod agendo intendit: cum enim homo e duplici parte constet; quarum altera quietem, altera requirit exercitium; et duplicem habeat operationem, internam cognoscendo, et externam laborando; item uti duo in se habet purganda, ut notat, S. Doctor, loco citato, cap. 51. e D. Bernardo, serm. 3. de ascensione, Intellectum, scilicet, et Affectum, intellectum ut noverit, et affectum ut velit, et ut efficaciter velit; debet homo cum contemplatione veritatis coniungere actionem virtutis, ut dum illa intus rutilat in mente, haec foris exhibeatur in opere. Vide adhuc D. Bernardum ad fratres de monte Dei, col. 3. et in illa verba Canticorum: Surge, propera amica mea, etc. ubi sponsam describit nunc ad vineam propter laborem properantem; nunc etiam in lectulo Contemplationis quiescentem, et sic utriusque vitae, agendo, et contemplando, munera exercentem; ut etiam praeclare explicat, S. Doctor, LL. CC. in Meditat. vitae Christi.

¹¹ BASIL in Rule 37 and chapter 2, on 5 Constitut. Monast., after teaching that the exercise of Charity toward the neighbor must be joined to Contemplation, in order that one may be a true imitator of Christ, who kept watch in both, by day and by night, subjoins: *The helping works of the body rendered the virtue of the soul more illustrious, while, being resolvable into all their parts for their spiritual conversation, those operating in this manner added to the active life, as it were, its seal and closing clause.* But lest anyone think this Saint spoke of bodily exercises which arise from external premeditation or contemplation, he subjoins the example of Christ, still in boyhood intent on domestic labors and services, before he undertook by preaching and other spiritual exercises the conversion of men; then he adds the examples of the Apostles, and especially of Paul, of whom he says: *Mark Paul laboring incessantly, and contentedly making journeys, sailing, encountering perils, etc.*

BASILIIUS in Regula 37. et cap. 2. ad 5. Constitut. Monast. postquam Charitatis exercitium in proximum Contemplationi docet coniungendum, ut quis sit vere imitator Christi, qui in utroque, die, ac nocte vigilabat, subiungit: Auxiliaria opera corporis animae virtutem illustriorem reddiderunt, dum omnibus suis partibus resolvenda spirituali sua conversationi operantium eiusmodi, et activam vitam, seu sigillum, ac clausulam adiecerunt. Ne vero quis putaret hunc Sanctum loquutum fuisse de corporalibus exercitiis, quae ex externa praemeditatione, seu contemplatione ortum habent, subdit exemplum Christi, adhuc in pueritia domesticis laboribus, et obsequiis intentum, antequam praedicatione, aliisque spiritualibus exercitiis, hominum conversionem susciperet; Addit deinde exempla Apostolorum, et praecipue Pauli, de quo ait: animadvertite Paulum indinulse laborantem, contentequae itinera facientem, navigantem, pericula adeuntem, etc.

¹² It is *CONFIRMED* from the most eminent professors of the contemplative life, who were zealous for the care of souls and the correction of sinners. Thus all whom the Seraphic Doctor approves as the founders or beginners of the Religious life, in the *Diaeta salutis*, tit. 3. cap. 1. at the end: thus Samuel, who first gathered the band of Prophets, as is had, 1 Kings 10; he was so devoted to contemplation that he did not neglect the Mixed life in the correction and instruction of the people: say the same of Elias and Eliseus, with whom the sons of the prophets dwelt, 4 Kings 4. The same is plain of St. John the Baptist, who gathered disciples, as is said, *John* 1. of whom the aforesaid Basil says, in the place cited: *who, when he had at times held himself in that solitude by the hidden counsel of God, afterwards went forth into cultivated places, and there, by Preaching and Baptizing, which gifts touch the very action of things, at last found the end of his contest before Herod with intrepid liberty of soul.* I omit the many examples of those Fathers whose mixed life under the law of grace confirms the same most clearly.

CONFIRMATUR ex Praecipuis illustrioribus vitae contemplativae professoribus, qui curam animarum, et peccatorum correctionem zelabant. Ita omnes, quos vitae Religiosae institutores, vel inchoatores probat Seraphicus Doctor, in *Diaeta salutis*, tit. 3. cap. 1. in fine: sic Samuël, qui primus cuneum Prophetarum congregavit, ut habetur, 1. Reg. 10. ita contemplationi erat addictus, ut vitam Mixtam in correptione, et instructione populi, non defereret: idem dic de AElia, et Elisaeo, cum quo habitauerunt filii Prophetarum, 4. Reg. 4. id ipsum patet de D. Ioanne Baptista, qui congregavit Discipulos, ut dicitur, Ioann. 1. de quo ait praefatus Basilius, loco citato: qui cum aliquando ex arcano Dei Consilio se in solitudine illa tenuisset, in loca culta postea egressus est, ibique Praedicando, et Baptizando, quae munera ipsam etiam rerum actionem attingunt, illa sua demum apud Herodem intrepida sui animi libertate, certaminis sui finem invenit. Omitto plura illorum Patrum exempla, quorum mixta vita in lege gratiae, id ipsum luculentius confirmat.

¹³ St. *AUGUSTINE*, book 19 de civitate Dei, chapter 19, thus speaks of this Mixture of action with Contemplation: *Nor ought anyone be so idle as not to think in that very leisure of the utility of the neighbor; nor so full of action as not to require the contemplation of God.*

D. AUGUSTINUS lib. 19. de civitate Dei, cap. 19. sic de hac cum Contemplatione actionis Mixtione loquitur: Nec sic quisquam debet esse otiosus, ut in eodem otio utilitatem non cogitet proximi; nec sic actuosus, ut contemplationem non requirat Dei.

¹⁴ *ISIDORE*, book of differences, 19, says thus: *For some only Contemplation profits; for others only the active life is a consolation; for these the middle way, composed of both, is more useful;* which opinion he proves by the example of Christ, and confirms from the twofold precept given indifferently to all, although by reason of office or justice one may press more upon one than upon another: this is the precept of the love of God and of the neighbor; which, insofar as it is from charity, binds all; although under another title the observances and ministries to be bestowed on God and the neighbor press rather upon him who has undertaken the care of souls; yet since necessity, or utility coming to it, at times requires that we show outwardly in effect the affection which we nourish within, it is necessary that at times we forsake God as it were for the sake of God, that we may succor the laboring neighbor.

ISIDORUS lib. differ. in 19. sic ait: Quibusdam sola Contemplatio proficit; aliis vero sola activa est consolatio; his media utriusque composita utilior est, quam sententiam probat exemplo Christi, confirmatque ex duplici praecepto, omnibus indifferenter dato, licet ratione officii, vel iustitiae unum magis urgeat in uno, quam in alio: hoc est praeceptum dilectionis Dei, et proximi; quod, quantum ex charitate est, omnes ligat; licet alio titulo potius incumbat quo ad observantias, et ministeria, Deo, et proximo impendenda, ei, qui curam animarum suscepit: cum tamen

necessitas, vel huic accedens utilitas aliquando requirat, ut quem intus fovemus affectum, foris monstremus effectum, necesse est, ut nonnunquam Deum velut propter Deum deseramus, ut laboranti proximo succurramus.

¹⁵ Hence the Seraphic Bonaventure, *cit. determin. qq. quaest. 1. at the end*, teaches that on this account St. Francis our Father so instituted the Order of Friars Minor, that in perfect imitation of Christ they should strive to lead the mixed life, not by a debt of necessity but by an affect of charity, and should expect the merit of the salvation of others from their fruit, and avoid the danger of their perdition; while, sharing in the gain, unharmed in the loss, they studied to draw others out of shipwreck, while they themselves stood on solid ground, so as not to be endangered with those sinking in sin. So the holy Doctor.

Hinc Seraphicus Bonavent. cit. determin. qq. quaest. 1. in fine docet, ideo S. P. N. Franciscum Ordinem Minorum ita instituisse, ut in perfectam Christi imitationem, vitamque viam, non necessitatis debito, sed charitatis affectu, ducere satagerent, et de fructu aliorum salutis meritum expectarent, periculumque perditionis eorum evitarent; dum participes in lucro, indemnes in detrimento, alios extrahere studerent e naufragio, ipsique consistentes in solido, cum in peccato peteuntibus non periclitarentur. Haec S. Doctor.

¹⁶ I ASSERT Secondly, that the mixed life simply excels acting than the only active, or only contemplative; it is plain from the authorities brought forward.

ASSERO Secundo, simpliciter praestare vitam mixtam agere, quam solam activam, vel solam contemplativam, patet Autoritatibus allatis.

¹⁷ It is PROVED further by Suarez, *num. 19.*, by the reason which the holy Doctor indicates, *in the place lately cited*: The mixed life contains whatever of perfection the contemplative and the active life have separately: Therefore it is simply more excellent than either taken separately. The major is evident; for thus man, consisting of soul and body, is better than the soul alone or the body alone; because, being composed, he retains the perfection of both. The consequence is proved: where one thing is joined to another, it rather promotes than impedes it, where it is better that both be joined; and so it happens here: Therefore. The minor is proved, which needs no proof as to the contemplation which is exercised while action continues; for while it is actually intent upon God amid acting, the merit becomes more abundant, and the very action is rendered nobler; as is plain from each of the most illustrious Fathers, who with mind and hand at once tended to God, operating and contemplating, as is notably written of St. Basil by Greg. Nazianzen, *orat. 20*. For thus acted that great Contemplator: *that neither was the Contemplation without share in communication, nor the action without Contemplation: but as earth and sea, so also these two advantages of life, communicating their goods among themselves, concurred to the one Glory of God*. Similar things of the Philosopher and Martyr Nazianzen writes in *orat. 23.*, praising him especially in this, that he was so ambidexterous in virtue that his contemplation never impeded his action.

PROBATUR insuper a Suarez, num. 19. ratione, quam indicat S. Doctor, loco nuper citato, Vita mixta continet quicquid perfectionis habet seorsim vita contemplativa, et activa: Ergo est simpliciter utraque, seorsim sumpta praestantior. Maior patet, ideo enim homo, anima, et corpore constans, melior est, quam anima sola, vel corpus solum; quia compositus utriusque retinet perfectionem: Consequentia probatur; ubi est unum, alteri adiunctum, ipsum potius promovet, quam impedit, ubi melius est, ut utrumque iungatur; Atqui ita hic evenit: Ergo. Probatur Minor, quae probatione non eget de contemplatione, quae durante actione, exercetur; dum enim actualiter intenditur in Deum inter agendum; eo meritum cumulatus evadit, et ipsa actio nobilior efficitur; ut illustrissimo quoque patrum Patet, qui mente, manumque simul in Deum, operando, et contemplando tendebant, ut signanter de S. Basilio scribit Greg. Nazianzen.

orat. 20. *Ita enim agebat magnus ille Contemplator: ut nec Contemplatio communicationis expers esset, nec actio Contemplatione careret: Sed quemadmodum terra, et mare, ita etiam hae duae vitae commoda sua inter se communicantes, ad unicam Dei Gloriam concurrerent. Similia de Nerone Philosopho, et Martyre scribit idem Nazianzen. orat. 23. eum in eo praecipue laudans, quod esset ita virtute ambidexter, ut numquam contemplatio eius actionem praepediret.*

¹⁸ But the minor is *PROVED* as to action, that it in turn does not obstruct contemplation. For action can impede the operation of the mind only by distracting it elsewhere, or by diminishing its intensity; neither happens in the mixed contemplative and active life: Therefore. The minor is proved as to the first part: Action undertaken for God carries with it an actual thought of God, therefore it does not divert from it. The antecedent is proved: because it proceeds from a previous thought, and requires by its nature frequent attention and ascent to God himself. But if the mind meanwhile wanders elsewhere, this is not by the force of such action precisely; but from another thought creeping in suddenly, which can equally happen in one contemplating as in one operating; as is only too plain to each one from his own experience, unless perhaps he be rarely so elevated in contemplating that he rather burns than shines.

PROBATUR autem Minor de actione, quod contemplationi vicissim non obstat. Nam actio solum impedire potest mentis operationem, vel eam alio distrahendo, vel eius intentionem diminuendo, neutrum contingit in vita contemplativa, et activa mixta: Ergo. Probatur Minor quoad priorem partem: Actio propter Deum suscepta importat secum actualement cogitationem de Deo, ergo eam non divertit. Probatur Antecedens: quia procedit ex praevia cogitatione, requiritque ex natura sua frequentem attentionem, et ascensionem in ipsum Deum. Quod si mens interim alio divagetur, hoc non est ex vi talis actionis praecise; sed ex alia cogitatione subrepente, quae potest aequae accidere in contemplante, uti in operante; ut non nisi nimis cuique patet propria experientia, nisi forte raro eo sit inter contemplandum evectus, ut potius ardeat, quam luceat.

¹⁹ The subminor as to the second part is *PROVED*: A depraved action, such as fornicating or stealing, does not diminish the intensity of it previously conceived in the mind; nay, it rather renders it more intense: Therefore much more must this be said of a good action. The consequence is evident, because as is the proportion between the knowledge of evil and the action undertaken on account of it, such can be the proportion between the contemplation of God and the action exercised on account of him.

PROBATUR Subminor quo ad secundam partem: Actio prava, seu fornicandi, seu furandi non diminuit eius intensionem in mente prius conceptam; quinimo eam potius intensiorem reddit; Ergo id a fortiori dicendum est de actione bona; Consequentia patet, quia qualis est proportio inter cognitionem mali, et actionem propter illud susceptum, talis potest esse inter contemplationem Dei, et actionem, propter eum exercitam.

²⁰ Nor does it stand in the way that that action renders the internal operation the more intense because it is sensible, and therefore proportioned more than the virtuous action is to contemplation; for on the contrary, since that internal operation also flourishes more in the sentient part, and therefore has proportion with that pleasure which is perceived in sensitive flesh; whence, since the action of virtue is for the most part without that sensible pleasure, it will have a similar proportion with contemplation, which in the mind is purely spiritual, and will render it not remiss but more intense; only let the mind attend to itself while it operates outwardly: and this contemplative men not rarely experience, seeing in action a certain light irradiate itself to them with a sudden flash, and at the same time fervor increase; whereas sitting idle they would perhaps perceive neither so much

splendor nor so much ardor. The same the holy Doctor wishes, *in the place cited above*, where he says that the faithful exercise of a good work raises the mind to supernal things; which he explains by the example there recorded; for he who prepares the table for a meal attentively considers the persons for whom he does it, and while he is occupied with hands and feet in bustling and running hither and thither, he ruminates in his mind the end and manner of his action, and thence tastes beforehand the pleasantness of the feast.

Nec obstat, quod illa actio eo magis intensam reddat internam operationem, quia sensibilis est, ideoque est proportionata magis, quam sit actio virtuosa contemplationi; Contra enim quia operatio illa interna etiam magis viget in parte sententiva, ideoque habet proportionem cum voluptate, quae in carne sensibili percipitur; unde cum actio virtutis sit ut plurimum absque sensibili illa voluptate, habebit similem proportionem cum contemplatione, quae in mente pure spiritualis est, eamque non remissam, sed intensiorem reddet; modo mens attendat sibi, dum operatur ad extra: et hoc non raro viri contemplativi experiuntur, ut in actione eam lucem repentino quodam fulgore sibi videant irradiare, simul et fervorem accrescere; cum nec tantum aut splendoris, aut ardoris otiose sedentes forsam perciperent; quod idem vult Sanctus Doctor, loco supra citato, ubi boni operis fidelem exercitationem ait mentem in superna elevare; quod exemplo ibi memorato explicat, nam qui mensam struit ad epulas, attente considerat personas, propter quas id praestat, ac dum manibus, pedibusque actitando, et cursitando hinc inde occupatur, in mente finem, et modum suae actionis ruminat indeque iucunditatem epulatum praelibat.

²¹ Further, even if amid acting the mind be diverted elsewhere, provided it does not voluntarily consent to fault, it loses no merit; and such action is a virtual love of God and of the neighbor; and the more laborious the operation is, on account of the great attention required, withdrawing from Contemplation, the more perfectly is merit heaped up; since the man very often, amid the delights of vacant Contemplation, seeks not God but himself, who at times pleases God the less the less he displeases himself.

DEINDE esto inter agendum animus alio divertatur, dummodo voluntarie culpa non consentit; meritum non amittit; et talis actio est virtualis Dei, et proximi dilectio, et quanto poenalius est operatio, ob nimiam attentionem requisitam, a Contemplatione detrahens, tanto perfectius meritum cumulat; cum se saepissime, non Deum, quaerat inter vacantis Contemplationis delicias homo, qui eo minus aliquoties Deo placet, quo sibi minus displicet.

²² Moreover, since it is the condition of everyone contemplating in the way that he cannot long sustain the mind elevated to God without some relaxation of his purpose, but is compelled either from the aridity of devotion or from the excessive irruption of another's thought to interrupt the study of contemplation, as the opinion of all contemplatives teaches, according to Suarez, *in the place cited*, with St. Bonaventure, *chapter 58 in Meditat. cit.*, this defect cannot be better supplied than by devoting oneself to the ministries of piety, and promoting the salvation of one's neighbors; especially since works of this kind are celebrated with the highest praises in holy Scripture, as *John 12: If anyone minister to me, him will my father honor*, and *Mark 10: Whosoever will be the greater among you, shall be your minister*.

PRAETEREA cum is sit status cuiusque contemplantis in via, ut diu absque aliqua propositi laxatione nequeat mentem, in Deum elevatam sustinere, sed vel ex devotionis ariditate, vel ex nimia alienae cogitationis ingruentia cogatur contemplationis studium intermittere, ut ex opinione omnium contemplativorum docet Suarez, loco citato, cum D. Bonaventura, cap. 58. in Meditat. cit. melius nequit hic defectus suppleri, quam se pietatis ministeriis mancipando, et proximorum salutem promovendo; eo maxime, quod huiusmodi opera in sacra Scriptura summis laudibus celebrentur, ut

Ioan. 12. Si quis mihi ministraverit, honorificabit eum pater meus, et Marci 10. Qui maior est vestrum, erit minister vester.

