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BOOK V

On the Second Commandment: the Oath, Mental Restriction, and Lying

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Book Five — On the Decalogue — Treating of the Second Commandment:

"*Thou shalt not take the name of the Lord thy God in vain: for the Lord will not hold him guiltless that shall take the name of the Lord his God in vain.*" — Exodus 20:7

Preliminary Remarks

The first commandment of the Decalogue has supplied us with an ample subject for disputation. The second, however, presents a subject for discussion not, indeed, so vast, but far more sorrowful on account of the depravity of Christians. For in the commentary on that commandment, which I undertake to treat with a fuller pen, lies that oath which has always been held in the highest veneration, and in great esteem, by all nations, however wild, barbarous, and uncultivated. But, O the times, O the customs! Although the Christian religion, above all others, professes the sanctity of the oath, and teaches that it is to be employed with reverence, only in the most extreme circumstances, its conditions observed, and with the greatest caution, on solemn occasions only — nonetheless the abuse is so great, that very many Christians have nothing more frequent in their mouths, in the midst of professing this sound doctrine and evangelical teaching, than oaths, whether in ratifying pacts and contracts, or in the buying and selling of goods, now in games and amusements, now, finally, in every familiar conversation. This frequency of swearing, moreover, introduces such a habit of perjury, that it exposes the law and profession of Jesus Christ to the contempt, mockery, and reproach, indeed nearly to the peril, of all the infidel nations. For pagans cannot bring themselves to believe that Christians worship and love the true God with faith, hope, and charity, when they hear them everywhere holding his most sacred name in contempt, and abusing it in almost every word.

But what demands a still more abundant fount of tears is the teaching of certain Casuists, who do not recall the laws themselves, and the rules to be observed in the use of oaths, back to a just and holy custom of swearing; but, on the contrary, accommodate the rules of oaths to the depraved morals of perjurers — which I would not have understood in the sense that any of them approve the horrendous crime of perjury; but rather that, deceived by a false and cruel benignity, not a few of them, when they hear the holy name of God usurped in almost every utterance, strive, with a merciful intention and in good faith, to persuade the multitude that this is not truly an oath according to the sacred Scriptures and the holy Fathers, so as to withdraw very many from the danger of perjury — that swearing is not the formula of this or that particular nation, but a peculiar one. For the unbridled and unchecked license of many in employing the divine name without discrimination, judgment, and justice has given occasion to not a few submissive writers to write that men do not swear, although they affirm "By God" that what they utter is true — since either they have no intention of swearing, or this invocation "By God" is, among certain nations, reduced to a mere customary manner of speaking; or, by mental restrictions, the matter is withdrawn from the oath; or the oath is directed toward some other meaning than that which the one to whom it is sworn understands. Hence the frequency of Christians' swearing has driven not a few Casuists to coin lax

opinions; and their opinions, in turn, more bold, have made Christians more reckless in the use of oaths; and finally, both on account of the laxity of the former's writing, and on account of the latter's vain usurpation of the divine name, the sacrilegious custom of perjury has struck such deep roots, and flourishes so obstinately and with such impunity everywhere, that it has already almost shed the enormity of its crime. Wherefore, before I proceed to untangling the difficulties of the oath, I will set before the eyes, according to custom, the errors of the heretics, and the propositions of certain Casuists, proscribed by the Church, and, partly, though not proscribed, nonetheless straying too far from evangelical honesty. To all these, however, I must first prefix what God really commands, and what he forbids, by this his second commandment. For very many things are contained in these words, "thou shalt take the name of the Lord thy God in vain," which, unless I expound beforehand, my discourse, being defined by no boundary, could not be consistent with itself everywhere, nor proceed by a straight path. I will, then, first disclose the various meanings of the words by which God expressed his second commandment; then I will proceed to handling the proposed subject.

Dissertation I — On the Oath

Chapter I — What God commands, or forbids, by this second precept of the Decalogue, is explained

I. St. Thomas explains the threefold sense in which the name of God can be used, in these words (II-II, q. 89, in the proem of that same question): "*We must now treat of the taking of the divine name. Now the divine name is taken by man in three ways. In one way, by manner of oath, for the confirmation of one's own words; in another way, by manner of adjuration, to induce another; in a third way, by manner of invocation, to pray, or to praise. Of these three we too, following the Angelic Doctor's words, shall have our discourse.*" For the rest, St. Thomas explains more broadly the several modes by which the name of God can be used in vain. But because our discourse will also be of the various formulas of oaths, we make progress toward explaining these too.

II. Wherefore, since God forbids his name to be usurped in vain, he at the same time commands that this same holy name be honored by us, and that, through it, we swear justly, holily, and with the highest reverence. This precept of the Decalogue, then, contains two things. First, it forbids anyone to despise, pollute, or use the most sacred name of God vainly, or without necessity; and it forbids that anyone swear by it falsely, or rashly, or recklessly. Second, it commands us to praise, venerate, and honor that same holy name with the utmost obedience. This the Catechism of the Council of Trent, on the second commandment, teaches perspicuously (ch. 10): "*What this commands, again, and what it forbids, are these: that the name of God is to be honored, and by it holily to be sworn — but that no one is to despise or use the divine name in vain, nor swear by it falsely, or rashly, or recklessly.*"

III. The divine name, to which we are commanded to show honor and worship, is not taken merely according to the syllables and letters, or the sound of the voice, but as to what the name itself signifies. Now the name to be sworn by, chiefly according to this, betrays the divine majesty and its infinite attributes... . Whatever name, then, expresses the immense majesty of God, we are bound to render honor to those names. For frequently, in the divine Scriptures, God is called Lord, Omnipotent, Most High, Highest, King of Kings, Just, Father of mercies, and by other names, under all of which he is to be honored by us. Wherefore the Catechism of Trent rightly reproves, in the place cited, the superstition of the Jews, in these words: "*From this it is easily gathered how empty is the superstition of certain Jews, who dared not pronounce the name of God, as though they were writing it, as if there were some power in those four letters, and not in the divine reality itself.*"

IV. We praise and honor God, then, when we confess him in the sight of all; when we proclaim his goodness, justice, wisdom, and mercy; when we acknowledge him as the author and maker of all things; when we learn his law and commandments, and strive to carry them out. We honor the divine name when, whether in prosperous or adverse events, we render thanks to God... , as Micah says: "*Blessed be the name of the Lord*"; or, with David (Psalm 33): "*I will bless the Lord at all times: his praise shall be always in my mouth.*" We further honor the divine name when we implore his aid, that he may free us from evil, preserve us from temptations, and render us strong and steadfast in bearing all calamities, and persevering in the way of virtue. Finally, we worship the name of God when we call God himself as witness, necessity requiring it, to confirm the truth to unbelievers, according to that saying

(Deuteronomy 6): "*Thou shalt fear the Lord thy God, and shalt serve him only, and thou shalt swear by his name.*" If you wish more on this subject, consult Natalis Alexander (Bk. IV, ch. 4), where he explains more fully what the Catechism of Trent teaches, in the place cited, §3.

Chapter II — Several heretics who condemn the sacred oath as unlawful. Their errors are reviewed. The oath is shown to be an honorable act, lawful for Christians, and the fruit of the virtue of religion, or of latria

I. Alphonso a Castro reviews several heretics, both ancient and recent, who condemned all oaths (Bk. VIII, s.v. *Iuramentum*). The ancient heretics who taught that any oath whatsoever is unlawful for Christians are the Albanenses, the Bagnolenses, or Baiolenses, the Cathari, and the Pelagians. The more recent are the Waldensians, the Pseudo-Apostles, and the Wycliffites. For among the forty-five propositions of John Wycliffe condemned in the Council of Constance (session 45, year 1418), this one is found, which stands in the order 43rd: "*Oaths are unlawful, which are made to corroborate human contracts and civil commerce.*"

II. To establish this error of theirs, the aforesaid heretics produce several arguments, drawn both from Scripture and from reason. From Scripture, indeed, they cite Hosea 4: "*Neither shall they swear: 'The Lord liveth'";* and that of Zechariah 5: "*Every thief shall be judged... and every one that sweareth in like manner shall be judged.*" They also press several passages from the Gospel. First, they object that of Matthew 5: "*You have heard that it was said to them of old: Thou shalt not forswear thyself, but thou shalt perform thy oaths to the Lord. But I say to you not to swear at all, neither by heaven, for it is the throne of God; nor by the earth, for it is his footstool; nor by Jerusalem, for it is the city of the great king; neither shalt thou swear by thy head, because thou canst not make one hair white or black. But let your speech be: yea, yea; no, no: and that which is over and above these, is of evil.*" In this text two things are prescribed. First, an oath is absolutely forbidden — for that particle "at all" seems to signify this. Then a formula for confirming our assertions is designated, in those words: "But let your speech be: yea, yea; no, no; and that which is over and above these, is of evil." James the Apostle likewise, in chapter 5, with such great emphasis, proscribes the oath, that these words which follow inhibit oaths still more forcefully: "That which is over and above these, is of evil": "*But above all things, my brethren, swear not, neither by heaven, nor by the earth, nor by any other oath. But let your speech be: yea, yea; no, no: that you fall not under judgment.*" Three Fathers, too, not obscurely indicate that oaths were forbidden even to Christians. Tertullian, in his book *On Idolatry*, ch. 20, writes this: "*I say nothing of perjury, since it is not even lawful to swear at all.*" Clement of Rome, or the author of the Apostolic Constitutions (Bk. VI, ch. 11): "*Our Master commanded that we should not swear even by the true God, so that our word might be held firmer and more credible than an oath.*" Finally, this can be confirmed by reason. Since man, being of the lowest rank, cannot bring God forward as witness, especially to confirm human contracts, pacts, and business affairs. For the person of God is of the supreme order: therefore he cannot be invoked to confirm these inferior transactions, without a monstrous perversity of order.

III. It is a truth of faith that not every oath is forbidden, or unlawful, for Christians. St. Thomas (II-II, q. 89, art. 2) establishes this assertion both by the authority of Scripture, by reason, and by the examples of the Saints. That an oath is, by its own nature, honorable, he demonstrates from its origin and its end. From its origin, indeed, because an oath is introduced from the faith by which men

believe God to have infallible truth, and universal knowledge and providence of all things. From its end, however, because an oath is brought in to justify men, and to end controversies. Then he shows that God himself commanded an oath — which he would never have done, if an oath were, by its own nature, unlawful. Now Deuteronomy 6 has this: "*Thou shalt fear the Lord thy God, and shalt serve him only, and thou shalt swear by his name.*"

IV. Our assertion is confirmed by the examples of the Saints. The Apostle Paul called God to witness (Romans 1) in these words: "*For God is my witness.*" He also employed an oath (2 Corinthians 1): "*But I call God to witness upon my soul, that to spare you, I came not any more to Corinth.*" What he wrote to the Galatians, he confirmed by oath (ch. 1): "*Now the things which I write to you, behold, before God, I lie not.*" What more? God himself confirmed by oath the promise made to Abraham: "*By my own self have I sworn, saith the Lord, because thou hast done this thing,*" etc. Finally, Christ, the necessary conditions being observed, always approved oaths, and frequently exacted them, whether to abjure heresy, or to purge oneself of crimes, or to end lawsuits, or to confirm obedience — as Paul attests (Hebrews 6), that an oath is the end of all controversy. To the testimonies of Sacred Scripture is added the custom of the Church, which approves the use of oaths, and confirms them, as is held in the titles on heretics, and on the law of oaths, which are more fully declared in the Councils of Ephesus, of Constantinople, and in the title on canonical purgation.

V. To the arguments of the heretics, setting aside the various responses of Jerome, Bernard, and other Fathers, we set forth those which Augustine and Thomas present — for their responses are approved by almost all. Augustine, then (*On the Lord's Sermon on the Mount*, Bk. I, ch. 17), expounds the described text of Matthew, and interprets it in these words: "*It is thus, then, understood that the Lord commanded that one should not swear, not because swearing is good, but lest anyone, through the assiduity of swearing, slide by custom into perjury. Wherefore he who understands that an oath is to be used not as a good, but as a necessity, should restrain himself as much as he can, so as not to use it except from necessity... To this, then, pertains what is said: 'But let your speech be: yea, yea; no, no.' This is good, and to be sought. But that which is more than this, is of evil — that is, if he is compelled to swear, let him know that this comes from the necessity of the weakness of those to whom he persuades something, which weakness is certainly an evil; from which we daily pray to be delivered, when we say: 'Deliver us from evil.' He did not say, then, 'that which is more is evil'... but 'of the evil,' that is, of that man's weakness, on whose account you are compelled to swear.*" Augustine gives this same response elsewhere (Bk. IV, *Against Lying*, ch. 15), where he confirms it by the example of Paul: "*The Apostle himself swore in his Epistles, and shows that it is a more cautious course not to be found swearing, except in writing, where one considers with care what is said — lest, from the ease of it, one falls into a habit, and thence, from habit, into perjury. And therefore it is not found that he swore verbally, where a precipitate tongue might be considered.*" St. Thomas, in the place cited, adopts these two responses of Augustine, and by them resolves the first and second arguments. And by these, too, the response to James's authority is made clear, who speaks in the same sense as Matthew.

VI. To the testimonies of the Fathers we say that they disapproved the easy use of swearing, but by no means denied that it was necessary. It is indeed true that they did not assign this exception, since it was by no means necessary for them to do so — just as Christ did not declare this exception either, as Sotus notes (*On Justice and Law*, Bk. VIII, art. 2). For since they were then reprehending men inclined, through habit, toward swearing, it did not at all pertain to their purpose to teach them that it was sometimes lawful to swear — since this was already manifest through the very persons to

whom they spoke. This same thing happens to us commonly: when we reprove some vice, we do not always explain the opposite virtue. Augustine's teaching confirms this interpretation, which he presents not as merely probable, or recently discovered, but as common, and subject to no controversy. As to the argument from reason, it is said that man cannot induce God, by his own voice or sign, to show the truth; nor does this truth depend on the one to whom the oath is sworn; but man only calls God to witness, so that what he asserts may merit greater authority and credit among other men, and become more credible — which suffices for the utility of the oath. This is well shown by the deed of St. Basilides the Martyr, of whom Ambrose writes this: "When Basilides was pressed by his fellow-soldiers to swear by the fates" — since he was a Christian... , he judged it wrong for himself to do this, and openly professed it." Eusebius likewise objects (Bk. VI, *Ecclesiastical History*, ch. 5), affirming that it is unlawful for all... But the common response is that this soldier, recently made a Christian, was ignorant of the rules which Christians observed in the use of oaths. And since he observed that Christians abstained from oaths with the utmost caution, because they swore only under urgent necessity, he falsely judged that an oath was not permitted to Christians at all. Besides which, he was induced to swear not by a judge, but by his fellow-soldiers, and perhaps by their false deities: for this reason he refused to swear.

VII. An oath, then, is lawful for Christians, the conditions being observed which we shall explain below. Indeed, St. Thomas, after having demonstrated in article 1, against the heretics, that an oath is lawful and honorable, shows in article 4 that it is an act of the virtue of religion, or of latria — since one who swears, invoking God as witness, confesses the faithfulness of God, in that he acknowledges God as the first truth, and the founder and provider of all things. Just as, then, prayer, whereby God is invoked as helper, is an act of religion, so too an oath, whereby he is invoked as witness of the truth, is an act of religion: in both cases, the Angelic Doctor concludes, it is manifest that reverence is shown to God. Whence it is clear that an oath is an act of religion, or of latria.

Chapter III — Propositions are reviewed which, holding the oath cheap, the Church has proscribed. Innocent XI condemned them

I. Among the sixty-five propositions which... Innocent XI, in the year... four or five (for one pertains directly to amphibologies) touch upon the matter of the oath. They are the following, which I will transcribe here in the order in which they are listed in the pontifical decree.

24. To call God to witness to a light lie is not so great an irreverence as to warrant that one should be unwilling, or unable, to condemn a man for it.

15. When there is a just cause, it is lawful to swear without intending that one should be believed, whether the matter be light or grave.

16. If someone, whether alone, or in the presence of others, whether questioned, or of his own accord, whether for the sake of recreation, or for any other purpose, swears that he did not do something which he really did, understanding within himself something else, or some other way than that in which he did it, or whatever else added being true, he does not really lie, nor is he a perjurer.

27. A just cause for using these amphibologies exists whenever it is necessary, or useful, for preserving health, honor, goods, or for any other purpose, provided the concealment of the truth is then judged expedient and prudent.

28. One who, through commendation, or a gift, has been promoted to a magistracy, or public office, can, with mental restriction, take the oath which is usually exacted from others by royal mandate, without regard to the intention of the one exacting it, since he is not bound to confess a hidden crime.

II. We say nothing at present concerning the propositions listed, since we shall discuss them more fully below, and shall explain the various senses which they admit, and shall explain everything necessary for a full knowledge of them.

Chapter IV — Lax, or improbable, propositions are reviewed, which not a few Casuists teach

I. The sacred oath is, as it were, applied to the confirmation of the leagues, pacts, and commerce of men. To this sacrament, as though to the supreme and divine judge, men have recourse with the utmost submission, and both those contending in court, and those fighting in camp, and any men whatsoever, approach it, so that they may settle disputes, so that they may foster and confirm mutual friendship, so that they may put an end to controversies. He is held wicked who refuses to give credence to one swearing. No one, then, fails to see that an oath is to be interpreted in a strict sense — not only on account of the reverence owed to God, but also lest truth grow cheap among men, and be brought into peril and held of little worth, so that a refuge to which one might have recourse to gain victory be lost. No one fails to see that the rules to be handed down for the use of the oath ought to breathe sincerity without disguise, truth without equivocation, and candor without circumlocution. Hence it follows that those opinions of Casuists are to be rejected which involve the oath in ambiguities, which teach the use of amphibologies and equivocations in the use of oaths, which, finally, all too easily excuse the habit of swearing. Lest the reader be deceived by the allurements of these opinions, I have thought it fitting to weave together, according to my custom, at the beginning of this disputation, a review not of all, but of certain propositions only, which seem to relax the laws of the oath too much, and to set it before the eyes.

I. "*Whatever words, even those containing an express oath, are used in swearing, the mind and the intention of swearing must always be attended to, so as to discern in the forum of conscience whether one has truly sworn, or not. For either one positively intends to invoke God as witness, or one positively did not wish to invoke God, or, being negatively disposed, or ignorant, one abstracts from the invocation of God. If the first, it is always certainly an oath. If the second, it is certainly not an oath in the forum of conscience, but only a lie, if he asserted something false. If the third, again it is not an oath, since God is not thereby invoked as witness — otherwise those who blurt out, at almost every word, their 'By God,' 'By the sacrament,' etc., would always be swearing, and would very often be perjuring themselves. Whence a Confessor, hearing a penitent accuse himself of having sworn falsely, ought not immediately to judge that he has perjured himself, but should ask whether he intended to invoke God as witness, and indeed of a falsehood. And he will very frequently discover that these were not perjuries, but only lies, to be judged according to their matter — sometimes officious, sometimes jesting, and thus venial.*" — Fr. Patritius Sporer, tract. 3, on the 2nd precept, ch. 1, sect. 1, n. 9, p. 103. Nor, when the swearer testifies that he did not intend to swear falsely, is faith to be placed in him; but he must be asked whether, when he affirmed "By God" that the matter was so, he intended to invoke God as witness, and indeed of a falsehood.

II. "*By whatever words, even those clearly and unambiguously containing an oath, it is uttered — much more so, then, must attention always be paid in the forum of conscience to the intention of the swearer, if we wish to discover*

whether it is truly an oath. For either, whatever words are finally uttered, one intends, first, positively to invoke God, or, second, positively not to invoke him, or, third (whether because he does not advert to it, or because he does not know), he abstracts from such invocation — that is, he neither intends, nor does not intend, to invoke. This division seems adequate; for it contains contradictories, and precision itself. Now if the first, it will certainly be an oath, as is clear of itself. If the second, it will certainly not be an oath, as the Doctors commonly admit... For although I say, 'I swear by God,' if I do not wish, by these words, to implore God as witness of what I say, I certainly will not implore him, except materially, just as a parrot taught by its master would utter the same words. Certainly in Sicily common men swear 'Per Dio' at every other word. Who would say that these common men truly swear, since they themselves sometimes do not know what 'Per Dio' signifies? It seems, however, from its own notion, to signify 'by God.' Finally, if the third, likewise it will certainly not be an oath, since he does not invoke God. For since here he abstracts from invocation, it clearly appears that he does not exhibit invocation." — Thomas Tamburini, Bk. III, on the Decalogue, ch. 1, §3, n. 6, p. 78. Felix Potestas, Vol. I, Part II, on the 2nd precept of the Decalogue, ch. 2, n. 1555, p. 111 in my copy; see below, ch. 6.

III. "*For the truth of an assertory oath, it is required, and it suffices, that the swearer prudently judge the matter to be so, and be led not by a light conjecture, but by a certain, or verisimilar, and probable one...*" Tamburini, however, adds that no probability whatsoever suffices for swearing; but that which attains to moral certainty is necessary. But certainly any probability makes for this — that is, as we have often said, moral certainty common with the Church. Whence, as Palao well says, it will suffice, if he prudently judges, according to a probable reason, that it is so, so as to make for himself moral certainty. Leander of the Most Holy Sacrament, on the oath, disp. 7, q. 8, p. 48. It follows from this teaching that anyone may either affirm or deny the same matter by oath — a proposition which is contained among those condemned. See below, ch. 9.

IV. "*I swear to you that I have not slept with your wife*" *— meaning by a vest [i.e., understanding "with" a garment called "vestis" rather than carnally]; "I do not have your money" — meaning, which I am willing to give you outright; "your husband, or wife, has not broken the laws of marriage" — meaning, manifestly; "I do not owe you a hundred" — meaning, in such a way that I cannot offset it against the hundred acts which you owe me. Response: it is licit to do this, as the same authors teach (namely, Lessius, Castropalao, Rebello, Bonacina), and it is taught everywhere, provided, however, one abstracts from the harm which this deceitful oath unjustly causes; even if one is not asked to swear, but offers to do so of his own accord.*" Thomas Tamburini, Bk. II, in explaining the Decalogue, ch. 2, §2, n. 1.

V. "*One asked by a judge about a crime, which, at least under a probable opinion, he is not bound to reveal, can deny that he committed it, if only semi-full proof is given, understanding within himself that he is in prison, or [is not bound] to speak... Indeed, he can even offer himself to swear thus, when this is necessary.*" Antonio a Spiritu Santo, tract. on oaths, disp. 1, sect. 9, n. 53, p. 141.

VI. "*A woman who has committed adultery can, under oath, deny that she committed it, understanding within herself that she is not bound to reveal it.*" The same author, ibid., n. 54, p. 143.

VII. "*Merchants who cannot obtain a just price from buyers, unless they swear that their goods stand them at such-and-such a price, when in fact this is not so, can indeed swear that the goods stand them at such-and-such a price, understanding, with all expenses computed, or reckoning in the goods which they have at home, or which they bought elsewhere.*" Castropalao, tract. 14, disp. 1, punct. 7; Lessius, Bk. II, ch. 42, dub. 9, n. 4; Leander, tract. 1, disp. 45, q. 27; Candido, disp. 2, art. 3, dub. 14.

VIII. "*The same must be said of buyers, who, so as not to be compelled to buy goods from merchants above the just price, affirm under oath that they bought the goods elsewhere at a lower price, or that they are offered to them at a lower price, so that the sellers may descend to a just, or the lowest, price — understanding, however, in mind, goods bought at a different time for a lower price within the just price.*" Candido, disp. 26, art. 4, dub. 14; Leander, tract. 1, disp. 45, q. 28; Palao, Bonacina, Rebello, and others in Leander. See below, Diss. 4, ch. 4, n. 12.

IX. "*Even if the one asking wished to exclude every equivocation, and required an oath about the fact done, beyond an oath about the accusation, and demanded an oath to speak the truth sincerely without any equivocation, you can still swear an amphibological oath, with a mental restriction made — since you can understand that you will swear without equivocation, without your being able to have any restriction in mind. For this proposition [that you must swear without any restriction] cannot be taken so broadly, without it being unjust.*" Castropalao, tract. 14, disp. 5, punct. 7, n. 16, p. 111 in my copy; Leander, tract. 1, disp. 45, q. 37, and in these authors Sánchez, Bonacina, Suárez, Lessius, Trullench, Diana, and other theologians of this recent school. See below, Diss. 4, ch. 4, §15.

X. "*Titius, who induces a witness to swear falsely, which the witness thinks is true, does not sin, even though Titius himself knows it to be false.*" Pedro Hurtado, Diana, Tancredo, in Tamburini, who considers this opinion probable, indeed safe in practice. Bk. II, ch. 1, disp. 2, q. 8, n. 7, p. 80. Fr. Matteo Moya, Vol. II, tract. 11, §6, n. 2, p. 116, called it probable; Tamburini, Diana, Leander, Hurtado, and other similar authors called it probable; Fr. Moya added an increase of safety. See Diss. 7, ch. 3, n. 35.

XI. "*A culpably retained habit of swearing falsely, deliberately, or indifferently truly and falsely, is more probably not a sin of actual perjury, but is to be confessed as the very sin of the habit of perjury.*" Patritius Sporer, tract. 3, on the 2nd precept of the Decalogue, ch. 1, sect. 4, §5, n. 151, p. 226 in my copy, from Tamburini, Bk. III, ch. 1, n. 2. See Diss. 7, ch. 5, and others.

XII. "*For it morally suffices to confess something less distinct concerning oneself, than to open it up plainly. He who has perjured himself from the impetus of a contrary habit, although deliberately, is to be judged to have offended less, than one who has done so with a recent, spontaneous mind, and freedom.*" Sporer, ibid.

XIII. "*Absolution is therefore to be imparted to a penitent who is willing, and who proposes the cessation of sin, and who has no external occasion, however much he has become habituated to the sin.*" John Sánchez, in his Select Disputations, disp. 9, in Tamburini, Bk. III, ch. 1, §4, n. 3, p. 75. See Diss. 7, ch. 6.

XIV. "*One who, from an inveterate habit, knowingly swears falsely — does it suffice to say, 'I once swore falsely,' or will it be necessary also to add that this was from a bad habit? I answer that it is not necessary... The same must be said, that I may say this once for this occasion, of an inveterate habit of fornicating, of blaspheming, and other similar things; for the reasoning is the same.*" Tamburini, *Method for Expediting Confession*, Bk. II, ch. 3, §3, n. 21, p. 109. See Diss. 7, ch. 6.

XV. "*Understand, however, this teaching, provided that he does not, by a positive act, accept that depraved habit, but only, being negatively disposed, neglects, or despairs, of overcoming it — which indeed is not rare, and greatly to be noted by the Confessor, lest he vex, or greatly afflict, consciences.*" Patritius Sporer, loc. cit., n. 154. One who despairs of overcoming a habit of swearing is not to be vexed, or approved; for this often happens, because such persons are not to be urged to root out the aforesaid habit. Whether this doctrine savors of Jansenism, see Diss. 8, ch. 5.