²³ It is *CONFIRMED* by the holy Doctor, in the chapter next cited, from three causes which compel the interruption of contemplation; and in which action can attain greater merit than contemplation; since, these urgent causes prevailing, it could be imputed to vice. The first cause which the holy Doctor recalls is the profit of souls, on account of which Bishops, who shine at the summit of perfection, are bound at times to postpone contemplation to action. Nor let anyone say that the active life pertains to Bishops alone; for that is absurd; for since they ought to outshine the people in knowledge, wisdom, and other intellectual virtues, they ought to be most contemplative, as Suarez teaches in the chapter cited above. Furthermore, since that state of perfection in which Bishops are supposed cannot be acquired by bodily exercises, it would be ridiculous to depress them to so low a grade of acting.

CONFIRMATUR a S. Doctore, cap. mox cit. ex tribus causis, quae ad intermittendam contemplationem cogunt; et in quibus potest actio evadere maioris meriti quam contemplatio; quippe quae his urgentibus causis, possit vitio imputari. Prima causa, quam recenset S. Doctor, est animarum lucrum, propter quod Episcopi, qui in apice perfectionis emicant, tenentur nonnunquam contemplationem actioni postponere. Nec dicat quisquam ad Episcopos spectare solum vitam activam; id enim absurdum est; nam cum scientia, sapientia, aliisque virtutibus intellectualibus debeant populo praelucere; debent esse maxime contemplativi, ut docet Suarez cap. supra citato. Praeterea cum ille perfectionis status, in quo supponuntur Episcopi, nequeat exercitiis corporalibus acquiri, ridiculum esset, eos ad tam infimum agendi gradum deprimere.

²⁴ The second cause of interrupting the leisure is akin to the former, namely the office of regular prelature; for since these are bound both spiritually and corporally to provide for the necessities of their subjects, it is right that they be snatched from the embraces of the unfruitful Rachel, and abound with Lia in the fruits of their ministry, as St. Bernard says, quoted by the Seraphic, where he thus continues: *It will by no means repent me of the quiet interrupted for the care of preaching, when I see in you my seed germinating, and the increments of what I have sown in you increasing: for Charity, which seeketh not her own, has long since easily persuaded me, namely, to prefer nothing of my desires to your utilities. To pray, to read, to write, to meditate, and the other gains of spiritual study; these I hold as losses for your sakes, which losses are so true that the orders of stricter discipline, among whom there is freedom from all ministration, do not exempt their Prelates from this burden of ministry.*

SECUNDA causa intermittendi otii, priori affinis est, scilicet Praelatura regularis officium; cum enim hi et spiritualiter, et corporaliter teneantur suorum subditorum necessitatibus providere, aequum est, ut ab infoecundae Rachelis amplexibus auellantur, exuberentque cum Lia ministerii sui fructibus, ut ait S. Bernardus apud Seraphicum citatum, ubi sic prosequitur: minime prorsus pigebit me intermissae quietis pro cura sermonis, cum video in vobis germinare semen meum, atque augeri incrementa infusae vestrae: Charitas enim, quae non quaerit, quae sua sunt, id mihi iam dudum facile persuasit, nil scilicet desiderabilium meorum vestris praeferre utilitatibus. Orare, legere, scribere, meditari, et quae sunt alia spiritualis studii lucra; haec arbitratui sum propter vos detrimenta, quae eo usque sunt vera, ut strictioris disciplinae ordines, apud quos ab omnimoda ministratione vacatur, non eximant suos Praelatos ab hoc ministerii onere.

²⁵ The third cause touched above is the withdrawal of the spouse from the soul, who comes and goes at his pleasure, as the holy Doctor says, in the said chapter 58, letter C. 2., from St. Bernard, sermon 32 on the Canticles; for while the soul awaits the return of the spouse and sees not herself to profit, then she

recognizes, says the holy Doctor, that it is the will of the spouse that, by reducing herself to the active life, she bear fruit for him; nor does idleness befit a contemplator; whence St. Bernard in the same place, quoted by the Seraphic, has thus: *For who, I do not say continually, but even for long, while he remains in this body, enjoys the light of contemplation: but as often as he falls from contemplation, so often he betakes himself into the active; for these two are mutual companions, and dwell together; for Martha is the sister of Mary.* Hence it is that that state of life which is called even purely Contemplative has fixed hours in which it can be vacant for manual exercises, such as the Carthusians and others.

TERTIA causa supra tacta est, et est recessus sponsi ab anima, qui venit, vaditque pro suo libito, ut ait S. Doctor dicto cap. 58. litt. C. 2. e D. Bernardo serm. 32. super Cant. cum enim sponsi reditum praestolatur, nec se videt proficere, tunc notit anima, ait S. Doctor, sponsi voluntatem esse, ut ad vitam activam se reducendo, ei fructificet; nec enim contemplatorem decet desidia; unde D. Bernardus eodem loco apud Seraphicum sic habet: Quis enim, non dico continue, sed vel diu, dum in hoc corpore manet, lumine contemplationis fruitur: at quoties corrui a contemplatione, toties in activam se recipit; quoniam sunt invicem contubernales hae duae, et cohabitant pariter; est quippe soror Mariae Martha, hinc est, ut ille vitae status, qui pure etiam Contemplativus nuncupatur, stas habeat horas, quibus inanualibus exercitiis possit vacare, quales sunt Carthusiani, et alii.

²⁶ But if we take the contemplative life in that rigor that it excludes the active altogether, such a life is not given in the whole Church, nor would its institution be expedient; since it is granted to very few, by that grace, to be intent on perpetual contemplation, as is established by the authority of the already-cited St. Bernard and by the reasons brought forward above.

Quod si contemplativam in eo rigore sumamus, ut activam omnimode excludat, non datur talis vita in tota Ecclesia, nec expediret eius institutio; cum paucissimis ea gratia concedatur, ut iugi contemplationi incumbant, ut constat autoritate D. Bernardi, iam citati et rationibus supra allatis.

²⁷ But, that equivocations may be avoided, it must be noted that the Contemplative life is called that which consists principally in prayer, reading, meditation, and similar exercises; and if it undertakes any actions, it orders them to contemplation, or to its own, not however the neighbor's, commodity: whence you have that the contemplative life is not altogether exclusive of action.

VERUM, ut aequivoca vitentur, advertendum est, vitam Contemplativam eam dici, quae in oratione lectione, meditatione, ac similibus exercitiis praecipue consistit; et si quas actiones suscipit, eas ad contemplationem ordinat, vel ad proprium, non autem proximi, commodum: unde habes contemplativam non esse omnino actionis exclusivam.

²⁸ On the contrary, the Active life is principally intent upon the works of mercy, which are of a twofold kind; for some are purely corporal, as to visit, to feed the sick, to clothe the naked, etc. Others are rather spiritual, although they have a bodily action admixed, as preaching, hearing confessions, etc. If these are considered in order to the preacher, the one receiving confessions, etc., they pertain rather to the contemplative than the active life; for they proceed from the internal contemplation of truth, as was intimated above; moreover such things instruct the one exercising them; but if they are considered in order to the neighbor, they are to be reckoned among the offices and functions of the active life; because contemplation is for its own sake and rests in itself, nor is it desirable on account of another, although it is a most noble medium for accomplishing many things regarding the neighbor, as is plain in most contemplative men, who are more apt than others for converting sinners, for consoling the wretched, etc.

E contra, vita Activa praecipue incumbit operibus misericordiae, quae in duplici sunt genere, alia enim sunt pure corporalia, ut visitare, cibare infirmos, vestire nudos, etc. Alia sunt potius spiritualia, licet admixtam habeant actionem corporalem, ut praedicatio, confessio, etc. Haec si spectentur in ordine ad praedicanthem, confessiones excipientem, etc. sunt potius vitae contemplativae, quam activae; procedunt enim ab interna veritatis contemplatione, ut supra innui; erudiunt praeterea talia exercentem; sed si considerentur in ordine ad proximum; sunt inter officia et functiones vitae activae connumeranda; quia contemplatio est propter se ipsam, sistitque in se, nec est expetibilis propter aliud, licet sit medium nobilissimum ad plura circa proximum peragenda, ut patet in viris valde contemplativis, qui aliis sunt aptiores ad convertendos peccatores, ad consolandos miseros, etc.

²⁹ From these things it is gathered that that life is called Contemplative in which the frequency and means of contemplating exceed, but do not utterly exclude action; but that life is called active which more frequently and professedly watches over the utility and commodities of the neighbor; nor does it exclude every consideration, or meditation of truth: for that would be perverse; since every meritorious action ought to be from a free will, and consequently from an intellect considering. But the mixed life is called that which at one time orders contemplation to action, and this in turn to that, and provides, as far as it can, for itself and for the neighbor in spiritual and corporal things; and this we asserted above to be absolutely the better; although from the disproportions of means to end, and other contingent defects, it can be worse; for in treating of religion by acting, we taught that its perfection consists not so much in its end as in the means and manner of tending to it.

Ex his colligitur, vitam eam dici Contemplativam, in qua frequentia, et media contemplandi excedunt, non vero prorsus excludunt actionem: vitam autem activam eam appellari, quae frequentius, et ex professo utilitati, et commodis proximi invigilat; nec omnem considerationem, aut veritatis meditationem excludit: hoc enim perversum esset; cum omnis actio meritoria debeat esse a voluntate libera, ac proinde ab intellectu considerante. Vita vero mixta dicitur ea, quae aliquando contemplationem ad actionem, et hanc vicissim ad illam ordinat, sibi, et proximo in spiritualibus, et corporalibus, quantum valet, providet; et hanc asseruimus supra absolute esse meliorem; quamvis ex improportione mediorum ad finem, et aliis defectibus contingentibus possit esse deterior, nam agendo de religione docuimus, eius perfectionem non tam consistere in ipsius fine, quam in medio, et modo ad eum tendendi.

³⁰ Nor does it stand against what was lately said, that it seems preposterous that contemplation, desirable for its own sake, should be referred to action; since on the contrary action is more referable to it.

NEC obstat nuper dictis, quod praeposterum videatur contemplationem propter se expetibilem, ad actionem referri; cum e contra, actio ad illam sit magis referibilis.

³¹ For Suarez answers, citing the holy Doctor on chapter 10 of Luke, and the cited Meditation, chapter 45, that action is referable to contemplation by way of disposition, inasmuch as one still imperfect ought to devote himself more to action than to contemplation. But contemplation serves action by way of help and causality, inasmuch as action depends on the free will of the one contemplating; and thus to refer the nobler to action does not involve anything unseemly, since the Incarnation of the Word, which is the most excellent work of God, was ordered to the salvation of men: whence, although in physics the referral of a more noble entity to a less noble resounds as ignoble; in morals nevertheless it breathes merit and perfection; since the excellence of virtue is situated rather in benign condescensions, as is clear from the continual practice of God toward us, than in the strict preservation of the order of things; wherefore, since the perfection of Christian men depends on the

access and imitation of divine Charity, I judge that life to be more perfect, other things being equal, which providently, piously, justly, and soberly provides for itself and for the neighbor.

Respondet enim Suarez cit. e S. Doctore in cap. 10. Lucae, et meditat. cit. cap. 45. *actionem referibilem ad contemplationem esse per modum dispositionis, in quantum adhuc imperfectus debet se magis actioni, quam contemplationi mancipare. Verum contemplatio actioni inservit per modum auxilii, et causalitatis, prout pendet a libera contemplantis voluntate; sic autem ad actionem quid nobilius referri non implicat, cum incarnatio verbi, quae est opus Dei excellentissimum, ad salutem hominum fuerit ordinata: unde licet in physicis entitatem nobiliorem ad minus nobilem referri, ignobile quid resonet; in moralibus tamen meritum, et perfectionem redolet; cum virtutis excellentia magis sita sit in benignis condescensionibus, ut ex continua Dei erga nos praxi liquet, quam in stricto rerum ordine conservando; quare cum viri Christiani perfectio pendeat ab accessu, et imitatione divinae Charitatis, arbitror eam vitam perfectiorem esse, caeteris paribus, quae sibi, et proximo pie, iuste, et sobrie prospicit.*

³² But if we weigh the security of the state in common, it is necessary that we do not deny it to the contemplative life, both on account of the removal of impediments and occasions; and because to that Religion which is purely contemplative the entrance lies open from other religions, even mixed ones, not conversely. But it is one thing to speak of security, another of perfection; although both are not lacking in the mixed life, to which the perpetual providence of God assists; for each state of life sets before itself means sufficiently apt for forestalling lapses, for attaining perfection, and for duly fulfilling its office; these being posited, and preserved with moral diligence, the perfection of that life will without doubt prevail where more occasions of exercising virtue are at hand, and where consequently greater and more perfect merits are accumulated.

VERUM si pensitemus status securitatem in communi, necesse est, ut vitae contemplativae eam non denegemus, tum propter impedimentorum, et occasionum remotionem; tum quod ad eam Religionem, quae pure est contemplativa, pateat aditus ab aliis religionibus, etiam mixtis, non e contra: Sed aliud est loqui de securitate, ac perfectione; licet utraque in vita mixta, cui iugis Dei providentia assistit, non desit; nam unusquisque vivendi status praefigit sibi media satis apta ad lapsus praecavendos, ad perfectionem attingendam et ad suum munus rite obeundum; quibus positis, et morali diligentia servatis, praevalerebit proculdubio perfectio illius vitae, ubi plures exercendae virtutis occasiones sunt obviae, et ubi proinde maiora, et perfectiora accumulatur merita.

Question IV: What the chief exercises of the active life are

¹ ABOVE we distinguished the works of the active life into merely bodily exercises, and those mixed with the spiritual. The former are reduced to seven by D. Bonaventure *de 7. Donis, de Dono pietat. cap. 1.*, and they are common to all men insofar as the ability to exercise them is available. The first work of the active life in relation to one's neighbor (for in relation to oneself it is rather the active life as a way to contemplation, by chastising oneself from vices, and exercising oneself in other exercises, whether penitential or bodily) is the visiting of the sick. Second, the giving of drink to the thirsty. Third, the feeding of the hungry. Fourth, the redemption of captives. Fifth, the clothing of the naked. Sixth, the gathering in of pilgrims. Finally the seventh work is the burial of the dead; all of which the others commonly gather up with D. Bonaventure *3. part. Centil. sect. 46.* in this verse:

SUPRA distinximus vitae activae munera in exercitia mere corporalia, et mixte spiritualia. Priora ad septem reducuntur a D. Bonaventura de 7. Donis, de Dono pietat. cap. 1. et omnibus hominibus quantum ea exercendi facultas suppetit, sunt communia. Primum vitae activae munus in ordine ad proximum (nam in ordine ad se est potius vita activa via ad contemplationem, se a vitiis castigando, aliisque exercitiis, seu poenalibus, seu corporalibus exercitando) est visitatio infirmorum. Secundum, potatio sitientium. Tertium, cibatio esurientium. Quartum, redemptio captivorum.

Quintum, vestitio nudorum. Sextum collectio peregrinorum. Septimum denique munus est, mortuorum sepultura; Quae omnia caeteri communiter cum D. Bonaventura 3. part. Centil. sect. 46. hoc colligunt versu:

² *Visito, poto, cibo, redimo, tego, colligo, condo.*

Visito, poto, cibo, redimo, tego, colligo, condo.

³ THE sufficiency of these is next assigned by D. Bonaventure here: Since each one is bound to love his neighbor as himself; just as each one considers himself wholly in his bodily needs, he ought with like measure also to weigh his neighbor's needs: Now every man is first an animated substance, and consequently consists of a vegetative part, in need of restoration of the warm and the dry, which is done by food, and also of restoration of the cold and the moist, which is done by drink: Furthermore man is a sentient substance, on account of which he needs a twofold covering to repel the same number of exterior harms; the first remote covering is a Roof, through which shelter is given to repel the injury of the night; the second, proximate, is clothing, to cover nakedness simply. Again, man is a rational substance, and weak, and hence born liable to lose his liberty, by servitude in prison, or by infirmity in bed. Against the first there is redemption, against the second visitation. Finally, man is mortal, and consequently subject to death; after which he needs burial, and so seven helps are numbered, which laboring Charity can minister to him.

HORUM sufficientia oprime assignatur a D. Bonav. hic: Cum enim quisque suum proximum teneatur diligere, sicut seipsum; uti seipsum quisque totum considerat in corporalibus necessitatibus, simili mensura debet etiam proximi necessitates perpendere: Unusquisque autem homo primo est substantia animata, et propterea constat parte vegetabili, indigente restauratione calidi, et sicci; quae fit per cibum, sicut et restauratione frigidi, ac humidi, quae fit per potum: Est praeterea homo substantia sensibilis, propter quam indiget duplici operimento ad repellenda exteriora totidem nociva; primum operimentum remotum, est Tectum; per quod datur hospitium ad repellendam noctis iniuriam; secundum proximum, est vestimentum, ad operiendam simpliciter nuditatem. Item homo est substantia rationalis, et debilis, ac proinde libertatem nata perdere, servitute in carcere, vel infirmitate in lecto. Contra primam est redemptio, contra secundam visitatio. Denique homo est mortalis, ac per consequens morti subditus; post quam indiget sepultura, et sic septem numerantur auxilia, quae operosa Charitas ei valet ministrare.

⁴ SEVEN also are the spiritual works which the Seraphic Doctor enumerates in the places cited above, and of which we have touched somewhat in the treatise on Almsgiving, disp. 10. where, in common with the Seraphic Doctor and others, we rendered them in this verse:

SEPTEM item sunt opera spiritualia, quae recenset S. Doctor locis supra cit. et de quibus nos nonnihil tetigimus, de Eleemosyna, disp. 10. ubi ea cum Seraphico, et aliis communiter hoc retulimus versu:

⁵ *Instrue, Consule, Castiga, Solare, Fer, Ora.*

Instrue, Consule, Castiga, Solare, Fer, Ora.

⁶ The sufficiency of these also the Sainly Doctor gathers in the place cited: There are in man certain defects which can be removed by God alone; to aid which prayer is necessary; others are defects of the cognitive power, such as ignorance of things to be known, to lighten which instruction suffices; if it is ignorance of things to be done, counsel supplies it: Some defects also are in the affective power; and these are fault or punishment: if fault, it was committed in yourself or in others; if in yourself, forgive; if in others, correct, and this is correction: if finally it is punishment, it is to be relieved by the word of consolation, or the deed of support; which two are signified by those particles: *Solare, Fer.*

HORUM etiam sufficientiam sic colligit S. Doctor loco cit. coenil. Sunt in homine quidam defectus, qui a solo Deo possunt tolli; in quorum subsidium necessaria est oratio; alii sunt defectus potentiae cognoscitivae, ut cognoscendorum ignorantia, ad quam levandam sufficit instructio; Si est agendorum ignorantia; supplet consilium: Nonnulli sunt etiam defectus in potentia affectiva; et est culpa, vel poena: si culpa, commissa est in te, vel in alios; si in te, remitte; si in alios, corrige, et est castigatio: si denique sit poena, levanda est verbo consolationis, vel facto supportationis; quae duo signantur illis particulis: Solare, Fer.

⁷ Of both sorts of work, spiritual and corporal, D. Bernard speaks briefly thus, *serm. 12. super cantica*, as cited by the Seraphic Doctor in the meditations on the life of Christ, cap. 42. *You too, if you gladly impart to us your companions the gift you have received from above, if you show yourself everywhere among us dutiful, affectionate, grateful, approachable, humble, you will have the testimony from all that you breathe, and are yourself as the best of ointments: Every one among us who patiently bears with the fraternal infirmities both of bodies and of souls, and moreover, if he is permitted and able, helps them with his services, comforts them with his words, instructs them with his counsels; and if he cannot do this because of his discipline, at least does not cease to solace the sick one with anxious prayers; every one, I say, who does such things spreads a good odor among us.*

DE utroque munere spiritualis, et corporalis actionis breviter sic fatur D. Bernardus serm. 12. super cantica, apud Seraphicum in meditat. vitae Christi, cap. 42. Tu quoque, si donum, quod desuper accepisti, nobis contubernalibus libenter impertias, si te exhibeas ubique inter nos officiosum, si affectuosum, si gratum, si tractabilem, si humilem, testimonium habebis ab omnibus, quod fragres, et ipse unguentis optimis: Omnis in nobis, qui fraternas infirmitates tam corporum, quam animarum, non solum patienter supportat, sed insuper, si licet ei, et valet, iuvat obsequiis, confortat alloquiis, consiliis informat; si hoc non potest propter disciplinam, sollicitis saltem orationibus, solatiari non cessat infirmo; omnis, inquam, qui talia operatur, in nobis bonum spargit odorem.

⁸ ALTHOUGH the spiritual exercises of the active life are numbered as seven, common to all in various ways, yet they can be more briefly reduced to the three states of men upon whom it falls by office to exercise them toward those committed to them. These are Prelates, Preachers, and Confessors, as the Saintly Doctor indicates in the cited meditation quaest. 45. Concerning Prelates we have seen disp. praecedenti; concerning Confessors we shall see in the 3. part, where we treat of the Sacrament of Penance; here therefore something remains to be said of Preachers.

QUAMVIS autem septem numerentur Activae vitae exercitia spiritualia, omnibus diversimode communia, brevius tamen possunt reduci ad tres hominum status, quibus ex officio incumbat ea erga sibi commissos exercere. Hi sunt Praelati, Praedicatores, et Confessarii, ut indicat S. Doctor citatis meditat. quaest. 45. de Praelatis vidimus disp. praecedenti; de Confessariis videbimus 3. parte, ubi de Sacramento Poenitentiae; hic igitur restat nonnihil de Praedicatoribus dicendum.

Sole Subquestion: On the office and obligation of the preacher

¹ THE office of preaching is deservedly regarded as the nobler and more arduous, the more that Nature and Grace as it were vie in contributing their gifts to its fulfillment; whence although many daily clamor in the pulpits under the guise of preachers, very few discharge that office as is fitting; because it is rarest of all that nature agrees with grace in all things.

De officio, et obligatione Praedicatoris.

PRAEDICANDI munus eo nobilius, magisque arduum merito reputatur, quo Natura, et Gratia veluti certatim sua ad illud complendum dona conferant; unde licet plures in Cathedris sub specie concionatorum quotidie obstrepant;

| *paucissimi, quantum par est, eo munere funguntur; quia rarissime in uno natura cum gratia per omnia convenit.*

² ALTHOUGH many conditions on the part of body and soul, as has already been indicated, are required for this noble function, they can nevertheless be reduced to Authority and Sufficiency.

| *QUAMVIS autem plures condiciones ex parte corporis, et animae, ut iam indicatum est, ad nobilem hanc functionem requirantur; reduci tamen possunt ad Auctoritatem, et Sufficientiam.*

³ The reason of Authority is gathered from D. Bonaventure in the place cited, and was proved above disp. 1. quaest. 1. num. 27. and it is evident from Jerem. 23. *they ran, but I did not send them*, Tim. 3. *How shall they preach, unless they be sent*, Haeb. 5. *Nor does any man take the honor to himself, but he who is called by God, as Aaron was: whence Christ, in whom is the supreme power, says of himself: For I did not come of myself, but he sent me*, clearly. Hence Isaias was unwilling to go of himself, but said: *Behold me, send me*, and the Lord answered *go, and you shall say to this people, etc.* Behold the authority of one sent.

| *AUTHORITATIS ratio colligitur a D. Bonav. loco cit. et probata est supra disp. 1. quaest. 1. num. 27. et patet e 23. Hierem. ipsi currebant, cum ego non mitterem eos, Tim. 3. Quomodo praedicabunt, nisi mittantur, Haeb. 5. Nec quisquam sibi sumit honorem, sed qui vocatur a Deo, tanquam Aaron: unde Christus, penes quem est suprema potestas, de se ipso dicit: Neque enim a me ipso veni, sed ille me misit, scilicet Patet unde Isayas noluit a seipso ire, sed ait: Ecce ego, mitte me, Dominus autem respondit vade, et dices populo huic, etc. En auctoritas missi.*

⁴ The SIGNS of a true mission from God are indicated by the Saintly Doctor on cap. 9. of Luke. The first is, if the preacher obtains authority from a Pontiff, and especially from the Supreme Pontiff, who holds the place of Christ on earth. The second is, if he has a true zeal for his own and others' salvation, not seeking his own things, according to that of 1. Cor. 4. *For we do not preach ourselves*. The third is, if the hearers of the sermon show fruit in their works, as is said of the Apostles, who were sent and interpreted, Ioan. 15. *I have placed you, that you may go, and bring forth fruit*.

| *SIGNA verae missionis a Deo, indicantur a S. Doctore ad cap. 9. Lucae. Primum est, si a Pontifice praedicator auctoritatem obtineat, et praecipue a Summo, qui Christi gerit vices in terris. Secundum est, si habeat verum propriae, et alienae salutis zelum, non quaerens quae sua sunt, iuxta illud 1. Cor. 4. Non enim nosmetipsos praedicamus. Tertium est, si auditores sermonis fructum in opere exhibeant, sicut dicitur de Apostolis, qui missi interpretantur, Ioan. 15. Posui vos, ut eatis, et fructum afferatis.*

⁵ HENCE the Seraphic Father St. Francis, in cap. 9. of the rule, which is wholly about Preachers, thus begins: *Let the Brothers not preach in the diocese of any Bishop when it has been forbidden them by him*. He speaks negatively, *has been forbidden*, as St. Bonaventure observes, because since the power of preaching does not derive its efficacy from the grant of Jurisdiction, as does the power of receiving confessions, an express declaration of that authority is not required by the rule, but a reasonable presumption suffices, especially if such be the preachers as rest upon the approbation of the institution of the Apostolic See, as the Saintly Doctor says in the same place. Besides this authority of the Pontiff, there is required for religious that they be authorized by their own Prelates; so it was enacted in the said cap. 9. of the rule, where it is thus written after the aforesaid words: *And let no brother at all dare to preach to the people unless he has been examined and approved by the General minister of this fraternity, and the office of preaching has been granted to him by him*.

| *HINC Seraphicus P. N. Franciscus regulae capite 9. quod totum est de Praedicatoribus, sic incipit: Fratres non praedicent in Episcopatu alicuius Episcopi, cum ab eo illis fuerit contradictum. Negative autem loquitur*

fuerit contradictum, ut observat S. Bonav. quia cum potestas praedicandi non habeat suam efficaciam a concessione Iurisdictionis, sicut potestas confessiones excipiendi; non requiritur vi regulae ea auctoritatis expressio, sed sufficit rationabilis praesumptio, maxime si tales sint praedicatores, quorum institutio sedis Apostolicae approbatione nititur, ut ait S. Doctor ibidem. Praeter hanc autem Pontificis auctoritatem, requiritur pro regularibus, ut a propriis Praelatis authorizentur; ita pro Minoribus statutum est dicto cap. 9. regulae, ubi sic scribitur post praefata verba: Et nullus fratrum populo penitus audeat praedicare, nisi a Generali ministro huius fraternitatis fuerit examinatus, et approbatus, et ab eo praedicationis sibi officium fuerit concessum.

⁶ This differs not much from the Decree of the Council of Trent, sess. 5. cap. 2. except that it demands an express license of the Bishop; for it thus runs: *Religious of whatever order, unless they have been examined and approved by their superiors as to life, morals, and learning, cannot preach even in the churches of their own orders without their license; with which license they are bound to present themselves personally before the Bishops and ask their blessing before they begin to preach; In churches, however, which are not of their orders, they are bound to have, beyond the license of their superiors, also the license of the Bishop, without which they can by no means preach in those churches not of their orders; and the Bishop is to grant that license gratis:* And since custom, which has prevailed for a long time now, is the best interpreter of a decree, one must abide by it in the individual dioceses; for in many places the Most Reverend Bishops are accustomed, out of the affection they bear toward Religious, to delegate their vicissitudes in this matter to those Religious' own Prelates; elsewhere for the principal seasons of the year a personal presentation according to the tenor of the council is required, as when one is to preach in the time of Advent or Lent; since indeed the Council so ordained in favor of the Bishops, they can, as they prudently judge, leave the whole matter committed to the zeal and discretion of the Religious Prelates, as is customary in many places; in other places, however, one must abide by the letter of the Council, as is observed by custom there.

AB his non multum differt Decretum Concilii Trident. sess. 5. cap. 2. praeterquam quod expressam Episcopi licentiam postulet; sic enim habet: Regulares cuiuscumque ordinis, nisi a suis superioribus, de vita, moribus, et scientia examinati, et approbati fuerint, ac de eorum licentia, etiam in Ecclesiis suorum Ordinum praedicare non possint; cum qua licentia personaliter se coram Episcopis praesentare, et ab eis benedictionem petere teneantur, antequam praedicare incipiant; In Ecclesiis vero, quae suorum ordinum non sunt, ultra licentiam suorum superiorum, etiam Episcopi licentiam habere teneantur, sine qua in ipsis Ecclesiis non suorum ordinum, nullo modo praedicare possint; ipsam autem licentiam gratis Episcopi concedant: Cuius decreti cum consuetudo, quae din increbruerit, sit optima interpres, ei in singulis Dioecesibus standum est, solent enim multis in locis Reverendissimi DD. Episcopi pro eo, quem erga Regulares habent, affectu, suas vices ipsorum Praelatis in hoc demandare; alibi pro praecipuis anni temporibus personalis praesentatio iuxta tenorem concilii requiritur, ut quando quis tempore Adventus, vel Quadragesimae praedicaturus est; cum enim in favorem Episcoporum Concilium ita ordinauerit, possunt ipsi, prout prudenter iudicaverint, totam rem zelo, et discretioni Praelatorum regularium commendatam relinquere; ut a multis fieri solitum est; alias vero Concilio ad litteram standum est, ubi id solito observatur.

⁷ But where the Bishop's license has once been had, if the Parish Priests object, St. Bonaventure warns on the said cap. 9. that malice should rather be borne than scandal caused; Yet if from ceasing a graver evil is feared, as that the Parish Priest oppose himself in order to sow heresy or cockle himself, then the Episcopal Authority is to be used, that the greater evil may be averted; and even the lesser, which can be a scandal to some, is to be prudently forestalled as far as possible.

UBI vero Episcopi licentia semel habetur, si contradixerint Parochi, monet S. Bonaventura ad dictum cap. 9. malitiae potius cedendum, quam scandalum causandum; Si tamen ex cessatione gravius malum timeatur, ut quod Parochus se opponat, ut ipse haeresim, vel zizania seminet; tunc utendum est Autoritate Episcopali, ut maius malum avertatur; et etiam minus, quod possit esse nonnullorum scandalum, quantum fieri possit, prudenter praecavendum est.

⁸ But if any religious preaches without the requisite blessing of the Bishop, or while he himself objects, beyond sinning against his rule, if he be a Minorite he can further be punished by the Bishop himself according to the Constitution of Gregory XV. issued in the Bull *Inscrutabili* 9. Febr. 1622. the tenor of which is had thus: *and finally let the Bishop have the authority of coercing and punishing any exempt persons, both secular and Religious, who in alien churches which are not of their orders without the Bishop's license, or in their own churches, or those of their orders, without asking his blessing, or while he himself objects, have presumed to preach, etc.* so also reports Bonagratia V. *praedicatores*, num. 374.

Quod si quis regularis irrequisita Episcopi benedictione, vel ipso contradicente concionetur, ultra, quod peccat in suam regulam, si sit Minor, potest ulterius puniri ab ipso Episcopo iuxta Constitutionem Gregorii XV. latam in Bulla Inscrutabili 9. Febr. 1622. cuius tenor sic habetur: ac Demum habeat Episcopus auctoritatem coercendi, ac puniendi quoscumque exemptos tam saeculares, quam Regulares, qui in alienis Ecclesiis, quae suorum ordinum non sunt, absque Episcopi licentia, in suis Ecclesiis, aut suorum ordinum, non petita illius benedictione, aut ipso contradicente praedicare praesumpserint, etc. ita refert etiam Bonagratia V. praedicatores, num. 374.

⁹ As to the Authority of one's own Prelate, which the Friars Minors are bound to have by prior examination before they preach; although the Rule specifies that it is to be given by the general minister alone according to the letter; yet since that was provided so that dangers might be forestalled, the rule is not violated while the license of examining and approving is granted to others; for as Bishops take care that those to be ordained be examined by others, and the presidents of Universities are accustomed to depute others to examine those whom they are going to endow with the insignia of the Doctorate; so the General minister can by others examine and approve those whom he is going to elect to the office of preaching, although the rule has: *Unless he has been examined by the general minister of this fraternity.* He himself, however, is bound to bestow the authority. So D. Bonaventure *loco cit.* and if of the sufficiency of him who is to be promoted to the grade of preacher there is no doubt at all, a prior examination is not necessary; but it suffices that the account of his sufficiency be made known to the General, and he himself can send letters as preacher; so the Saintly Doctor *cit.*

Quantum ad Auctoritatem proprii Praelati, quam fratres Minores praevis examine tenentur habere, priusquam praedicent; licet Regula eam iuxta litteram a solo ministro generali dandam specificet; cum tamen id cautum sit, ut periculis obvietur, nihil regulae temeratur, dum aliis examinandi, et approbandi licentia conceditur; uti enim Episcopi ordinandos per alios curant examinari, et Universitatum praesides alios deputare solent ad examinandos eos, quibus Doctoratus infulus sunt donaturi; ita per alios potest Generalis minister examinare, et approbare, quos ad praedicationis officium electurus sit, licet regula habeat: Nisi a ministro generali huius fraternitatis fuerit examinatus. Ipse tamen auctoritatem praestare tenetur. Ita D. Bonaventura loco cit. quod si de sufficientia illius, qui ad praedicatoris gradum promovendus est, nullatenus dubitetur; non est praevis examen necessarium; sed sufficit, ut eius sufficientiae ratio Generali innotescat, ipseque litteras concionatorias mittere possit; ita S. Doctor cit.