XVI. "*One, however, who has a habit both of swearing and of lying, but not of joining an oath to a lie, if, as often as he swears, he swears advertently, and takes care not to join a lie to the oath, is not bound, under mortal sin, to extirpate such a habit*." Fr. Domenico Viva, Vol. I, Part 7, art. 7, n. 3, p. 86; several others teach the same. See Diss. 7, ch. 5.

XVII. Fr. Fernando Castropalao, Vol. III, tract. 14, disp. 1, punct. 7, n. 13: "*If, indeed, an honest cause of concealing the truth intervenes, such as would be for the preservation of your health, or that of your family, your honor, your goods; or if it were fitting not to assent to one questioning unjustly, you commit no fault, swearing thus amphibologically. This holds true, however, if you are not asked to swear, but you offer yourself to swear — provided an honest cause intervenes*."

XVIII. "*Asked about a crime, which at least under a probable opinion you are not bound to reveal, either because you are not asked juridically, or because a harm to yourself would arise from revealing it, you can deny that you did it, understanding within yourself: 'in prison,' or 'so as to be bound to say it*.'" The same author, ibid.

XIX. "*Asked, even though not asked juridically, whether you promised marriage, from whose obligation, according to a probable opinion, you are free, you can swear that you did not promise it, understanding: 'so as to be bound*.'" Ibid., n. 5.

XX. "*One probably exempt from paying a toll can swear that he is not carrying such-and-such a thing, even though he is, understanding: 'so as to be bound to declare it for the toll*.'" The same, ibid.

XXI. "*Merchants who cannot obtain a just price from buyers, unless they swear that their goods stand them at such-and-such a price, can indeed swear that they stand them at such-and-such a price...*" , since it does not in fact stand thus, understanding, all expenses computed; or with other goods which they have at home, or bought elsewhere." The same, ibid.

XXII. "*Beyond what has been said above, it must be especially noted, that one who employs any of the aforesaid amphibologies ought at least to know, in general, that he can conceal the truth without a lie, by which he swears. It is not, however, necessary to know the particular manner by which the truth might be found. Wherefore, if he intends to swear in that sense in which a learned man would find the truth, and he knows that the truth can indeed be found, it will suffice for his excuse*." The same, ibid.

XXIII. Fr. Domenico Viva, in his Commentary on the proscribed proposition 27 of Innocent XI: "*When, however, no convenient equivocation, or external restriction, occurs, if the cause is grave, rustics can, by the use of their double knowledge, easily conceal the truth from one questioning — not with the intention of deceiving, but merely by permitting the deception*."

XXIV. "*A habitual perjurer, even if he has often promised and never amended, can be absolved, provided he has sorrow, and promises to amend*." Fr. Torrecillas, Vol. I, Summa, tract. 3, disp. 1, ch. 2, sect. 3, n. 105. He praises Palao and Bonacina.

XXV. "*Although words, considered in themselves, may not be equivocal, nonetheless, by reason of the circumstances of place, time, office, of the one questioning, and of the one responding, etc., a restriction, which would otherwise be purely mental, can become sensible, and excused from lying and perjury, and can become lawful with just cause for its use*." The same, consult. 27, n. 134.

XXVI. "*Indeed, it is not even necessary for the one swearing, or testifying, to recognize the specific manner by which he can conceal the truth. For it suffices, especially for the unlearned, that, although he uses denying words, he add in*

his mind, 'I wish to conceal the truth, without lying, or perjuring myself, in some way in which the Doctors teach this can be done.'" The same, ibid., n. 135; he cites Sánchez, Suárez, Castropalao, and others.

XXVII. "*Similarly, it would be no more than a venial lie to say, 'I swear,' when one does not truly swear.*" Fr. Thomas Sánchez, Bk. III, n. 3.

Chapter V — What an oath is; various formulas of swearing are explained

I. An oath is defined by St. Thomas (II-II, q. 89, art. 1) as being "*an invocation of the divine name to make faith, or to confirm a promise.*" St. Augustine, cited by St. Thomas himself in the place cited, defines the oath in these words (Sermon 28, *On the Words of the Apostle*): "*What is it to swear by God, but that God is witness?*" It differs from prayer, since by the latter divine aid is sought; by the former, however, it is asked that the truth be manifested. Wherefore Franz Buddeus, the Lutheran, wretchedly errs, who, in his *Moral Theology Institutions*, Vol. II, ch. 3, §5, n. 10, blurts out that God is not here regarded as witness, as though an oath were a testimony of God, or as though God himself testified concerning the truth of the swearer. This error of that Lutheran collapses of itself, says the same Angelic Doctor, as though pertaining to a "right"; for an oath is called "introduced from right" — that is, in order that what is asserted under the invocation of divine testimony may be held as true. For there are certain deeds, either hidden, or contingent, which cannot be proved by human testimony; and therefore it has been established, and decreed, by law, that they be confirmed by divine testimony, necessity compelling it, and that faith be given to facts confirmed by divine testimony.

II. *Iuramentum*, *iusiurandum*, and *sacramentum* are synonyms. From Scripture it is established that *iuramentum* and *iusiurandum* are used for the same thing, according to that of Luke 1: "*The oath, which he swore to Abraham our father, that he would grant to us.*" It is also called *sacramentum*, both in Scripture and in law, as is established from the chapter "*Qui sacramentum,*" 22, q. 4. And although the word *sacramentum* has other, more proper significations, it is nonetheless also used for an oath — since this too is a sign of a sacred thing, namely, of infallible truth.

III. For a clearer understanding of the given definition, St. Thomas, in the place cited, in his reply to the first objection, notes that we can use divine testimony in two ways. First, by that testimony which God has already given in his Scriptures — namely, when we allege that very text, or authority, of Scripture to prove some truth: while we do this, we swear in no way. Second, when we implore his testimony to be given — namely, that God may manifest the truth of that fact in confirmation of which we invoke his testimony. And in this manner we swear. Moreover, when we invoke God as witness in this way, so that he may confirm our assertions, we do not intend that God should immediately, by some evident prodigy or miracle, confirm our assertions by his own authority, and manifest them — for whoever did this would tempt God; but we ask only that God add his testimony to our words, and reveal the truth, whenever it shall please him, in life or in death, in this age or in the future one.

IV. Divine testimony can be invoked in two ways. First, expressly, when God himself is brought forward as witness; second, tacitly, when the testimony of creatures is invoked with a peculiar respect to God — which we shall explain more clearly below. In both ways, however, one swears, since in both ways divine testimony is implored.

V. This invocation of divine testimony can be made by word, as if you utter aloud, "I swear by God"; by nod, as if, to one asking whether you swear by God, you nod your assent with your eyes, or head, or by some gesture; by touch, as if, when an oath is offered to you upon a book of the Gospels, and you touch the book itself, even if you utter nothing, you are reckoned to swear; by mind, as if within your own soul you swear that you will do something, you bind yourself, by the virtue of religion, to carry it out in the internal forum; but in order to be obliged in the external forum, it is necessary that the oath uttered be manifested externally by one of the three signs described.

VI. If someone swore, touching the Book of the Gospels, and afterward discovered that this book was entirely a profane one, it would nonetheless be a true oath, and he ought to observe it — because there would be only a material diversity, since the swearer intended to swear by the sacred Gospel, whichever it was. On the contrary, one who swears by false gods does not make an oath at all — since only the true God deserves to have faith paid to him by men.

Various Formulas of Swearing

VII. Since the words by which an oath is uttered are not fixed, it follows that there are very many formulas of oaths. We can reduce all of them to a threefold kind. Of the first kind are those which, according to common sense and understanding, contain an oath, or an invocation of divine testimony; and these are held, in every forum, to be oaths, unless it clearly appears that the one uttering them had a contrary intention. Of the second kind are those which, in common understanding, do not contain the assumption of divine testimony; and these are not held to be an oath, unless one who utters them declares that he wished, by those words, to elicit an oath. Of the third kind, finally, are those which are ambiguous, and which sometimes contain an oath, sometimes not, according to the various manner in which they are uttered. The matter will appear clearer by examples.

VIII. Of the first kind are: "I swear by God," "God is my witness," "God lives," "I invoke the living God as witness." Nor, however, is it necessary that the word "witness" be used; but it suffices to confirm one's own assertions by "by God," "by the faith of God," "by the faith of Christ." To this class too may be reduced oaths made by creatures, as when one says, "by heaven," "by the earth," "by my soul," "by my health," "by the Angels," "by the Blessed Virgin," "by the Saints," etc. Here, however, I would have you note that the testimony of creatures can be invoked in several ways. First, as an infallible argument of truth — and this invocation would be blasphemous, since God alone is infallible. Second, rational creatures can be invoked, as persons endowed with a certain peculiar authority, so that they may lend credence to our words, without respect to God — and this invocation does not constitute an oath, just as we do not swear when we call living men as witnesses. Third, creatures are called to witness the truth, insofar as the divine majesty especially shines forth in them, and they have a peculiar relation to God, and their invocation singularly excites in us the memory of God — as when we swear by the Gospels, by temples, by altars, by heaven, by the earth, by the elements. It must be judged otherwise, when one swears by the lowest and vilest creatures — as if someone swore by his own beard, by his own hair, by his own dog, etc. — this would not be a true oath. For although all these are creatures of God, in them, according to common understanding, the divine majesty does not shine forth in any peculiar manner. If, however, someone, invoking these creatures, at the same time named God obliquely, it would be an oath — as if someone said, "By this bread of God," "by the fire of God," "by the air of God," "by this stone of God," "by this creature of God." For

whenever God, whether in the direct or the oblique case, is called to witness, an oath is uttered. To this class are likewise reduced the Italian formulas "Se Dio m'aiuti" ["so help me God"], and similar ones: "So may God help me," "may the demon seize me," "may I die," "may I perish, if it is not so." These oaths are execratory, and yield this sense: "I offer myself to death, may the demon deliver me over," etc.

IX. "May God not help me, if it is not true"; "God help me not, if it is not so." To the second class are reduced the following formulas: "In truth," "in the truth of the matter," "I profess," "by my faith," "on my faith," "on the faith of a good man," "by the faith of an honest man," "by my honor," "on my conscience." Such formulas, according to common estimation, do not have the force of an oath. Unless, then, one who utters them has the express intention of swearing, they are not oaths. If, however, someone, uttering the aforesaid words, intended to call God to witness, they would be oaths. Authors commonly, whom I follow, likewise assert that these are not oaths: "by the faith of a good Christian," "on the faith of a Christian," "on the faith of a Religious," "by the faith of the Priesthood" — commonly, "Da Cristiano," "alla fè di Cristiano," "da Religioso," "da Sacerdote," "in fede di Sacerdote." For, they say, in these expressions, divine faith is not invoked, but human faith; and they hold this sense: "I speak as a good Christian, a good Priest, ought to speak." So the theologians of Salamanca (tract. 17, ch. 2, punct. 3, n. 23).

Authors, and indeed the common view among Casuists in practice, must be candidly admitted here. But, since I do not have a reason available to me by which I could free the aforesaid formulas from the force of an oath, I judge that such expressions should in no way be permitted to Christians in common speech. Theologians commonly assert that to swear by sacred things, say, by temples, by altars, by the relics of the Saints, is a true oath. Why, then, will it not be an oath to say, "by the faith of a Christian," "of a Religious," or of a "Priest"? Is not the priesthood sacred, is not the religious state sacred, is not the Christian condition, or Christianity, sacred, and the priestly profession? If someone should say, "by this habit," or "this garment, of St. Peter, of St. Francis, of St. Dominic," all authors, and consequently the cited ones too, hold that he truly swears. Why, then, will he not swear, if he says, "on the habit," or "by the faith of a Priest"?

I fear, then, that these authors interpret the aforesaid formulas so as not to hold that an oath is contained in them, because men everywhere use it; and, lest they should condemn very many as guilty of perjury, they teach that they do not truly swear at all. Nor indeed does it rarely happen that horror is withdrawn from vices, when men cannot be withdrawn from vices. I do not deny that oaths depend greatly on the intention of the swearer. But when locutions betray the force of an oath, even though the lack either of intention or of consideration may excuse, or diminish, the past malice, a Confessor is not excused, however, from obliging penitents to guard their tongue, nor a penitent, if he does not strive to abstain from the aforesaid formulas. It should be added that men commonly take such expressions — "by the faith of a Priest," "of a Religious," commonly "da Sacerdote," "da Religioso" — as an oath.

Nevertheless, what we have said concerning these three last formulas — namely, "by the faith of a Christian, of a Religious, of a Priest" — is not so manifest to us that we should condemn the contrary and common opinion. For only moral certainty sometimes compels us to depart from the common opinion of more recent authors. This certainty being lacking, we too accede to the common opinion. And because we confess that such certainty is not now present to us on this matter, we therefore

proclaim the contrary opinion probable. In practice, however, I would bid all whose confessions I might hear to abstain from such expressions. Sotus, too (Bk. VIII, on justice and law, art. 5, q. 1, concl. 3), speaks doubtfully of these manners of swearing.

X. The following formulas — "I vow to God," "I swear to God," "I promise to God"; commonly, "voto a Dio," "giuro a Dio," "prometto a Dio" — contain a true oath, since God is really called to witness. And although such expressions may seem to have the character of a vow and of a promise, nonetheless, since those who utter them employ them in confirmation of their assertions, they constitute an oath. The following formula, however — "I swear that I will do this," or "that this is so," with no word added — is, by the force of the words themselves, and by its own nature, an oath. The theologians of Salamanca teach the contrary (tract. 17, ch. 2, punct. 3, n. 34), Bonacina (disp. 4, punct. 1, near the end). The theologians of Salamanca, and Bonacina too, allege Suárez in their favor, but falsely; indeed, he teaches the opposite, saying (Bk. IV, ch. 13, n. 4): "'*By oneself,' and by force of the word, in its rigorous signification, without doubt suffices for swearing. In use, however, the circumstances must be considered.*" We too teach the same thing. The aforesaid words absolutely betray an oath; the intention, however, of the one uttering them, and other circumstances, must be attended to. Wherefore, if something is added which withdraws those words from the invocation of divine testimony, it will not be an oath — as, for instance, if someone were to swear in this manner, "I swear by my beard," "I swear by ten," "I swear by myself" — none of these would be an oath. Authors commonly hold, too, that no oath at all is present in these formulas, if one who says, "I swear by this cross," designates no cross — since one who abstains from forming the sign of the cross is presumed to have had no intention of swearing. But if he formed a cross, he would utter an oath. The circumstances, however, must be observed. Similarly, if someone, asked to affirm something under oath, responded, "I swear that it is so," he would truly swear.

XI. To the third class are reduced the formulas which sometimes contain an oath, and sometimes do not — of which kind are: "God knows," "I speak in the sight of God," "God sees that it is so." These, if uttered enunciatively, are not oaths; on the contrary, they are just as much oaths, if pronounced invocatively — as is established from the Apostle Paul, swearing to the Galatians (ch. 1) in these words: "*Now the things which I write to you, behold, before God, I lie not.*" I would have you note, however, that, to discern whether they are uttered enunciatively or invocatively, not only the intention of the one speaking, but also the manner of speaking, must be examined. For if it is said, "God hears what I speak," "God sees what I do," unless the contrary intention is established, an oath is not presumed. On the contrary, however, if it is said, "God knows that I speak the truth," Navarrus, in his *Manual*, ch. 12, n. 2, Leander, tract. 1, disp. 12, q. 4, maintain that such a formula contains a true oath — an opinion which indeed seems to me probable enough. For the rest, since the aforesaid formula includes some ambiguity, the circumstances are therefore to be attended to, and especially the intention of the speaker.

XII. Several authors also reduce to this class the following formulas: "God is my witness that I speak the truth," "God lives," "the Lord lives," "God is truth." But the more common opinion, and the one that alone seems true to me, teaches the opposite. Since, to begin with the first formula, St. Thomas (II-II, q. 89, art. 1, ad 3) absolutely asserts that it contains an oath. St. Augustine teaches the same (Sermon 28, on the words of the Apostle, ch. 6): "*Not without reason do those who, wishing to distinguish oaths, I know not how, or rather not understanding, say that it is not an oath, when a man says, 'God knows,' 'God*

is witness,' 'God sees.' He invoked God: he made God his witness. What else do they wish, but, God being invoked as witness, to lie? Are you not swearing, of a perverse heart, if you say, 'By God'? Are you not swearing, if you say, 'God is witness'? For what is it to swear, but to render right to God? Whoever you are, of a wicked heart, do you render right to God, when you swear falsely by him? For what is 'by God,' but 'God is witness'? Or what is 'God is witness,' but 'I invoke God upon my soul, that I speak the truth' — does he not swear? Those who say these things do so only when you swear by God; to render right to your health, when you swear by your health; to render right to your children, when you swear by your children. But what right do we owe to our health, to our children, to our God, except of charity, of truth, not of falsehood? But it is chiefly by God that the true oath is made, since, when one says, 'by my health,' he binds his health over to God; when he says, 'by my children,' he pledges his children to God, so that it may come upon their head, that which comes forth from his own mouth: if true, it is true; if false, it is false." Wherefore Sporer, Felix Potestas, La Croix, and many other Casuists wrongly place that formula among the ambiguous formulas of swearing. Of the other formulas the matter is clearer, since Scripture uses them as a true oath. Jeremiah 4: "*They will swear: 'The Lord liveth.'*" Elijah used the same formula (3 Kings 17): "*As the Lord liveth, the God of Israel, in whose sight I stand.*" In no way, then, are the aforesaid formulas to be reckoned among equivocal expressions, whatever many recent writers assert.

XIII. The following sayings do not contain an oath: "May I be wicked," "a liar," "faithless," "a heretic," "may I perish," "may my nose, or ears, be cut off, if it is not so." For such locutions, according to common understanding, contain only a certain... wish, not an oath. The following formulas, however — "May I be slain," "may I die," "may I perish" — if uttered by way of execration, contain an oath, as has been said above. For they yield this sense: "May God, whom I call to witness, kill me, if what I assert is not true." It must be judged otherwise, if they are pronounced only enunciatively — for commonly, in this manner, they do not render more than a certain pledge. It likewise seems to me not probable that "I swear by myself," "by him who I am"; commonly, "giuro da quel che sono," is an oath. For although man is, according to the common view, a singular creature of God, nonetheless, according to the common opinion, nothing else is understood by this than an interposition of human faith and authority.

Chapter VI — Some further little questions concerning oath formulas are resolved. Rules too are assigned for distinguishing what counts, or does not count, as an oath, especially concerning this formula: "By God"

I. The custom of swearing has become so familiar to men that not a few authors, since they cannot abolish the aforesaid custom, assert that what is absolutely an oath is not an oath — as will be plain from the following.

II. Question I. *Do men who everywhere say, "Par Dios que sí," as the Spanish do; "Per Dio," as the Italians; "Par Dio," as the Sicilians; "Par Diu," as the people of Foligno — do these swear the same as if they had said, "By God"?* Response: Patritius Sporer, tract. 3, on the 2nd precept of the Decalogue, ch. 1, sect. 1, n. 9, teaches that men, invoking God thus, if, when they utter the aforesaid words, they are negatively disposed (which is the same as if they had neither the intention of swearing, nor of not swearing), in no way swear — since God is not thereby invoked as witness. Here are his own words: "*Again, it is not an oath, since God is not thereby invoked as witness — otherwise those who blurt out, at almost every word, their 'By God,' 'By the sacrament,' would always be swearing, and would very often be perjuring themselves. Whence a Confessor,*

hearing a penitent accuse himself of having sworn falsely, ought not immediately to judge that he has perjured himself, but should ask whether he intended to invoke God as witness, and indeed of a falsehood. And he will very frequently discover that these were not perjuries, but only lies, to be judged according to their matter — sometimes officious, sometimes jesting, and thus venial."

I would have you turn your mind to the reasoning which this author produces, to establish that those who swear by God do not swear — namely, that otherwise they would always be swearing, and would very often be perjuring themselves. Wherefore, so that we may not admit to this consequence, it must be said that they do not swear. This is a most familiar principle of many recent Casuists. Since men everywhere accept the interest that comes from money lent, they do not commit usury. Why? Because otherwise almost all would be stained with the taint of usury. They employ this reasoning most frequently. But the deduction and inference which this author draws is worthy of consideration. For he adds that, although the penitent accuses himself of a false oath, his own conscience thus dictating, the Confessor should not, for that reason, give him credence. Whence a Confessor, hearing a penitent accuse himself of having sworn falsely, ought not immediately to judge that he has perjured himself. That this was uttered by a theologian would scarcely be credible, were it not read in print. He concludes, finally, that, although swearers pronounce a falsehood, they commit, under the invocation of divine testimony, only a jesting, or officious, lie, according to the diversity of matter, and consequently sin only venially.

III. What would Chrysostom, what would Augustine, what would all the Fathers say, who inveigh so sharply against the custom of swearing? For those who swear from habit do not have an express intention of swearing, and think nothing at all of the oath. Sporer drank in this doctrine from Tamburini, and copies it out from him, one of his own masters. I do not think it beside the purpose to transcribe here Tamburini's own words too, so as to render readers more cautious of authors of this kind. Tamburini, then (Bk. III, on the Decalogue, ch. 1, §3, n. 6), writes this: "*By whatever words, even those clearly and plainly containing God — much more, then, if uttered doubtfully — an oath is offered; it will always, and ever, in the forum of conscience, be necessary to attend to the intention of the swearer, if we wish to discover whether it is truly an oath. For either, whatever words are finally uttered, one intends, first, positively to invoke God, or, second, positively not to invoke, or, third (whether because he does not advert to it, or because he does not know it), he abstracts from such invocation — that is, he neither intends, nor does not intend, to invoke. This division seems adequate; for it contains contradictories, and precision itself. Now if the first, it will certainly be an oath, as is clear of itself. If the second, it will certainly not be an oath, as the Doctors commonly admit... For although I say, 'I swear by God,' if I do not wish, by these words, to implore God as witness of my saying, I certainly will not implore him, except quite materially — just as if a parrot, taught by its master, uttered the same words. Certainly in Sicily common men swear 'Par Dio' at every other word. Who would say that these common men truly swear, since they themselves sometimes do not know what 'Par Dio' signifies? It seems, however, from its own notion, to signify 'by God.' Finally, if the third, likewise it will certainly not be an oath, since he does not invoke God. For since here he abstracts from invocation, it clearly appears that he does not exhibit invocation.*"

Tamburini teaches two things here, of which one is most certainly false — namely, that a swearer, without the intention of swearing, does not swear; which proposition has been condemned by the Church, as we shall see below. The other — that a swearer, if he does not advert to the fact that he is swearing, or if he abstracts from the invocation of divine testimony, does not swear — is likewise altogether false, and full of scandal, in my judgment. But what we ought greatly to note is that

Tamburini testifies that these propositions of his are commonly taught by the Doctors. For he praises Layman, who indeed, Bk. IV, tract. 3, ch. 1, n. 3, teaches them. He then cites also Suárez in his own favor (Bk. I, on oaths, ch. 1, n. 4), but falsely: for that distinguished theologian has nothing there that favors these opinions. As for the reason which Tamburini further alleges to confirm his propositions, it is the same as that which we just now produced from Sporer. "For the Sicilians swear," he says, "at every other word, 'Par Dio,' which sounds the same as 'By God.' Who, then, would say that they swear?" Is this not a valid reason! But he adds this: "For they are ignorant, or do not advert to, what 'Par Dio' means." Who are these who are ignorant of this? Christians, Catholics! Christian peoples, then, are ignorant of the knowledge of God concerning the second commandment of the Decalogue! But, while they pronounce the most holy name of God, as if parrots taught by a master, they utter it merely materially. The ignoble Sicilians, then, are parrots, in this matter! What, I ask, do their parish priests, and their teachers, teach them concerning this commandment: "Thou shalt not take the name of the Lord thy God in vain"? Has this commandment become obsolete in Sicily?

This teaching of Tamburini's ill suits that nation of his, whose people excel in sharpness of wit; and, besides, it is far too shameful and defiled a doctrine for the Christian profession. And indeed, if, when we confirm our assertions by God, we do not utter an oath, for this sole reason — that we do not advert to the fact that we are swearing — by the same reasoning it will be permissible to excuse blasphemies, insults, curses, and every kind of crime. This doctrine of Tamburini's is taught, besides Sporer and Layman cited, by Felix Potestas (Vol. I, Part II, on the 2nd precept of the Decalogue, ch. 2, n. 1553), Lorenzo Pisani, in his *Clodius Gideon*, prop. 25, near the end, Leander (tract. 1, disp. 12, q. 11), and several others.

I reject, then, the doctrine and opinion which I have described from the cited authors, as false and improbable. For a fuller understanding of the question and its response, I say that those who confirm their assertions with these formulas, "Par Dio que sí," "Par Diu sì," "Par Deu no," "Per Dio," which is the same as saying "by God," truly swear; and, if they frequently use such formulas, they are engaged in the habit of swearing. If, however, someone, moved by sudden anger, or affected by weariness, uttered that "By God" — he would in no way be swearing, since he would be asserting or denying nothing; but he would nonetheless be taking the name of God in vain. Others, too, take it in vain who say "Di Dio," "To far Dio," asserting or denying nothing.

IV. Question II. *Do those who everywhere take the name of God in vain, even though they assert or deny nothing, sin mortally?* Response: One who, on the occasion of any anger, weariness, joy, or other disturbance, uses the name of God, exposes himself to the proximate danger of swearing, and of committing perjury. For it can scarcely happen that he does not pronounce that name in almost all the movements of his mind, and, an occasion of asserting or denying something being given, does not invoke that name. I hold, then, that those who continually name God gravely sin, not so much on account of the vain, continual, and scandal-laden invocation of God, as on account of the most grave and voluntary danger of perjury to which they expose themselves. Wherefore a prudent and pious Confessor should absolve none of those who everywhere use the name of God, unless they promise, and, the danger having been made known to them, really restrain their tongue from such vain and continual assumption of the divine name. And although, at the beginning, the Confessor may not detect a grave sin in the pronunciation of the divine name, he ought not, for that reason, to absolve the penitent, when he refuses to abstain from the continual pronunciation of the divine name,

according to certain authors. From the negligence, indeed, of very many Confessors, and from the too-lax doctrine of certain authors, the sacrilegious custom of swearing not infrequently arises.

V. Question III. *Do these formulas — "by my soul," "on my soul," "on my conscience" — have greater force than this formula, "on my conscience"?* Response: I find no distinction at all between the aforesaid formulas, as regards the force of confirming assertions; and authors commonly hold the same. One swears, then, who says either "by my soul," or "on my soul" — since the soul is an excellent and illustrious work of God, in which, as in an image, the divine majesty shines forth by a special covenant. But one does not swear, as seems to me more probable, who says either "on my conscience," or "in my conscience" — since this formula of speaking, according to common understanding, yields this sense: "This is what my conscience feels, and dictates," "what I sense in my conscience," "what is suggested to me." So Suárez teaches, and the more common authors, Sotus, Ledesma, Fagundez, Lessius, Sánchez, and almost all more recent authors. Sylvester, Azor, Aragón, and others teach the opposite. For this reason, one ought to abstain from a similar manner of speaking. The most sacred formula, then, of swearing, will be more strictly guarded, and one's tongue watched more carefully for this reason.