¹⁰ These things said concerning the granting of Authority may suffice: Truly concerning its removal, or suspension, certain things are to be noted.

| *Haec de concessione Autoritatis dicta sufficiant: Verum de eius ablatione, seu suspensione quaedam notanda sunt.*

¹¹ First, the Lateran Council under Leo X. suspends those who preach false and uncertain miracles; as also prophecies lightly founded in sacred scripture, or in no way approved by the Apostolic See; unless the Ordinaries of the places, with three or four more learned men deputed for their examination, have permitted it, while they have not had the opportunity of consulting the aforesaid See.

| *Primo Concilium Lateranense sub Leone X. suspendit praedicantes falsa, et incerta miracula; uti et prophetias, in sacra scriptura leviter fundatas, seu a sede Apostolica nequaquam approbatas; nisi locorum Ordinarii tribus, aut quatuor viris eruditioribus ad earum examen deputatis, id permiserint, dum praefatam sedem consulendi opportunitatem non habuerint.*

¹² Second, the Council of Trent sess. 5. cap. 2. *de reform.* after D. Bonaventure's exposition on the *Psalt.* upon those words of Psalm. 49. *But to the sinner God said: Why do you declare, etc.* assigns three cases in which preaching is prohibited, and suspension even of Religious can be inflicted by the Bishop, as legate of the Apostolic See; yet it is not incurred ipso facto.

| *Secundo Concilium Tridentinum sess. 5. cap. 2. de reform. post D. Bonaventuram exposit. in Psalt. ad ea verba Psalm. 49. Peccatori autem dixit Deus, quare tu enarras, etc. tres casus assignat, in quibus praedicatio prohibetur, et suspensio etiam Regularium ab Episcopo, tanquam sedis Apostolicae legato, potest inferri; non tamen ipso facto incurritur.*

¹³ The first case is, if erroneous propositions are preached; but what Doctors understand by an erroneous proposition I said in this Tome above, where I treated of heresy.

| *Primus casus est, si praedicentur propositiones erroneae; quid autem per propositionem erroneam Doctores intelligant, dixi hoc Tomo supra, ubi de haeresi.*

¹⁴ The second case is, if scandalous propositions are preached, to which the Saintly Doctor reduces *loco cit.* the notorious crime of the preacher himself; for this is wont to give birth to no small scandal, for it is shameful if the voice bite the life, and there be indeed the voice of Jacob, but the hands of Esau, as the Saintly Doctor says here *ex 27. Genes.*

| *Secundus casus est, si praedicentur propositiones scandalosae, ad quas reducit S. Doctor loco cit. crimen notorium ipsius praedicantis; hoc enim scandalum non modicum solet parturire, turpe enim est, si vox vitam remordeat, et sit vox quidem Iacob, manus autem esau, ut ait hic S. Doctor ex 27. Genes.*

¹⁵ The third case is, if the propositions that are preached be heretical.

| *Tertius casus est, si propositiones, quae praedicantur, sint haereticae.*

¹⁶ To these are added the prohibitions made by Alexander VII. 3. Decemb. 1661. in the Bull which begins: *Sollicitudo omnium*, where various statutes of Paul V. Sixtus IV. and Pius V. concerning the same are renewed, that no one in a sermon to the people or other public acts may defend the opinion of D. Thomas concerning the conception of the Most Blessed Virgin, by not asserting her to be immaculate; others also are prohibited who preach the opinion of D. Thomas to be sinful or heretical, see Bonagratia *cit. num. 380.*

| *His accedunt prohibitiones factae ab Alexandro VII. 3. Decemb. 1661. in Bulla, quae incipit: Sollicitudo omnium, ubi renovantur varia circa idem statuta Pauli V. Sixti IV. et Pii V. ut nullus in concione ad populum, aliisque actis publicis,*

propugnet opinionem D. Thomae de Beatissimae Virginis conceptione, eam immaculatam non asserendo; prohibentur etiam alii quicumque praedicare opinionem D. Thomae peccaminosam, vel haereticam esse, vide Bonagratiam cit. num. 380.

¹⁷ As to the sufficiency required for the office of preacher, the Saintly Doctor places it on the part of the soul in solid learning and a clean conscience, thus he has in the exposition on Psalm. 158. upon those words: *let my supplication draw near.*

Quantum ad sufficientiam, ad praedicatoris officium requisitam, eam ex parte animae ponit S. Doctor in solida scientia, et munda conscientia, ita habet expositione, in Psalm. 158. ad ea verba: appropinquet deprecatio mea.

¹⁸ That he may acquire a clean conscience, he ought first to attend to his own salvation before the edification of others, in the example of Elias, who first went into the desert, and came to the mount of God in Horeb, where he was taught, as the Saintly Doctor says, *ad 2. Lucae*; afterward he was sent to anoint Kings and Prophets, *3. Reg. 19.* so Christ himself first began to do, then to teach.

Ut mundam acquirat conscientiam, debet propriae saluti prius vacare, quam alienae aedificationi, exemplo Eliae, qui prius abiit in desertum, et pervenit ad montem Dei in Oreb, ubi edoctus est, ut ait S. Doctor, ad 2. Lucae; postea vero missus est ad ungendos Reges, et Prophetas, 3. Reg. 19. sic ipse Christus prius caepit facere, postea docere.

¹⁹ But concerning the acquisition of learning, St. Bonaventure notes *ad cap. 8. sup. prope finem* that eight things are very useful to a preacher; namely the knowledge of wisdom through investigation: the commemoration, through frequentation: the declaration, through love: the Operation, through fulfillment; the contestation, through disputation, the communication, through conference; the circumduction, through interrogation; finally the assumption, through incorporation. For by investigating we know: by frequenting we commit the ideas of things to memory: by loving, we delight in the things we learn; by operating, we fulfill them; by disputing, we solve difficulties for ourselves and others; by conferring, we communicate to others what we know; by interrogating, we return by discursive circuits to the same point, and convince others more of the truth; finally we assume knowledge as it were incorporated in gesture and voice, and so persuade others of it more easily.

Circa vero scientiae acquisitionem, notat S. Bonaventura ad cap. 8. sup. prope finem, octo praedicatori valde esse utilia; cognitionem scilicet sapientiae per investigationem: commemorationem, per frequentationem: declarationem, per amorem: Operationem, per impletionem; concertationem per disputationem, communicationem, per collationem; circuitiorem, per interrogationem; assumptionem denique, per incorporationem. Investigando quippe cognoscimus: frequentando, memoriae ideas rerum mandamus: amando, quae discimus, de his delactamur; operando, ea implemus; disputando, difficultates nobis, aliisque solvimus; conferendo, aliis, quae novimus, communicamus; interrogando, in id ipsum per discursus circuitum redimus, aliosque de veritate magis convincimus; tandem scientiam gestu, et voce quodammodo incorporatam assumimus, et sic eam aliis facilius suademus.

²⁰ The sufficiency of the Preacher on the part of the body the Saintly Doctor describes, *Apologet. quaest. 4.* First, he ought to be of competent age, lest being too much a boy he seem to handle boyish things; which condition is to be held not so much from the series of years as from an honest gravity of countenance and manly composition. Second, he ought to be free of every notable deformity of body and head, for those who are too short, fat, or hunchbacked, are not apt for persuading, but are easily held in contempt; Third, the strength of body is the more necessary for this office, because it is to be carried out strongly and manfully. Fourth, competent eloquence procures a singular grace for

preaching, for which many things are necessary on the part of voice and gesture, which are treated of professedly among the Rhetoricians.

Sufficientiam Praedicatoris ex parte corporis describit S. Doctor, Apologet. quaest. 4. Primo enim debet esse aetatis competentis, ne nimis puer puerilia tractare videatur; quae conditio non tam ex annorum serie, quam ex honesta vultus gravitate, et virili compositione habenda est. Secundo debet carere omni notabili corporis, et capitis deformitate, qui enim sunt nimis breves, crassi, vel Gibbosi, ad suadendum non sunt apti, sed facile contemptui habentur; Tertio, vires corporis eo magis sunt ad hoc munus necessariae, quod fortiter, et viriliter est peragendum. Quarto, competens facundia praecipuam praedicationi gratiam conciliat, ad quam sunt plura ex parte vocis, et gestus necessaria, quae apud Rhetores ex professo tractantur.

²¹ Whoever recognizes in himself these conditions, both of body and soul, and of learning and conscience, there remains that for the utility of the people he pour forth the Word of God in a threefold manner, that I may speak with D. Bonaventure on those words of Psalm 118. *in labiis meis pronunciavi*, etc. Namely wisely, eloquently, and confidently: Wisely, that he teach; eloquently, that he please; confidently, that he move: for preaching foolishly, confusedly, and timidly, he neither teaches, nor pleases, nor moves.

Has tam Corporis, et animae, quam scientiae, et conscientiae conditiones quicumque in se recognoscit, restat, ut ad populi utilitatem eructet Dei Verbum tripliciter, ut cum D. Bonaventura loquar in ea verba Psalmi 118. in labiis meis pronunciavi, etc. Scilicet sapienter, eloquenter, et confidenter: Sapienter, ut doceat; eloquenter, ut placeat; confidenter, ut moveat: insipide enim, confuse, et timide praedicans, nec docet, nec placet, nec mouet.

²² Then the Saintly Doctor admonishes, in cap. 6. *Lucae*, that the Preacher teach useful things, not subtle ones; that he be also free from ostentation in sign, from ambition in mind; from flattery in word, and from respect of persons in deed.

Deinde Monet S. Doctor, in cap. 6. Lucae, ut Praedicator utilia doceat, non subtilia; ut sit etiam immunis ab ostentatione in signo, ab ambitione in animo; ab adulatione in verbo, et a personarum acceptione in facto.

²³ But on those words of the same cap. 6. *And he taught the multitudes*, the Seraphic Doctor exhibits the form of Apostolic preaching, while he teaches that a good Preacher ought now to stand, now to sit; now to see, presently to ascend; which are to be taken not only corporally, but with a worthier title spiritually; namely that he stand, intending rightly; at times sit, contemplating quietly; see, discerning well; and ascend, acting perfectly; all which the Saintly Doctor concludes with that of Jerem. 6. *Stand upon the ways, behold the rectitude of intention, and see, and ask, which be the good way, behold the solicitude of discretion. And walk in it, that is, in the exercise of action¹, and you shall find refreshment for your souls, namely through the repose of contemplation.*

¹ N. Editor's note: the print/OCR reads 'pet actionis scilicet exercitium'; rendered as 'per actionis' because 'pet' is not Latin and 'per' is required by the parallel 'per otium contemplationis' later in the same quotation.

In ea autem verba ad idem cap. 6. Docebat autem turbas, formam Apostolicae praedicationis exhibet Seraphicus, dum docet, quod bonus Praedicator nunc debeat stare, nunc sedere; modo videre, mox ascendere; quae non solum corporaliter, sed potiori titulo spiritualiter sunt accipienda; ut scilicet stet, recte intendendo; aliquando sedeat, quiete contemplando; videat bene discernendo; et ascendat perfecte agendo; quae omnia concludit S. Doctor illo Ierem. 6. State super vias, ecce rectitudo intentionis, et videte, et interrogate, quae sit via bona, en sollicitudo discretionis. Et ambulate in ea, per actionis scilicet exercitium, et invenietis refrigerium animabus vestris, nempe per otium contemplationis.

24 ¶ Of such a good Preacher the Saintly Doctor weaves much from the Holy Fathers, lib. 1. Phar. cap. 14.

¶ *De tali bono Praedicatore multa e Sanctis Patribus contextit S. Doctor, lib. 1. Phar. cap. 14.*

25 ¶ GREGORY, lib. 6. *Moral.* cap. 17. thus describes the true herald of Christ: *He is the more in God's love with God who draws very many to the love of him: The Redeemer of the human race showed miracles by day in the cities; and gave himself to the pursuit of prayer by spending the night in vigil; that he might intimate to perfect preachers, namely, that they should not utterly desert the active life out of love of speculation, nor altogether despise the joys of contemplation through excess of operation, but contemplating in quiet should found what, speaking toward their neighbors, they plant.*

¶ GREGORIUS, lib. 6. *Moral. cap. 17. sic verum Christi praeconem describit: Ille apud Deum magis in amore eius est, qui ad eius amorem plurimos trahit: Humani generis Redemptor per diem miracula in urbibus exhibebat; et ad orationis studium in nocte pernoctabat; ut perfectis videlicet praedicatoribus innuat, quatenus nec activam vitam amore speculationis funditus deserant, nec contemplationis gaudia operationis nimietate penitus contemnunt, sed quieti contemplantes sobeant, quod quieti erga proximos loquentes fundant.*

26 ¶ JEROME, lib. 1. *in Lament.* cap. 1. tom. 4. *He is the Ecclesiastical Doctor who moves tears, not laughter, who rebukes sinners, who says that no one is blessed, no one is happy.*

¶ HIERONYMUS, lib. 1. *in Lament. cap. 1. tom. 4. Ille est Doctor Ecclesiasticus, qui lacrymas, non risum movet, qui corripit peccatores, qui nullum beatum, nullum dicit esse felicem.*

27 D. AUGUSTINE *de doctrina Christiana*, lib. 4. cap. 17. *he who strives by speaking to persuade that a thing is good, despises none of these three, namely that he teach, that he delight, and that he bend, but prays and acts, that he be heard intelligently, gladly, obediently.*

D. AUGUSTINUS *de doctrina Christiana*, lib. 4. cap. 17. qui dicendo nititur persuadere, quod bonum est, nihil horum trium spernit, ut scilicet doceat, ut delectet, et flectat, orat, atque agat, ut intelligenter, libenter, obedienter audiatur.

28 AMBROSE, lib. 2. *de Virg.* at the beginning tom. 4. *He who teaches ought to excel above him who is taught.*

AMBROSIUS, lib. 2. *de Virg. initio tom. 4. Debet is, qui docet, supra eum, qui docetur excellere.*

29 ISIDORE *de summo bono*, lib. 3. cap. 36. sent. 5. *The just preacher ought first to act well, that consequently he may be able to teach well.*

ISIDORUS *de summo bono*, lib. 3. cap. 36. sent. 5. Prius debet iustus praedicator bene agere, ut consequenter possit bene docere.

30 ¶ BERNARD *super Cantica*, serm. 16. *The threefold cord, which is not easily broken, for drawing souls out of the prison of the devil and drawing them after you to the Celestial Kingdoms: if you judge rightly, if you utter worthily, and if you confirm by living.*

¶ BERNARDUS *super Cantica*, serm. 16. Funiculus triplex, qui difficile rumpitur ad extrahendas animas de carcere diaboli, et trahendas post se ad Coelestia Regna, si recte sentias, si digne proloquaris, et si vivendo confirmes.

³¹ SENECA epist. 52. most excellently draws forth the parts of a true preacher thus: *Let us choose not those who pour forth great words with celerity, but those who teach by their life; who when they have said what is to be done, prove this very thing by doing what they teach; and after certain words: Choose as Doctor him whom you admire more when you see him than when you hear him.*

SENECA epist. 52. egregie partes veri praedicatoris sic depromit: Eligamus non eos, qui verba magna celeritate praecipitant, sed eos, qui vita docent; qui cum dixerint quid faciendum sit, probant hoc ipsum faciendo quod docent, et post quaedam verba: Eum elige Doctorem, quem magis admireris, cum videris, quam cum audieris.

³² ¶ Nor is it a wonder that Men illustrious in doctrine and sanctity have so exalted this office of preaching as to celebrate it with every praise, and in it to demand most exquisitely whatever is required for the preeminence of human life, namely the sweet symphony of mouth and work: Hence Christ himself, the Apostles themselves, and those saints who are read of as more illustrious in both testaments, were appointed to preach; and truly he is a heavenly man who, announcing heaven to others, expresses it in himself as it were; whence the Seraphic Doctor, on those words of Psal. 17. he bowed the Heavens, and descended, compares Preachers to clouds, because doubtless clinging continually to the heavens, they ought to thunder with threatenings, flash with miracles, and rain down doctrines.

¶ Nec mirum, Viros doctrina, et sanctitate praeclatos eo hoc praedicandi munus evexisse, ut illud omni laude celebrent, et in eo quicquid sit ad vitae humanae praestantiam requisitum, dulcem scilicet symphoniam oris, et operis, exquisitissime postulent: Hinc ipse Christus, ipsi Apostoli, et qui illustriores in utroque testamento leguntur sancti, ad praedicandum sunt deputati; et vere vir coelicus est, qui coelum aliis annuncians, illud in se quodammodo exprimit; unde Seraphicus Doctor, in ea verba Psal. 17. inclinavit Coelos, et descendit, Praedicatores nubibus comparat, quia nimirum coelis iugiter adhaerentes, tonare debent minis, coruscare miraculis, et pluuere doctrinis.

³³ On the other hand, since it is most shameful that a Preacher of Christ signify one thing with his mouth and another with his work, D. Bonaventure in the said lib. Pharetra, cap. 15. darts the most acute sentences of the Fathers against such a one, as it were chosen arrows.

E contra autem cum turpissimum sit, Praedicatorem Christi aliud ore, aliud opere significare, D. Bonavent in dicto, lib. Pharetra, cap. 15. acutissimas patrum sententias in talem, tamquam electas vibrat sagittas.

³⁴ ¶ GREGORY super Ezechiel, hom. 18. of such a Preacher writes thus: *It is most shameful for us there to fall by neglect, whence by preaching we have tried to raise others up; and super, lib. 4. Reg. ind. 12. cap. 76. what we preach with the tongue we destroy by examples: while with works we teach iniquity, and mere votes we put forward as things that are just. We wear away our bones with fastings, and swell in mind: we cover the body with despised garments, and surpass purple in elation of heart; we lie in ashes, and receive lofty things, Doctors of humility, leaders of pride.*

¶ GREGORIUS super Ezechiel, hom. 18. de tali Praedicatore sic scribit: Turpe est nimis ibi nos negligendo cadere, unde praedicando conati sumus alios levare, et super, lib. 4. Reg. ind. 12. cap. 76. quod per linguam praedicamus, per exempla destruimus: dum iniqua docemus operibus, et sola vota, ea quae sunt iusta praetendimus. Ossa ieiuniis atterimus, et mente turgemus: corpus despectis vestibus tegimus, et elatione cordis Purpuram superamus; iacemus in cinere, et excelsa suscipimus, Doctores humilitatis, duces superbiae.

³⁵ JEROME epistola 2. ad Nepot. *Delicate is the master who with full belly disputes about fastings: A robber too can accuse avarice; the mouth of the Priest of Christ let it accord with his mind.*

HIERONYMUS epistola 2. ad Nepot. Delicatus est magister, qui pleno ventre de ieiuniis disputat: Accusare avaritiam potest et latro; Sacerdotis Christi os cum mente concordet.

³⁶ ISIDORE lib. 2. de summo bono, cap. 2. sent. 10. *To the heaping up of a greater guilt it pertains that anyone know what he ought to follow, and be unwilling to follow what he knows; and lib. 3. cap. 37. sent. 1. he who does not live as he teaches makes the truth itself which he preaches contemptible.*

ISIDORUS lib. 2. de summo bono, cap. 2. sent. 10. Ad maioris culpaе cumulum pertinet scire quemquam, quod sequi oporteat, et sequi nolle, quod sciat, et lib. 3. cap. 37. sent. 1. qui non vivit, sicut docet, ipsum, quam praedicat veritatem, Contemtibilem facit.