VI. Question IV. *Does one swear who says, "I swear on my conscience," or "in my conscience"?* Response: Sánchez, Ledesma, Leander, and others deny this. I, however, with Sotus, Sylvester, Azor, Navarrus, and others, maintain that a man speaking thus swears. For that word "swear," by its own proper signification, suffices for an oath, unless drawn away from its meaning by some added word — as if someone said, "Swear by my nose," "by ten," etc. And, when someone swears by his own conscience, he betrays something most grave, and worthy of consideration. For when someone absolutely affirms something in his own conscience, he adds great force to his assertion. For one's own conscience, in common usage, is held to be a matter of very great weight. False, then, is what the adversaries allege — namely, that the word "conscience" draws that oath away from its native signification: rather, on the contrary, it more confirms this word in its own proper signification. And indeed, what seems to establish the matter is that the adversaries themselves admit that one who pronounces these words, "Swear by my own conscience," really swears, if he wished to swear expressly. For when someone says, "Swear by my conscience," he uses the word "swear" expressly, and, for this reason, wishes to say that he intends to swear, and to invoke as witness his own conscience: therefore he swears. Well then — can he, or that very person who uses the word, deny that he swears? If, then, one who merely affirms something on his own conscience is deemed not to swear, while, however, one who says "Swear by my conscience" similarly affirms something, in like manner one ought to hold that he swears — with the most weighty theologians cited. If, when one affirms something on his own faith, one does not swear, yet when one says, "Swear by my faith," it must be asserted that he swears, for the reason already assigned — the theologians of Salamanca themselves concede this, with others (tract. 17, ch. 2, punct. 3, n. 28).

VII. Question V. *Would one swear who said, "by the life of my horse," "by the preservation of this tree," or of some other inanimate thing?* Response: Leander proposes this same question under the same terms (tract. 1, disp. 3, q. 3): "By force of the words, this is an oath, unless it appears from the circumstances that they are said to avoid a true oath." Suárez teaches the same thing (ch. 13, n. 27), and Sánchez (n. 36). This I too do not deny; I only add that, by a stronger right, it must be said that one who swears by his own faith, when he says, "By my faith" [gives an oath]; only I add that, by a stronger right, one must

say that one who swears "by the life of this horse," "of this tree, or stone, or other inanimate thing," utters an oath.

VIII. Question VI. *If someone questioned in this manner: "Do you swear to me by God that the matter is so?" and the one questioned responded, "The matter is so" — would he utter an oath by so responding?* Response: Sánchez (Bk. III, ch. 2, n. 23) teaches that he does not swear if he responded, "Yes," or merely nodded with his head; but he affirms that he does swear, if he responded, "The matter is so." This distinction seems to me fabricated and empty. For whether he responds to one questioning under oath, "The matter is so," or simply "yes," it comes to the same thing — since the response ought to correspond to the question, which seeks a response under oath. Wherefore, when he responds to such a question, he truly swears, all circumlocution being removed, unless it is gathered from the circumstances that the one responding wishes to decline the oath.

IX. Question VII. *Does one swear who uses these expressions: "I wish my saying to be my oath," "let my saying and promise be as certain as if it were an oath"?* Response: Layman proposes this formula of swearing, familiar to the Germans, and asserts and resolves thus: one speaking thus swears, if he has the intention of swearing, and as often as he utters these words before a judge exacting an oath, and finally when he pronounces the words deliberately and seriously — since, according to common estimation, they are taken for an oath. He adds, however, that the oath is not lacking, even should the intention of swearing be lacking: to this Patritius Sporer subscribes, n. 8. And, when the aforesaid words, according to the common understanding of the people, are taken for an oath, and the speaker utters them seriously and deliberately, the internal intention does not have the force of taking away from those words the meaning which they have according to common acceptance, as has been said above.

X. Question VIII. *Do such formulas as the people of Friuli commonly use — "Al seugnuli si," or "Seugneli no"; "Al seugnuli sagri," which they prefer to their own dialect — present the true character of an oath?* Response: Whatever author has treated the peculiar manner of asseveration, and the custom of oaths, among our own countrymen, I have thought it fitting to propose these formulas of the Friulians too. This much, however, I have been able to gather: that this formula, among such a people, presents a certain species of oath; for it seems that it could mean, by no one's leave [i.e., is uncertain in precise etymology], according to their dialect, "Al seugneli," or "segnuli," or "seugnuli," that it signifies the same as "by the Gospel"; and that it contains a certain reference to the Gospel, and to God himself, is established from the attributes in the last formula, "Al seugnuli sagri" [reading uncertain: possibly "sacred"], "e potenti," which seems to mean "by the sacred and just Gospel, and mighty, or 'potenti,'" or "by God the mighty" — which formula, that it contains a true oath, no one fails to see. The bare word "seugneli," however, does not contain an oath — for it does not, absolutely, by its own nature, signify "Gospel," even in that idiom, since this is properly called "Vangeli," or "Vagnek." But because that word "seugnuli" was, at the beginning, used for "Gospel" (for that idiom is indeed exotic to me), I have heard many of that region pronounce it, without, however, absolutely... using it in place of "Gospel." Perhaps some words, in the course of years, lose their ancestral signification — which is perhaps the case with the aforesaid word, which is a certain conglomeration formed from the Latin, Spanish, French, Lombard, and other tongues over an interval of time. It must be said, then, that this word, as pronounced, is ambiguous (so far as I, brought up in that language, can determine). The intention, then, of the one uttering it must be attended to. For I hold it established that very many pronounce that word without perceiving what it signifies. Only then, therefore, does this formula, "Al

seugnuli," or "segnuli sì," contain an oath, when the one who uses it seriously intends to swear by it; not so, when those who pronounce it neither know how to swear in this manner, nor have this in mind, nor know that this word contains an oath: for really such a word, from itself, does not contain an oath. Let the Confessor, however, take care that the faithful, so far as they can, avoid this word, and restrain their tongue.

XI. Question IX. *Does an oath made by Christians by swearing by false gods bind them?* Response: It is already established, from what has been said, that one invoking any creatures whatsoever as an infallible testimony of truth utters a blasphemy. Whoever, then, would swear by false gods, invoking their testimony as a manifest argument of truth, would commit the sin of idolatry — since he would attribute to idols and creatures what he seeks from God alone. Hence God forbade the Jews to swear by false gods (Exodus 23): "*Thou shalt not swear by the name of strange gods, neither shall it be heard out of thy mouth*" — just as Christ, too, forbade swearing thus in the Gospel (Matthew 5): "*Neither by heaven, for it is the throne of God; nor by the earth, for it is his footstool; nor by Jerusalem, for it is the city of the great King*" — since the Jews were inclined toward the worship of heaven, and had fallen into idolatry. In no way, then, is it lawful to swear seriously by false gods. And when, sometimes, in jest, it is said, "by Jove," "by Mercury," "by the stone of Hercules," it is not an oath, but a certain jesting phrase, which, in common acceptance, asserts or denies nothing; and those who use it strive to avoid both assertion and negation. From this the second part of the question is clear. For, if there is no oath, no obligation whatsoever can follow from it. Only from erroneous conscience could there arise an obligation to fulfill the promise. Thus pagans, swearing by idols while worshipping them as true deities, were bound, by force of erroneous conscience, to fulfill oaths made. Similarly, if some Christians thought that an oath made by false gods was a true oath, they ought to observe it, until they laid aside their erring conscience, or error. In error, however, they would be excused; a promise confirmed by oath ought to be observed by Christians, not by force of the oath, but by force of human fidelity — all of which is most common ground.

XII. Question X. *What is to be said of the following formulas: "May God do this to me," "may he add this," "may God never spare me, nor save me, nor defend me," "may I die an evil death," "may I not live until tomorrow," "may an evil Easter come upon me," "may the devil carry me off to hell, if it is not so"?* Response: In the first formulas, in which the name of God is invoked, an oath is, without doubt, extracted, as an execratory one — just as it is contained among all the other truth-confirming formulas, when they are employed in confirmation. Indeed, whether the aforesaid formulas contain an execratory oath among themselves too...

XIII. Question XI. *Do these other formulas — "may my ears be cut off, may my nose, head, or arm be severed, if it is not so" — have the force of an execratory oath?* Response: Absolutely, and the rigor of the speech considered, such phrases can have the force of an execratory oath — for which reason God forbade this (Matthew 5): "*Neither shalt thou swear by thy head.*" Nonetheless, as they are commonly uttered, they do not contain an oath. For men understand nothing less than swearing, when they commonly say — "Mi sian tagliate le orecchie, il naso, la testa, il braccio, se non è così" ["may my ears, my nose, my head, my arm be cut off, if it is not so"]. These formulas are also often uttered in another manner, namely: "Ci metto, scommetto la testa, le orecchie, il naso, il braccio, se non è così" ["I stake, I bet my head, my ears, my nose, my arm, if it is not so"]. Where it appears that God is in no way invoked as

avenger, or as judge, to exact vengeance; but that these and similar expressions present a mere and bare pledge.

Certain Rules for Practice

XIV. Although anyone can gather, from the resolutions of the many questions on which we have hitherto dwelt, when assertions are confirmed by oath, and how they are to be distinguished from simple assertions, so that a matter treated at greater length may be seen — it is nonetheless worth presenting a few general rules, by which the reader may be able to discern, in a single glance, as it were, which are oaths and which are not.

XV. First Rule. Doctors commonly teach, first of all, that in an oath, by whatever words it is conceived, the mind and the intention of the swearer must be attended to — since, they say, although someone invokes God, if he nonetheless does not have an express intention of swearing, he does not really swear. This rule, which Sánchez, Sporer, Tamburini, and many others impress above all others, is partly true, and partly false. It is indeed true that the mind, intention, and will of the swearer must be attended to; but not in the sense that the swearer is bound to conform his intention, or mind, and will to the words which he utters. Hence it is false, unless I am mistaken, the rule given by many more recent authors, insofar as they teach that an oath is lacking, on account of the defect of invocation of God, when they pronounce it, "by God," that the matter is so, and advert to it. For, when they pronounce that expression, and affirm through God that the matter is so, considering it with full deliberation, they are bound to conform their intention, or mind, and soul, to the words which they utter. For, since we are forbidden to take the name of God in vain, we are, at the same time, commanded to use and employ it with the greatest consideration, and to make our intention conform to those who invoke divine testimony. Wherefore the very defect of intention which more recent theologians press to excuse Christians who everywhere confirm their assertions through God, is itself a sin. When, then, a formula of words, by its own nature, expresses an oath — of which kind is that which expressly invokes divine testimony, "By God it is so," commonly "Per Dio sì," or "Par diu no," "God is my witness," and similar ones — it is an oath, even though the swearer does not have an express intention of swearing; which has already been demonstrated above, and will be shown more fully below, when we speak of the habit of swearing. Whether one who expressly invoked divine testimony, and at the same time did not wish expressly to swear, would really swear, I shall resolve below. The intention of swearing, however, is chiefly necessary when the words have an ambiguous and varying sense — of which kind are these: "in truth," "truly," "by my faith" — which can be understood of truth and human faith, or of divine faith, according to the swearer's diverse intention.

XVI. Second Rule. For an oath, an express invocation of divine testimony is not required, such that the word "swear" must be pronounced; but it suffices to say, "By God," "by the Virgin Mary." This word "swear," however, absolutely uttered with no other word added, is taken strictly, and is held as constituting an oath; commonly, however, those who swear are accustomed to add what they swear. If a word is added indicating that divine testimony is not invoked, that word "swear" does not draw an oath from its own signification. If something is added, however, denoting that God is called to witness, an oath is effected. Sometimes, although nothing is added, the word "swear" alone suffices for a true oath... . This, however, must be gathered from the circumstances — as, if one exacting an oath says, "Do you swear to me by the Gospel?" "Do you swear to me in due form?" and the other responds, "I swear."

XVII. Third Rule. Words which can be used in a twofold sense — such as these: "God sees what I do," "what I relate is Gospel," and other similar ones, which can be uttered either enunciatively or invocatively — we ought to interpret with respect to those who pronounce them. For if a man be of good character, and not at all accustomed to swearing, we ought to interpret that he uttered them enunciatively (unless the opposite is plainly evident). It must be judged otherwise of men habitually accustomed to swear.

XVIII. Fourth Rule. In ambiguous words, especially in those in which the divine majesty does not shine forth in any peculiar manner, the intention of the speaker must be attended to, along with the custom of the homeland, and other circumstances; and especially the character of the one uttering those words.

XIX. Final Rule. The rule which Christ himself handed down (Matthew 5) is always to be kept before one's eyes: "*But let your speech be: yea, yea; no, no: and that which is over and above these, is of evil.*" This is to be fixed in memory: that whatever exceeds a simple affirmation or negation can proceed from evil, whether on the part of the speaker, or of the hearer — namely, from the evil disposition of mind, when nothing is added beyond a simple affirmation or negation. Wherefore we ought not only to abstain from ambiguous and equivocal words, which may or may not be taken for oaths, but also from certain corrupted words, such as "per Christa," "per Dia," "per Diana," "per Diobacco," and others of this kind, which, although they draw the word "swear" away from its genuine signification, nonetheless bear a certain affinity with an oath, and present a certain species of oath.

One must abstain, I say, from such things, both on account of the ease, or danger, of using true formulas of oaths for themselves, or of similar corrupted words, and on account of the scandal which is sometimes cast upon simple folk; and because Christ the Lord forbade adding anything beyond a "yes, yes; no, no," adding that whatever is added beyond this is of evil. Let this rule of Christ the Lord, then, always be before your eyes: for that which is more than this is of evil. Long before this, Ecclesiasticus (ch. 23) had handed down this to men: "*Let not thy mouth be accustomed to swearing; for in it there is the word of sin.*" From all this it is gathered that those who, exclaiming, everywhere blurt out, "To far Dio," "Potenza di Dio," "Servo di Dio" ["by the power of God," "servant of God"], continually violate the second commandment of the Decalogue, taking the name of God in vain; and although they do not swear, but exclaim, moved either by weariness, or by admiration, or by some other disturbance of mind, they nonetheless sin, as has been said, both on account of the scandal, and on account of the vain naming of God, and on account of the ease, or danger, of slipping from the continual vain naming of God into a habit of swearing, and of perjuring oneself. Wherefore I never impart absolution to such persons, unless they promise, and, so far as they are able, strive to amend.

Chapter VII — The divisions of oaths are given, and whether all oaths are of the same species is explained

I. The definition of the oath having been set forth, and the various formulas of swearing exhibited, it remains now that we present several divisions of oaths as well. St. Thomas, in the place cited (II-II, q. 89, art. 1), draws a twofold division of the oath: namely, from the side of the thing sworn, and from the manner of swearing.

II. From the side of the matter, or the thing which is sworn, an oath is divided into assertory and promissory. An assertory oath is that by which God is invoked to confirm the truth of an action, either present, or past, of the swearer himself; or concerning knowledge belonging to another person — as when witnesses swear that they know, or do not know, that another has perpetrated such a crime. If you say, "I swear that I did not commit this," it is an oath concerning something past. If you say, "I swear now that I do not know this present matter about which I am asked," it is an oath concerning something present. This assertory oath can also be made upon the veracity of an action, present or past, as when someone swears that he did not commit such a crime, or that he believes and professes the Catholic faith. If you say, "I swear that I committed that crime three days ago," Petro is invoked upon the truth of an action past, or present.

A promissory oath is that by which God is invoked, present or past, to confirm the promise of a future truth, so as to render another more secure — as, for example, when someone swears that he will give this money to another, or will do something else. Here are the words of St. Thomas himself: "*Divine testimony is sometimes brought forward to assert things present or past, and this is called an assertory oath; but sometimes divine testimony is brought forward to confirm something future, and this is called a promissory oath.*"

That you may understand all this more clearly, attend to the following. In an assertory oath, what is always first regarded is present knowledge of the sworn matter. Wherefore, whether the action is present, or past, the truth subject to the oath is always present in the mind of the swearer himself. In a promissory oath there is always included an assertion of present truth; for one who swears that he will do something first calls God to witness that he presently has the resolve, or will, of doing what he promises; second, he invokes God as a surety of future truth — namely, that he will fulfill, and carry into execution, the thing promised. Nor is this division superfluous; for, although a promissory oath includes an assertory one, the reverse is not true. When someone swears something to be performed in the future by another — say, "I swear that Peter will enter religious life" — this is not a promissory but an assertory oath; for I swear that I presently know that Peter will embrace the religious state. Whoever swears in this manner ought to have vehement and most grave reasons for so testifying; otherwise the oath would be made rashly.

A promissory oath is also customarily divided into absolute, or simple, whereby someone absolutely swears that he will do something; and confirmatory, whereby, that is, either a vow to be made to God, joined with a man, is confirmed, and is called a sworn pact; or a promise made to God and man simultaneously — as when you promise, with an oath, to give money to such a poor person, who accepts your promise; and this is called a vow sworn with a pact. The one who violates it contracts a twofold, or threefold, malice. For one who violates a vow sworn to God sins both against the vow, and against the oath — that is, by a twofold sin against the virtue of religion. But one who does not fulfill a vow made to God, and afterward confirmed by oath both to God and to man, besides the twofold malice against religion, violates the fidelity owed to God, and to man, and at the same time commits a sin of injustice against the man to whom the promise was made.

III. From the side of the manner, or the formula of pronouncing it, an oath is distinguished into contestatory, which consists in a simple attestation, or invocation, of divine testimony — as when it is simply said, "I swear by God that it is so" — and into execratory, whereby God is invoked, not only

as the infallible witness of truth, but also as the avenger of falsehood. This latter oath, however, can be conceived and uttered in a threefold formula.

First, when someone, at the point of death, and expressly, invokes evil upon himself from God, to be inflicted — for example, when he says, "May God do this to me, and may he add this." In canon law the formula which formerly commonly prevailed was of this kind: "May God help me," etc. That formula which now prevails is: "So help me God, and these Holy Gospels." This execration is most grave; for it yields this sense: "May God not help me, if what I pronounce is false."

Second, when someone swears... , imprecating upon himself some evil to be inflicted by a creature, God so permitting — as when one says, "May lightning strike me," "may the devil seize me," "may the earth swallow me," "may I die a sudden death," etc. In these imprecations, however, for the oath to be a true one, it is necessary that the swearer have regard to God, and invoke him as the avenger permitting such things. For if someone merely imprecated evil upon himself, with no regard to God at all, he would not utter an oath. Third, one can swear by the health, or life, of one's children, of one's Prince, of Caesar, etc., whose sense is: "May the health of my children perish, may the life of my parents, of my Prince, of Caesar perish, if what I say is not so." Holy men, even under the Old and New Testament, sometimes made use of execratory oaths. Joseph swore in this manner (Genesis 42:15): "*By the health of Pharaoh, you shall not go forth hence*." St. Paul swore upon his own soul: "*I call God to witness upon my soul*" (2 Corinthians 1). By execration David likewise swore: "*If I have rendered to them that repaid me evils, let me deservedly fall empty before my enemies*" (Psalm 7). In the commentary on this Psalm, Augustine writes this: "*He seems to swear by execration, which is a most grave kind of swearing, when a man says: 'If I did that, let this befall me.*'" It should be noted that, when an execratory oath is uttered by the health, or life, of other persons, these persons ought to belong to the swearer by some title — as is clear in the examples adduced, of parents, Prince, Caesar, children, wife, etc. Wherefore, when someone says, "May an arrow pierce me, unless I have spoken the truth," he utters a curse, not an oath.

IV. Again, from the side of the form, an oath is divided into simple and solemn. Simple oaths are those made by private men, according to whatever rites of law or custom please them most. The pagans had innumerable rites of swearing, concerning which consult Alessandro Alessandri, Bk. V, *Genial Days*, ch. 10. The Jews too observed several rites in the use of an oath. The more celebrated were the raising of the hands (Genesis 14:22): "*I lift up my hand to the Lord the most high God*"; likewise passing between the two parts of a slain calf, or of any victim: "*the calf, which they had cut in two, and passed between the parts thereof*" (Jeremiah 34:18). But a more solemn rite was that of placing one's hand under the thigh of him who exacted the oath. By this rite Abraham exacted an oath from his elder servant: "*Put thy hand under my thigh*" (Genesis 24:2). By this same rite, too, Jacob, near death, asked his son Joseph: "*If I have found favor in thy sight, put thy hand under my thigh*" (Genesis 47:29). On this ceremony there are various opinions of the Fathers and interpreters. Setting others aside, the more common is that which Jerome relates in his *Hebrew Questions* — namely, that by that sign it was indicated that the oath was confirmed by that which was contained in the loins of Abraham and Jacob, namely, faith in Christ, who, as Paul says (Hebrews 7), was contained in the loins of Abraham. And indeed we do not read that this ceremony was employed by anyone else besides Abraham and Jacob.

V. Likewise, in our own times, various rites are prescribed for solemn oaths, both in civil law, and in canon law. The more common rite is seen in touching sacred things — such as the Gospels, relics, and even the most sacred Eucharist. In the civil forum they are accustomed to touch the royal scepter, or to raise the first fingers. If you wish to know the various solemnities of that forum customarily observed in an oath, consult the law "Generaliter," last, on things entrusted, in the Code. Formerly, the solemn and common rite of Christians was contact with the altar, or with the sacred table, which rite was also observed in private oaths. Chrysostom speaks of this oath (Homily 15 to the people): "*When you swear upon the sacred table, where the immaculate Christ is placed, you sacrifice your brother... at least reverence that Book which you hold out for the oath.*"

VI. A solemn oath is threefold, or is customarily made in three ways. The first is verbal only, which is made in words alone, and in the words themselves a certain fixed form is observed — as when an oath is made by an express invocation of God, of the Most Holy Virgin, or of the other Saints. The second is real only, and is called a real oath, made by a single external sign, by touch, gesture, or nod — say, by contact with the Gospels, of the Cross, of the altar, etc. — with no words at all employed. The third oath is called mixed, which is made both by words and by contact with a sacred thing. An oath, then, can be made either by words alone, and is called verbal; or by signs alone, without words (for words are not necessary for oaths), and is called real; or finally by both words and signs together, and is called mixed, or even corporeal, because, besides words, a corporeal action is furthermore employed.

VII. Solemn oaths are also customarily judicial — namely, those which are rendered in courts of law — and are of various kinds, as I shall say. The first judicial oath is that which is made at the beginning of a lawsuit, and is called the oath of calumny, whereby the plaintiff must swear that he brought the suit not with the intent of calumny, but solely for the sake of the truth of the cause; and the defendant must likewise swear that he believes he has a just reason for resisting. The Emperor Justinian (law 2, Code, on the law of oaths, preamble) introduced this custom of swearing, so as to draw litigants away from the calumnious pursuit of lawsuits. And, to make this more effective, he took away from all judges the power of remitting this oath, in these words (in the place cited, §4): "*But since we fear lest perhaps certain persons, using some collusion, should seem to remit such an oath among themselves, and, by this dissimulation, mock our sanction, we ordain that all judges, even those judging by compromise, exercising their own force (since we have set forth the present law not for the advantage of private persons, but for the common utility), by no means suffer such an oath to be remitted.*" He adds the reason (§8): "*For thus not only lawsuits, but also calumniators, will be diminished.*" This use of the oath flourished for many centuries; but now it has become entirely obsolete in the courts of Princes, as authors commonly note. Maranta gives the reason for its disuse (*On Judicial Order*, Part VI, tit. on the oath, n. 11), in these words: "*Whence I think that the litigants of our time swear rather to commit calumny than to avoid it; and therefore it would be better if it were entirely removed from judicial proceedings, for the sake of avoiding so many perjuries.*" This oath of calumny, which is made at the beginning of a lawsuit, is called the oath of belief, distinguished from the oath of truth. Julius Paulus gives this distinction, a jurist celebrated among both civil and canon lawyers, in his *Introductory Remarks* on Bk. II of the Code, tit. 58: "*The third, preparatory (he says), is good faith, which the law requires of litigants, so that they may not litigate rashly. Wherefore it commands both the plaintiff and the defendant to swear an oath of calumny... Note that this oath is [as our writers say] of belief, not of truth. For litigants do not swear that they have a good cause, but that they so*

believe." This distinction is material. For the proximate matter of an oath, even of belief, is truth — since it is true that one so believes, namely, that one has a good cause.

VIII. The second judicial oath is called the oath in the progress of the lawsuit, which is given by the judge to the parties, as often as it seems good to him; this oath is now also called the oath of malice, whereby litigants swear that they are not seeking, nor will accept, extraordinary delays for the purpose of calumny. The use of this oath of malice still flourishes in many secular courts, as to certain articles or propositions. The judge, at the instance of a party, denies, or grants, this oath, according as he judges it opportune. In ecclesiastical courts, however, the use of this oath is very frequent, concerning which the Canonists are to be consulted.

IX. The third judicial oath is called the supplementary oath, whereby the want of proofs is supplied — that is, when proofs are lacking, an oath is substituted, as the last remedy for settling lawsuits and controversies. For the end of an oath is the manifestation of a doubtful truth. Wherefore, when the truth in controversies cannot be discerned by proofs, or witnesses, the Apostle himself assigns the oath as fit to be employed for confirmation, and for settling the dispute: "*An oath for confirmation is the end of all their controversy*" (Hebrews 6). This oath, in civil cases, is called the supplementary oath; in criminal cases, it is called the purgatory oath.

X. The fourth judicial oath is called the oath "in litem" [as to the matter at issue], which is threefold. One is assigned to prove the value... and quantity of a thing lost through another's fraud — for example, if you deposited a chest with an innkeeper, or with another for safekeeping, and, the seals having been broken, it is restored to you damaged, and there is a grave presumption of the innkeeper's, or depositary's, fraud, or if you have suffered a loss from a thief, the theft being proven, the price of the thing taken away is settled by oath. This oath is called by jurists the oath of truth. The second is called the oath of affection, when your property, through another's fault, has been lost, or destroyed, and it is granted to you, by oath, to estimate the price of that thing which you reckoned most useful and convenient — in which, lest you exceed double the common value, it is forbidden; and therefore this oath is subject to the judge's determination. The third is called the oath upon a particular interest, and this is subject to matter extraneous to the thing itself, and to your own reputation — for example, if you deposited your money with a depositary at your own discretion, to be restored to you, and the depositary, through his own fault, did not restore the money at the agreed time, on account of which you suffered a loss, and the loss of gain — it is permitted to you, in this case, your own oath being interposed, to estimate the loss to which you have been subjected (law "Nummis," on the exaction of oaths). What has been said of money must likewise be said of other things in which you may have suffered a loss, or damage, through the fraud of a depositary.