³⁷ CHRYSOSTOM de compunctione cordis, lib. 1. at the end: *To teach and not to do confers not only no gain, but very great loss; For great is the condemnation of him who composes indeed his sermon; but negligently neglects his life and his work.*

CHRYSOSTOMUS de compunctione cordis, lib. 1. in fine: Docere, et non facere non solum nihil lucri, sed etiam damni plurimum confert; Grandis enim condemnatio est componenti quidem sermonem suum; vitam vero suam, atque operam negligenti.

³⁸ AUGUSTINE as cited by the Seraphic Doctor, there, more strongly inveighs against Preachers of this sort. *Hear yourself, O hardest, most savage, most deaf Doctor; what good to me a tongue of gold and a heart of iron.*

AUGUSTINUS apud Seraphicum, ibi, fortius in huiusmodi Praedicatores invehitur. Exaudi te ipsum durissime, immanissime, surdissime Doctor; quid mihi lingua aurea, et cor ferreum.

³⁹ BERNARD serm. de convers. ad clericos, cap. 31. on those words: *Blessed are the peacemakers, thus speaks: Consider diligently, not the peaceable, but the peacemakers are commended; for there are those who say and do not: surely as the hearers of the law are not just, but the doers; so not the announcers of peace, but the makers are called blessed.*

BERNARDUS serm. de convers. ad clericos, cap. 31. in ea verba: Beati pacifici, sic proloquitur: Considerate diligenter, non pacificos, sed pacificos commendari, sunt enim qui dicunt, et non faciunt: sane quemadmodum non auditores legis iusti sunt, sed factores; sic non annunciatores pacis, sed actores beatificantur.

⁴⁰ SENECA finally in an epistle thus concludes, as cited by the Saintly Doctor: *this is most shameful, what is wont to be objected to us, that we speak words, not handle works.*

SENECA tandem in epist. sic apud S. Doctorem concludit: hoc turpissimum est, quod nobis obiici solet, verba nos fari, non opera tractari.

⁴¹ These things the Saintly Doctor, in the said cap. 16. described from the writings of the Fathers; in the following chapter, however, he brings forth excellent sentences from the same Fathers against those usurping Preaching; which fit almost within what has been said: see it itself.

Haec S. Doctor, dicto, cap. 16. e patrum scriptis descripsit, cap. vero sequenti eximias profert sententias ex iisdem patribus contra usurpantes Praedicationem; quae in iam dicta fere quadrant: ipsum vide.

42 ¶ AS to the manner and matter of what is preachable, St. Francis briefly designates it, in the said cap. 9. of the Rule, admonishing in these words, *that in the preaching they make, their words be chaste and examined for the utility and edification of the people, announcing to them vices and virtues, punishment and glory with brevity of speech.*

¶ QUANTUM ad modum, et materiam praedicabilem, eam breviter designat S. P. Franciscus, dicto, cap. 9. Regule, monendo his verbis, ut in praedicatione, quam faciunt, sint casta, et examinata eorum eloquia ad utilitatem, et aedificationem populi, annunciando eis vitia, et virtutes, poenam, et gloriam cum brevitate sermonis.

43 ¶ To which the Council of Trent sounds in accord, in the place cited above; exhorting the heralds of the divine word with like words: Faithful preachers according to their capacity *shall feed with salutary words, saying what it is necessary for all to know for salvation, announcing to them with brevity and easiness of speech, the vices which they ought to shun, and the virtues which they ought to pursue, that they may be able to escape eternal punishment and attain heavenly glory.* Finally as to the reprehension, whether special or general, which each one is bound to employ in preaching, that he may more efficaciously compel sinners to repentance; the Saintly Doctor explains it pre-eminently in Apologet. cap. 2. which chapter Bonagratia transcribed almost word for word, Verb. *Praedicator*, cited above, indicating that therein is exhibited an excellent doctrine for preachers.

¶ QUIBUS consonar Concilium Tridentinum, loco supra citato; hortando divini verbi praecones similibus verbis: *Praedicatores fideles pro sua capacitate pascent salutaribus verbis dicendo, quae scire omnibus necessarium est ad salutem, annunciando eis cum brevitate, et facilitate sermonis, vitia, quae eos declinare, et virtutes, quas sectari oportet, ut poenam aeternam evadere, et coelestem gloriam consequi valeant. Quantum denique ad correptionem, seu specialem, seu generalem, quam quisque inter praedicandum adhibere tenetur, ut efficacius peccatores cogat ad resipiscentiam; praeclare eam explicat S. Doctor, in Apologet. cap. 2. quod caput ad verbum fere transcripsit Bonagratia, Verb. Praedicator, supra cit. indicans, ibi eximiam praedicatoribus doctrinam exhiberi.*

44 SINCE therefore the Saintly Doctor shrewdly established the difference between the Judge and the Preacher, he pursues his office in reproving sinners thus: *The Doctor or Preacher, who ought to instruct hearers of diverse kinds, that he may render virtues the more commendable, necessary to salvation, shows the vices opposed to them, how harmful and detestable they are. And in certain kinds of men certain vices are more customary, as among Merchants fraud and lies; among Soldiers rapine and burnings; and so of others; it is necessary that on account of the general instruction, although he accuse the genus of men specially, he admonish them to beware of the vices that lie in wait specially for themselves, as the Physician teaches Patients laboring under diverse infirmities to abstain from the foods more harmful to themselves and from others. For nothing profits the sick, if he were to say: Beware of all harmful foods generally, unless he specified in each affection what was specially harmful to them, or profitable to health. But what is said, that the Preacher ought to accuse all sinning in general, and not descend to species, this is to be understood of the notable specification of persons, not of vices, or states, or offices, which cannot properly be described without the expression of the office or state of those who have been accustomed to offend specially in this. For it can thus congruously be said in general: You Artificers frequently sin in this; and you Soldiers in this; and you Religious in that; you Clerics in that other; and so of the others, if there are many there of each of those kinds to whom he speaks, so that no one, that each one conscious to himself of such a sin may be compunct, and be confounded in himself, and no one be made specially notable of this, whom the evidence of falsehood otherwise does not make notable, or who does not betray himself to be guilty, attributing to himself specially with a murmur what was said generally, according to that of the Poet. Conscius ipse sibi, de se putat omnia*

dici. For the faithful Doctor ought to intend only correction and edification, not the confusion or defamation of anyone present or absent. Wherever therefore it is presumed that someone is made specially notable of a sin previously unknown to others by the preaching, whence a grievance or scandal can arise, it is better to be silent, and to speak rather other edifying things: But he who is accustomed to do the contrary shows himself contentious, or envious, or imprudent, or greedy of vain glory, who since he would not otherwise be accepted among men, seeks glory for himself from the infamy of others: whom by confounding you exasperate, him you more slowly edify, and wound with the sting of rancor.

POSTQUAM igitur Sanctus Doctor differentiam inter Iudicem, et Praedicatorem scite statueret, huius officium in corripiendis peccatoribus sic prosequitur: Doctor, seu Praedicator, qui diversi generis auditores debet instruere, ut virtutes magis reddat commendabiles, necessarias ad salutem, vitia his opposita, quam sint nociva, et detestabilia ostendit. Et quibusdan generibus hominum quaedam vitia sunt magis usitata, ut Mercatoribus fraus, et mendacia; Militibus rapina, et incendia; et ita de aliis necesse est, quod propter generalem instructionem, quod licet genus hominum specialiter arguat, et moneat sibi specialius insidiantia vitia cavere, sicut Medicus AEgros diversis infirmitatibus laborantes docet a sibi magis noxiis cibis, et aliis abstinere. Nihil enim prodest et infirmis, si diceret: Cavete ab omnibus cibis nocivis generaliter, nisi specificaret in qualibet passione, quid illis specialius noxium esset, aut proficuum sanitati. Quod autem dicitur, quod Praedicator debeat in genere omnes arguere peccantes, et non descendere ad species, hoc est intelligendum de notabili specificatione personarum, non vitiorum, vel statuum, vel officiorum, quae non possunt proprie describi sine expressione officii, vel status illorum, qui in hoc specialiter offendere consueverunt. Potest enim sic congrue generaliter dici: Vos Artifices peccatis frequenter in hoc; et vos Milites in hoc; et vos Religiosi in isto; vos Clerici in illo; et sic de aliis, si sunt ibi plures de quolibet genere illorum, ad quos loquitur, sive nullus, ut quisque sibi conscius talis peccati compungatur, et in se confundatur, et nullus specialiter notabilis de hoc reddatur, quem falsi evidentia alias non facit notabilem, vel qui seipsum non prodit esse reum, sibi adscribendo specialiter cum murmure, quod generaliter dictum constat iuxta illud Poëtae. Consciis ipse sibi, de se putat omnia dici. Correctioni enim, et aedificationi tantum debet intendere Doctor fidelis, non confusioni, vel infamationi alicuius praesentis, vel absentis. Ubicunque ergo praesumitur, quod aliquis specialiter de peccato prius incognito aliis ex praedicatione reddatur notabilis, unde potest oriri gravamen, vel scandalum, melius est tacere, et alia aedificatoria magis loqui: Qui vero facere consuevit contrarium, aut contentiosum, aut invidum, aut imprudentem se demonstrat, aut vanae gloriae cupidum, qui cum aliunde non esset acceptus apud homines, ex aliorum infamia gloriam sibi quaerit: quem confundendo exasperas, hunc tardius aedificas, et rancoris aculeo vulneras.

Question V: On the chief act of the contemplative life, and how this act differs from cogitation, meditation, speculation, and intuitive vision

¹ The Contemplative life in its breadth designates the whole occupation of man, by reading, speaking, knowing, thinking, considering, meditating, and speculating; inasmuch as all these acts terminate in Contemplation. Contemplation therefore is the principal act of this life, to which meditation most closely approaches, and has been inserted, as Suarez notes here after D. Bonaventure, lib. 2. de orat. mentali, cap. 9. For when we undertake to investigate some divine truth, first we speak of it, read, or inquire: then we think it, consider it, and meditate upon it longer; finally the truth long meditated, when it suddenly presents itself to view, meditation passes into Contemplation, which we receive with great avidity of soul, we admire it with great delight; and we adhere to it with much admiration; so the Seraphic Doctor, here, after Richard, lib. 1. de Arca Myst. cap. 4.

De praecipuo Actu vitae Contemplativae, et quomodo hic actus a Cogitatione, Meditatione, Speculatione, et Intuitiva visione differat.

Vita Contemplativa in sua latitudine dicit totius hominis occupationem, legendo, loquendo, cognoscendo, cogitando, considerando, meditando, et speculando; quatenus omnes hi actus ad Contemplationem terminant. Contemplatio itaque est praecipuus actus huius vitae, ad quam proxime accedit, et inseruit meditatio, ut post D. Bonaventuram hic advertit Suarez, lib. 2. de orat. mentali, cap. 9. Nam cum divinam aliquam veritatem investigandam suscipimus, primo de ea loquimur, legimus, vel inquirimus: deinde eam cogitamus, consideramus, ac diutius mediramur; tandem veritas diu meditata, dum subito spectaculo se exhibet, meditatio in Contemplationem transit, quam magna animi aviditate suscipimus, magna iucunditate eam admiramur; multaque ei admiratione adhaeremus; ita Seraphicus Doctor, hic, post Richardum, lib. 1. de Arca Myst. cap. 4.

² Three therefore are the principal steps noted here, by which one ascends to Contemplation; namely the search for an unknown truth, the finding of the truth sought, and the intuition of the truth found; When this last is attained, the principal state of contemplation is apprehended, if we wish to speak theologically; for philosophically contemplation is taken for every act of the intellect, in which sense Aristotle says, 2. Metaph. textu 3. *the end of contemplation is truth*, and Cicero in libro 4. de finib. says, contemplation is the consideration and meditation of hidden things; so also he has it, lib. 1. academic. qq.

Tres igitur passus praecipui hic notantur, per quos ad Contemplationem ascenditur; ignotae scilicet veritatis quaesitio, quaesitae inventio, et inventae intuitio; Haec ultima cum attingitur, apprehenditur status contemplationis potissimus, si velimus Theologice loqui; nam Philosophice pro omni actu intellectus contemplatio sumitur, quo sensu ait Aristot. 2. Metaph. textu 3. finem contemplationis esse veritatem, et Cicero libro 4. de finib. ait, contemplationem esse considerationem, ac meditationem rerum occultorum; ita etiam habet, lib. 1. academic. qq.

³ In the former sense Contemplation is defined by the Saintly Doctor here, dist. 1. *It is the act of an unimpeded intellect, of a healed grace, directed to eternal spectacles, suspended with admiration*, or according to Richard as cited by the Seraphic Doctor there: *Contemplation is the free perspicacity of the mind, suspended in the spectacles of wisdom, with admiration.*

In priori sensu definitur Contemplatio a S. Doctore hic, dist. 1. Est actus intellectus non impediti, gratia sanati, in aeterna spectacula directi, cum admiratione suspensi, vel secundum Richardum apud Seraphicum ibidem: Contemplatio est libera mentis perspicacia, in sapientiae spectacula, cum admiratione suspensa.

⁴ In which definition the Seraphic Doctor commends four things supremely to the contemplative.

In qua definitione quatuor contemplativis summopere commendat Seraphicus Doctor.

⁵ The first is the liberty of the Spirit, that it be not impeded by any earthly obstacle, but by a certain spontaneous motion and impulse be able to be carried more freely and more gladly through the eternal truths; and contemplate them to satiety, as far as is possible: Hence the mind ought to be unburdened of the care and solicitude of temporal things, and much more not to be embraced by the cords of sins.

Primum est Spiritus libertas, ut a nullo terreno obstaculo praepediatur, sed spontaneo quodam motu, et nutu per aeternas veritates liberius, et libentius valeat circumferri; easque ad saturitatem, quantum fieri potest, contemplerur: Hinc debet mens rerum temporalium cura, et sollicitudine exonerari, multoque magis peccatorum funibus non circumplecti.

⁶ The second is a perspicacious eye, capable of divine irradiation; whence the Saintly Doctor distinguishes from Richard a triple eye; The first is of the flesh, by which man sees the things that are outside himself; The second is of reason, by which he sees the things that are within himself: The third is the eye of contemplation, by which he sees above himself: This eye is as it were a certain spark of Divine cognition and image, residing in the apex of the soul; toward which the mind well purged, continually tending, thence as it were anticipates and foretastes eternal delights with wondrous delight, serenity, and security: of this eye the Bridegroom says in the Canticle cap. 4. *you have wounded my heart with one of your eyes*, as D. Bonaventure notes, here.

Secundum est oculus pspicax, divinae irradiationis capax; unde e Richardo distinguit S. Doctor triplicem oculum; Primus est carnis, quo videt homo ea, quae sunt extra se; Secundus est rationis; quo videt ea, quae sunt intra se: Tertius est oculus contemplationis, quo videt supra se: Hic oculus est velut scintilla quaedam Divinae cognitionis, et imaginis, residens in apice animae; ad quam mens bene expurgata iugiter intendens, inde mira iucunditate, serenitate, et securitate aeternas delitias quodammodo anticipat, et praegustat: de hoc oculo ait sponsus in Cantic. cap. 4. vulnerasti cor meum in uno oculorum tuorum, ut notat D. Bonaventura, hic.

⁷ The third is, that the said eye be directed to the spectacles of wisdom: whence the Saintly Doctor infers that contemplation is not precisely an act of the intellect, but that an act of the will is also becoming. For Wisdom is the cognition of the true, exciting the will to a savory love, and the experimental taste of supernal sweetness: Hence those spectacles of wisdom, placed in the definition, are the cognition of the true, and the tasting of the good, whence Suarez notes, in the said cap. 9. that D. Bonaventure places the sum of contemplation in the will; which, if he understands it to consist in the will alone, is groundless; For the Saintly Doctor everywhere joins the intellectual inspection and the savory love: and here he concludes thus: *The act therefore of contemplation includes two things, namely cognition, and savory love.*

Tertium est, ut dictus oculus sit in sapientiae spectacula directus: unde infert S. Doctor, contemplationem non esse praecise actum intellectus, sed decere insuper voluntatis actum. Sapientia enim est cognitio veri, excitans voluntatem ad saporosam dilectionem, et experimentalem suavitatis supernae gustum: Hinc illa spectacula sapientiae, in definitione posita, sunt cognitio veri, et gustatio boni, unde notat Suarez, dicto cap. 9. D. Bonaventuram ponere summam contemplationem in voluntate; quod si id intelligit in sola voluntate eam consistere, est absque fundamento; Nam S. Doctor ubique coniungit intellectualem inspectionem, et saporosam dilectionem: et hic concludit sic: Actus igitur contemplationis duo includit, scilicet cognitionem, et saporosam dilectionem.

⁸ But if Suarez wishes the sum of contemplation to be in the will, from the mind of the Saintly Doctor, not precisely but principally, that is, to have its origin and increase from love, an act of the will; it is not against the Seraphic Doctor; who after the aforesaid words adds: *and love adjoints cognition.* But a little above he reports from the Lincolniensis, *that wisdom arises from love, which bursts forth into the light of cognition and the savor of gustation, as light and flame burst forth from heat.*

Verum si Suarez vult, summam contemplationem esse in voluntate, e mente S. Doctoris, non praecise, sed praecipue, id est, habere ortum, et augmentum ex amore, voluntatis actu; non est contra Seraphicum; qui ad praefata verba subdit: et dilectio adiunat cognitionem. Paulo vero superius ex Lincolniensi refert, quod sapientia oritur ex amore, quae prorumpit in lumen cognitionis, et saporem gustationis, sicut ex calore prorumpit lux, et flamma.