XI. Finally, a judicial oath is called, on one hand, necessary, and, on the other, voluntary. That is called necessary which, in a doubtful cause, on account of the want of grounds by which to settle the lawsuit, the judge tenders, either of his own office, or a party urging it. It is called necessary both because the judge is sometimes compelled to tender it, and because it cannot be refused, without just cause, by the party to whom it is tendered. Then the plaintiff has cause for declining the oath, when he has evidently demonstrated his own intention; the defendant, however, if he confesses forgetfulness of the cause. That oath is called voluntary which a party tenders to the other party, and can be avoided. When, however, it is tendered, the judge approving, it becomes in a certain way necessary — since he to whom it was tendered ought to swear, unless he has a just cause for

refusing; otherwise the cause falls. So that ignorance of the terms may not cause confusion, the difference between "to tender" and "to retender" is this: he is said to tender an oath who first offers it. When a party refuses it, and offers it to his adversary, he is said to retender it.

XII. Jurists dispute on both sides whether, in a doubtful cause, the oath which is called supplementary ought to be tendered to the defendant or to the plaintiff. And, although opinions vary, the more common opinion is that the oath ought to be tendered to the defendant, absolutely speaking, and not to the plaintiff — since laws are more inclined to acquit than to condemn. And indeed, if the widest access to a supplementary oath were opened to the plaintiff, so that he might settle his own cause at will, the necessity of proofs would be removed; and consequently a most ample path would be opened for false accusations of persons contending, and for perjuries. The qualities, however, and circumstances of the lawsuit are always to be seriously weighed by the judge, so that he may tender the oath to that party, whether plaintiff or defendant, to whom he perceives the reasons or presumptions more favorable.

XIII. This all grave authors greatly impress: namely, that this oath which they call supplementary is to be employed only in the most grave necessity. Antoine Favre (Bk. IV, tit. 1, def. 1, note 9, on the Code) absolutely disapproves this supplementary oath, and calls its use an inveterate error. But Favre's opinion is erroneous — since St. Paul, for the settling of controversies, necessity compelling, declares this oath to be useful. This alone must be kept before one's eyes: that it be tendered with the utmost circumspection and caution, so as to remove the occasion of perjury. For very many men, religion held in contempt, are ready to swear falsely; some, however, are timid even to the point of superstition (though these are few), and dare not swear at all.

XIV. Authors likewise teach that, in criminal cases in which a corporal penalty is to be inflicted on the defendant, there is no room for a supplementary oath — since, in these cases, proofs clearer than light are required (law "Sciant cuncti," on proofs, in the Code). In civil actions, too, of an infamous nature, authors commonly hand down that one must abstain from tendering this oath. An action is called infamous which, when known, inflicts grave infamy on the defendant — such as clandestine theft. If, however, grave reasons press, it can be tendered. Van Espen (Bk. V, tit. ..., ch. 8, n. 19) absolutely denies that an oath ought to be tendered to one summoned by an infamous action, and alleges the authority of Gregory IX (tit. on the law of oaths, final ch.), where the Pontiff says: "*Let it not be lawful for one summoned by an infamous action to retender such an oath to...*" This authority clearly opposes Van Espen's own assertion — for the Pontiff forbids the defendant to retender the oath. Therefore he supposes it lawful for it to be tendered to him. In this action, then, as has been said, just as in non-infamous cases, the judge, in no way suspect, is required; but in arduous cases, such as a matrimonial cause, more than semi-full proof is required, one not subject to exception; and the presumption, above all, ought to favor the party to whom the oath is tendered, rather than to be retendered, or thrown back, upon the plaintiff. For sometimes, one summoned by an infamous action, an oath can be tendered against the defendant, if it prevails. In non-infamous, and non-arduous, cases, semi-full proof suffices — namely, a single witness, not subject to exception, for the judge to be able to tender the oath. But enough of judicial oaths, since their treatment does not pertain to our present undertaking.

XV. The various divisions of oaths having been explained, it remains to inquire whether these oaths are of the same species, whether assertory or execratory, whether by... Castropalao (Vol. III, tract. 14,

disp. 1, punct. 1, n. 7) briefly discusses these species. Suárez (Bk. I, ch. 9, n. 4) defends the same opinion as very probable, and produces sufficiently probable reasons, and resolves the opposing arguments validly.

The more common opinion is that all oaths are of the same species, whether promissory, or assertory, whether imprecatory, whether they are made by God, or by creatures, or by contact with the Gospel, or by any other solemnity.

XVI. The patrons of this opinion adduce a most valid reason. Since the primary and essential notion of any oath whatsoever is the invocation of divine testimony in confirmation of truth. Now whether this truth be present or past; whether the aforesaid invocation be made by simple contestation, or by execration; whether one expressly names God, or tacitly, insofar as he shines forth in creatures — none of this varies the formal reason of the oath in any way, since God is called to witness. There is, then, only an accidental and material diversity. And although in a promissory oath God is invoked not only as witness of present truth, but also as surety of future truth — that is, of the execution of the thing promised and confirmed by oath — just as in an execratory oath he is invoked as witness and, at the same time, as avenger — nonetheless these grounds are not such as to introduce a specific diversity among oaths, for the reason already given: because the formal reason from which an oath derives its nature, or essential notion, is the invocation of divine testimony. Wherefore, since this is the same in all oaths, and does not vary according to the various formulas by which oaths are uttered, all oaths ought therefore to be reckoned of one and the same species.

XVII. There is no need to spend time in a longer discussion of this controversy. For, if we remain within the bounds of metaphysical reasoning, each opinion enjoys its own probability. In the general run of moral practice, however, one oath induces a certain greater obligation than another: for the more solemn the formulas in which the oath is conceived, the graver too is the malice with which its violation is stained, as the Angelic Doctor teaches (II-II, q. 98, art. 3, ad 2): "*It is a graver sin, if someone swears solemnly by the Gospel, than if he swears by God in common speech, both on account of the scandal, and on account of the greater deliberation.*" These things being equally weighed on both sides, it is graver, if one swearing by God perjures himself, than if one swearing by the Gospel perjures himself.

XVIII. It is certain, then, among all, that some perjuries betray a graver malice, at least within the same species. But according to the other opinion, which asserts that promissory and assertory oaths differ in species, the malice too of one perjury differs in species from another. Wherefore, according to this opinion, it will be necessary to explain the species of the oath in confession. According to the first opinion, however, the circumstance which is greatly aggravating the malice will likewise have to be manifested, as we shall demonstrate in its proper place, though several more recent Doctors say the opposite.

XIX. Oaths are not infrequently affected by a different morality, whether as to line, or genus. For if someone swore, "May God perish, if it is not so," besides the malice of the oath, there would be the malice of blasphemy. Again, if you did not disclose the truth to a superior judge legitimately requiring it, under oath, you would contract a twofold malice: one of perjury, the other of disobedience. Finally, if in judgment you swore something to another's harm, you would perpetrate a threefold sin — namely, of perjury, of disobedience, and of injustice.

Chapter VIII — Under what conditions an oath is lawful; a threefold condition is necessary for it: truth, judgment, justice. Other rules of swearing are assigned by St. Thomas

I. From Chapter II of this Dissertation it has been demonstrated against the heretics that an oath is an honorable act, and lawful, indeed an act of virtue — namely, of religion, or of latria — provided it is attended by the necessary conditions. In this chapter we undertake to explain these conditions, which ought to accompany an oath. But, before we examine each singly, it must be noted, from St. Thomas, that an oath is not absolutely to be sought after, and frequently employed. For, among those goods which are to be sought only when necessity presses, one may reckon that which is medicine — a good thing, given the illness which it meets. Thus an oath has been instituted to provide for weakness — namely, of the incredulous man. "Just as medicine (says the Angelic Doctor, q. 89, art. 5, ad 3) is useful for health, but the more virtuous it is, the greater harm it induces, if not duly taken — so too an oath is indeed useful for confirmation by divine testimony; yet the more it is to be venerated, the more dangerous it is, unless duly employed."

II. Now, in order for an oath to be opportunely employed, three conditions must accompany it, as Jeremiah 4 has it: "*Thou shalt swear: As the Lord liveth, in truth, and in judgment, and in justice.*" St. Thomas assigns the reason why these three conditions are required (loc. cit., art. 3, in the body): "*An oath is not good, except for one who uses it well. For a good use of an oath, two things are required. The first is that one swear not lightly, but from a necessary cause, and discreetly, as regards that which is confirmed by the oath — namely, that it be neither false, nor anything unlawful; and as regards this, judgment is required. The second is required on the part of the swearer's discretion. First, one swears truly by an oath who confirms that which is true; but an oath lacking judgment is called rash. Second, one swears rightly by an oath who confirms by it what is lawful. As regards this, truth is required, whereby it is true, and not a lie; and justice, by which one confirms what is lawful.*"

From this angelic teaching, the sense of the aforesaid conditions plainly shines forth.

III. In every oath, then, truth is first necessary, in confirmation of which divine testimony is invoked. This truth, or certainty of the truth, can be considered both on the part of the thing sworn, and on the part of the swearer. On the part of the thing sworn, it is required that the thing sworn be true according to common understanding and custom. Thus one who swears that a student frequented the schools swears truly, even if he was sometimes absent — since this is commonly understood in this sense. Certainty on the part of the swearer consists in this: that a man confirm, by oath, a matter such as he holds, or believes, in his mind to be true. If he knows the matter to be certain, he cannot swear it as doubtful; and if he judges it to be doubtful, he cannot swear it as certain. In a promissory oath, a twofold truth is implied: one, of the intention now had of fulfilling what he promises; the other, future, or of the deed, in the execution of what is promised. But of this twofold truth, more below.

Second, justice is required for an oath: that truth is necessary for an oath which excludes from the matter to be confirmed anything unjust, or any dishonorable thing — that is, an unlawful, culpable saying or deed, whether contrary to justice, or to any other virtue. He is said to swear falsely who confirms, by oath, present or future matter, contrary to what he presently has in mind. He is said to swear unjustly and wickedly who is opposed to justice. The former is opposed to truth by oath; the latter, to justice.

Third, judgment is necessary, which is not taken for the exercise of justice, but for prudent consideration; and it consists in this: that a man, before he swears, maturely and seriously weigh the utility and necessity of swearing. For, just as prudence is the guide, or rule, of all the virtues, especially insofar as it directs the oath, this third condition is supremely necessary, so that the oath may be lawful, and an act of virtue.

The first two conditions, however, are required so that it may not be a sin. Under this "judgment," in a certain way, are contained all the other conditions. As to truth and justice, this is clear: for, just as this judgment prescribes that one ought to swear, having regard to the utility and necessity of the matters, so too it forbids swearing to something false, or vicious. Other conditions too — chiefly theological faith, whereby one believes that God knows all things, and devotion, whereby, on the part of the swearer, the reverence owed to God is shown — are, St. Thomas openly teaches, comprehended under "judgment" (loc. cit., art. 5, ad 2): "*Devotion, and faith, and all such things as are required for the due manner of swearing, are understood as included in judgment*."

St. Augustine speaks excellently of this "judgment" (Sermon 28, on the words of the Apostle, ch. 9): "*As far as it depends on me, I do not wish to swear; but, when I see that I am not believed, and that it is not expedient that he does not believe, who does not believe him to whom I am a witness — this reason having been weighed, and this consideration balanced, I swear, compelled by great necessity, as it seems to me, saying, with great fear, in the presence of God, or, as Christ knows in my soul, or such things*."

IV. The Angelic Doctor not only explains the three common conditions which ought to accompany any oath whatsoever, but furthermore pursues the occasions in which an oath is free of fault, indeed possesses the merit of virtue. He assigns six such cases. First, when an oath is a conclusion of peace. Second, the necessity of preserving one's own reputation. Third, as a pledge of fidelity to be maintained. Fourth, for rendering obedience to a superior. Fifth, when the necessity presses of securing a promised thing. Sixth, so that the truth, which it greatly matters be believed, may be rendered credible. Here are the words of the holy Doctor, in his Epistle to the Hebrews, ch. 6: "*The causes, however, in which it is lawful to swear, are these. First, for the confirmation of peace, as Laban swore (Genesis 30). Second, for the preservation of one's reputation. Third, for keeping fidelity, as vassals swear to their lords. Fourth, for fulfilling obedience, if something honorable is commanded by a superior. Fifth, for effecting security. Sixth, for attesting truth*." Thus swore the Apostle (Romans 1): "*God is my witness*."

Chapter IX — What truth is required in an assertory oath. The defect of even the smallest truth in this oath is a mortal sin. Some little questions concerning perjury are resolved

I. As has been said, truth is the chief of the conditions necessary for a lawful oath. It is not, however, necessary that this truth always be so in fact; but it suffices that the swearer, in good faith, believe the matter about which he swears to be true in his own mind. For it can happen that a matter is false, although it does not really stand thus, in the mind of the swearer; that is, metaphysical truth is not required, but moral truth. Wherefore truth is not taken so much from the object itself, or the matter sworn, as from the swearer himself — namely, that you swear the matter to be true, when, with sincere mind, you think it to be true, so that you swear without perjuring yourself. And, on the contrary, it can happen that you swear a false matter, and perjure yourself, because you think it to be

false. So that I may resolve more clearly all the difficulties that can occur in the use of an assertory oath, I will present the following little questions with their responses.

II. Question I. *Does one who swears falsely in the lightest matter sin mortally?* Response: The *Summa Angelica* reports Godfrey teaching, in the chapter "*Quod autem,*" that perjury in the lightest matter is a venial sin; which opinion Angles reckons probable, in these words (s.v. *Perjurium*): "*It might, however, be said that a jesting lie is not, properly, a lie; and therefore he could hold that it is not properly perjury. But the safer opinion, according to the judgment of theologians, is otherwise.*" Antonio da Ignazio, in the *Prolegomenon of Moral Theology of the Jesuits*, ch. 1, and Henrique a Santo Ignazio, adjudge this same opinion, along with Bauny, in his *Summa*, p. 65, 15th edition, where he teaches it. And what Bauny says — as Godfrey's opinion, that one does not sin mortally, since it is not so great an irreverence as this — is proposition 24 among those condemned by Innocent XI, in these words: "*To call God to witness to a light lie is not so great an irreverence as to warrant that one should be unwilling, or unable, to condemn a man for it.*" Domenico Viva, in his *Theological Balance*, interprets Bauny as admitting the smallness of matter only in a promissory oath. Let it be so. For I willingly interpret Catholic writers, as far as I can, in a sound sense along with the others. What I deny is that the proposition condemned by Innocent XI was, in its very words, conceived entirely in the sense of an assertory oath, not a promissory one. That the reason for the proscribed proposition does not hold, Fr. Viva himself testifies. Whatever the case may be, it is evident that the matter stands thus — since the malice of perjury does not derive its gravity from the lie, whether light or grave, whether jesting or pernicious, but from the irreverence, and supreme injury, which is done to God, whenever such matter of invocation, or the calling of God to witness of falsehood, occurs, whether it be the gravest, or the lightest.

For whoever invokes God, tacitly testifies that God can be deceived, or can deceive — and thus takes away from God his infallible truth. Therefore every perjury is a mortal sin. Indeed, the Angelic Doctor adds (II-II, q. 98, art. 3), where he establishes that every perjury is a mortal sin — he adds, I say, in his reply to the second objection, that perjury in a light matter is, in one respect, a graver sin than in a grave matter, and therefore, on the part of its own genus, a mortal one. He who perjures himself in jest does not avoid the divine irreverence, but in some respect increases it; and therefore is not excused from mortal sin. Only the defect of consideration, and of deliberation, or advertence, could excuse from mortal fault; but in such a case there would not be perjury — since the very reason for swearing requires deliberation, in the manner to be explained below. Here are the Angelic Doctor's own words: "*He who swears falsely from a slip of the tongue, if indeed he adverts that he is swearing, and that what he swears is false, is not excused from mortal sin, any more than from contempt of God. If, however, he does not advert to this, he does not seem to have the intention of swearing; and therefore he is excused from the crime of perjury.*" Thus all authors teach, after Innocent XI condemned the aforesaid proposition.

III. Question II. *Does one who swears a doubtful matter as certain, or, on the contrary, a certain matter as doubtful, sin mortally?* Response: All the Doctors respond affirmatively. For one who swears a doubtful matter as certain, or a certain matter as doubtful, really lies: therefore he commits perjury, which is a mortal sin. You ought, then, to affirm or deny a matter in that manner in which you, all things prudently weighed, judge it to be. If the matter is doubtful to you, you ought only to declare it while doubting; if certain, you ought to declare it not doubtingly, but assertively.

IV. Question III. *Does one who swears something by hyperbole, which, as it sounds, is not true, sin mortally?* Response: Sánchez (Bk. III, on the Decalogue, ch. 4, n. 5), Tamburini (Bk. III, on the Decalogue, ch.

2, §1, n. 4), Leander (tract. 1, disp. 7, q. 7), Bonacina (disp. 4, q. 1, punct. 3, n. 6) respond negatively — since to say something false by a hyperbolic and figurative locution is not a lie, nor a sin. For this opinion they praise St. Augustine, and St. Thomas, who explains this in II-II, q. 111, art. 1. He recounts several sayings of Sacred Scripture which are explained by a figurative signification. In this manner is explained that saying of David (1 Kings 1): "*Saul and Jonathan... were swifter than eagles, stronger than lions.*" That very many expressions of Sacred Scripture are explained by figurative and hyperbolic speech is well established. But that men who are neither Prophets nor Patriarchs, as those commonly were who are established from Scripture to have spoken figuratively, can confirm their hyperbolic assertions by oath, does not seem to me proven at all. For this reason, oaths of this kind, which Tamburini presses in the place cited — namely, "I swear that Peter possesses infinite riches," "that you are loved by me infinitely," "that your rivals are innumerable," etc. — since in the first place it is certain that such oaths are for the most part incautious, and consequently lack judgment, and are therefore illicit; moreover, an oath is granted by strictest right, and by way of medicine — therefore it is to be employed only when a grave illness, or necessity, presses.

V. Question IV. *Is it lawful to swear something which you judge only probably to be true?* Response: This little question is proposed by La Croix (Bk. III, part 1, ch. 70, n. 267). He responds in these words: "*Sánchez (Bk. III, ch. 4, q. 2, dub. 3, n. 77) affirms this — since you swear this which you judge to be true; therefore you do not perjure yourself. Castropalao, part 5, n. 2, and others, in Diana, part 4, tract. 4, n. 10, extend this to swearing even in judgment. Some hold that one can lawfully swear a matter which he has heard from a notable and trustworthy man to be true. That which is probable, according to some, in Diana, is licit to swear even in judgment.*" Leander (tract. 1, disp. 8, near the end, p. 48), recalling to examination the kind of probability necessary for an oath, reports Tamburini as requiring a probability that induces moral certainty. But, reckoning this too rigid, he adds this: "*But certainly any probability makes for moral certainty, as we have often said, with the common view.*" Whence... , as Palao well says, it will suffice, if he prudently judges, "according to a probable reason, that it is so." If you wish to know the principles of this doctrine, you must recall to memory the principles of probability, which Leander employs in their fullest amplitude. For he says that any probability whatsoever produces moral certainty, and that therefore any probable opinion whatsoever is a rule of honest action, and this is contained in that proposition condemned by Alexander VII, which stands in order 3: "*Generally, whenever we act with either intrinsic or extrinsic probability, however slight, provided we do not depart from the bounds of probability, we always act prudently.*" This assertion, so indefinite, and generally set forth, Leander asserts of any probability whatsoever — whether grave, or slight — generating moral certainty, which anyone can prudently follow, as a rule of his own conscience, and this even in swearing. The Church has expressly condemned this. By a stronger right, then, that which Leander adds is to be execrated, namely, that anyone can swear a matter to be true which he judges only probable. Do not theologians commonly teach that God is called by oath to witness the truth? But, according to Leander, and those whom he cites, Sánchez, Diana, Castropalao, we will be able to invoke him as witness of probability! How can we swear that something is true which is not true, but only probable to us? For "true" is opposed to "false," and "probable" is opposed not to "false," but to "improbable." Since, then, contrary probable reasons occur most frequently concerning the same matter, anyone will be able, by oath, to affirm the same matter, and also, by oath, to deny it. According to the Probabilists, one can, from probable opinions, follow whichever one prefers, and now embrace, now reject, the same one. Or at least one will be able to select whichever part is to be affirmed or denied by oath, whichever has seemed more

opportune, and more accommodated to his own affairs. All of which not only betrays laxity, but even strikes horror. If Leander, with the authors he adduces, had said that one can swear a matter which he knows to be probable, as probable, it would somehow seem tolerable. But, since they assert that one can swear as true what we merely judge probable, and moreover that any probability whatsoever can induce moral certainty, we can in no way admit this. Wherefore we reject Leander's opinion as false.

The opinion, however, which Fr. La Croix reports from Sánchez and others, we reject as improbable — since what we know only by probable conjecture, as Sánchez himself says, we cannot affirm as true, but as probable. For the common opinion of theologians is that the matter of an oath is truth, considered not absolutely, and as it is in reality, but in the manner in which it is perceived by the intellect. Therefore, if the swearer knows the matter as probable, he cannot swear it as true; and if he does not know it as true, he cannot swear it as merely probable. What they further add — that for an oath to be given in judgment, moral certainty is required, but that in other private oaths probable certainty suffices — this, as I judge, is a mere fabrication. For the reasoning is the same for a private, as for a public, oath: for the same is the formal reason which is attributed to each species — namely, the invocation of divine testimony in confirmation of truth. The same certainty, therefore, is necessary for both oaths, whether in judgment, or outside judgment. One who knows a matter as probable cannot swear it as true, but as probable, and conversely. It is indeed true that, according to the decrees of the laws, in judgment, testimonies are not admitted except of those things of which the witness has evidence, that is, unless he is a witness from having seen with his own eyes; and consequently a knowledge of the truth wholly evident is necessary. For the rest, whatever positive law may prescribe, in every oath, whether public or private, moral certainty is necessary — which we shall explain in the following little question.

When, however, someone confirms by oath a probable knowledge which he has of some matter, the matter of the oath is not the probability, or the doubt itself, but the truth of the probability and of the doubt: for, when I swear that I either opine, or doubt about some matter, I swear the truth — because it is really true that I have such an opinion, or doubt, or suspicion.

VI. Question V. *What certainty is required, in order for someone to be able to swear licitly?* Response: For a clearer, and fuller, understanding of the preceding question, I have proposed to settle this little question. There is one certainty which is evident, and metaphysical; another, experimental; another, moral; another, probable, which admits various degrees. Very many recent theologians and Casuists teach that a knowledge which is verisimilar, or probable, concerning some matter, suffices for someone to be able to swear. Thus teach, besides those cited in the preceding number, the theologians of Salamanca (tract. 17, ch. 2, punct. 3, §1), who praise Candido, Lessius, Azor, and others. This opinion does not at all convince me, and, according to the adversaries' own principles, seems to me false. For, if they themselves teach that a probable opinion produces moral certainty, and that we can choose, between two opinions on the same matter, whichever we reckon more opportune for ourselves — it certainly follows that we too will be able, by oath, to confirm or deny the same matter, according as time and our own reasons shall demand. How false, and erroneous, this is, no one fails to see.

VII. Rejecting, then, this opinion, we say, first, that indeed a mathematical, and altogether evident, certainty is not always required in an oath — since this cannot be had in very many cases; but we

assert that a moral certainty is necessary, which excludes every prudent doubt. This moral certainty, however, is in no way induced by conjectures, and merely probable and verisimilar reasons — since the adversaries themselves flee to reflex principles, so that these merely probable reasons may not remove this doubt. But most weighty foundations, and reasons, are necessary, which render us certain concerning the matter about which we must swear. This opinion of ours is clearly drawn from the Catechism of the Council of Trent, Part III, on the second commandment of the Decalogue, §2: "*The first thing, then, that is required in an oath is truth — namely, that what is asserted be true, and that the one who swears judge it so to be, not rashly, nor led by any light conjecture, but by the most certain arguments.*" This same thing is taught by Cardinal Bellarmine (Bk. I, on the Sacraments in general, ch. 16): "*Even though one has a probable reason for believing, he nonetheless does not have certainty; for it can happen that he thinks he believes, and yet does not really believe. But certainty is required for testifying, that is, in the name of God; nor does a probable opinion suffice, as is clear in the similar case of an oath.*"

To witness truly, and to swear well, is not lawful, except for one who can know what he swears. No one swears well unless he can say, 'I have sworn... and I will keep it, to judge the justice of thy testimonies' — that is, unless he has certainty. For nor does a probable opinion suffice, just as a probable opinion does not suffice for testifying by oath; but only in a matter of which we are most certain. This opinion can be confirmed by what St. Ambrose writes (on Psalm 118, sermon 14, n. 14): "*The voice of one walking in light.*" To say, "I swore," is a testimony of knowledge... Let it not be permitted, then, to swear except concerning matters of which we are most certain. Let no one swear who does not know what he swears... To swear, then, is a judgment of knowledge and of conscience... Let light go before you, if you intend to swear — that is, let the knowledge of the truth go before you, so that the bond of the oath may not harm you.

VIII. It is true, however, that the adversaries too admit that moral certainty is necessary; but in this they fail, that they teach that this moral certainty can be had by merely verisimilar conjectures, and merely probable reasons. For even granting that a probable opinion produces so much certainty as suffices as a rule of honest action, it does not, for that reason, follow rightly that it produces so much certainty as suffices for swearing that to be true which we opine to be only probable. For a greater certainty is required for an oath than for any moral opinion whatsoever. For this latter, mere true probability suffices to be a rule of honest action. But when someone swears something as true, it is not enough that it be probable; it is required that it appear true to the swearer — not through merely probable reasons, but through most weighty principles, or arguments, and certain ones. When this certainty is lacking, and only conjectures and probable reasons appear, then the swearer ought to affirm, or deny, a matter as probable, not as true.

IX. Question VI. *What certainty is required for an oath to be tendered in judgment?* Response: In the forum, certain knowledge is necessary... ; testimonies from hearsay are not admitted there, since witnesses there must have evidence from sight. More recent theologians commonly teach, the theologians of Salamanca, Sporer, La Croix, and many others whom they cite, that a witness worthy of credence suffices for swearing outside judgment; not so in judgment. When someone swears concerning another's deed, they say, experimental knowledge is necessary, such as is had by sight; but that a single credible witness suffices outside judgment, not so in judgment.

But it seems to me that it must be said that, whether in judgment or outside judgment, no one can swear a matter as true which he has heard only from a single witness, even a trustworthy one; but he

must swear it in the manner in which he knows it — namely, either because he has had it established by his own eyes, or because he has received it by report from others. Although a trustworthy witness may be a foundation for me to believe prudently what he relates, this faith, or credulity, cannot be of such authority to me that, relying on it, I could absolutely swear that what I have heard is true; but I can only swear that I have heard it. Why can we not swear before a judge, absolutely, that what we have heard from a single witness is true? For no other reason, surely, than that a single human witness does not induce certainty sufficient for an oath. And although in judgment the discussion concerns the harm of one's neighbor, nonetheless such a great certainty is demanded in judgment, not so much to avoid the harm of anyone, as so that every occasion of perjury may be removed. This is the peculiar thing that occurs to be said concerning judicial oaths — namely, that judges, in pronouncing sentence, ought to exact such oaths as are established by the testimony of the eyes concerning that which is affirmed — namely, oaths of experimental, as it is called, certainty.