⁹ Fourth, what the Saintly Doctor requires for contemplation from the said definition, is the mental suspension with admiration; and this is so intrinsic to contemplation that D. Augustine lib. de spiritu, et anima, cap. 32. did not hesitate to define contemplation by that admiration, saying:

Contemplation is the perspicuous and delightful admiration of truth. For as Richard well says, as cited by the Seraphic Doctor in the place cited. *From the novelty of the thing, which is above our hope and our estimation, admiration arises; from admiration attention grows, from attention cognition, and from these the suspension of the mind.* Whence as among the Philosophers there are two principles of science; admiration and experience; so in the theologian contemplating, admiration excites to a more attentive speculation, on the part of the intellect; but on the part of the will the experience of sweetness moves the intellect to a higher intuition of the truth; and then both powers are suspended, according to the saying of Job. *My soul has chosen suspension.*

Quantum, quod ad contemplationem requirit S. Doctor ex dicta definitione, est mentalis suspensio cum admiratione; et haec contemplationi adeo intrinseca est, ut D. Augustinus lib. de spiritu, et anima, cap. 32. non dubitaverit contemplationem per eam admirationem definire, dicens: Contemplatio est perspicua veritatis iucunda admiratio. Nam ut bene ait Richardus apud Seraphicum loco citato. Ex novitate rei, quae est supra nostram spem, et nostram aestimationem oritur admiratio, ex admiratione autem accrescit attentio, ex attentione cognitio, et ex his mentis suspensio. Unde sicut apud Philosophos duo sunt principia scientiae; admiratio, et experientia; ita apud Theologum contemplantem admiratio excitat ad attentiores speculationem, ex parte intellectus; ex parte autem voluntatis experientiae suavitatis movet intellectum ad altiores intuitionem veritatis; et tunc utraque potentia suspenditur, iuxta dictum Iob. Suspendium elegit anima mea.

¹⁰ This whole progress of contemplation is most excellently explained by way of the Aurora (Dawn) by the Seraphic Doctor from Richard, *lib. 5. de Arca mystica, cap. 9.* For the Aurora first glimmers with a certain dawning of light; being near the earth, as it were; as men still tender first perceive a certain dawning of grace. Then the aurora, raising itself a little higher, more shining, and suffused with a tawny color, flashes out, being not yet sufficiently segregated from the mire, or the slime of the earth; But the more it ascends, spreading itself the more broadly, and growing the more brilliantly splendid, it is elongated from the earth, until at length occupying the height of heaven it passes into the meridian splendor, and is suspended at the supreme apex of light, or Solstice; Richard therefore says there: *Human intelligence, irradiated by the divine light, is suspended in the contemplation of intelligibles, while it is diffused in their admiration after the manner of the aurora, when it is always led to higher or more admirable things, the more and the more copiously it is dilated after the manner of the Aurora: Whence the more remote it becomes from the lowest things, the purer it is found in itself, and the subtler for the sublime things, etc.*

Totus hic contemplationis progressus per modum Aurorae optime explicatur a Seraphico ex Richardo, lib. 5. de Arca mystica, cap. 9. Aurora enim in primis quodam lucis diluculo; quippe terrae vicina, subfulget; uti viri adhuc teneri quoddam gratiae diluculum primo percipiunt. Deinde paulo altius se aurora elevans fulgidior, ac luteo suffusa colore emicat, quippe non satis adhuc a luto, seu terrae limo segregata; Verum quo magis ascendit, eo fusius se dilatans, eoque fulgentius splendens a terra elongatur, donec tandem altum coeli occupans in meridianum transit fulgorem, et in summo lucis apice, seu Solstitio suspenditur; dicit itaque ibi Richardus: Humana intelligentia divino lumine irradiata intelligibilium contemplatione suspenditur, dum in earum admiratione ad modum aurorae diffunditur, quando semper ad altiora, vel admirabiliora ducitur, tanto amplius, tantoque copiosius ad modum Aurorae dilatatur: Unde quanto ab infimis fit remotior, tanto semetipsa purior, et ad sublimia subtilior invenitur, etc.

¹¹ As to the difference of this most excellent act from cogitation, meditation, and the other acts, whether preceding or subsequent; It must be noted that cogitation is the beginning of this exercise, and has its origin from the imagination, and most closely passes and terminates in meditation: For when we first transmit some thing from the external sense to the internal, or awaken it long stored in

the phantasy itself, the agent intellect is wont to forge for itself a more spiritual idea of this thing; this idea, however, since it is still indeterminate, and wandering hither and thither through the intellect, can be called Cogitation, which therefore Richard defines in the place cited, *cap. 3. et 4. The mind's regard prone to evagation*, whence the less it is subjected to reason, the more it arises from the imagination, which communicates to it somewhat of its materiality; whence with a slow foot it wanders through every byway, without regard for arriving at its end; as Richard says in the said *cap. 3.* On the contrary, contemplation with a free foot, wherever its impetus bears it, is carried around with wondrous agility; and this is the principal difference of these acts, in which is included that the one act holds the place of principle; the other of the middle.

Quoad differentiam huius praestantissimi actus a cogitatione, meditatione, aliisque actibus, cum vel praecedentibus, vel subsequentibus; Notandum est, cogitationem esse principium huius exercitii, et habere ortum ab imaginatione, ac proxime transire, et terminare in meditationem: Nam cum primo rem aliquam a sensu externo ad internum transmittimus, vel eam in ipsa phantasia dudum repositam suscitamus, solet intellectus agens huiusce rei spiritualiorem ideam sibi cudere; haec vero idea, cum sit adhuc indeterminata, et per intellectum huc illucque vagans, potest dici Cogitatio, quam ideo Richardus definit loco citato, cap. 3. et 4. Animi respectum ad evagationem primum, unde eo minus rationi subiicitur, quo magis ex imaginatione oritur, quae suae materialitatis nonnihil ei communicat; unde lento pede, per devia quaeque sine respectu perventionis ad suum finem vagatur; ut ait Richardus dicto cap. 3. E contra vero contemplatio libero pede, quocumque eam fert impetus, mira agilitate circumfertur; et haec est praecipua differentia horum actuum, in qua includitur, quod unus actus tenet locum principii; alter vero medii.

¹² But when either a single or a multiple cogitation assails the mind; it is necessary that reason forthwith arrest it, and vigilantly apply it to the intended end, and thus make it pass into meditation; otherwise cogitations will tumultuate among themselves, and distract the mind, which D. Gregory most excellently explains, *lib. 1. Moral.* as cited by the Seraphic Doctor, *here, dist. 3.* where he thus has it: *Cogitations are subjected to reason after the manner of handmaids, because if Reason for a moment depart from the house of the mind, the clamor of cogitations multiplies itself, as it were in the absence of the mistress, like a gabbling troop of handmaids; but as soon as reason has returned to the mind, forthwith the tumultuous confusion restrains itself, and as it were the handmaids quietly restrain themselves for the enjoined work.*

Quando autem vel una, vel multiplex cogitatio animo ingruit; necesse est, ut ratio mox eam sistat, et vigilanter applicet intento fini, et sic eam in meditationem faciat transire; alias cogitationes inter se tumultuabuntur, et mentem distrahent, quod egregie explicat D. Gregorius, lib. 1. Moral. apud Seraphicum, hic, dist. 3. ubi sic habet: Cogitationes ad modum ancillarum rationi subiiciuntur, quia si a domo mentis ad momentum Ratio discedat, quasi absente domina, cogitationum se clamor, velut garrula ancillarum turba, multiplicat; ut autem ratio ad mentem redierit, mox se confusio tumultuosa compescit, et quasi ancillae ad iniunctum opus tacite se reprimunt.

¹³ But the cogitation, thus formed by reason, takes on the name and nature of meditation; whence this is born from reason, as that from the imagination; and it is the attentive and continued consideration of the thing thought; which at length migrates into contemplation; as was said above. Hence the Saintly Doctor notes from Richard, *cit. cap. 3.* that there are three things in the soul which variously conduce to contemplation: These are Imagination, Reason, and Intelligence: the first holds the lowest seat of the soul, the second the middle, and the third the supreme, immediately subjacent to God: whence as God beholds all things together in the most simple act, so that act by which one approaches him more, more clearly and more simply comprehends the objects of the other acts inferior to itself: hence contemplation, the act of intelligence, more clearly comprehends the objects

of the imagination and reason than they can be comprehended by their own powers; expanding as it does the bosom of the mind immensely, and at the same time sharpening the keenness of the soul for penetrating; as the Saintly Doctor has, *loco citato*, from Richard, in the said *cap. 3. For through the intelligence the bosom of the mind is expanded immensely, and the keenness of the contemplating soul is sharpened, that it may be capable of comprehending many things, and perspicacious for penetrating subtle things.*

Cogitatio vero, sic formata a ratione, meditationis nomen, et naturam subit; unde haec nascitur e ratione, sicut illa ex imaginatione; et est rei cogitatae intenta, et continuata consideratio; quae tandem in contemplationem migrat; ut superius dictum est. Hinc notat S. Doctor e Richardo, cit. cap. 3. tria esse in anima, quae ad contemplationem diversimode faciunt: Haec sunt Imaginatio, Ratio, et Intelligentia: prima tenet infimam animae sedem, secunda mediam, et tertiam supremam, Deo immediate suppositam: unde sicut Deus simplicissimo actu omnia simul intuetur, ita ille actus, quo ad ipsum magis acceditur, clarius, et simplicius comprehendit obiecta aliorum actuum, sibi inferiorum: hinc contemplatio, intelligentiae actus, imaginationis, et rationis obiecta clarius comprehendit, quam a propriis potentiis comprehendi queant; quippe mentis sinum in immensum expandens, etiam animi aciem simul ad penetrandum exacuit; ut habet S. Doctor, loco citato, e Richardo, dicto, cap. 3. per intelligentiam siquidem sinus mentis in immensum expanditur, et contemplantis animi acies acuitur, ut capax sit ad multa comprehendenda, et perspicax ad subtilia penetranda.

¹⁴ That you may understand this, be aware that the mental vision, as also the corporal, is (as far as it can be conceived) after the manner of a pyramid, dilating itself on the one part, while on the other it forms the point; so that in the proportion in which it penetrates the more hidden objects, with equal breadth it comprehends more in ascending; which Richard understands, *loco citato*, while he says as cited by the Seraphic Doctor *dicta, dist. 3. Whence how widely the ray of contemplation expands itself, which illuminates all; and in a certain manner Contemplation extends itself under one ray of vision to innumerable things.*

Quod ut intelligas, adverte visionem mentalem, uti et corporalem, esse (quantum concipere licet) ad instar pyramidis, se ab una parte dilatantis, dum ab altera cuspidem format; ita ut qua proportionem penetrat occultiora obiecta, pari latitudine plura ascendendo comprehendit; quod intelligit Richardus, loco citato, dum ait apud Seraphicum dicta, dist. 3. Unde quam late contemplationis radius se expandat, qui omnis illustrat, et quodammodo Contemplatio sub uno visionis radio ad innumera se extendit.

¹⁵ Speculation is not rarely confounded with Contemplation, because each is of intelligence; they differ, however, as the Saintly Doctor teaches, *loco citato*, and with him Suarez, *cit. num. 5.* For speculation, as D. Augustine says, *lib. 15. de Trinit. cap. 3.* is said when a thing is seen not in itself, but in its mirror, or enigma: but contemplation occurs when the truth is seen without any envelope, or veil of shadows, in its own purity, as Richard says, as cited by the Saintly Doctor, *loco citato.*

Speculatio cum Contemplatione non raro confunditur, quia utraque est intelligentiae; differunt tamen, ut docet Sanctus Doctor, loco citato, et cum ipso Suarez, cit. num. 5. Nam speculatio, ut ait D. Augustinus, lib. 15. de Trinit. cap. 3. dicitur cum res non in se, sed in sui speculo, seu aenigmate videtur: contemplatio autem fit, quando veritas sine aliquo involucri, umbrarumve velamine in sui puritate videtur, ut ait Richardus apud S. Doctorem, loco citato.

¹⁶ Speculation therefore is said, not from specula (watchtower), as Suarez notes; *loco citato*, because creatures in this world are mirrors, in which and through which we speculate the eternal truths, whence D. Paul, *1. Cor. 13.* says: *in this life we speculati the glory of the Lord.*

Dicitur itaque Speculatio, non a specula, ut notat Suarez; loco citato, quia creaturae in hoc mundo sunt specula, in quibus, et per quae aeternas veritates speculamur, unde D. Paulus, 1. Cor. 13. dicit: in hac vita nos gloriam Domini speculati.

¹⁷ Yet these mirrors of Creatures, although they are called enigmas, do not have such opacity that they do not flash out with much light, and pour and temper it upon the eyes of those speculating: Of these mirrors the Lincolniensis treats most excellently, as cited by the Saintly Doctor, *loco citato*, saying, that after they are received in the mind, the divine and as it were solar rays falling upon it from the fountain of light, they become so much more many, bright, and clear; that he contemplating may see lucidly the truth contemplated in it with the eyes; and according to this part it is true contemplation: But on that part by which the said mirrors pour back the light falling into them upon those who are capable of it, and the truth is thus seen with less clearness, it is rather speculation: He exemplifies this by a material mirror, which so tempers the light of the resplendent sun, that the weaker eye, which cannot look upon the sun itself, sees it proportioned to itself in the mirror.

Haec tamen Creaturarum specula, licet aenigmata dicantur, non tantam habent opacitatem, quin multa luce obfulgeant, eamque speculantium oculis affundant, et attemperant: De his speculis praeclare agit Linconiensis apud S. Doctorem, loco citato, dicens, quod postquam in mente recipiuntur, divinis, et velut solaribus radiis, in ea incidentibus e fonte luminis, adeo fiunt plura, clara, et plana; ut contemplata contemplantis oculis, in ea veritatem lucide videat, et iuxta hanc partem est vera contemplatio: At ea parte, qua dicta specula lumen in se incidens in illos refundunt, qui illius sunt capaces, et veritas sic videtur cum minori claritate, est potius speculatio: Hoc exemplificat per speculum materiale, quod lumen praeferentis solis adeo temperat, ut debilius oculus, qui in ipsum solem aspicere nequit, illud sibi proportionatum in speculo videat.

¹⁸ Finally, as cogitation passes into meditation, and meditation sometimes into speculation, sometimes and more perfectly into contemplation, so contemplation passes into the open vision, reserved for the fatherland; whence between this and that there is the difference; that vision is not only simple, but the open and clear intuition of the thing, as it is in itself: But contemplation is the simple intelligence of the thing, as far as is possible according to the capacity of each in this life.

Tandem sicut in meditationem transit cogitatio, et meditatio aliquando in speculationem, aliquando et perfectius in contemplationem, sic contemplatio transit in apertam visionem, patriae reservatam; unde inter hanc, et illam differentia est; quod visio sit non solum simplex, sed aperta et clara rei intuitio, p[ro]ut in se est: At contemplatio est simplex rei intelligentia, quantum fieri potest pro cuiusque capacitate in hac vita.

¹⁹ Whence the Seraphic Doctor concludes that all the said acts differ according to the clearer or less clear aspect of God; and as among those cogitation holds the lowest place, so for this life contemplation holds the supreme seat; yet vision in the fatherland surpasses it, as was said: The Saintly Doctor confirms this from Gregory, *lib. 5. Moral. cap. ult.* where he says: *The active works of life pass away with the body; but the delights of the Contemplative life grow better toward the end.*

Unde concludit Seraphicus, dictos omnes actus differre secundum clariorem, vel minus clarum Dei aspectum; et sicut inter illos cogitatio tenet infimum locum, ita pro hac vita contemplatio tenet sedem supremam; superat tamen eam visio in patria, pro ut dictum est: Haec confirmat S. Doctor, e Gregorio, lib. 5. Moral. cap. ult. ubi ait: Activa vitae opera cum corpore transeunt; Contemplativa autem vitae gaudia melius ex fine convalescunt.

Question VI: Whether contemplation has certain degrees of its perfection, how many, and which

¹ We suppose above certain acts of the contemplative life, by which one ascends gradually to the chiefest Gift of this life, which consists in the very act of contemplation, as it is distinguished from the others.

Utrum Contemplatio habeat aliquos suae perfectionis gradus, quot, et quos.

Supposimus supra aliquos vitae contemplativae actus, per quos paulatim ascenditur ad potissimum huius vitae Donum, quod in ipso actu contemplationis, pro ut ab aliis distinguitur, consistit.

² Now the degrees of Contemplation are certain steps of progress and advancement within the same act of intellectual thought and savorous love, by which God is apprehended under the aspect of the True and the Good. So the Holy Doctor, *at the place cited.*

Gradus autem Contemplationis sunt quidam in eodem actu progressus, et profectus intellectualis cogitationis, et saporosae dilectionis, quibus Deus in ratione Veri, et Boni apprehenditur. Ita S. Doctor, loco citato.

³ The difficulty, however, is whether such increments of contemplation are given, by which the mind gradually arrives at another summit, or apex, of perfect contemplation; and it seems from what has already been said that they are not: because we considered contemplation above as a simple act of the intelligence viewing all things clearly at once, as far as can be done in the condition of this life.

Difficultas autem est, an dentur talia incrementa contemplationis, quibus mens gradatim ad alium, seu apicem perfectae contemplationis pervenit, et videtur ex iam dictis quod non: quia contemplationem supra consideravimus, ut actum simplicem intelligentiae simul omnia clare intuentis, quantum pro huius vitae conditione fieri potest.

⁴ Yet I assert here with the Seraphic Doctor that several degrees of contemplation distinct from one another are given, aiding the intellect and the affect toward perfectly contemplating God.

Assero tamen cum Seraphico Doctore hic, dari nonnullos contemplationis gradus inter se distinctos, et coadiuvantes intellectum, et affectum ad perfecte Deum contemplandum.