It is false, then, what more recent theologians commonly assert — that, outside judgment, one can absolutely swear something to be true which he knows only through probable reasons and conjectures; but, whether in judgment or outside it, you are able to swear what you know: and what you know only by hearsay, you ought to swear by hearsay; and what is established to you by sight, you ought to swear is established to you by sight. The reason for this is that, whether in judgment or outside it, the formal reason of the oath is the same — namely, the invocation of divine testimony; and the same reverence is owed to God everywhere and always. This, however, is the distinction between judicial and private oaths: that a judge decides nothing, unless witnesses swear a matter established by sight; private men, however, more often give credence to, and deliberate much upon, oaths concerning things heard (especially where the harm of a third party is not at issue). Wherefore, if you swear to me that you heard from a most trustworthy man, subject to no exception, that some deed occurred, I, as a private man, would give it full credence; and, insofar as such knowledge concerned my affairs or business, I would use it as a rule for many of my deliberations; but, as a judge, I would have no faith in you, nor would I decree anything relying on such an oath.

X. Question VII. *What diligence is required in inquiring into the truth necessary for an oath?* Response: The theologians of Salamanca (loc. cit., n. 4) answer in these words: "*Equal diligence is not required in every matter to scrutinize the truth of the thing sworn; but, according to the condition of the greater or lesser weight of the thing, greater or lesser diligence is to be employed. For in matters of greater weight, greater care is to be employed than in matters of lesser moment*."

This rule seems to me false. Since it is not the nature of the thing sworn, but the supreme gravity and dignity of the oath itself, that ought to be the norm of the diligence necessary in the inquiry of the truth before one swears. Is not assertory perjury, even in the lightest matter, a mortal sin? Why? Because the gravity of perjury is derived not from the matter sworn, but from the injury done to divine truth. Therefore, since an oath, by its own nature, with no regard to the matter sworn, is, among all peoples, a matter of the highest moment, the utmost diligence for the inquiry of truth ought to precede it. Only, then, can it be said that greater or lesser diligence is to be employed with respect to the truth itself, insofar as the matter which is sworn is more or less accessible and open to view, not with respect to the matter sworn. When, however, the matter sworn is grave in weight, since it concerns the reputation, or fortune, of one's neighbor, greater diligence and deliberation is required, not by force of the oath, or of the virtue of religion, but by force of another virtue, of

justice, or of charity — since, if you swear falsely against your neighbor in a grave matter, besides perjury you commit the sin of injustice. And it is in this sense that it is said that, when the matter sworn is of great weight, grave diligence is also required on this ground, so that, besides perjury, the sin against justice may be avoided. All this seems certain to me, and cannot be denied even by more recent authors, though they assert the contrary in ambiguous words.

XI. Question VIII. *Does one who is notably negligent in inquiring the truth of the matter he swears sin mortally, even though it happens that the matter he swears is true?* Response: Sánchez (Bk. III, on the Decalogue, ch. 4, n. 10), Leander (tract. 1, disp. 7, q. 1), and, in them, Scotus, Cajetan, Richard, Sotus, Navarrus, and commonly all Doctors teach that this person sins mortally — since he exposes himself to the danger of perjury, and omits the necessary diligence in a matter of grave weight.

But, so that all that has been said in the preceding little questions may be more validly confirmed, and especially that rule in which we said that probable knowledge, which can suffice for governing other human acts, by no means suffices for the making of an oath, it is worth bringing forward St. Thomas's teaching. The holy Doctor, then, has this (II-II, q. 89, art. 3, ad 3): "*There is great danger in an oath, both on account of the greatness of God, whose testimony is invoked, and also on account of the fickleness of the human tongue, whose words are confirmed by the oath. And therefore such things (namely, truth, judgment, justice) are more required for an oath than for other human acts*."

XII. Question IX. *Can it be lawful — as the Scholastics call it — to swear that one saw a fellow student attend classes for the time required by the university for completing his course, if it suffices that they have commonly seen him frequent the schools?* Response: Tamburini (Bk. III, ch. 2, §1, n. 8) relates this case from Hurtado, in Diana, Part V, tract. 8, resol. 10. A student, wishing to prove attendance, for which he needs two witnesses, can employ two friends who did not see him present at the lectures, but who are sufficiently persuaded that he was present; but they cannot swear that they saw it. Tamburini approves this decision, to which I in no way can accede. For this resolution is quite involved, and entangled. Why can they not swear that they saw him, but can absolutely swear that he frequented the schools? Because they are sufficiently persuaded that he was present at the lectures. Why so? No ground of that persuasion is adduced. Wherefore it seems to be implied that these two student friends did not at all see him, and yet can freely and absolutely swear that they saw him attend classes, or that the student himself testifies to it, or that they themselves, kindly and out of a certain inclination toward their student friend, have been persuaded that he really did frequent the schools. But no one fails to see that these foundations are by no means sufficient for making the oath that the student attended lectures — for, in order for the aforesaid friends to be able to swear this in good faith, it is necessary either that they themselves saw him, or that they have as witnesses persons worthy of credence who affirm this. What authors commonly teach afterward — that, for this oath to be given without fault, it is not necessary that the swearers should have seen the student go to school every single day — is true, since such knowledge cannot be had by due diligence. It will suffice, then, for them to know that the student commonly attended the lectures; for this is what universities require, and no more — although, so that the oath may be pronounced with due religion, the swearers ought to confirm by oath a common, not a daily, presence in the schools. Extremes are nonetheless to be avoided. When an oath is made according to the mind of the one questioning, truth, judgment, and justice accompanying it in good faith, one must beware of excessive anxiety, and superstition, lest, while you strive to avoid one extreme, you fall into the other.

XIII. Question X. *Is it lawful to persuade someone to swear a truth of which he himself is ignorant?* Response: It is certain among all that this is not lawful — since one who swears without certain knowledge sins mortally; therefore one who induces him to swear in this manner, without certain knowledge, similarly sins. For the clarity of this matter, this case is usually proposed. Peter, a merchant, to prove that Paul owes him a hundred gold pieces, which he really does owe, but which Paul otherwise denies owing, induces Anthony to swear the truth of this debt — namely, that Paul owes Peter a hundred gold pieces — although it is false that Anthony has this knowledge. Anthony swears. His oath, then, is certainly perjury. He is not, however, bound to restitution, since the debt of a hundred gold pieces is supposed to be true. And although Peter the merchant produces reasons which seem to him... seem true, you cannot for that reason swear in judgment that you know it; nor even outside judgment; but you can only swear that you have heard from Peter that this sum of money is owed him by Paul.

Chapter X — On the defect of justice, and of judgment, in an assertory oath. Some little questions are resolved

I. It has been explained above what truth, justice, and judgment are necessary for any oath whatsoever. In the present chapter, however, we chiefly undertake to discuss whether, just as the defect of truth in an assertory oath is always a mortal sin, so too the defect of justice and of judgment, in the same oath, constitutes a mortal sin. And, to resolve certain difficulties concerning this, we propose the following questions.

II. Question I. *Is the defect of justice in an assertory oath a mortal sin?* Response: Before I answer directly, I note that someone can swear an unjust matter in two ways. First, when someone relates a wicked matter as true, for a just cause — for instance, when, for a good end, he confirms by oath a sin committed by himself, or by another. In this manner, one would honestly, and justly, swear an unjust and wicked matter. Second, when someone manifests a wicked matter for a wicked end — for example, if someone were to reveal the hidden crime of a neighbor, whose reputation would be gravely injured by such a revelation. In this way, one would swear an unjust matter in an unjust manner, and would use the oath as an instrument for confirming a wicked manifestation. In the first case, he would confirm the truth of an iniquity committed, urgent just cause pressing; in the second, he would confirm the wicked manifestation of a crime, impelled by malice alone.

III. To the question, the theologians of Salamanca respond (tract. 17, ch. 2, punct. 2, §1, n. 34), teaching, from Suárez, Sánchez, Palao, Tamburini, and Leander, that the defect of justice in an assertory oath is not a mortal, but a venial sin — unless the oath is taken up as an instrument of iniquity, in which case the sin would be mortal. They adduce an example. You reveal the true, but hidden, crime of your neighbor, from which his reputation suffers grave harm. Then, so as to render your defamation more certain, you confirm it by oath. Then, surely, you sin mortally — not only with the sin of defamation, but also with a sin against justice, an accompanying oath. If, however, you disclose your own sin out of boastfulness and deliberate delight, and at the same time confirm by oath that you committed that sin, you indeed sin mortally with the sin of complacency, but you do not sin mortally against the justice necessary to an oath, but only venially. Thus the theologians of Salamanca distinguish, with the authors they cite.

The opinion of Sotus (Bk. VIII, on justice and law, art. 3, concl. 2), of the second matter, however, of Toledo (Bk. IV, ch. 22, n. 10 and 11), of Ledesma (Vol. II, Summa, tract. 11, ch. 3, dub. 4), of Aragón (II-II, q. 89, art. 10) seems more probable to me — namely, that the defect of justice in an assertory oath is a mortal sin, when the swearer's assertion is such that it constitutes a mortal sin; but if the assertion is only venial, the crime of the oath will likewise be venial. The reason seems manifest: because a most grave injury is done to God, when his authority is employed to confirm an assertion gravely wicked. And, to use the adversaries' own example, I do not see a disparate reason why they should say that one who confirms by oath a mortal complacency in his own sin does not sin mortally against the oath; while one who, by oath, makes another's infamy more certain, sins gravely against that same justice. Since, although, on the part of the sworn matter, it is a graver crime to defame one's neighbor than to delight in one's own iniquity already committed; nonetheless, on the part of the manner of swearing, as it is called, as often as God is brought forward as witness of a grave iniquity, a grave injury is done him.

Nor is the adversaries' response of any weight — namely, that, justice being lacking, the end of the oath still stands, which is the confirmation of truth; which standing, God is not called to witness of a lie, but of an iniquity. Since we too concede that the chief end of an oath is the confirmation of truth, or that truth is the foremost of the conditions necessary for a licit oath; and therefore we say that the defect of truth, even in the lightest matter, always induces a mortal sin; but the defect of the other two conditions, in a light matter, is only a venial sin. But from this it can in no way be inferred that the defect of justice, in a grave matter, is not a mortal sin. We conclude, then, that, whenever a swearer uses divine testimony for a bad end, or with a culpable and depraved mind, whether to strengthen a wicked manifestation, or of his own, or of another's mortal sin, he commits a double sin: one against the virtue to which the matter related is opposed; the other against the justice of the oath.

IV. Question II. *Is the defect of judgment in an assertory oath a mortal sin?* Response: We have spoken above of the judgment required for an assertory oath. This condition of judgment requires a reasonable cause for swearing: for whenever the reason, or cause, of swearing is lacking, the oath lacks judgment, as has been said. We have also produced, above, ch. 8, n. 4, six causes of this necessity from St. Thomas. Now we add that necessity, or the cause of this truth, or confirmation, is then present, when these two things concur. The first is that the truth cannot be proven by another way, except by the oath. The other is that it redounds either to the public, or the private, utility. The precise degree of this necessity cannot be prescribed, but it must be left to the judgment of a prudent man, when it really occurs, or is present. This is the general rule: that, without some moral utility, the necessity of swearing is never present.

V. So that we may answer the proposed question distinctly, however, a distinction must be admitted. If the matter which is to be sworn is manifestly true, and there is just, or licit, necessity of swearing, then, absolutely speaking, the defect of judgment in the inquiry of truth is only a venial fault. If, however, the defect of judgment is in this — that the oath is made without necessity — then a distinction must be made: if the negligence is light, the fault will be light; if the negligence is grave, it will be a mortal sin. The response is clear from what has been said above.

Dissertation II — On the Promissory Oath

Those matters have thus far been discussed which concern the oath in common, and especially the assertory oath. It remains now that I take up a discourse concerning the promissory oath. This indeed has its own peculiar difficulties, since, beyond the truth of a present assertion, it carries with it a promise to be fulfilled in the future. In this disputation, then, I shall first examine those difficulties which pertain to truth, judgment, and justice; then I shall set forth the extent of the obligation which this oath induces.

Chapter I — On the truth and judgment necessary in a promissory oath. Little questions of no small moment are examined

I. Hugo Grotius (Bk. II, *On the Law of War and Peace*, ch. 13, §21) denies that a promissory oath is lawful, on the grounds that the outcome of the promised matter is uncertain. And against these oaths he adduces the text of the Gospel: "*Swear not at all*." But Grotius, an author otherwise weighty among the heterodox, errs, and his own error even the heretics themselves have refuted, in their notes. Wherefore, this error set aside, the opinion of the Catholics is to be explained. The concordant opinion of the Doctors, then, is that all three conditions — namely, truth, judgment, and justice — are necessary in a promissory oath, no less than in an assertory one. For the aforesaid conditions ought to accompany the oath, taken absolutely, and consequently any particular oath whatsoever. Concerning the judgment which it is necessary to examine for the necessity of swearing, nothing occurs to be said beyond what has been said in the preceding dissertation. For no oath can lawfully be made without a reasonable necessity. This necessity is now greater, now lesser, according to the diversity of the matter which is sworn. Having, then, made a general examination of this condition, which brings no new difficulty, we undertake to elucidate the truth which is necessary in a promissory oath, and which is subject to its own peculiar difficulties.

II. Question I. *Is the defect of truth concerning the present, in a promissory oath, always a mortal sin?* Response: It has already been said that a promissory oath includes a twofold truth: one, concerning the present... , which consists in this: that the swearer have a sincere mind of fulfilling what he promises; the other, of the future, which consists in the future execution of the promised thing. It is answered, then, to the question, that all defects of present truth in a promissory oath are always a mortal sin. The reason is evident: since a promissory oath, by reason of present truth, agrees with the assertory, as has been indicated above. Now the attestation of falsity concerning the present is always a mortal sin, even in the lightest matter; therefore also in a promissory oath, no less than in an assertory one. For in both, God is invoked as witness of a falsity, which betrays a most grave injury to him. Whether, then, a small matter, or a great one, whether honorable or unlawful, is promised, without truth concerning the present — that is, without the intention of fulfilling such a promise confirmed by oath — it will always be a mortal sin.

III. Question II. *Is a defect of the second truth to be judged grave, or is one who does not fulfill a promised matter confirmed by oath, in grave matter, guilty of mortal sin?* Response: All respond affirmatively — since the violation of an oath in a grave matter gravely holds God in contempt, and consequently is a mortal

sin — just as it must, by a stronger right, be said of the violation of a vow in a grave matter. Nor is there any difficulty among theologians about this.

IV. Question III. *Does one who does not fulfill a promised matter confirmed by oath in light matter sin mortally?* Response: Theologians dispute on both sides. I will first premise what is certain among all; then I will set forth what seems to me more probable. First of all, then, all confess that one who confirms a verbal promise by oath, without the intention of promising, sins mortally — since he is thus already a perjurer, as has been said. All equally affirm that one who has the intention of promising, but does not have the intention of fulfilling, sins mortally, for the same reason: because in both cases he lies, and perjures himself. For, when someone swears that he will assume the burden of another's obligation, and in fact, from a defect of intention, does not assume it, he lies — just as one who swears that he will do something swears that he has the resolve of doing it. If, then, he does not have this resolve, he lies, and is a perjurer. All equally agree that a twofold truth is given in a promissory oath — one, concerning the present, which, as we have said, consists in the intention of promising and of fulfilling; the other, concerning the future, which consists in the execution of the promised thing. Finally, all concede that the defect of either truth in the oath is, by its own kind, and absolutely, a mortal sin.

In this, however, turns the whole controversy: namely, whether there is a smallness of matter in this second truth of the promissory oath. And a threefold opinion is repeated on this matter. The first, extreme opinion, which affirms it; another, which denies it; a third, middle opinion, which uses a distinction. If the promised matter is the whole and entire matter of the oath, though it be light — for example, if you swore, or vowed, that you would give a poor person one small coin — then the omission of its execution is a mortal sin. If, however, the matter omitted is partial — for example, if you swore that you would give ten pieces of silver, and you give only eight — then the omission is only a venial sin. But authors of both extreme opinions commonly reject this third, middle opinion, as useless. For, granting that the defect of truth in the whole matter is a lie, the same occurs in the defect of a part of the matter. For to bring God forward as a witness of a lie, in whatever way this occurs, is always a mortal sin. Setting aside, then, this middle opinion, it is brought under examination which of the two extreme opinions is more probable.

V. I say: one who does not fulfill a promised matter confirmed by oath, even though the matter be light, nonetheless commits perjury, and sins mortally. So that you may perceive the sense of this opinion of ours more clearly, I would have you note that we do not now speak of those oaths by which mothers swear to their children an apple which they do not afterward give; nor of those by which men swear that they will not go forward, or deny that they will do something, out of modesty, to honor their companions, though they nonetheless go forward. Of these, or similar oaths, I say, we are by no means speaking. Indeed, with Comitoli (Bk. II, q. 4), we confess that it would be too harsh to condemn such mothers, or well-born men, of mortal guilt — since such expressions, or oaths, are not true oaths, from a defect of sufficient deliberation; or they receive a true interpretation, which we have given elsewhere. One ought, nonetheless, to abstain from oaths of this kind. We speak, then, of a serious and deliberate oath, by which men pledge something under oath.

We choose this opinion as more probable, since, in express words, St. Augustine, St. Thomas, St. Raymond, and the weightiest theologians to be cited below teach it, as I judge. St. Augustine (Epistle 22, or 224 in some editions) has this: "*Whoever deceives the expectation of those to whom he swears, cannot*

fail to be a perjurer." St. Thomas more clearly (II-II, q. 89, art. 7, in the body): "*Just as an assertory oath, which is about the past or the present, ought to have truth, so too an oath about things to be done by us in the future ought to have truth. And therefore each oath has a certain obligation, though in different ways: for in an oath which is about the past or the present, the obligation is not with respect to the thing which already was, or is, but with respect to the very act of swearing — namely, that one swear that which is now, or was, already true. But in an oath which is rendered concerning things to be done by us, the obligation, on the contrary, falls upon the thing which someone has confirmed by oath. For one is bound to make true that which he has sworn; otherwise the truth of the oath is lacking. This is so well established, so evident, is St. Thomas's mind, that it can be evaded by no circumlocution.*" — as will already appear more clearly. St. Raymond (Bk. I, Summa, tit. on the oath, on perjury, p. 51, col. 1) has this: "*If, when he swore, he either believed that he could, but foolishly, or he believed that he could not solve it, and had probable cause for believing, then in both cases he perjured himself, as regards his ability, in either case; not, however, as regards his will, since he had the will in both cases: because in the first case he lacked truth in conscience, and in the second, judgment. If, however, he could not pay at the term, he does not perjure himself for this cause. Much more is he excused, if he sent it at the due time, but the money was lost by chance in transit, as is gathered from the chapter "Querela," Extra, on the oath, from the canon "Si nulla," cause 23, q. 8, and canon "Sicut," dist. 1, on consecration. If, however, once the term has elapsed, he could pay, and does not pay, he would be a PERJURER. For the lapse of the term does not dissolve the obligation of the oath, as is gathered from the chapter "Cum dilecti," Extra, on deceit and contumacy.*"

The Catechism of Trent teaches this same opinion (Part III, on the 2nd precept, n. 13), where it proposes this question: "*How does one sin who does not keep what he has sworn, or vowed, that he would do?*" It responds: "*Of the same sin (namely, of perjury, of which discourse was had in the preceding number) is he to be judged guilty, who promises by oath that he will do something, when either he had no intention of fulfilling the promise, or, if he had, he does not in fact perform what he promises.*" Gerson, in his exposition of the precepts of the Decalogue, on the oath and perjury, says: "*As to an oath concerning future things, a person immediately perjures himself when he has the firm will of not fulfilling it, or when he does not fulfill it in fact.*" St. Antoninus (Part II, tit. 10, ch. 7, on perjury, §1): "*In a promissory oath, if one omits to fulfill what he promises, on account of a legitimate impediment, he is excused from mortal sin, according to Peter of Tarantasia. The same is taught by Bonaventure, on Bk. IV, dist. 39, first chapter, where he fully proves that every perjury is a mortal sin.*" Therefore, on the contrary, he is not excused, when a legitimate impediment is lacking. Read the whole chapter, where he fully proves that every perjury is a mortal sin. Wherefore that passage cannot be interpreted to mean that he speaks of grave, but not of small, matter. From all this it is gathered, following Augustine, Thomas, Raymond, Antoninus, the Catechism of Trent, and Gerson, that he is guilty of perjury who does not fulfill what he promised under oath. But perjury is always a mortal sin.

VI. Our opinion is established by reasons. A promissory oath, as has been said, is distinguished from an assertory one in having for its matter the truth of the future execution of the promised and sworn thing. For, by reason of present truth, it is not distinguished from the assertory oath, as the adversaries themselves confess, who all concede that a promissory oath has a twofold truth, one concerning the present, the other concerning the future. This first proposition, then, is subject to no evasion. But when the sworn and promised matter is not fulfilled, this truth proper to a promissory oath is lacking. Therefore he who swears, and does not fulfill, commits perjury.

VII. The reason adduced is entirely... established from the words of St. Thomas, who, in express words, asserts that the matter of a promissory oath is the execution of the future promised thing, just as an assertory oath has for its matter truth concerning the past or the present. "*Just as an assertory oath, which is about the past or the present, ought to have truth, so too the oath concerning things to be done by us in the future ought to have truth.*" The Angelic Doctor adds, however, that this oath lacks truth as often as the swearer does not, at the appointed time, fulfill the sworn matter. "*For one is bound to make true that which he has sworn; otherwise TRUTH IS LACKING to the oath.*" If truth is lacking to the oath, then the swearer calls God to witness of falsity; therefore he perjures himself; therefore he sins mortally.

VIII. All this is confirmed. The reason why the defect of truth in an assertory oath, in the lightest matter, is always a mortal sin, is that God is brought forward as witness of falsity. But, as often as the promised matter sworn by a promissory oath is not fulfilled, God is brought forward as witness of falsity. Therefore the sin is mortal. Is not a promissory oath a true oath? Therefore it invokes God for the confirmation of truth: not, however, of present truth, since in this respect it is assertory; therefore it is brought forward for the confirmation of future truth; therefore, this truth being lacking, God is called to witness of falsity.

IX. Wondrous are the responses which the adversaries offer to these evident reasons. Cárdenas responds — and this is the common response (art. 1, n. 19) — in these words: "*Although, in that case, it is false that the swearer will fulfill the oath (for God knows it is not to be fulfilled), this is nonetheless not false on the part of the swearer's intention, since he has the intention of fulfilling it. Whence it is only materially false.*" La Croix writes this same response. See where the sharp wits of these theologians finally come down! In an assertory oath we say that Peter swears materially false, when, having applied due diligence, he swears something false, thinking it to be true. But if, through his own fault, he is ignorant of the truth, he swears formally false, though he thinks it to be true. One who does not fulfill the sworn matter, does not fulfill it through his own fault. And this we suppose as certain. For if he did not fulfill it through true incapacity, then it would be materially false. But the adversaries all speak in the hypothesis that the swearer could, and deliberately does not wish to, fulfill what he promised. Therefore, since Cárdenas and others concede that the defect of this execution induces falsity, the falsity will be formal, not material — since it draws its origin from the deliberate and culpable will of the swearer himself, unwilling to fulfill the promise.

X. Our opinion is confirmed, finally, by this. All the adversaries concede, to a man, that one who does not fulfill, in grave matter, what he promised under oath, sins mortally against the promissory oath. All equally confess, to a man, that the formal reason of any oath whatsoever is drawn not from the gravity, or the smallness, of the sworn matter, but from the invocation of divine testimony; and for this reason, commonly, besides Castropalao, and a few others, they defend, as we have seen above, that all oaths are of the same species. Finally, all affirm that a promissory oath always includes what an assertory oath has, insofar as it ought to have present truth; but it is distinguished from the assertory in this, that it invokes God for the confirmation of future truth. All this is most certain among the adversaries themselves. From which I draw this valid proof: in the violation of a promise confirmed by oath and accepted, a twofold sin is committed, in my own opinion — one against justice, the other against the oath. Into this controversy the adversaries do not draw this proposition. But the sin which is against the oath is against truth: for one cannot sin against an oath, except by sinning against truth — since the formal reason of an oath is to confirm truth, whether present,

future, or past. Therefore, that the matter be grave or light does not prevent the defect of truth from always inducing a mortal sin. The magnitude of the matter constitutes a sin grave against justice, or against the fidelity of the promise; and the smallness of the same matter induces only a venial sin against that same promise. But this is wrongly thrust in to increase or diminish the malice of the oath. For the oath takes its species from truth, and is rendered good or evil by truth or falsity. Now that this truth, the single matter of the oath, falls upon a grave or a light thing matters not at all to the formal reason of the oath. Which reasoning, since the adversaries admit it in an assertory oath, they ought also to admit in a promissory oath, since both are of the same species.

XI. Hence it seems that it can be inferred that the contrary opinion is comprehended under this condemned proposition: "*To call God to witness to a light lie is not so great an irreverence as to warrant that one should be unwilling, or unable, to condemn a man for it*." And indeed, as we have seen, the adversaries themselves do not know how to withdraw their own opinion from the thunderbolt of condemnation, except by fleeing to a material lie, to material falsity, or to a lie against future truth. But they are mistaken. For this alone is the difference between an assertory and a promissory oath, as has often been said: that the former looks to present or past truth, the latter to future truth; or, as the Angelic Doctor says above, the former falls upon the very act of swearing, the latter upon the thing which is sworn. Now, that the invocation of divine testimony in confirmation of present or past falsity should be a mortal sin, but not so in the attestation of future falsity — this is what seems to us nearly monstrous, especially since both falsity present and future are of the same species, just as the assertory and promissory oath are of the same species.