⁵ It is proved by the Holy Doctor from the authority of D. Gregory, book XXII. *Morals, chap. XIV, where he says: Steps are called increments of virtues, distinctly handed down by the Saints; and a little below he proves the necessity of these, saying: No one, abandoning what is lowest, suddenly becomes highest, for to obtain the merit of perfection the mind must arrive at the height, as it were, by certain steps of ascent.*

Probatur a S. Doctore autoritate, D. Gregorii, lib. XXII. moral. cap. XIV. ubi ait: Gradus vocantur incrementa virtutum, distincte tradita a Sanctis, et paulo infra horum necessitatem probat, dicens: Nemo infime deserens, repente fit summus, quia ad obtinendum perfectionis meritum, oportet, ut mens quotidie in altum, quasi quibusdam ascensionis gradibus perveniat.

⁶ And although these may be understood of the comparison of virtues among themselves; yet since those are acquired better and more securely in contemplating; the higher we advance in contemplation, the more abundantly and intensely are we strengthened in the virtues; whence the degrees of the Virtues lean upon the progress of contemplation.

Quamvis autem haec intelligi possint de comparatione virtutum inter se; cum tamen illae inter contemplandum melius, et securius acquirantur; quo altius in contemplationem proficimus, eo uberius, et intensius in virtutibus roboramur; unde Virtutum gradus nituntur contemplationis profectui.

⁷ It is confirmed by the Seraphic Doctor in the same place, by that *Psalm LXXXIII: they shall go from virtue to virtue, until the God of gods be seen in Sion*, where, with respect to the vision which perfects and consummates contemplation, he describes the gradual acquisition of the virtues.

Confirmatur a Seraphico ibidem, illo Psal. LXXXIII. ibunt de Virtute in virtutem, donec videatur Deus Deorum in Sion. ubi per respectum ad visionem, quae contemplationem perficit, et consummat, describit virtutum

| *gradualement acquisitionem.*

⁸ *It is proved secondly by D. Bonavent. from Psalm XLVII: God is known in her degrees, when he shall receive her, namely contemplation, as D. S. explains according to the LXX.*

| *Probatur secundo a D. Bonavent. e Psal. XLVII. Deus in gradibus eius cognoscetur, cum suscipiet eam, scilicet contemplationem, ut D. S. explicat iuxta LXX.*

⁹ *It is proved thirdly by the Holy Doctor, from Hugh, cited here, who, speaking of the degrees of contemplation, has thus: the more the ascent grows, the more the knowledge grows, until the intellectual eye be illuminated and strengthened more and more, and the mental affection be purified and inflamed more, etc.*

| *Probatur tertio a S. Doctore, ex Hugone, hic citato, qui loquens de gradibus contemplationis, sic habet: quanto magis crescit ascensio, tanto magis crescit cognitio, donec oculus intellectualis magis ac magis illuminetur, et confortetur, et affectus mentalis magis purificetur, et inflammetur, etc.*

¹⁰ *This the Linconiensis egregiously confirms and explains at the Seraphic Doctor's place, at the place cited, where he uses this example thus: just as the eyes of the flesh, weaker at first, receive the light of the sun as obscure, and more diffused upon colors; then, more strengthened, they receive it upon colors of middling hue, and afterward, vision fortified, they receive more of it super-fulgent upon white colors; then indeed, health further increased, they receive it poured upon shining colors, as in mirrors; finally, the eyes perfectly healed, they receive the solar ray, not diffused upon anything, but pure in itself, etc. Afterward he pursues this example, applying it thus: so also the eye of the mind, weaker, must first be accustomed to beholding the light of the sun of the intelligence in grosser things, then in subtler ones, until at last, from the very giving of the light multiply diffused upon it in many ways, it be extended and restored into the simple ray itself.*

| *Hoc egregie confirmat, et explicat Linconiensis apud Seraphicum, loco citato, ubi hoc exemplo sic utitur: sicut oculi Carnis infirmiores prius suscipiunt lumen solis obscurum, et magis coloribus superfusum; deinde magis confortati, suscipiunt illud a coloratis, mediis coloribus, et postea visu roborato, plus suscipiunt illud superfulgidum coloribus albis; deinde vero plus aucta sanitate, suscipiunt illud fulgentibus coloribus superfusum, ut speculis; tandem oculis perfecte sanatis, suscipiunt solarem radium, non autem alicui superfusum, sed in se purum, etc. Postea prosequitur hoc exemplum sic applicando: sic etiam oportet mentis oculum infirmiore prius assuefieri ad conspiciendum lumen solis intelligentiae in grossioribus, deinde in subtilioribus, donec tandem ex ipsa luminis datione multis multipliciter superfusa, extendatur, et restituatur in simplicem ipsius radium.*

¹¹ *Where mark that the act of the intelligence is here treated of, when he says: the intelligence in grosser things, etc., so as to exclude the acts of reason or of imagination, such as thought, meditation, etc. For after meditating, the thing sought passes from reason into intelligence; first there flashes some twilight of light, which, growing in the proportion in which the keenness of the intellect is strengthened and refined, at length shines forth into the perfect day.*

| *Ubi Nota hic agi de actu intelligentiae, dum ait: Intelligentia in grossioribus, etc. ut excludat actus rationis, vel imaginationis, quales sunt cogitatio, meditatio, etc. Nam postquam mediando a ratione res quaesita transit in intelligentiam, subfulget prius aliquod lucis crepusculum, quod crescens ea proportionem, qua acies intellectus confortatur, et subtiliatur, tandem in perfectum lucescit diem.*

¹² *Nor does it stand against these that contemplation has a simple and total intuition at once and at one time of all those things which are subjected to its view: for that totality is not intensive but*

extensive, comprehending more or fewer objects together, though more clearly or more obscurely according to the degree of its perfection: for if such intuition had all its intension, it would follow that the Vision adds nothing to contemplation; which is false, as is evident of itself.

Nec obstat his, quod contemplatio habeat simplice, et totalem intuitum simul, et semel horum omnium, quae ipsius obtuitui subiiciuntur: Nam illa totalitas non est intensiva, sed extensiva, plura vel pauciora simul comprehendens obiecta, licet clarius, vel obscurius pro suae perfectionis gradu: si enim talis intuitio habuisset omnem suam intensionem; sequeretur Visionem nihil addere contemplationi; quod falsum est, ut ex se patet.

¹³ As to the quality and number of the degrees, they are handed down in divers ways by the Seraphic Doctor according to the various opinions of the Fathers.

Quoad graduum qualitatem, et numerum; diversimode a Seraphico iuxta diversas patrum sententias traduntur.

¹⁴ And first of all Dionysius, according to the expositions of the Linconiensis, of Hugh, and of the Vercellensis, teaches that in the well-ordered Human mind, as also in the Angelic, there are given middle, first, and supreme illuminations; and each of these is subdivided into three orders: so that as in the angelic Hierarchy there are nine orders, so too let there be as many degrees of Contemplation in the well-ordered mind; For since this must be ordered to three things, namely to exterior, inferior, and superior things; it is ordered to exterior things by a certain comparison to the Angels, Archangels, and Principalities: for those things are announced by simple apprehensions without any great hope of commodity or incommmodity; as it is proper to messengers to announce. To inferior things the mind is well ordered according to the three orders of the middle Hierarchy, namely the Powers, Virtues, and Dominations; For this Hierarchy obtains the dominion of reconciling things as they are in themselves according to the free motions of the will, according to the exigency of the natural and gratuitous virtues, and finally according to the authoritative commands of free will, as this Seraphic Doctor says. Finally the human intelligence is ordered to superior things, and to these belong the Thrones, Cherubim, and Seraphim, who are the Angels of the supreme Hierarchy of the mind: For the Thrones are as it were the benches, or seats, of God, as this Holy Doctor says from Hugh, whence they receive God coming to them; as also the mind, carried up to this degree and order of contemplation, receives divine super-arrivals and inmissions from above: but Cherubim signifies the attraction and, as it were, the co-walking of the intellect and the affect toward the divine truth and goodness, while the intellect, attaining the apex of its whole faculty, at length surpasses the affect; and so it is consummated in this order; whence the Cherubim are named from knowledge on account of this intellectual super-excess. The Seraphim indeed, on the contrary, are borne into God by super-affectuous sighs and shining fervors, the affect holding the apex of this Order and far surpassing the intellect; while the Soul, exhausted amid the most chaste embraces of its divine spouse, is wholly hastened, kindled, and in a manner transmuted into Him.

Et in primis Dionysius, iuxta expositiones Linconiensis, Hugonis, et Vercellensis, docet in mente Humana bene ordinata, uti et in Angelica, dari illuminationes medias, primas, et supremas; et unamquamque harum subdividi in tres ordines: ut sicut in Hierarchia angelica novem sunt ordines, ita totidem quoque sint gradus Contemplationis in mente bene ordinata; Nam cum haec habeat ordinari ad tria, ad exteriora scilicet, inferiora, et superiora; ad res externas ordinatur comparatione quadam ad Angelos, Archangelos, et Principatus: illae enim res simplicibus apprehensionibus annunciantur absque grandi spe commodi, vel incommodi; uti nunciorum proprium est annunciare. Ad inferiora mens bene ordinatur iuxta tres ordines mediae Hierarchiae, Potestates, scilicet, Virtutes, et Dominationes; Haec enim Hierarchia obtinet dominium, ad res, pro ut in se sunt, conciliandas iuxta liberos voluntatis motus, iuxta virtutum

naturalium et gratuitarum exigentiam, et denique iuxta authoritativa liberi arbitrii imperia, ut loquitur hic Seraphicus. Denique humana intelligentia ordinatur ad superiora, et ad haec faciunt Throni, Cherubim, et Seraphim, qui sunt Angeli supremæ mentis Hierarchiæ: Nam Throni sunt velut subsellia, seu sedilia Dei, ut ex Hugone ait hic S. Doctor, unde Deum in se advenientem suscipiunt; uti et mens, ad hunc contemplationis gradum, et ordinem evecta, divinos superadventus, et immissiones desuper suscipit: Cherubim autem signat attractionem, et velut coambulationem intellectus, et affectus, versus divinam veritatem, et bonitatem, dum intellectus attingens apicem totius suæ facultatis, tandem superat affectum; et sic in hoc ordine consummatur; unde Cherubim a scientia propter hunc intellectualem superexcessum denominantur. Seraphim vero e contra superaffectuosus suspiriis, et fulgidis fervoribus in Deum feruntur, affectu tenente apicem huius Ordinis, et longe superante intellectum; dum Anima inter castissimos divini sui sponsi amplexus exhausta, tota in ipsum acceleratur, accenditur, et quodammodo transmutatur.

¹⁵ When the contemplative mind shall have attained this degree, it will be able to exclaim well with the spouse: *He set order in me Charity*. For from this the inundation of the divine light is transmitted orderly into all the inferior powers and acts of the soul, and to each its portion of the supernatural light is distributed for purging, illuminating, and perfecting; just as from the supreme Order of the Angels copious light is received immediately from God; and is diffused into the others according to the capacity of each. See the Seraphic Doctor treating these things at greater length and illustrating them with beautiful opinions of the Fathers.

Hunc gradum cum nacta fuerit mens contemplativa, bene cum sponsa poterit exclamare: Ordinavit in me Charitatem. Nam hinc ordinate in omnes inferiores animæ potentias, et actus transmittitur inundatio divini luminis, et cuique sua supernæ lucis portio distribuitur ad purgandum, illuminandum, et perficiendum; sicut ab Ordine supremo Angelorum immediate a Deo copiosum lumen suscipitur; et in alios iuxta cuiusque capacitatem diffunditur. Vide Seraphicum, hæc longius pertractantem, ac pulchris Patrum sententiis illustrantem.

¹⁶ Otherwise indeed, and a little more lowly, the Holy Doctor gathers in *art. 1.* the degrees of Contemplation from Richard, *book 1. chap. 6.* so that it begin from the imagination, and in it constitute the first degree, and this according to the order of execution; For as the same Richard says, of *Contempl. book 4. chap. 5.* *We must begin from the last things, and raise our knowledge's promotion little by little, and by the knowledge of exterior things ascend to the cognition of invisible things. For when you shall have apprehended the science of exterior things, and had your senses exercised in their doctrine, you must ascend to higher things, and acquire the science of spiritual creatures:* This is Richard at the Seraphic Doctor, *at the place cited.*

Aliter vero, et paulo demissius colligit S. Doctor art. 1. gradus Contemplationis e Richardo, lib. 1. cap. 6. ita ut ab imaginatione exordietur, in eaque primum gradum constituat, et hoc secundum ordinem executionis; Nam ut ait idem Richard. de Contempl. lib. 4. cap. 5. Nos debemus a novissimis incipere, et scientia nostra promotionem paulatim sublevare, et per exteriorum notitiam ad invisibilium cognitionem ascendere. Cum enim exteriorum scientiam apprehenderis, et in eorum doctrina exercitatos sensus habueris, debes ad altiora ascendere, et spiritualium creaturarum scientiam comparare: Hæc Richardus apud Seraphicum, loco citato.

¹⁷ Therefore the first degree according to this reckoning is the Imagination, not that bestial one by which we bear species confusedly and scamper hither and thither without any utility, ruminating and revolving those things which we have previously seen; but it is a certain rational imagination, obedient to the intellect and ordered to it, by which we inquire nothing with mental investigation, but we admire with delight, and with a certain suspension of the imagination itself, those things which we have previously seen, or now see, while we suspect them to be beautiful, lovely, and many; so the Holy Doctor, *in the said art. 2.*

Primus itaque gradus iuxta hanc computationem est Imaginatio, non bestialis illa, qua species confuse gerimus, et huc illucque absque utilitate ulla cursitamus, ruminando, et revolvendo ea, quae prius vidimus; sed est imaginatio quaedam rationalis, obsequens intellectui, et ad eum ordinata, qua nihil inquirimus investigatione mentali, sed ea, quae prius vidimus, vel nunc videmus, iucunde, et cum quadam ipsius imaginationis suspensione admiramur, dum ea pulchra, venusta, et multa suspicimus, ita S. Doctor, dicto art. 2.

¹⁸ The second degree is founded in the imagination, but formed by reason, which ransacks, ponders, and wonders at the thing conceived there according to its utility, order, and condition: this degree is distinguished from the prior one, which stands in pure imagination, though vilely, as has been said. For as the Author *de spiritu et anima* has it, *chap. 12. the imagination does not ascend to reason, but remaining below it can somewhat draw it down, and as it were from afar shows certain things to which it cannot arrive*. Hence that thought, borne up from the imagination to the intent of reason, makes the second degree of Contemplation.

Secundus gradus est in imaginatione fundatus, sed formatus a ratione, quae rem ibi conceptam pro eius utilitate, ordine, et conditione rimatur, speculatur, et miratur: distinguitur hic gradus a priori, qui in pura imaginatione stat, viliter tamen, ut dictum est. Nam ut habet Author de spiritu, et anima, cap. 12. imaginatio ad rationem non ascendit, sed infra remanens, eam aliquantulum deducere potest, et quasi a longe quaedam ostendit, ad quae non potest pervenire. Hinc cogitatio illa ab imaginatione ad rationis intentum subvecta, facit secundum Contemplationis gradum.

¹⁹ The third degree is formed and founded in reason itself, though uprooted from the imagination, and it comes about when, by the similitude of visible things, we are lifted up to the speculation of invisible things, as Richard says, *book 1. chap. 6*. It differs from the prior one, in that *here* the intellect tends upward to the investigation of invisible things; there indeed it leans rather downward upon the imagination, digging out more deeply the idea conceived in it and building it up in itself; wherefore this degree is more perfect than the preceding, in which the tension toward superior things prevails over the propensity toward inferior things. See Richard at the Holy Doctor, *here*.

Tertius gradus est in ipsa ratione formatus, et fundatus, licet ex imaginatione erutus, et fit quando rerum visibilium similitudine ad rerum invisibilium speculationem sublevamur, ut ait Richardus, lib. 1. cap. 6. Differt a priori, quod hic, intellectus tendat sursum in invisibilium investigationem; illic vero incumbit potius deorsum imaginationi, ideam in ea conceptam altius eruendo, et in se extruendo; quare hic gradus est perfectior est praecedenti, quo tensio in superiora praevallet propensioni in inferiora. Vide Richardum apud S. Doctorem, hic.

²⁰ The fourth degree is segregated in every way from the imagination, and now as it were dwelling in the heights; when, temporal things removed, not to say corporeal ones, we are occupied in the contemplation of celestial spirits, and rise higher, purifying the mind by use and by the mental affectuation of eternal things; whence here for the first time the pure intelligence intervenes, which works by itself and contemplates as it were by a species, as Richard says, *in the same place*.

Quartus gradus est omnimode segregatus ab imaginatione, et iam velut habitans in excelsis; cum remotis temporalibus, nedom corporalibus, in caelestium animorum contemplatione versamur, et altius assurgimus purificando mentem usu, et mentali rerum aeternarum affectuatione; unde hic primum intervenit pura intelligentia, quae per se ipsam operatur, et tamquam per speciem contemplatur, ut ait Richardus, ibidem.

²¹ The fifth degree, proceeding more intimately into the interior desert and penetrating the solitude of the divine arcana, transcends Reason: here ratiocination and every investigation, which is an act of

the mind, fails: of this degree Richard, cited, says: *Our contemplation then truly ascends above reason when the mind by an elevation of mind believes that which human capacity transcends its metes, and it must be judged above reason, yet not beyond reason, when human reason cannot stand against what is discerned by the keenness of the intelligence.* The perfection of this degree, and its excellence before the others, consists in this, that it leaps over the limits of reason; whence D. Doctor observes here, from Richard, that some things are below reason, such as those which are perceived by corporeal sense; some indeed are alongside reason, as those which we inquire into by discourse: but above Reason are those things which either become known to us by revelation alone, or shine forth by a supernatural irradiation in such wise that neither corporeal sense nor reason can in any way reach them.

Quintus gradus intimius progrediens in interiora deserti, et penetrans divinorum arcanorum solitudinem, Rationem transcendit: hic ratiocinatio, et omnis investigatio, quae mentis est actus, deficit: de hoc gradu ait Richardus citatus: Contemplatio nostra tunc veraciter supra rationem ascendit, quando id animus per mentis sublevationem credit, quod humana capacitas metas transcendit, et supra rationem, nec tamen praeter rationem censenda est, quando ei, quod per intelligentiae aciem cernitur, humana ratio contraire non potest. Huius gradus perfectio, et prae caeteris excellentia in eo consistit, quod rationis limites transiliat; unde observat D. Doctor, hic e Richardo, quaedam esse infra rationem, qualia sunt ea, quae sensu corporeo percipiuntur; quaedam vero esse iuxta rationem, ut sunt ea, quae discursu inquirimus: Verum supra Rationem sunt ea, quae vel sola revelatione nobis innotescunt, vel superna irradiatione ita illuscescunt, ut sensus corporeus, vel ratio eo nullatenus pertingere queat.

²² The sixth, and last, degree of Contemplation assigned here by the Holy Doctor is the total alienation of the mind, so that it seems to stand not only beyond, but even against itself, so that if it attempts to investigate anything, it is straightway believed alien and contrary to itself; and this most lofty elevation of the mind arises chiefly from the magnitude of devotion, admiration, and exultation, as the Holy Doctor teaches at the end of *that art. 2.*

Sextus, et ultimus Contemplationis gradus hic a S. Doctore assignatus, est omnimoda mentis alienatio, ita ut non solum praeter, sed et contra seipsam stare videatur, ita ut si quid investigare attentat, protinus sibi aliena, et contraria creditur, et haec mentis celsissima elevatio oritur praecipue ex devotionis, admirationis, et exultationis magnitudine, ut docet ad finem illius art. 2. S. Doctor.

²³ These six degrees of Contemplation the Holy Doctor numbers otherwise in *art. 3. and 4.* according to the Author *de spiritu et anima*, and according to Origen upon *the Canticle, chap. 2.*; see him adducing preeminent texts of the Fathers for the elucidation of the mystical theory.

Hos sex Contemplationis gradus aliter, art. 3. et 4. dinumerat S. Doctor iuxta Authorem, de spiritu, et anima, et secundum Originem super, Cantic. cap. 2. ipsum vide, praeclaros patrum textus pro dilucidatione mysticae theoriae adducentem.

²⁴ But of his own force he contrives seven degrees of contemplation in an illustrious little work inscribed on this subject, wherein he puts first Fire, second Unction, third Ecstasy, fourth Speculation, fifth Taste, sixth Quiet, seventh Glory; For as the Seraphic Doctor says there, after the soul is dispatched from the cares and anxieties of this age, first it is kindled: kindled it is anointed: anointed it is rapt: rapt it speculates, or contemplates: contemplating it tastes: tasting it rests. The seventh degree is scarcely, or scarcely even, attained in the way except by Privilege, though it be somewhat approached by those who have walked more frequently in the prior degrees; But in the fatherland all are consummated in one, namely the last.

Verum proprio Marte egregie septem contemplationis gradus excogitat in opusculo de his inscripto, ubi primum ponit Ignem, secundum Unctionem, tertium Ecstasim, quartum Speculationem, quintum Gustum, sextum Quietem, septimum Gloriam; Nam ut ibi ait Seraphicus, postquam anima ob huius saeculi curis, et anxietatibus expeditur, primo igitur: ignita ungitur: uncta rapitur: rapta speculatur: vel contemplatur: contemplans gustat: gustans quiescit. Septimus gradus vix aut ne vix quidem nisi Privilegio in via attingitur, licet ad illum aliquantulum accedatur ab his, qui in prioribus gradibus frequentius ambulaverint; In patria autem omnes in uno, scilicet ultimo, consummantur.

²⁵ This mystical Fire is defined by the Seraphic Doctor as a vehement ardor, or fervor of divine love, fanned from the furnace of the super-shining Jerusalem. For as he explains there exquisitely, after the Contemplative mind girds itself to speculating the glory of the Lord, it is presently kindled with a supernal heat, and all its motions, like faggots, gathered into one, are kindled more ardently; to this all the affections and acts of the soul concur, to supply material to the fire; kindled with this ardor the Prophet says: *my heart grew hot within me, and in my meditation a fire shall flame out*: sometimes this conflagration grows to such a point that it does not stay in the soul alone, but flames in the very body with a placid inflammation, as *Psalm 72* testifies: *my heart is inflamed, and my reins are changed*.

Ignis hic mysticus definitur a Seraphico Doctore, vehemens ardor, vel divinis amoris fervor, ex camino supersplendentis Ierusalem flabellatus. Nam ut eximie ibi explicat, postquam Contemplativa mens ad gloriam domini speculandam se accingit, accenditur mox superno calore, et omnes eius motus, velut fasciculos, in unum collecti, ardentius inflammantur; huc omnes animae affectiones, et actus concurrunt, ut igni materiam subministrent; hoc ardore succensus Propheta ait: concaluit cor meum intra me, et in meditatione mea exardescet ignis: aliquando hoc incendium eo excrescit, ut in sola anima non sistat, sed in ipso corpore placida inflammatione flagret, ut testatur, Psal. 72. inflammatum est cor meum, et renes mei commutati sunt.

²⁶ The Unction of this fire tempers the ardor, mollifying and strengthening the powers of the soul; and it is a rosy and celestial liquor, poured over the soul; For since the thirsty heart pants toward the things above, according to that word: *my soul hath thirsted after thee; in what manner my flesh hath multiplied after thee*, by the deficiency of the faculties the fire is the sooner extinguished unless the fatness of this unction be poured upon it; which the contemplative desires to have smeared upon him, crying: *Let my soul be filled as with marrow and fatness, and my mouth shall praise with joyful lips*.

Unctio huius ignis ardorem temperat, animae potentias obmulcendo, et confortando; et est roseus, ac caelicus quidam liquor, animae superfusus; Cum enim cor sitibundum ad superna anhelat, iuxta illud: sitivit in te anima mea, quam multipliciter tibi caro mea, ob facultatum deficientiam ignis citius extinguatur, nisi huius unctionis pinguedo ei affundatur; quo perliniri cupit contemplativus, clamans: Sicut adipe, et pinguedine repleatur anima mea, et labiis exultationis laudabit os meum.

²⁷ Ecstasy is the total desertion of the outward man and the upward suspension of the inward man also. For this the Holy Doctor requires a twofold action: The first is the dereliction of oneself; the second is the upward action of all the faculties of the soul; these two actions lean chiefly upon humility, by which one deserts oneself, and purity, by which one is carried upward.

Ecstasis est exterioris hominis totalis desertio, et interioris etiam sursum suspensio. Ad hanc S. Doctor duplicem actionem requirit: Prima est sui ipsius derelictio; secunda est omnium animae facultatum sursum actio; hae duae actiones nituntur praecipue humilitate, qua quis se deserit, et puritate, qua sursum agitur.

²⁸ But for a clearer understanding of this Ecstasy it is pleasing to note that there is among the powers of the soul a symbolic concord, so that whether upward or downward one power is borne intensely, it

draws the others with a certain weight along with it: Hence the mind, acted upward more vehemently by the affulgent clarity of the divine light, draws with it all the inferior faculties; But when these, according to the proportion of their strengths, shall have accomplished certain passions, they suffer a deliquium, not able to aspire further, and abstracted from their own objects they hang suspended: But the Will, running before the intellect and penetrating into the secrets of love, here enjoys a wondrous sweetness; yet the intellect is not far distant from her, being indeed the nobler power after her, and hence it shines round about with ineffable charity.

Sed ad huius Ecstasis clariorem intelligentiam advertere libet, esse inter animae potentias symbolicam concordiam, ut sive sursum, sive deorsum una aliqua potentia intense feratur, caeteras quodam secum pondere trahat: Hinc mens sursum vehementius acta ob affulgentem divini luminis claritatem, trahit secum omnes inferiores facultates; Verum cum haec, iuxta virium suarum proportionem, passus aliquos perfecerint, deliquium patiuntur, non potentes ultra aspirare, et a propriis obiectis abstractae pendent: Voluntas autem intellectum praecurrens, in amoris secreta penetrans, mira hic suavitate perfruitur; cum tamen non longe ab hac distet intellectus, quippe nobilior post ipsam potentia, ineffabili hinc charitate circumfulget.

²⁹ HENCE you have that this ecstasy can follow connaturally from the efficacy of the grace already spoken of, without a new grace being required; for since by the force of the prior grace the Contemplative exercises himself long in mental exercises, for which actual aids suffice, which are as it were appendices of habitual grace; the affect absorbed in divine things causes an excess of cognition; whence the whole soul is alienated from external things; wherefore D. Thomas, 2. 2. *quaest.* 175. art. 2. with D. Bonavent. *here*, Abulensis, Genes. 15. q. 400. Molina first part, *quaest.* 12. art. 11. and Suarez book 2. *cit. cap.* 15. num. 5. attribute this whole effect to the affect.

*HINC habes posse hanc ecstasim sequi connaturaliter ex gratiae iam dictae efficacia, absque eo, quod nova gratia requiratur, nam cum vi prioris gratiae Contemplativus se exercent diu mentalibus exercitiis, quibus sufficiunt auxilia actualia, quae sunt velut habitualis gratiae appendices; affectus in divinis absorptus causat cognitionis excessum; unde tota anima ab externis alienatur; quare D. Thomas, 2. 2. *quaest.* 175. art. 2. cum D. Bonavent. *hic*, Abulensi, Genes. 15. q. 400. Molina prima parte, *quaest.* 12. art. 11. et Suarez lib. 2. *cit. cap.* 15. num. 5. totum hunc effectum affectui tribuunt.*

³⁰ NOR however must it be denied that the intellect alone can sometimes suffer this suspension, and this naturally, as is evident in Trismegistus, Socrates, and other ancient Philosophers, who in the natural contemplation of divine things often suffered ecstasy, as is evident from Gerson in the *little work on the mount of contempl.* chap. 31. Alph. 74. and Suarez num. 6.; nay, the very phantasy, from a sudden admiration of some thing, can be so rapt that meanwhile the external senses feel nothing; whence it is gathered that, according to the excellence of the object and the quality of the powers, ecstasy can be more or less perfect, and last longer or more briefly.

NON tamen negandum est etiam solum intellectum posse aliquando pati hoc suspendium, et hoc naturaliter, ut patet in Trismegisto, Socrate, aliisque antiquis Philosophis, qui in naturali rerum divinarum contemplatione saepe ecstasim sunt passi, ut patet e Gersono in opusculo de monte contempl. cap. 31. Alph. 74. et Suarez num. 6. imo ipsa phantasia ex repentina alicuius rei admiratione potest ita rapi, ut sensus externi interim nihil sentiant; unde colligitur, iuxta obiecti excellentiam, et potentiarum qualitatem posse extasim esse magis, vel minus perfectam, et diutius, vel brevius durare.

³¹ SPECULATION is defined by the Holy Doctor as a humble, pious, and intellectual, at the same time also affectual, investigation of divine goods, or riches, knowable to God alone: for each power,

the intellect and the affect, the one by speculating, the other by desiring, promote each other mutually, until at length: *with face revealed speculating the glory of God, we are transformed into the same image from clarity to clarity, as from the spirit of the Lord*, as is said 2. Cor. 3., where to speculate with face revealed the glory of God in the way the Holy Doctor understands as nothing else than, the impurity of conscience removed, which is wont to overcloud the science of eternity and to obscure the intelligence of our mind, to search out the Divina piously, devoutly, and purely. Hence, with the spirit of the Lord leading us by the hand into it, we are transformed into what we have speculated; namely from earthly into celestial, from carnal into spiritual, and in a manner from men into Angels, as the Seraphic Doctor glosses here, where by *into the same image* he wills to be understood *imagined into the same*; for if the intellect, actually understanding, becomes all things, according to the common dictum of Aristotle, with how much the better will the soul, contemplating unceasingly the divine things, which are more transformative, at length be in a manner transmuted into them.

SPECULATIO definitur a S. Doctore, divinarum opum, seu divitiarum, soli Deo scibulum, humilis, pia, et intellectualis, simul et affectualis investigatio: utraque enim potentia, intellectus, et affectus, ille speculando, hic desiderando, mutuo se promovent, donec tandem: revelata facie gloriam Dei speculantes in eandem transformamur imaginem a claritate in claritatem, tanquam a domini spiritu, ut dicitur 2. Cor. 3. ubi revelata facie in via Dei gloriam speculari nihil aliud intelligit S. Doctor, quam remota conscientiae impuritate, quae obnubilare solet aeternitatis scientiam, et mentis nostrae intelligentiam offuscat, pie, devote, et pure Divina rimari. Hinc domini spiritu nos manucente in ipsa, quae sumus speculati, transformamur; scilicet a terrenis in caelestes, a carnalibus in spirituales, et ab hominibus in quodammodo Angelos, ut hic glossat Seraphicus Doctor, ubi per in eandem imaginem, vult intelligi eadem imaginata, nam si intellectus actu intelligendo fit omnia; iuxta commune Aristotelis effatum, quanto potius anima iugiter divina contemplando, quae sunt magis transformativa, tandem in ipsa quodammodo transmutabitur.

³² TASTE is described by the Holy Doctor as a certain sweet and unusual foretaste of the divine sweetness: for the end of nature is that, the more excellent it is, the more distantly it transfuse the foretaste of its goodness into those tending toward it; wherefore the very means assumed for attaining this end are perfused with a certain savorous sweetness; which is foretasted the more abundantly, the more frequently the mind is vacant, and sees how sweet the Lord is. These foretastes, however, as the Seraphic Doctor warns, are not for refecution but for allurements; wherefore they do not beget satiety but hunger; whence he who seeks them for their own sake is convicted to love the gift rather than the giver.

GUSTUS describitur a S. Doctore, Suavis quaedam, et insolita divinae dulcedinis praelibatio: finis enim naturae est, ut quo sit excellentior, eo suae bonitatis praegustationem in ad ipsum tendentes, longius transfundat; quare ipsa media, ad hunc finem assequendum assumpta, saporosa quadam dulcedine perfunduntur; quae eo cumulatius praegustatur, quo frequentius mens vacat, et videt, quam suavis est Dominus. Hae tamen praelibationes, ut monet Seraphicus Doctor, non sunt ad reficiendum, sed ad alliciendum; quare saturitatem non pariunt, sed esuriem; unde ille, qui eas propter ipsas appetit, magis donum, quam donatorem diligere convincitur.

³³ QUIET is a great tranquillity of the will with a wondrous serenity of mind; for since the bosom and capacity of the soul is filled from above, it has nothing further about which to be disturbed; but enjoying most sweet peace, with the Irascible rejoicing, the Concupiscible growing sweet, and the Rational shining, the whole soul most placidly is poured forth into God, and with wings dilated, yet not agitated, is most pleasantly borne upward; as birds in the now serene sun, in the middle region of

the air, expand their wings, yet do not move them. This is the best part of the contemplatives, which shall not be taken away from them.

QUIES est cum mira mentis serenitate, multa voluntatis tranquillitas; cum enim animae sinus, et capacitas desuper expletur, non habet circa quod amplius turbetur; sed suavissima pace perfungens, hilatescente Irascibili, dulcescente Concupiscibili, et splendefcente Rationali, tota anima placidissime in Deum funditur, et dilatatis, non tamen agitatis, alis sursum iucundissime vehitur; uti sereno iam sole in media aëris regione volucres pennas expandunt, non tamen movent. Haec est optima contemplativorum pars, quae non auferetur ab illis.

³⁴ AT LENGTH the Seraphic Bonaventura concludes in *chap. 7. of the Itinerary of the mind into God* that the six numbered steps, as also the six considerations, which he here luminously expounds, are as it were the six degrees of the throne of the true Solomon, by which one ascends to peace: They are also as it were the six Wings of the Cherub, by which the mind of the true contemplatives, illuminated by the coruscations of supernal wisdom, is acted upward: They are finally as the six first days, in which the mind ought to be exercised unceasingly, that it may at length arrive at the Sabbath-rest of Quiet; Of which Sabbath-rest, being as it were glory, which is the seventh degree, the Holy Doctor judges it safer to be silent than to speak, as he says at the end of that little work *on the seven degrees of Contempl.*, doubtless because there are heard arcane words, which it is not lawful for a man to speak, which to hear even is granted to very few in this life. Let therefore this last degree be the term of this tome, as also the end and reward of all my other works (by the Father of mercies propitiating).

CONCLUDIT tandem Seraphicus Bonaventura cap. 7. Itinerarii mentis in Deum, sex dinumeratos passus, uti et sex considerationes, quas hic luculenter exponit, esse tanquam sex gradus throni veri Salomonis, quibus ad pacem conscenditur: Sunt etiam velut sex Alae Cherub, quibus veri contemplativi mens, supernae sapientiae coruscationibus illustrata, sursum agitur: Sunt denique sicut sex primi dies, in quibus mens iugiter exerceri debet, ut ad quietis Sabbatismum tandem perveniat, De quo Sabbatismo, quippe gloria, quae septimus est gradus, tutius censet tacendum S. Doctor, quam loquendum, ut ait in fine illius Opusculi de septem Contempl. gradibus, nimirum quia ibi audiuntur arcana verba, quae non licet homini loqui, quae vel audire etiam paucissimis in hac vita concessum est. Esto itaque hic ultimus gradus, huius tomi terminus, uti et caeterorum meorum operum (Patre misericordiarum propitiante) finis, et praemium.

³⁵ *These, and all other things, whether hitherto written, or to be written hereafter by me, let them hang upon the Judgment of the Holy Roman Church, the Mistress of unspotted truth, and the Column of unshaken faith.*

Haec, et alia omnia, sive hactenus scripta, sive inposterum a me scribenda, e Iudicio S. R. Ecclesiae, intemeratae veritatis Magistrae, et inconcussae fidei Columnae, pendula sunt.