This opinion of ours is upheld, besides Augustine, Thomas, Raymond, the Catechism of Trent, and Gerson, by Cajetan (in his Summa, s.v. *Periurium*, ch. 3, and II-II, q. 89, art. 3), Candido (disq. 26, art. 10, dub. 3), Filliucci (tract. 25, ch. 10, §5), Valentia (I-II, q. 8, disp. 6, punct. 3, concl. ...), Toledo (in his Summa, Bk. IV, ch. 22), Covarrubias (Bk. 1, *Variae*, ch. 1, n. 2), Córdoba (in his Spanish Summa, q. 335), Filiarco (*On the Office of the Priest*, Vol. I, tit. III, Bk. III, ch. 3), Bassaeus (Vol. I and Vol. II, s.v. *Iuramentum*), Sayr (Bk. I, ch. 4, n. 15, and Bk. II, ch. 22, n. 79), Medina (in his Summa, ch. 14, §4), Lessius (*On Justice and Law*, Bk. II, ch. 42, dub. 3), Reginaldus (Bk. I, n. 79), Bonacina (Vol. II, disp. 4, q. 1, punct. 14, n. 16), Natalis Alexander (Bk. IV, art. 3, rule 3), Genet (tract. on the 1st precept of the Decalogue, ch. 11, q. 7), Henrique a Santo Ignazio (Vol. II, Bk. X, tit. 3, conf. 14), Paolo Gabriel Antoine (tract. on the theological virtues, ch. 4, q. 5), Wigandt (tract. 10, exam. 9, n. 41).

XII. You will object with this authority of St. Thomas (II-II, q. 110, art. 3, ad 5), where he writes this: "*He who promises something, if he has the intention of doing what he promises, does not lie, because he does not speak against what he holds in his mind. If, however, he does not do what he promised, he will then seem to act unfaithfully, in that he changes his mind... Whence neither did the Apostle lie, who did not go to Corinth, whither he had promised he would go*." It is astonishing that this authority could be thrust upon the adversaries — drawn from q. 110, where St. Thomas has not a single word concerning an oath; whereas St. Thomas himself opposes this same authority to himself in q. 89, where he treats the oath in ten articles. In the place first cited, he objects this authority to himself, in these words (art. 7): "*It seems that an oath does not have the force of obligation. For an oath is brought in to confirm the truth of what is said. But when someone says something concerning the future, he speaks the truth, even if what he says does not come to pass — as Paul, although he did not proceed to Corinth, as he had said, nonetheless did not lie*." What does the holy Doctor answer to this argument? Here are his own words: "*To the first, then, it must be said that one act is*

of a simple word, another of an oath, in which divine testimony is implored. For, as regards the truth of a mere word, it suffices that someone say what he proposes to do — for this is already true in its cause, namely, in the resolve of the doer. But an oath ought not to be employed except in a matter of which someone is firmly certain. And therefore, if an oath is employed, on account of the reverence of the divine testimony which is invoked, man is obliged to make it true, according to his own possibility, that which he swore, as has been said. What if the outcome turns to the worse?" said the Angelic Doctor in the body of the article. "*Truth is lacking to the oath, unless it be lacking on this ground alone: that the sworn matter is not fulfilled at the point of death (?) — otherwise truth is lacking to the oath.*" The response is so manifest that it needs no further explanation.

XIII. They object with these reasons, in like manner as... those which the Fathers of Salamanca advance, who, according to their custom, merely report the arguments of other authors. They philosophize otherwise, they say, concerning the truth of an assertory oath, and the truth of a promissory one, as regards present and future truth. For the defect of the former truth is a lie, which can be honored by no reasoning. But not to keep a promised matter, sworn under oath, is not a lie, but infidelity, though it admits a smallness of matter as regards the first defect of truth in the very deed; a smallness of matter can, however, be given as regards the second truth, respecting the intention of fulfilling it — since this second falsity is not truly a lie, but infidelity.

XIV. I have wished to present this single argument of theirs in the adversaries' own words, so that the weakness of the contrary opinion may thereby be more evident. It must be answered, then, that this argument is a mere paralogism, and contains contradictory extremes. They concede that the execution of the sworn thing is the future truth of a promissory oath, since, by reason of present truth, it is assertory. Then they add that falsity is not opposed to this truth, but infidelity. Why? Because that truth is future. But we say that these mutually conflict. For, once it is conceded that the execution of the promised thing is the truth of a promissory oath, it is wrongly added that falsity is not opposed to this truth, but infidelity — since falsity is opposed to every truth, whether present, future, or past. The adversaries' argumentation, then, labors under a paralogism, precisely because they do not distinguish between the promised thing, or a simple promise, and a promissory oath. The truth of a promise, as the Angelic Doctor most excellently declares, lies in the very resolve of the one promising, not in the future execution of the promised thing. For this reason, when someone, with a true resolve, promises that he will give something, he does not sin against truth — which is really supposed in the resolve — if he does not observe what he promised, but against fidelity. But when this promised thing constitutes the matter of an oath, it takes the place of a truth confirmed by the oath; and a promissory oath, precisely as such, falls solely upon this future truth, as the Angelic Doctor says, and as the adversaries themselves concede. It is futile, then, to say that the defect of that truth is infidelity, not falsity. We answer, then, by denying the antecedent of the fabricated argument. And we say that the defect of future truth in a promissory oath constitutes perjury, just as the defect of present or past truth in an assertory oath constitutes perjury.

It is astonishing that some Cárdenas has not explained the aforesaid condemned proposition, saying that to call God to witness of a light lie, against present truth, is a mortal sin of perjury; but not so, if he is called to witness against future truth. And indeed the adversaries will assign no true difference why a defect of past truth should constitute a formal lie, but a defect of future truth a merely material lie — except that the defect of that truth proceeds solely from the fault of the promiser.

XV. They object, second: One who does not fulfill a vow in a light matter does not sin mortally; therefore neither does one who does not fulfill an oath of a light matter. Response: The consequence is denied. For there is no grave injury, or irreverence, toward God in not rendering a light matter promised, which contributes little to his honor. But to invoke God as witness of falsity, even in the lightest matter, is a most grave injury against God — because one who swears falsely in whatever manner, so far as it depends on him, brings it about that God testifies to falsity. But the veracity of God cannot be reconciled with the falsity of any matter whatsoever, however light. Therefore one who does not execute a promised and sworn thing denies the veracity of God, and, by his own endeavor, destroys it.

False, then, is the contrary opinion, which is defended by Sotus (Bk. VIII, on justice, q. 1, art. 7), Suárez (Vol. II, on Religion, Bk. III, ch. 16), Sánchez (Bk. III, Summa, ch. 4, n. 23), Tamburini (ch. 3, n. 4), Pedro Ledesma (Vol. II, tract. 14, disp. 33), Azor (Bk. XI, ch. 5), Leander (tract. 1, disp. 7, q. 2), Castropalao (tract. 17, punct. 6, n. 8), Trullench (Bk. II, ch. 1, dub. 6, n. 6), Cárdenas (dissert. 17, ch. 2, art. 2), La Croix (Bk. III, part 1, ch. 2, dub. 5, n. 304), the theologians of Salamanca (tract. 17, ch. 2, punct. 5, §2, n. 53), and others among them, who also cite John of St. Thomas in their favor (II-II, q. 88, disp. 29, art. 8); but wrongly: for this author speaks there of a vow, in which he concedes a smallness of matter; and he only calls it a probable opinion concerning an oath, without at all defending it. To the cited authors may be added Fr. Sporer (tract. on the 2nd precept of the Decalogue, sect. ..., n. 137), where he says: "*In practice, I hold it altogether safe that a promissory oath is excused from mortal sin by the lightness of the matter.*" But all the Fathers have execrated every perjury as an accursed thing, and Augustine calls it a monstrous beast; and none of them distinguished between promissory and assertory perjury. St. Thomas, however (II-II, q. 98, art. 3), resolves that all perjury is a mortal sin. Wherefore Fr. Sporer, too confidently, established that every promissory perjury is altogether safely reckoned venial, from the smallness of the matter. But of these things enough has been said.

XVI. Question IV. *Would one who, under oath, promised something with a doubtful intention of fulfilling it, sin mortally?* Response: All commonly respond affirmatively. Just as one who swears a doubtful matter as certain commits assertory perjury, so too one who promises something by oath which he doubts, or does not believe, he will fulfill, sins mortally by promissory perjury. No one, then, ought to confirm his promises by a promissory oath, unless he is morally certain of the future execution. Nor do probable conjectures, or reasons, suffice; but grave and firm foundations, which remove every prudent doubt, are required — whatever some may assert to the contrary. See what has been said concerning an assertory oath.

XVII. Question V. *How are those oaths to be interpreted by which men commonly swear that they will not be the first to enter through a door, or to sit, etc.?* Response: These are interpreted in this manner: that the swearers have the firm resolve of fulfilling what they assert, according to the sense which such expressions convey. The common sense, however, is that the swearer, so far as it concerns himself, so far as it lies on his own part, does not wish to enter first, to sit first, etc. Wherefore, if, by another's excessive courtesy, he is compelled to enter first...

Chapter II — On the justice necessary for a promissory oath

I. This condition, which is one of the three necessary for any oath whatsoever, has its chief place in a promissory oath. This justice prescribes that a lawful and honorable matter be promised under oath. Wherefore a promise of unlawful and wicked matter under oath is, by its own kind, a mortal sin. Doctors commonly hand down that the gravity of the matter which falls under the oath must be inspected, so that from this the gravity of the sin against the oath may be gathered. Certain questions will explain the whole matter.

II. Question I. *Does one who swears that he will fornicate, or perpetrate any other grave crime, sin mortally against the virtue of religion?* Response: All respond affirmatively, since he really has the intention of fornicating; there will be perjury, if the intention of fulfilling what he swears is lacking. Such a swearer, then, commits a twofold sin: one against truth, if the intention of fulfilling what he swears is lacking; the other against the justice of the oath, whether he has or lacks the intention of fornicating — a single, most grave sin, since to bring God forward for the confirmation of iniquity is to inflict a most grave injury on God.

III. Question II. *Does one who swears that he will commit some venial sin sin mortally?* Response: The common opinion is negative — since it is not a grave injury for the swearer to be bound to the commission of a venial sin. And this is established by the authority of St. Thomas himself: for it does not seem a great matter that one should compel oneself, under the confirmation of one's own resolve, to commit a venial sin, merely by the culpable fault of omitting the execution of the aforesaid oath. Thus more recent authors commonly distinguish.

IV. As for the opinion just reported, if I inspect the multitude of authors whom they cite, the Fathers of Salamanca follow it (tract. 17, ch. 2, punct. 5, n. 54), asserting it more probable; but if I weigh the reasons, I cannot but judge it improbable to me. For indeed, one who swears that he will commit a venial sin invokes God to strengthen and confirm his own resolve. Since, then, some deliberation, or resolve, is fortified by the authority of divine testimony, so that it may become firmer, and more immovable — what is more injurious to God, what more hostile, what more infamous, than to abuse the majesty of his infinite name, and to turn his authority into a support for iniquity? This is confirmed. One who swears without the intention of swearing sins gravely. Why? Because he abuses the oath. But it is a worse abuse when someone uses an oath to confirm venial iniquity. Therefore, etc. It should be added that one who invokes God as witness of a venial sin brings him forward as its surety, and approver; for a witness is summoned to testify, so that he may approve what he confirms by his testimony. What, indeed, is more wicked than to induce God to approve an iniquity, however small? Finally, it is a venial sin to take the name of God in vain — namely, if, without necessity, you swear that you will do something lawful and honorable; but if you swear that you will sin, will you sin only venially? If you swear with the intention of committing that sin, you sin mortally, since you convert the most holy name of God to the confirmation of iniquity, and profane it, and commit an enormous injury against his veracity, whose consent, he to whom every malice, however slight, is utterly repugnant, is asked.

V. Fr. Castropalao confesses that all these considerations seem difficult to him (tract. 14, disp. 1, punct. 6, n. 10); he does not dare, however, to depart from the common opinion; and therefore he offers certain contrived responses. He answers, then, that the swearer does not intend to induce God to approve the iniquity, since the end of the oath is the confirmation of truth. He who converts it, on

his part, into a bond of committing iniquity, will he sin only venially? These things, surely, seem too harsh, not to say absurd. An oath, by its own nature, is a sacred thing, whose end is the confirmation of truth. One who, out of a certain vulgar ignorance, swears believing that whatever is promised under oath will be immutable — I too grant that the swearer has no such explicit intention of inducing God to approve iniquity; for, if he explicitly intended this, he would blaspheme. But we say that he does this in effect, by this very fact that he uses divine testimony. The second response, however, is not better than the first — namely, that the swearer is not bound, except under venial obligation, to avoid the preceding sin, because it would be better to avoid a venial than a mortal sin. This is true; but he ought to abstain from the invocation of divine testimony in confirmation of iniquity, even the smallest, since any malice whatsoever, however small, is supremely repugnant to God. Therefore a most grave injury is done to God, as often as he is invoked to confirm the resolve of perpetrating any iniquity whatsoever.

VI. Question III. *Does one who swears he will do something against the evangelical counsels — for instance, that he will not accept a prelacy, that he will not enter religious life, and other things of this kind — sin mortally?* Response: The most common opinion is that only a venial sin is committed by such a swearer. St. Thomas teaches this (II-II, q. 89, art. 7, ad 2): "*If, however, someone swears that he will not do some better good, which nonetheless he is not bound to do, he indeed sins by swearing, insofar as he places an obstacle to the Holy Spirit, who is the inspirer of a good resolve; he does not, however, sin by keeping the oath; but he will do much better, if he does not keep it*." Of what kind this sin is, the Angelic Doctor does not absolutely determine; he only resolves that a sin is committed, if such an oath is observed.

From this it is gathered — since it is a sin to swear the omission of a greater good — how much graver a sin it is to swear the commission of a positive iniquity, though light. Of the former kind of oaths, if you observe them, you do not sin, because you were not absolutely bound to enter religious life; but you do sin by observing the latter kind. If, however, someone omitted the execution of some evangelical counsel, for this reason chiefly, that he had sworn such an omission, he would, without doubt, sin mortally — since there would be at least a tacit error in faith, if he believed that an oath obliges to the omission of those things which conduce to the attainment of evangelical perfection.

Chapter III — On the matter of a promissory oath, which induces an obligation

I. What we are about to say in this chapter is easy, and open to all — since those things which we have said above concerning this matter will dispatch the whole business in a few words. A promissory oath requires two conditions to be subjected to the matter: first, that it be lawful; second, that it be possible, and good.

II. By the term "lawful matter" are understood not only spiritual things, namely acts of piety, of religion, of faith, and similar ones; but also all human affairs and business, commerce, covenants, and contracts, provided they concur... with the three conditions already explained. Hence the error of Wycliffe was condemned in the Council of Constance, who denied that it is lawful to confirm human contracts and civil commerce by oath. But of this enough has already been said.

III. From this it follows, first, that all those matters which are illicit, shameful, and culpable are excluded, since the matter of an oath ought to be lawful. The reason is manifest: because an oath is

not a bond of iniquity, as all things proclaim. Wherefore an oath to commit a venial sin does not oblige in any way. And although in the chapter "*Cum contingat,*" on the law of oaths, it is established that every oath is to be kept, unless it turns to the detriment of eternal salvation, it does not therefore follow that a venial sin may be committed. For, granted that it is lawful to commit a venial sin confirmed by oath, and that this in some way closes the door of eternal life; since, unless one is purged of it either in this or in the future age, no one attains the reward of eternal life — no oath, then, obliges to the observance of that which cannot be fulfilled without either mortal or venial sin. When, however, the sworn matter is partly lawful, partly illicit, the illicit part must be omitted; the lawful and good part, however, must be observed.

IV. Not only must the matter of a promissory oath be lawful, but possible, so that it may give rise to the obligation of execution. Wherefore an oath concerning impossible matters is rash, and empty. Those, then, sin, who promise another's deed under oath, since one cannot compel another's will. It must be observed, however, that men often, in promising another's deed, swear their own deed — for example, if you swear that Peter will marry his betrothed Bertha, or that he will pay Paul a sum of money, or other things of this kind — according to common sense, you do not swear another's deed, but your own — namely, that you will use every effort to bring it about that Peter contracts the marriage, so that he pays what is owed, etc. Hence jurists teach that such an oath has a twofold force: that it is valid in one way, if it can be fulfilled in the manner in which it sounds; in another way, if the deed of another sworn cannot be fulfilled in that manner, it is valid in whatever manner it can be. It can be sworn concerning another's deed in a twofold manner. First, enunciatively — as when you swear that you believe a sick man will regain his former health, or that tomorrow the sky will be clear. Second, under a promise, in which case you are bound to apply your effort and diligence, so that what you promised may happen, or come to pass. In these oaths concerning another's deed, authors commonly teach that the swearer is bound to diligence and effort, when the deed which is sworn is capable of diligence; but not so, when it is not established that he swore only enunciatively, that he believes it — since, if it were established that the oath was only enunciative, he would be bound to nothing.

V. It has been said that the matter of a promissory oath ought to be lawful, possible, and good. This last little word has been added, so that indifferent matter may be excluded — since an oath concerning an indifferent matter produces no obligation: both because God does not oblige to idle and vain acts, of which kind indifferent acts are; and because the exercise of an indifferent act, without reference to an honorable end, is always a venial sin, as the truer opinion teaches. And although, according to another opinion, it is not, for that reason, unfit matter for an oath — and this suffices, lest it be a vicious act.

VI. If, however, an indifferent act is directed toward an honorable end, or utility, the oath obliges — since an indifferent act, in the individual, though otherwise useless, on account of an honorable end, becomes an act of virtue. I add: when the oath is for the utility of one's neighbor, it must be observed, even though the matter sworn is indifferent, provided it is not evil in itself. The reason is that, in this case, what is primarily intended is not the indifference of the act, but the utility and advantage of the neighbor himself. Indeed, the observance of such an oath becomes an act of virtue — for it is an act of fidelity, and of veracity — and, beyond this, once the promise has been made and accepted by the neighbor, he already acquires a certain right, by force of which the swearer is bound to fulfill the

promise. All this is established, and common among all. The same must be said of an oath which pertains to the swearer himself. For example: you swore that you would in no way pass through this way, because passage through it is an occasion of sin for you: although such passage, absolutely, is an indifferent act, nonetheless, clothed with such a circumstance, it becomes a good act.

VII. This too is worth noting: namely, that the matter of an oath made to God is different from the matter of an oath which is made in favor of one's neighbor. For an oath made to God agrees with a vow only in this: that it ought to be lawful and honorable; but such matter ought not to be merely good, but that which is a greater good. For a lesser good does not oblige, which cannot conduce to the grace of God. It must be judged otherwise concerning an oath made in favor of one's neighbor — for whom it is not always the greater good that pleases, but often that which is more pleasing to him. Therefore an oath concerning a lesser good, in favor of one's neighbor, obliges.

VIII. From this teaching, however, is excepted a promise confirmed by oath of contracting marriage — since this promise always includes this condition, unless I should choose a better state, namely, the religious one, as the Doctors commonly teach on the chapter "*Ex publico,*" on the conversion of spouses. Nor does the text stand in the way, in the chapter "*Cum eam,*" on him who had promised by oath a marriage arranged for his betrothed, where it seems to be established that a man who has sworn to take a woman in marriage cannot enter religious life unless the marriage is first contracted. For such a swearer can indeed contract marriage with the resolve of not consummating it, but of entering religious life, the bride being ignorant of such a resolve — as Suárez notes, and teaches (Bk. II, on the oath, ch. 13, n. 8) — which manner is lawful, though scarcely to be advised in practice, since it does not seem consonant with the bride's honor. For by this path she is rather deluded. As for the Pontiff's saying, in the cited chapter, that it is safer, the religion of the oath being observed, to contract marriage first, and then to migrate to religious life — this pertains to the fact that perhaps, in that case, such a contract redounded to the bride's honor, and therefore the Pontiff said it was safer to observe such a manner — not that it was unsafe to do otherwise; for, as I said, then it was perhaps better to observe such a manner. For the rest, since the condition of a better state is included in the promise, it follows that the oath ought to take on the nature of the act to which it is joined. The condition, then, included in the act of promise, is understood as included in the oath as well. Wherefore a betrothed man who has sworn can, without the bride's consent, and without a marriage contract, enter religious life. In practice, however, that manner is to be observed which is convenient, and which accords with the bride's honor, and does not impede entrance into religious life. It should be observed, however, that the Pontiff calls it "safer" and "momentary," not "safe" absolutely. If both cannot be observed, the taking up of the religious state ought to be preferred; provided that, in embracing the religious state, real regular observance flourishes.

IX. In the last place, it can be doubted whether an oath made concerning an unlawful matter needs relaxation. But the Doctors commonly teach that no relaxation is needed. For where there is no bond, no relaxation is necessary. But an oath, since it is not a bond of iniquity, produces no obligation whenever it concerns an unlawful matter. Nor does that stand in the way which is customarily opposed from the chapter "*Venerabilem,*" on elections, §"Idem," where, concerning a certain usurper of a kingdom, contrary to an oath made, it is related that he ought to have consulted the Apostolic See — since it was doubtful whether or not that oath had been made concerning an unlawful matter. To the other objection, which is customarily raised from the chapter "*Cum quidam,*" on the law of oaths,

§"Illi vero," where it is decreed that sons are to be absolved from an oath of not speaking to, or aiding, their father and mother — we say, with the same author, that the word "absolve," in that text, signifies a declaration of the solution, or that it declares that oath to have been from the beginning null and void; various other solutions being set aside, which Suárez reports (Bk. II, on the oath, ch. 15, n. 18) — that oath, I say, was in no way truly binding, but only declaratory of the fact that no obligation existed; it did not truly dissolve the bond of an obligation.

Chapter IV — What the obligation of a promissory oath is. It is compared with the obligation of a vow. What intention, or resolve, is required in a promissory oath. To swear without the intention of swearing is always a mortal sin

I. Most grave is the obligation of an oath, which, as the Angelic Doctor says, draws its origin from the divine authority itself. For the swearer interposes divine testimony in confirmation of truth, whether present, or... past, or future. Wherefore the violation of a promise confirmed by oath is perjury, which is a most grave sin.

II. In oaths made to God, a vow also commonly occurs. As often as you confirm by oath a promise made to God, both a vow and an oath are present, which are two bonds of obligation; wherefore one who violated them would commit two sins. Not always, however, in a future matter to be done for God's honor is a vow present. For if you did not wish expressly to promise, but only to propose that you would do something in God's honor, and confirmed your resolve by oath, you would be bound only by the bond of the oath. From this you commonly gather that, in promises made to God and confirmed by oath, both a vow and an oath are always found; not, however, necessarily — since, as is established from the example adduced, an oath can be found without a vow. But in all promises made to men, only an oath, without a vow, is present.

III. All affirm that the obligation of an oath is most grave. Only a few things need to be said concerning the nature of this obligation. First of all, an oath obliges after the manner of a private law, which the swearer imposes upon himself; by its own kind, it obliges under mortal sin, according to all, with St. Thomas (II-II, q. 98, art. 3). This obligation is bound by the bond of divine testimony, and pertains to the virtue of religion. Two obligations, however, must be distinguished in a promissory oath: one which arises from the promise itself, valid and accepted — and this, upon precise distinction, is an obligation of justice; the other, proper to the oath itself, pertains, as we have said, to religion. Wherefore false is the teaching of Christian Wolff, a Lutheran man, who says (*On Natural Law*, Vol. III, ch. 4): "*An oath produces no new obligation of rendering something to him to whom one swears.*"

IV. It is customarily asked here whether the obligation of an oath or of a vow is greater. This little question St. Thomas himself proposes (loc. cit., art. 8), and answers that we owe God a greater obligation of a vow than of an oath — namely, that we pay him what we have promised; since the obligation of a vow arises from the fidelity which is owed to God from the reverence due him; but the obligation of an oath is born from reverence owed to God: for the bond of fidelity is greater than that of reverence. And although a vow is confirmed by an oath, it is not therefore inferred that the obligation of the oath is the greater; but only that a movable thing is more firmly confirmed by two immovable things.

V. Suárez (Bk. II, on the oath, ch. 13) distinguishes this comparison of the vow with the oath, and says that, if the comparison of the vow is made with an assertory oath, the obligation of the vow is greater than that of the oath; but if the comparison of the vow is made with a promissory oath, then the obligation of the oath is greater than that of the vow. Nor does he say that St. Thomas's teaching is contrary to this, on the grounds that the Angelic Doctor speaks only of a promissory oath, not of an assertory one. The reason Suárez alleges is valid: because the obligation of not attributing falsehood to God is greater than the obligation of rendering vows to God — since the former is negative, "Thou shalt not take the name of the Lord thy God in vain"; the latter, affirmative, "Render to the Lord thy vows."

VI. I, however, interpret St. Thomas's teaching thus. If the pure notions of each obligation which St. Thomas assigns are inspected, absolutely speaking, the obligation of a vow is greater than that of an oath, for the reason he gives — namely, that the promise of a vow regards God directly; but the promise of an oath does not regard God, since, by an oath, as such, no promise is made to God himself, nor is an obligation contracted toward him, but God is brought forward only as witness of a promise, or of an assertion concerning some future act. Wherefore, if these two respects are weighed, as St. Thomas alone considers in the cited article, the former is without doubt more valid than the latter. For the rest, if the obligation of the oath is considered in relation to the truth necessary in an oath, whether assertory or promissory, the obligation of the oath seems greater than that of the vow. This can be proved a posteriori. For one who swears falsely, so far as it depends on him, makes God the author of a lie; how enormous an injury this is to God is self-evident. For this reason, in an oath, at least an assertory one, according to all, there is no smallness of matter; but every assertory perjury is a mortal sin. I have proved the same to occur in promissory perjury. Therefore the obligation of an oath, whether assertory or promissory, with respect to the truth to be subjected to the oath, is greater than the obligation of a vow. Since it is by no means so certain that a smallness of matter cannot be found in a vow; indeed, several concede that it can be found in a vow, though not in an oath.

Nor should you say that, in practice, these two respects cannot really be distinguished — since a promissory oath tends to this: that it obliges the swearer to the execution of the promised thing, which execution is the truth of a promissory oath; nothing, nonetheless, prevents the promise of the oath, absolutely, from being considered as compared with the promise of a vow; indeed, in fact the Angelic Doctor considers these two promises in relation to God directly; and, because the promise of a vow regards God more directly, it is therefore stronger, in the notion of a promise, than the obligation of an oath. For it seems, says the Angelic Doctor, a most grave irreverence toward God to institute a subject for a promise, or to render a vow. For the rest, if the obligation of the oath is considered by respect to the truth to be subjected to the oath itself, lest it turn out false, and God be invoked as witness of a lie, then the obligation of the oath seems, as I have said, greater than that of the vow. What is conceded of an assertory oath by Suárez, Sánchez, Leander, and others — though they deny it of the promissory — seems to me the same reasoning applies to both oaths. And, to defend this opinion which I have explained, the authority of the Church impels me, which declared that a smallness of matter is not given in perjury; though several authors explain this declaration of the Church concerning an assertory oath, we, nonetheless, from the very words of St. Thomas, have demonstrated above, that a smallness of matter is in no way given, either in a promissory oath, or in a vow, although this opinion has for a long time prevailed. If, however, this interpretation of ours does not please someone, let him assert what seems to him better. We embrace it, since we judge it

opportune for explaining St. Thomas's teaching, from which take care never to depart, especially in those matters which depend on right reason — for his acuteness is incomparable.

VII. Question I. *What intention, or resolve, is required for a promissory oath to induce an obligation?* Response: That an oath depends on the intention of the swearer, so that the intention, or will, of swearing is necessary, for an oath to give rise to an obligation, is certain among all — since human actions which admit an obligation require the consent of the will; a consent which is not given by one who positively refuses to give it. Since, then, an oath induces an obligation of speaking the truth concerning a present or past matter, or of executing a future thing (which is the truth of a promissory oath), it is therefore necessary that a full consent of the will, or intention of swearing, be present. Whether this will, or intention, must be express, or implicit, actual, or virtual, will be said below, concerning the custom of swearing. This much is certain, and commonly defended by authors: that, if someone were to swear with the express will of not swearing, it would not properly, and in rigor, be an oath — just as it is certainly maintained by all, that an oath externally pronounced, without the intention of swearing, contains the irreverence of divine testimony, and inflicts an injury on God.

VIII. For you to perceive this matter more clearly, however, you ought to distinguish the resolve of swearing, the resolve of promising, the resolve of executing the promise, and the resolve of binding oneself. All teach, as we have already seen, that one who swears without the resolve of promising, and of fulfilling, sins mortally. It is also more probable that one who swears without the resolve of binding himself sins mortally; and this seems certain to me, whatever Valentia may say to the contrary. Concerning one who swears without the intention of swearing, it must now be inquired.

IX. Question II. *Is it lawful to swear without the intention of swearing?* Response: Thomas Tamburini (Bk. III, ch. 3, §1, n. 1) writes this: "*It is certain that it is lawful to swear without the intention of swearing, whether the matter be light or grave, without cause; or to swear in ambiguous words, is not lawful without cause, according to what we have said in ch. 2, §2.*" This assertion of Tamburini's was condemned by Innocent XI, in proposition 25, which is of this kind: "*With a cause, it is lawful to swear without the intention of swearing, whether the matter be light or grave.*" Fr. Viva, in his exposition of this proposition, n. 1, contends that it is not established in what sense Tamburini taught his proposition; since, he says, the passage to which Tamburini refers the reader is desired — but the passage is found on the same page. For, as to what pertains to this, Tamburini says it is lawful to swear without the intention of swearing, or to swear in ambiguous words, with cause, according to what he said in ch. 2, §2. What, then, does he say in that place? Here are his words: "*The question is, whether it is lawful for the swearer to take words in another sense than that which they present. For example, by God I...*" 'I have not slept this night' — understanding, dressed. Response: it is lawful... But is it not at least venial to swear thus by equivocation? Response: If some cause underlies it... no sin at all. If there is no cause, it will be venial."* That is the passage which Fr. Viva denies is to be found; and yet this passage, in this place, has not a word about a tyrant, nor about a confessor. Let this be said in passing, not so much to prove that Tamburini is the author of the condemned proposition (for this pertains neither to me, nor to my purpose) as to warn readers to read Fr. Viva himself cautiously in his exposition of the condemned propositions. For, in order to prove that Tamburini did not teach the condemned proposition, he himself, if he does not expressly and absolutely fall into the sense of the condemned proposition, at least, as my own opinion suggests, does not depart from it at all. Here are Fr. Viva's own words: "*For if he only contends that a confessor may not reveal the sacramental seal, he can, the tyrant urging*

it, with an oath deny that the penitent sinned, either by using equivocal words, or by speaking materially — that is, by pronouncing the words of an oath not as signifying, and therefore without the intention of swearing — he is not to be marked as the author of this exploded thesis, since it only wishes that it be lawful, from some cause, whether light or grave, to speak formally, and to swear without the intention of swearing."

As for what concerns Tamburini's own deed, it is clear what he himself thought from what we have said. As for what pertains to Fr. Viva's own teaching, it does not seem to me entirely free from the sense of the condemned proposition. For who would say that it is illicit to swear formally without the intention of swearing, but licit to swear materially without the intention of swearing, and this for a grave cause without a grave cause? For thus a broader means would be available for evading all the condemned propositions. The oath of a confessor for guarding the seal is explained by the Fathers, and the ancient theologians, in an altogether different manner. Of this more below. From Fr. Viva's teaching it is clearly inferred that it is licit to swear materially without the intention of swearing, whether the cause be light or grave. He says, indeed, that the proposition was therefore condemned, because it holds it lawful, from some cause, whether light or grave, to swear formally without the intention of swearing. This follows legitimately from Fr. Viva's teaching. I do not sense such an interpretation to be at all repugnant to the Church's teaching; for it follows only, from some cause, either grave, or most grave, that it will be lawful to swear materially without the intention of swearing. But that it will be lawful to swear formally without the intention of swearing, from whatever cause, whether light or grave, is what Fr. Domenico Viva not infrequently evades, and reduces to nothing, the condemned propositions, by his own subtleties, as no one fails to see, as I at least judge.

X. The reason for the condemned proposition, however, is evident. For one who swears without the intention of swearing — whether he swears something true, or false, whether in a grave matter, or in a light one — always commits a lie. For one who says, "I swear," and really, with internal mind, does not wish to swear, lies. But a lie is never lawful. It should be added that this lie is sacrilegious, since it abuses the usurpation of the divine name. Finally, the external invocation of the divine name in this manner produces, among men, great scandal, and inflicts most grave injury on divine truth.

XI. Question III. *Does one who swears something false in grave matter without the intention of swearing sin mortally?* Response: All respond affirmatively — since the external invocation of divine testimony in confirmation of falsity inflicts a most grave injury. For just as one who burned incense to an idol without the intention of burning incense would be guilty of idolatry, and one who uttered words of blasphemy without the intention of blaspheming would sin mortally with the sin of exterior blasphemy — so, by the same, or an equal, reasoning, one who, to confirm falsity, externally invokes divine testimony without the intention of invoking it, sins gravely.

XII. Question IV. *Does one who swears something false in light matter without the intention of swearing sin mortally?* Response: Fr. Viva (loc. cit., n. 6) seems to defend, as probable, the opinion teaching that it is not a mortal sin to swear something false in light matter without the intention of swearing; and he alleges reasons for this opinion. The chief one he adduces is drawn from a parity with a promissory oath and a vow, whose transgression in light matter is not a mortal, but a venial, sin. The same, then, he concludes, must be said of an exterior oath without the internal intention of swearing. Nor does he resolve this reason, which he explains at length; he only reports Verricelli, who teaches the

opposite, and, following the custom of several colleges, leaves the reader the faculty of choosing either opinion.

That the principle on which Viva relies is false, we have already demonstrated in ch. 1, q. 3; and, this being granted as well, the conclusion which Viva draws does not follow.

XIII. For this reason I say it is certain that to swear something false without the intention of swearing, even in light matter, is a mortal sin — both because the gravity of the profanation of the divine name is not taken so much from the gravity of the matter, in whose confirmation it is invoked, as from the infinite dignity, and majesty, of divine testimony, and of uncreated truth; and because, just as in idolatry and blasphemy no smallness of matter is given, so neither is it given in an oath, whether promissory or assertory. It should be added that the question chiefly concerns an assertory oath, or an oath absolutely taken; indeed, as Suárez notes (Bk. III, ch. 17, n. 1), fiction has place only in an assertory oath — since fiction, whether of intention, or of words, is committed only while the oath is being conceived and pronounced. It is clear, however, that perjury, absolutely taken, even in light matter, is a mortal sin. And since this opinion is called into doubt by no one whom I have seen, except by Fr. Viva, I therefore abstain from a longer proof.

XIV. Question V. *Does one who swears something true without the intention of swearing sin mortally?* Response: Cajetan (II-II, q. 89, art. 5, dub. penult.), Covarrubias (Bk. 1, *Variae*, Part 5, n. 3), Armilla (s.v. *Perjurium*), Filguera (in his exposition of the condemned propositions) uphold the affirmative part — since it is a mockery of the divine name, and a deception contrary to the primary end of an oath. Suárez (Bk. III, ch. 17, n. 6) reckons this opinion too rigid, yet at the same time defines it as probable. Nonetheless, he defends the contrary as more probable, to which accede Cárdenas (dissert. 18, on the condemned propositions, ch. 2), Castropalao (disp. 1, punct. 8), Bonacina (disp. 4, q. 1, punct. 7), Lessius (*On Justice and Law*, Bk. II, ch. 42, dub. 8, n. 42), Sánchez (Bk. III, ch. 6), Viva (on the condemned propositions, n. 5), La Croix (Bk. III, part 1, dub. 14, n. 155), who all teach that to swear something true without the intention of swearing, in light matter, is only a venial sin, provided the oath is not made in judgment, in a contract, or in a similar circumstance, in which one's neighbor could suffer some detriment. The reason of these Doctors is that the lie which someone commits, when he swears something true without the intention of swearing, is injurious neither to God, nor to man: not to God, since he is invoked externally in confirmation of a truth; not to man, since it is taken as certain that neither a contract, nor anything in which a man could suffer some grave harm, is to be confirmed by this oath; and although one's neighbor may be deceived, since this oath is supposed to occur in human commerce, that deception is nonetheless not grave, since it inflicts no grave harm. These are the reasons for this opinion.

XV. It must be observed that several of the cited authors taught the recited opinion before the proposition was condemned by Innocent XI. Those, however, who wrote after the condemned proposition contend that it was therefore condemned, because it asserts that it is lawful to swear without the intention of swearing, from whatever cause, whether light or grave. For the rest, they themselves teach that it is always illicit to swear without the intention of swearing, from whatever cause; and therefore they say they keep themselves free of the sense of the condemned proposition.

XVI. The first opinion of Cajetan, Armilla, and others is true. Indeed, it is probable enough that the contrary opinion is contained in the condemned proposition. And indeed, if we once admit that it is in our own power to take away from words their formal signification, or that which words present

according to everyone's understanding, and to substitute a material one — that is, one signifying nothing (just as if we should say "Butiri," says Fr. Viva) — human commerce as a whole would necessarily collapse. But of this in what follows. We now bring forward the reason why the opinion which maintains that one who swears something true without the intention of swearing sins mortally appears true to us. And first, it is not necessary that I recall to memory that an oath is, among all peoples, of such dignity and veneration, that it ought to be employed only under an urgent cause. All teach that the use of an oath, even in confirmation of a true deed, and without any deception, is a venial sin from a defect of judgment, and is called by St. Thomas an incautious oath. It is likewise certain that a swearer without the intention of swearing commits a lie — and this the patrons of the contrary opinion concede. It is beyond dispute that a swearer without the intention of swearing commits, in this genus, or line, two grave venial sins. Then it is certain that, besides these two grave venial sins, an abuse of the oath intervenes, because the lie itself is covered over with the sacred veil of the oath. For although divine testimony is not invoked in confirmation of an internal lie, but of that truth which the swearer intends to confirm, nonetheless, in the very abuse of the oath, a lie is committed, and under the oath a lie is concealed. Finally, who would dare deny that one who swears without the intention of swearing mocks divine testimony, and inflicts an injury on divine truth, while a lying mind is concealed under the patronage of that invocation? But, as I have often said, the gravity of the malice in the abuse of an oath is not taken from the gravity of the matter upon which it falls, but from the infinite dignity of the name which is brought forward as witness. But because this question is almost entirely speculative, and too remote from practice, I do not wish to discuss it at greater length. For a cause can indeed occur why someone might swear something true and at the same time not have the intention of swearing. This can certainly happen to no one, unless he is stupid.

XVII. Question VI. *Does one who deliberately swears without the intention of swearing utter a true oath?* Response: Authors commonly teach that a true oath is not present, from the defect of the intention necessary for an oath; and no one calls this into doubt. But, for greater clarity of what has been said, it is worth explaining the proposed question... as briefly as possible. To explain, then, in a few words, what I myself think, I say that one who seriously, and deliberately, invokes divine testimony in confirmation of truth, saying, "By God it is so," truly utters an oath, and truly swears, although he may have the resolve of not swearing. To this I am moved, because the signification of words does not depend on man's will and effect. Given, then, that a man has once seriously and deliberately wished to invoke God in confirmation of truth, he can no longer, by an internal resolve, bring it about that this invocation not be an oath. And so that you may perceive the whole matter more clearly, you must observe that in a man swearing in this manner, two mutually contrary and conflicting intentions are found. The first intention, and deliberation, is that by which the swearer really invokes God as witness, and utters an external oath. The second is that by which he does not wish to swear. These two deliberate intentions mutually collide, and one prevails over the other.

Which, then, prevails? In fact, the former, since this is efficacious, and produces its effect, namely, the external swearing. The second intention is inefficacious, and a mere velleity, not an efficacious will. From this it plainly follows that this external oath is a true oath, since it proceeds from a deliberate will.

XVIII. You will object: An oath depends on the intention of the swearer; but one who swears without the intention of swearing does not have the intention of swearing: therefore he does not really utter a true oath, but only the external sound of an oath. Response: I have proposed this objection precisely so that our own opinion might shine forth more evidently. We grant, then, the first proposition; the second we deny, or, for the sake of clarity, we distinguish: one who swears without the intention of swearing does not have an efficacious intention of swearing — this I deny; an inefficacious one — this I grant. That intention is called efficacious which really produces an effect. The first intention, by which someone seriously and deliberately invokes divine testimony in confirmation of truth, saying, "By God it is so," is efficacious: for it produces its own effect, namely, the external invocation of divine testimony. The second intention, by which the swearer resolves that he does not wish to swear, is languid, and inefficacious, overcome and subdued by the former. For, in the mutual conflict of swearing and of not swearing, the former intention conquered, by force of which the oath was pronounced, and God was called to witness; and the external oath appeared to all, and the hearers took it as an oath, and finally the swearer himself wished to seem to the men he was addressing to have uttered a true oath. The second, internal intention has no power to impede the signification which those words, "By God it is so," present — in the same manner in which the second intention, by which a merchant might not wish to throw his goods into the sea, does not impede the first intention, by which he really does throw them, because the effect is really produced. There are, then, two intentions, both internal. But the first can be called external, because it externally produces its own effect, namely, the invocation of divine testimony; the second is merely internal, because it produces nothing externally. He would indeed wish to impede that external invocation from being a true oath; but he cannot accomplish this, because, by this very fact that the first intention prevails, of pronouncing seriously and deliberately those words which contain a true oath, the will can no longer take away from those words their own proper signification.

XIX. Question VII. *Does one who, from a slip of the tongue, swears something false, sin mortally?* Response: I have often laid the foundation for interpreting this, in the following little question: namely, that the invocation of God as witness is grounded in the intention. If, then, it happens, unforeseen, that men swear something, without adverting whether it is true or false, guilty of perjury, from a slip of the tongue, that is, without deliberation, this man is interpreted not to have had this intention of invoking God as witness. If, however, someone advertently swears, he sins mortally. Thus St. Thomas answers (II-II, q. 98, art. 3, ad 2): "*He who swears falsely from a slip of the tongue, if indeed he adverts that he is swearing, and that what he swears is false, is not excused from mortal sin, any more than from contempt of God. If, however, he does not advert to this, he does not seem to have the intention of swearing, and therefore is excused from the crime of perjury.*"

The Angelic Doctor's words are to be considered with the utmost care. For which reason the Angelic Doctor interprets those who utter words from a slip of the tongue, that is, beyond their intention, as not having the intention of swearing, and therefore these are said to contain a lack of the crime of perjury.

An oath, then, depends on intention, insofar as a man ought to know, and advert, that he is uttering words which constitute an oath; and, while he adverts that he really invokes God as witness by such words, and nonetheless deliberately pronounces those words, then he swears, even if he does not have the intention, or even if he had the contrary intention of not swearing. Indeed, if he adverts,

while he adverts, that the words he pronounces have the force of invoking divine testimony — indeed, he knows the words he pronounces to have the force of invoking divine testimony.

It must, moreover, be distinguished, this phrase of the Angelic Doctor's, "from a slip of the tongue," from a wicked habit, of which more below. For one who is accustomed to swear, and has contracted the habit of swearing, although he may not advert that he is swearing, while he pronounces the oath, is not said to swear from a slip of the tongue, but from a most wicked habit. These are the words that can only be said to swear from a slip of the tongue, who in no way are accustomed to swear, but who sometimes, from a slip of the tongue, can pronounce words which contain an oath, without having the intention of swearing — that is, without having the intention of pronouncing that invocation of divine testimony — unless necessity compels it.

XX. Question VIII. *Is one who swears without the intention of binding himself really obliged?* Response: Sylvester (s.v. *Iuramentum*, 4, q. 7), Azor (Part I, Bk. XI, ch. 10), Sánchez (Bk. III, ch. 6, n. 2), Bonacina (Vol. II, disp. 4, q. 1, punct. 6, n. 3), Castropalao (tract. 14, disp. 11, punct. 2, n. 6) defend the negative opinion, on the grounds that one who swears without the intention of binding himself does not really swear; since the obligation does not pertain to the essence of the oath, or is nothing consequent upon the essence of the oath. It follows, then, that one who does not wish this obligation does not wish the oath itself. Now, if it is not a true oath, there will be no obligation of executing what has been promised under oath.

XXI. The contrary opinion is defended by Cajetan (II-II, q. 89, art. 7), Sotus (Bk. VIII, q. 1, art. 1), Becanus (q. 4), Aragón (II-II, q. 89, art. 7, dub. 4), Sayr (in *Clavis Regia*, Bk. III, ch. 6, n. 8), Valentia (II-II, disp. 2, punct. 4), Lessius (*On Justice and Law*, Bk. II, ch. 42, dub. 8, n. 38), Suárez (Bk. II, ch. 7), and several others. This opinion is more probable, and seems true to me. The reason is easy. For an oath, as the adversaries themselves confess, includes an obligation, whether as something pertaining to the essence of the oath, or as something consequent upon that same essence. Therefore one who deliberately wills the oath ought, by that same will, also to will that which necessarily follows the oath itself. The preposterous argumentation which the adversaries use is null. Since the prior intention really has its effect — namely, the oath pronounced — the later intention, which is inefficacious, cannot destroy the former. From these two intentions, then, the first prevails, and the second succumbs. The matter is self-evident. Consult what has been said in q. 6.

Dissertation III — On the Deceitful, Equivocal, Ambiguous, and Amphibological Oath: On Mental Restrictions, and on Lying

Preliminary Remarks

I undertake to handle the most difficult question that exists in all of theology, one which I feel unequal to my own strength to treat. For, having often trodden similar paths, and, indeed, the more turbulent the water always becomes for one who stirs it. Having this intention in mind, of following in similar footsteps, and, in fact, having prescribed for myself this method, to explain only those things which theologians commonly hand down concerning the deceitful, equivocal, amphibological oath, and mental restrictions... , I had brought the treatment nearly to the halfway point. But, when I came to the explanation of amphibologies, mental restrictions, and equivocations, I found myself at once surrounded on every side, as it were, by Scylla and Charybdis, and by rocks and shoals. For that locution which some theologians call a purely mental restriction, others call a not purely mental restriction; and that speech which is, to me, a lie, is, to a good many more recent writers, merely amphibological. All this, however, I judge to be the origin of all the reefs, and of the difficulties: for, since there can be no room for right disputation, unless certain and clear notions of equivocations, amphibologies, and mental restrictions are established beforehand, and this cannot be done, given the distinctions, evasions, and technicalities of more recent writers, which render this matter exceedingly entangled, I resolved, in order to avoid these circuitous paths, to break off the course I had begun, and to unravel the web; and I took this counsel: that I should first of all begin a discourse concerning lying, and take up the whole controversy afresh. For it has proved of no small advantage to me, in the treatment of this controversy already conducted, that I have discovered nothing put forward by more recent theologians in favor of the licit use of amphibologies which had not already, before them, been employed by certain ancient Philosophers, and even by some of the Fathers, in patronage of lies. Nor does any other difference occur to me, weighing the foundations of each, than that the ancients, with candid sincerity, called those locutions "lies" which not a few more recent theologians call "equivocal," and "material," and "amphibological."

To prove this, and to open for myself an approach to resolving the questions concerning the deceitful oath, I have judged it worthwhile to preface a historical narration of the disputes concerning lying among the ancients, both Philosophers and Fathers. Indeed, an occasion for demonstrating this is furnished by the war which, twelve years ago, several literary men of our own Italy waged over the controversies concerning lies and amphibologies. Occasion for this fierce contest was given by Fr. Carlo Ambrogio Cattaneo, who, in Vol. I of his own *Lectures*, which he delivered from the pulpit to the people at Milan, and published in print, in Lecture 44, devised a new method of concealing the truth, whenever its manifestation would inflict some grave harm. For he says that Christians ought not to be at all anxious, nor ought they to rack their brains, so as to construct an amphibological, or equivocal, speech by an artful arrangement and disposition of words; but he encourages them to deny outright, with open brow and unblushing countenance, all pretense set aside, that they know the matter, or that they know the truth, which, if they revealed it, would subject them to grave harm. For, he says, that word "know" loses its own signification in such circumstances, and signifies nothing more than that name "know."

This most false doctrine Fr. Giuseppe Agostino Orsi undertook to attack — a man, moreover, of the human commonwealth, and of profound genius, endowed with exquisite erudition, and to whom, in writing, I have seen no equal, even in the most difficult questions, for facility and elegance. At present Secretary of the Sacred Congregation of the Index, after many published volumes distinguished for doctrine and erudition, he is writing a universal Ecclesiastical History, received with the applause of the learned. This most learned man, then, published a DOGMATIC-MORAL DISSERTATION, which was the beginning of a long war. For it produced for itself several adversaries, and also several comrades in arms, who all, joining battle with one another, sharpened their pens, wearied the presses, and, with several published volumes, filled all Italy. How well the die was cast in this literary conflict, with what abundance of arguments, with what erudition of every kind, with what elegance of style, and with what eloquence each pleaded his own cause, it is not my concern to make manifest — since their books speak for themselves, and report the sum of their doctrine. This one thing I confess: that I have profited not a little in this rugged controversy from his most learned works, and have borrowed from him certain things which contribute to a historical knowledge of lies. But, lest I detain the reader too long at the threshold, I proceed to the matter.

Chapter I — The errors of Plato, Origen, Hilary, John Chrysostom, Cassian, John Climacus, and Martin of Braga, concerning the licit use of a lie in extreme necessity, are reviewed

I. So manifest from God is the depravity, and perniciousness, of lies, that not one of the wise can be found who has not proscribed liars as enemies of human society. The dispute has only been, both among the ancient Philosophers and among the Fathers, whether, to conceal a truth of the highest moment, whose manifestation would redound to the harm of the public good, lies are to be lawfully employed. Plato, easily the prince of all Philosophers, in his ten books *On the Republic*, or in the Dialogues *On the Just*, teaches in many places that, an exceedingly grave cause pressing, truth is lawfully to be concealed by a lie. I will here transcribe a few things out of many, following the version of Jean de Serres. In Book, or Dialogue, II, near the end, he writes this: "*And so a true lie, which consists in this — that the mind is in error, thinking wrongly of some matter — is held in hatred not only by the gods, but also by men; but that lie which is expressed in words is useful only in this case, and does not seem worthy of hatred, if we use it against enemies, or even with those who are called friends, when, seized by madness, or some other kind of derangement, they attempt to do some evil — so that we may divert them from the deed, taking it up as a useful remedy.*" In Book III, a little after the beginning, he takes away the use of lying from private citizens, but grants it to magistrates, and to physicians: "*For if it was rightly said a little before, that among the gods there is no place for lying, but that among men it is, as a kind of remedy, to be employed as useful — it is clear that this matter is to be granted to physicians, but taken away from the rest who do not profess that art; so that, furthermore, it may be lawful for Princes, if for any, to lie, whether for the sake of enemies, or of citizens, for the advantage of the state; but all others must abstain entirely from lying.*" He has similar things in Book V, and in other places. Plato is said to have drawn this error from Timaeus of Locri, and from Sophocles. He had very many followers, not only among the pagans, but even among worshippers of the true God, who upheld the licit use of lies.

II. The first among Catholic Doctors who wrote less cautiously concerning lying was Clement of Alexandria, who, in Bk. VII of the *Stromata*, has certain things which seem to favor lying.

III. Clement of Alexandria had as his disciple Origen, who did not obscurely, but openly, patronized lying, as his own Master had done. St. Jerome (Bk. I, *Against Rufinus*) reports his words, transcribed from Bk. VI of the *Stromata*, where he has this: "*We ought not to say whatever comes into our mind to our neighbor... A Philosopher would cautiously say that a lie is sometimes useful to men, as a kind of medicine. But consider how God himself is sometimes to be thought, when it profits the hearer, to speak in ambiguous words, and to declare what he wishes through enigmas; so that both the dignity of truth may be preserved with him, and, if something harmful might result, were it to be brought forth naked before the common people, it may be covered with some veil, lest it be brought forth. But man, upon whom the necessity of lying rests, should diligently take care so to use a lie at times, in the manner of a condiment, or a medicine, that he keep its measure, lest, by using it too often, he lose the credit of his own honesty. Judith, too, made use of this against Holofernes, having long concealed the truth of her people, correcting it; and, above all, the Patriarch Jacob — of whom we read the blessings which he obtained from his father by a cunning device — unless we have lied in such a way that some great good may be sought thereby for ourselves, we are to be judged, as it were, enemies of him who says, 'I am the truth.'*"

IV. Origen was followed by Hilary, in his commentaries on Psalm 14. "*For a lie,*" he says, "*is often necessary, and sometimes falsehood is useful — as when we lie about a hidden matter to a persecutor, or defraud one who threatens, of testimony against one in peril, or deceive concerning the difficulty of a sick man's cure; and it behooves us, according to the Apostle's teaching, to season our speech with salt, and to do our neighbor no harm, so that the crime of lying be reckoned by another's inconvenience.*" His Commentary on this Psalm, however, along with various considerations which the most learned Benedictine Editors prefix to this Psalm in their annotations, is defended, after much dispute, as being truly St. Hilary's. The occasion of St. Hilary's error was Origen, whose commentaries on the Psalms he translated from Greek into Latin.

V. St. John Chrysostom, no less than Hilary, seems to have embraced Origen's opinion not obscurely, Vol. II, Homily 7 on Penance, where he commends the lie by which Rahab withdrew the spies from the fury of their pursuers, in these words: "*Worthy of all praise, then, is Rahab, an image of the Church. For when messengers were sent by the King to seek out the spies, if there were any who had entered her house, she said to them: If men have entered in to thee, respond...*" 'No.' For if they had at first said 'no,' she would have provoked those who had come to a search. But she said, 'They have entered in to thee, and they have gone out this way: pursue, and you will overtake them.' O beautiful lie! O beautiful deceit — not betraying, but guarding, piety!'"* I could adduce many other things, but I pass over them. Nor let anyone hold it against me that I assert a most celebrated holy Doctor of the Church not to be free of this blemish. Since, to establish this, no other path lies open to my own feebleness than that I flatter myself I can prevail over the applause and acumen of those who strive to defend Chrysostom's teaching as untainted by this light stain. Let them note, however, this much: that they gather water in a sieve, while they strive to show that Chrysostom does not patronize lying, on the grounds that in several other places he condemns lying by design, and expressly disowns it. For all writers, to a man, absolutely detest lying, and prove its malice by every kind of argument. The question turns on this: whether, urgent necessity of avoiding some most grave evil pressing — such as the death of men — a lie is lawful. Chrysostom affirms this, as I indeed judge. Whoever shall demonstrate the opposite will be, to me, a great Apollo.

VI. A disciple of St. John Chrysostom was John Cassian, who, whether he drank in this error from his own teacher, or from Origen, defended it more ardently than all his predecessors. Not incidentally, but with a deliberate pen, he treats this controversy in Collation XVII, ch. 17 and following, through

fifteen chapters. From these many chapters I will glean a few things. What, he says, is to be thought of lying, and how it is to be used, is such that it has in its nature something of hellebore, which, if taken when death impends from disease, is salutary, but otherwise, without the utmost peril, is deadly. Thus we read that even holy men, and men of God, made use of a lie, as Rahab did, and others. When, then, some grave danger concerning the confession of truth is imminent, then recourse to lies is to be taken up. Ch. 20 speaks of a distinction, forgivable, in a confession of truth. From the examples of principal Princes, chief among God's own, he seems to give a commendation of lies. And ch. 19: this is nearly the perception of imminent death. He draws forth many authorities and examples, both from the Old and from the New Testament, from most approved men, adducing the necessity of it. By these, he says, the learned Apostle Paul is exhorted to descend, out of necessity, to feigned pretenses of the weak, and forgivably to acquiesce. For then a detriment of lying is to be undertaken, when, as we have said, a greater loss of confessing the truth is imminent, and the utility which is conferred by truth does not prevail to compensate for the harm which such things generate for us. Ch. 21 brings forth several testimonies from the Gospel itself, by which he contends that the use of lying is not only lawful, but even necessary. Ch. 22, 23, and 24 allege examples of several most holy Monks and Abbots, who lied because they judged it to belong to a more sublime virtue, to conceal their own continence by a humble lie, than to reveal it to superb human judgment. Ch. 25 again reviews, from several books of Scripture, countless examples of most holy Patriarchs and Saints collected, so as to confirm more strongly his opinion concerning the licit and necessary use of lies, as a kind of remedy. "It is impossible for us," he says, "to enumerate all — for who would suffice to run briefly through the whole? — how the Patriarchs, and innumerable Saints of God, some for the desire of a blessing, some for the safeguarding of life, some for the concealment of some mystery, some out of zeal for God, some for the examination of truth, took up, so to speak, the patronage of lying?"

These few arguments, which more recent theologians thrust upon us in favor of the licit use of equivocations, I have adduced to show that Cassian, in many instances, has touched upon and drawn out all of these, so as to show that lies are necessarily and honorably to be employed.

VII. Two other authors I recount, lest I be too prolix, who have patronized lying in this manner. John Climacus, on the twelfth rung of his Ladder, writes this: "*When we have felt ourselves free from every vanity of lying, both in place and in habitual use, then at last, though not without fear, we may sometimes, cautiously, allow a lie to enter in.*" Martin of Braga (Bk. *On the Four Cardinal Virtues*, ch. 4) says: "*Do not use lying, but where an honorable cause exists, you may be redeemed by a lie. Let the just man guard the secrets of fidelity, not by uttering falsehood, but by keeping guard over truth; and if perchance you are compelled, you will rather be excused than convicted of lying, since he who speaks does not betray what should be kept silent; but what should be spoken, he speaks.*"

VIII. More authors favoring lying I could recount, but, lest excessive prolixity beget disgust in the reader, I will close this chapter with the words of Augustine, who attests that in his own time it was the common opinion which held that it was lawful to lie for the salvation of men. He has this (q. 68, on Leviticus): "*This is to be held, that no one's authority, wherever a thing is decreed in Scripture, is of any account. But the ancient Fathers, while they lied, will be no occasion for the ignorant and heterodox to seize an opportunity for lying — for such audacious imposture has already many times been refuted. For that some of the holy Fathers, at times, in some most difficult controversy which in their time had not yet been discussed with due dignity,*

fell into some slip, no one denies; but the Fathers, while no one is harmed, are to be excused, as they pass by in passing."

IX. Hence it must not be inferred, that they are to be held of little account, or to be calumniated, and to be deceived, because with unanimous consent they defend some doctrine. But of this, elsewhere a fuller discourse.

Chapter II — The authors who, before, or around, Augustine's time, declared war on lying, are recounted. After Augustine, none of the Catholics favored lying

I. Aristotle, Plato's disciple, rejected his master's error concerning lying (Bk. IV, *Ethics*, ch. 7), where he writes that a lie, by its own nature, is depraved, and detestable; truth, good, and worthy of praise. But, setting aside the pagans, I will bring forward Christian Doctors of our own profession.

II. First of the whole chorus will be Lactantius, who, in Bk. VI of the *Divine Institutes*, openly attacks lying, in these words: "*The other things which a worshipper of God ought to observe are easy, being comprehended in these virtues: that he never deceive anyone, nor lie, for the sake of harming. For it is a wicked thing for one zealous for truth to depart, in any matter, from the truth he follows, whether to deceive, or to harm. In this path of justice, and of all the virtues, there is no place for lying.*" Wherefore that wayfarer, both true and just, will judge that Lucilius's saying — 'It is not mine to lie to a friend' — does not befit him, but rather he will hold it to be his own not to lie to an enemy either, familiar, or unknown, and will never allow that the tongue, the interpreter of the mind, should discord from the sense and thought within.

I do not deny that Lactantius does not speak absolutely of the controversy chiefly... concerning whether, to preserve human life, or to conceal secrets of the highest moment, it is lawful to lie. For the rest, I assert at the same time that Lactantius lays down principles which proscribe the use of any officious lie whatsoever, and condemn it — since he holds that one must lie neither to a friend nor to an enemy, and that it must never be permitted that the tongue, the interpreter of the mind, should discord from the thought within; and, finally, on this path of justice, that there is never room for a lie: he certainly excludes every case in which a lie could be lawful.

III. Similar things are taught by Eusebius of Caesarea, St. Basil, in his *Shorter Rules*, St. Prosper, in his book *Against Cassian*, where, ch. 9, he says: "*You deceive us with two, and twin, depravities, mixing justices, as you understand them, by dividing them. By this rule you will be able to preach that they err equally who say that one must always deceive, and who determine that one must never deceive. But, that in neither should there be sin, as an evil cannot be made a good by dividing it between two — this is altogether an error of yours: falsity is not always to be shunned, nor truth always to be followed.*" St. Prosper here refutes two errors of Cassian: one, that he attributed the beginnings of grace sometimes to good works, sometimes to nature; the other, that he taught that one must sometimes use falsehood, sometimes truth.

IV. Ferrandus, Deacon of the Church of Carthage, in his letter to Count Reginus, has this: "*Let your speech be, at least, 'yea, yea; no, no' — with an oath either intervening, or absent, let us strive to remain most certain in truth. For as we recall concerning charity that John said, 'He that abideth in charity, abideth in God, and God in him' — thus, likewise, if we wish to speak concerning truth, we shall find it stated similarly: for divine truth says, 'I am the truth.' Whence very truly it may be said: he who abides in truth, abides in God, and God in him. We do not*

lie, then, who abides in truth, and God in him abides. Let us, therefore, prefer truth to all temporal advantages, and we shall be found rightly to have preferred divine things to human ones."

V. St. Gregory the Great (Bk. XVIII, *Morals*, ch. 3): "*Every lie is iniquity... for every iniquity is a lie, because assuredly whatever departs from truth departs from equity... Every lie is to be shunned with the utmost care; although sometimes some kind of lie is of lighter fault, if someone, by lying, tries to procure for another some advantage of life or of body — since it is written, 'The mouth that lieth killeth the soul'; 'Thou wilt destroy all that speak a lie.' This kind of lie, too, perfect men avoid with the utmost care, so that no one's life is defended by their deceit, lest they harm their own soul while they strive to render another's life secure. Some, indeed, by the deceit of midwives, attempt to affirm this kind of lie not to be sin — for it is written, 'because the Lord built them houses'; that in this recompense it may the better be recognized what the fault of lying deserves. For that reward of theirs, which could have been repaid to them in eternal life for their kindness, was, on account of the admixed fault of lying, diverted to an earthly recompense — so that, in this life, which they wished to preserve by lying, they might receive the good things they had done, and might not further have the reward of their merit to expect. Indeed, if carefully weighed, they lied out of love of the present life, not out of intention of reward. For, by sparing the life of the infants, they contrived to cover their own by lying.*"

I will point out three others, since all subsequent writers have detested all lies. Ambertus, Bk. IX on the Apocalypse, explaining those words, "And to all liars their portion shall be in the pool burning with fire," having cited the authorities of Gregory and Augustine against lying, thus concludes: "*One thing we must firmly hold: that no kind of lie remains unpunished, which is not here atoned for by penance, or by some work of piety.*" St. Gregory VII (Bk. IX, Epistle 21, to Alfonso, King of the Spains) says: "*You are not ignorant, in your prudence, that lying is a sin, of which an account must be rendered even for an idle word in the strict examination. But not even a lie which is told for peace, with a pious intention, can be proven altogether free of fault*." This I have touched upon beforehand, so that, since in the rest, without doubt, you may not hesitate to hold that to be a sin. Alexander III, in the chapter "*Super eo,*" Extra, on abuses, prohibits, as it were a sacrilege, that among priests one should lie for another's life.

Chapter III — A compendious narration of everything that St. Augustine writes in his Book on Lying

I. We have already indicated, in the preceding chapter, that, before Augustine's time, several authors defended as licit the use of lying in extreme necessity, for the preservation of human life, or the warding off of some other grave harm. Cassian, above all others, left no stone unturned to fortify this opinion with the authority of Scripture. St. Augustine, on the contrary, snatched the palm from all the impugners of lying. He proposes to himself all the arguments, or cases, of his adversaries, and, with the utmost acuteness of his own genius, discusses and turns them over, so that nothing is left untouched, nothing unresolved. Indeed, he himself devised all those objections, all those events, paradoxes, and sophisms, which more recent theologians treat, so as to show that lying can be favored, and all those same difficulties, lest he pass over anything. And, since I have judged it worth the effort to set before the eyes of readers the disputation of so great a Father, so that they may gather from this how far Augustine's teaching differs from more recent inventions — Augustine wrote this Book on Lying around the year 395, as the Benedictine Fathers observe. All, then, that is contained in this Book I will transcribe here, reduced to a compendium with such brevity as I am able. The proem of this Book begins with these words:

II. "*Great is the question concerning lying, which often disturbs us in our own daily actions — lest we either rashly accuse of lying what is not a lie, or judge that one must sometimes lie for some honorable, officious, and merciful reason.*" Then (ch. 1), the state of the controversy having been set forth, and jesting words, whose signification is plain to all, being excluded (ch. 2) from the present question, he observes (ch. 3) that neither does one who asserts something false always lie, nor is one who states something true always free of a lie. For one is not guilty of lying who, uttering a falsehood, reckons it to be true. On the contrary, he is held a liar who speaks the truth, thinking it false. Wherefore he lies who, having something else in his mind, states, in words, or by whatever signification, what he reckons false. Ch. 4 inquires what act it behooves the whole Book to treat: namely, whether he who lies ought always to have the intention of deceiving; he there discusses other difficulties as well. Ch. 5 asks whether one may sometimes lie. Those who defend this oppose the examples of Sarah, of Jacob, and of the Egyptian midwives. They add the most grave inconveniences which sometimes follow upon the manifestation of some truth — such as death, and the affliction of the sick, who cannot be freed except by a lie — relying on which words, and on those examples adduced from the Old Testament, they answer that it is unlawful for anyone who thinks well [of a matter] to be manifested. On the contrary, those who hold that the ancient Fathers did not lie argue more forcibly from divine examples, that in every event to lie...

[several lines here in the source are too faint to reliably transcribe; the discussion continues concerning whether examples like Abraham's servant provide precedent for lying]

...examples are found which provoke to the imitation of lying. But the dissimulation of Peter, and of Barnabas, was not only not commended, but even censured, and corrected. From the guilt of this dissimulation he shows Paul to be immune, when he circumcised Timothy — where he brings forward much in Paul's defense.

III. The inconveniences, moreover, which they object would follow from the revelation of truth (ch. 6), the impugners of lying count as nothing. For, directing their mind to the divine Scripture, which threatens, "The mouth that lieth killeth the soul," they reckon it a perversion of order, to destroy one's own soul, so that another may live bodily. Nor does charity urge this, which bids us to love our neighbor as ourselves, not more than ourselves. For if he departs from the right order who seeks temporal death for another's bodily life, how much more does he exceed the rule of sound doctrine, who loses his own eternal life for another's temporal one? Those, however, who rage and are indignant, if someone is unwilling to destroy his own soul by a lie, so that another may live longer in the flesh — what if it be by our own theft, what if by adultery, that another might be freed from death? Is anyone bound to corrupt his own soul by a lie, so that another may live in the body? It is absurd. Therefore neither theft nor adultery is to be committed, however much it might free someone from death. What, if a man bears a noose, that another may be strangled, unless it is granted to him what he seeks — must one assent to it? What, if a ravisher demands debauchery, affirming that he will kill a man, unless it is conceded to him — will he then be a nefarious murderer? Therefore, in this question, nothing is to be attended to, except whether lying is, by its own nature, iniquitous. Since this has already been shown above, it will be the same as to ask whether, for another's salvation, one ought to be unjust, as if one were to ask whether, for another's soul's health, which cannot be preserved except by equity, one ought oneself to be unjust. But if he

rejects this, so that not only another's, but even our own, temporal welfare we must prefer to it — who could call it into doubt that one must never lie at all?

IV. Since, however (ch. 7), chastity of body is itself more precious than life, it can be asked whether a man may rightly use a lie, by which he might avoid the loss of chastity — as if a ravisher should rush in, who might be avoided by a lie. It is easily answered that there is no chastity of body, unless it depends on integrity of mind; which being disrupted, the former must necessarily fall, even if it seems untouched. In no way, then, does the mind corrupt itself by a lie for the sake of its body, which it knows remains incorrupt, if incorruption does not depart from the mind itself. For what the body suffers by violence, without preceding lust, is to be called vexation rather than corruption. Not every corruption is shameful; but there is corruption there, if lust has consented. But, however excellent the mind is above the body, so much the more wickedly is it corrupted. Chastity, then, can be preserved wherever no voluntary corruption of the mind can occur, unless someone has procured it, or consented to it. For certainly, if a ravisher has assailed a body which can be resisted neither by force, nor avoided by any counsel, or lie, it must be confessed that chastity is not violated by another's lust. Wherefore, since no one doubts that the soul is better than the body, integrity of mind is to be preferred to integrity of body, which can be preserved in eternity. But who would say that the mind of a liar is integral? For lust itself is rightly defined as an appetite of the mind by which temporal goods are preferred to eternal ones. No one, then, can prove that one must ever lie, unless he can show that some eternal good can be obtained by a lie. But since each one departs from eternity as much as he departs from truth, and it is most absurd to say that one who lies, departing from truth, can, by so departing, arrive at some good — or, if there is such a good, whatever was not fulfilled will not be true, and therefore not good either, since it is false. Just as, then, mind is to be preferred to body, so too is truth to mind, since the mind ought to desire it not only more than the body, but even more than itself. If, however, Lot, being so just that he deserved even to receive Angels as guests, offered his daughters to be ravished by the Sodomites, so that the bodies of women rather than of men might be corrupted by them — how much more diligently, and constantly, ought chastity of mind be preserved in truth, since the male body is truly to be preferred to the female body?

V. Hence anyone may gather that one ought not to lie even with the intention of attaining eternal salvation; indeed he adds (ch. 8) that the door of eternal salvation is closed, if an entrance is opened by a lie. For the first foundation of salvation is faith. This surely wavers, if it is once granted that it is lawful for good men to lie. For how is one to be believed who thinks that one must sometimes lie? For he can lie even then, when he bids himself to be believed. For how can it be known whether he then also has some cause, as he himself thinks, for a false narration by way of officious lying — and this in such a way that even a man terrified could be restrained from lust by this means, or must be believed even in spiritual matters, judging that he consults his own interest by lying? Wherefore, either it is not to be believed that good men lie sometimes, or it is not to be believed that they are good, of whom we believe that they must sometimes lie. Of these three, the first is pernicious, the second foolish. It remains, then, that good men never lie.

VI. Thus this question (ch. 9), considered and treated from both sides, is nonetheless not a judgment easily to be rendered; but those are still to be diligently heard who say that nothing is so ill done that it must not be done in avoidance of something worse. Now it pertains to the deeds of men not only

whatever they do, but also whatever, with consent, they suffer. Whence, if a case arose that a Christian man should choose to burn incense to idols, rather than consent to debauchery, which the persecutor threatened him with unless he did so — they seem rightly to ask why he should not likewise avoid the latter turpitude. That consent, by which he preferred to suffer debauchery rather than burn incense to idols, they say is not a passion but a deed: for, that he might not do this, he chose to burn incense. He answers, that if such consent is to be reckoned a deed, then those too are murderers who preferred to be killed rather than to bear false witness. Consent, therefore, is not to be called such, whenever we do not approve what is done to us; indeed, so far as it is in us, we forbid it to be done. He, then, erred, who, to prevent others from sinning against his body, burned incense to idols. But they reply: How is it not done with them, if, had they not done this, you would have done that? Augustine answers, that in this way we would be said to break down the door along with the housebreakers, if, by not shutting it, we did not prevent them from breaking it down. He proposes the question more precisely: ought he, then, to have suffered debauchery rather than burn incense? If you ask what he ought to have done, he ought to have done neither. For if I say he ought to have done one of these, I would approve one of them, whereas I condemn both. But if it is asked which of these he ought rather to have avoided, since he could not avoid both, but could avoid one or the other, I will answer: his own sin, rather [than to avoid another's]. Indeed, his own lighter sin is to be avoided rather than another's grave one. Finally, he concludes that the knot of the question turns on this: namely, whether a lie ceases to be a sin, when someone uses it to guard bodily chastity.

VII. If the discourse concerns pernicious lies, which injure another's reputation, Augustine answers (ch. 10) that it is never lawful for us to obscure another's good name, so as to prevent, whether of our own or of another's body, a rape, or other such evils, or graver ones, to be avoided — just as it is likewise never lawful to lie in a matter of religion. Indeed, one must not lie even in the doctrine of religion, so that someone might be more easily led to it. For, once the authority of truth is broken, or even lightly diminished, all things will remain in doubt — which, unless believed true, cannot be held as certain.

VIII. This being firmly established, the discussion concerning other lies proceeds more safely (ch. 11). And so all lies which unjustly harm someone are to be removed, just as also those which, although they do not harm another, nonetheless profit no one, not even the liars themselves. Finally, those lies too are to be avoided which are called jesting, which liars therefore employ, so that they may please men, and render human conversation more pleasant.

IX. These kinds having been condemned without any doubt, the discourse (ch. 12) returns to officious lies, which harm no one, but profit someone. Concerning this kind of lie the whole controversy turns on this: namely, whether these lies harm him who utters them, so that they may profit another; and whether the harm which the liar suffers is compensated by the good which the lie obtains. He answers that a lie is never lawful, even if it harms no one, and profits someone: otherwise it would be lawful to steal a measure of wheat from a rich man, abounding in superfluous wealth, to give to a poor man, who would experience great advantage, since the rich man would feel no detriment; it would then also be lawful to bear false witness to conceal the poor man's theft. What could be said more perverse than this? But since it could be replied that this lie is therefore unlawful, because by it another's sin is concealed, it is consequently asked whether it is lawful to lie, when the lie harms no one, benefits someone, and conceals no sin. He answers: If, for this reason, we do not

sin in lying, because we harm no one, and benefit someone, why do we not, on the same principle, examine the sin of lying itself when we say a false thing to conceal someone's sin, and thereby benefit and harm no one? Is it not lawful to conceal a sin? Where it is written, "Thou shalt not steal," is it not also written there, "Thou shalt not bear false witness"? Is it, then, lawful to conceal a sin, and yet not lawful to commit one? Or perhaps it is not false witness, except when someone lies in such a way as either to fabricate a crime against someone, or to conceal someone's crime, or in some way to oppress someone in judgment? If this is so, what then, if a murderer takes refuge with a Christian, or that Christian sees where he takes refuge, and is questioned about this matter by one who, seeking the man for punishment, is the slain man's avenger — must one lie? Or is it evil to lie to conceal another's sin, but not evil to lie to conceal the sinner? What, if, led before a judge concerning the very place where he is hiding, or where you know he is hiding, you are questioned? Will you say: I do not know, and I did not see what you know, and did see? You will, then, bear false witness, and destroy your own soul, so that the murderer not be destroyed. Should you, then, being led to death, being innocent, where you know a murderer to be hiding, knowingly answer to a judge who, though commanded by a greater power to seize him for death, yet is only the executor of the law, not its author? Will it not be false witness, because you lie for the innocent, since it is not the judge, but the executor of the law, who asks? What, if the lawgiver himself asks, or some other unjust judge, seeking an innocent man for punishment? What will you do? A false witness, or will you be a betrayer? Or will you remain doubtful between the crime of false witness and of betrayal? How much more strongly, then, how much more excellently, will you say: I will not betray, nor will I lie. This a certain Bishop of the Church of Tagaste, named Firmus, once did — firmer still in will than in name. Why should not we do the same, both before a judge, and outside judgment, that we may fulfill what is written: "Thou shalt not bear false witness," and avoid that punishment: "Thou wilt destroy all that speak a lie"? Sometimes, however, we are asked, not where he is, but whether he is, or is not, concealed in that place. Where, if we know he is, by keeping silent we betray him; or even if we testify that we will by no means say whether he is there or not, we equally betray him, as if we pointed to him with a finger. In this article, then, you ought to answer thus: He knows where he is; I will never show it; I will not lie here. This alone is a fitting response to distract the mind of the questioner elsewhere, and to turn it away from the place where the innocent man lies concealed. Then, indeed, whatever you suffer, so as not to betray him, will be shown to be not only blameless, but even praiseworthy.

X. This much has been said, so that (ch. 14) it is plain that seven kinds of lying have thus far been sufficiently discussed. It remains now to speak of the eighth, and last, kind. This lie, he says, is when we lie to protect our chastity of body from another's violence. But before he renders judgment on this kind of lie, he undertakes to unfold, with a more severe examination, the testimonies of Scripture which condemn such lies. This is mature, and severe. He begins this discussion at ch. 15, and carries it on to ch. 19. He weighs the various interpretations by which the defenders of each opinion accommodated the texts of the divine Scriptures to their own opinion. From all these, weighed with the utmost diligence, he gathers this: that no one can show, from the divine Scriptures, that any lie is found which either ought to be loved, or ought not to be held in hatred, but is sometimes to be done, as something which you hate (ch. 18), so that what is more to be detested may be avoided. But men err in this, that they set precious things beneath baser ones. For, when you have granted that some evil is to be admitted, lest another, graver, be committed — not by the rule of truth, but by his own

desire and custom, does each one measure the evil, and reckons that graver which he himself more shrinks from, not that which is truly more to be fled. This whole vice is born from a perversity of love. For since there are two lives of ours — one everlasting, which is divinely promised to us; the other temporal, in which we now live — when anyone begins to love this temporal life more than that everlasting one, he thinks no sins graver than those which take away this life, or take away from it some advantage unjustly, or wholly deprive one of life by death. And so men hate thieves, and robbers, more than the lascivious, the drunken, the luxurious, the abusive, and torturers, and murderers, if these inflict no injury upon them. But against all these are set opposite rules, which truth prescribes for us to be kept. This teaches us bravely and prudently to endure those sins which take away from us the goods of the body, and are not impeded from eternal life; for those alone sin who take them away, and those who suffer the loss of them scarcely sin at all. But whatever things are preserved for the sake of sanctity and religion, when those who wish to do injury attempt to violate them, are to be retained even at the cost of lesser sins — not, however, of injuries to others — if a condition is proposed, and the opportunity given. And then those sins already cease to be sins, which are undertaken for the avoidance of graver ones.

XI. Moreover, these are the things (ch. 19) which ought to be preserved by our free consent, for the sake of sanctity: chastity of body, chastity of mind, truth of doctrine. Chastity of body is not violated without our consent. For whatever happens to our body against our will, a greater force prevailing, is no impurity; and there can be some reason for permitting it, but none for consenting to it. Chastity of mind, however, consists in a sincere delight, which is not corrupted, except when we love, and desire, what truth teaches ought not to be loved, and desired. A sincere love of God, and of neighbor, is therefore to be guarded: for in this, chastity of mind is sanctified. But the truth of doctrine, of religion, and of piety, is not violated by a lie. The truth of doctrine, then, is to be guarded with the utmost care from lying, so that, if chastity of mind should be violated, it may have a source from which it can be repaired: since, once the authority of doctrine is corrupted, there can be no course, or recourse, to chastity of mind.

XII. Chastity of mind is guarded by sincerity of speech: which, even if it is less violated, when someone lies to guard chastity of body, is nonetheless violated, and that which is to be preserved in the chastity and sanctity of the mind is also violated. Whence we are compelled to know beforehand, not by the opinion of men, which is generally in error, but by truth itself, which is most invincible, that the sincerity, fidelity, or truthful speech of the mind excels above the chastity of the body, and is united with it. Chastity of mind is an ordered love, not subjecting greater things to lesser ones. For less can be violated in the body than whatever can be violated in the mind. When someone does violence to your body, you see that it is not your own, but another's, lust that breaks in. Beware, nonetheless, lest, by consenting, you become a participant: for bodily chastity is in no way corrupted, unless it is violated in... the mind, which not consenting, in no way is bodily chastity corrupted, whatever has been perpetrated on the body by another's lust. Wherefore, so far as it is in us, both are to be fortified and hedged about with holy morals, and wisdom, lest they be violated from without. But when both cannot be kept, but one or the other is subject to the danger of loss, no one fails to see that, in matters of sin, chastity of mind is to be preferred to chastity of body, and one's own fault is to be avoided rather than another's.

XIII. Let it be asked, then (ch. 21), whether, all the testimonies of Scripture having been discussed, it remains established that one must never, absolutely, lie at all. Since no examples of lies worthy of imitation will be found in the morals and deeds of the Saints, so far as it concerns those Scriptures which are historical narratives referred to no figurative signification, such as are the deeds recorded in the Acts of the Apostles. All the words and deeds of the Lord in the Gospel, which to the less experienced seem to be lies, are figurative significations. Never, then, is one to lie — since, of the eight kinds of lies already recounted, not one is licit. Whoever, however, shall think that some kind of lying is not a sin, will shamefully deceive himself, since he will consider himself an honest deceiver of others.

Chapter IV — A compendium of the Book Against Lying, which St. Augustine wrote to Consentius

I. In addition to the compendious narration of the Book on Lying, I have resolved to add a few observations of a similar kind, no diverting digression interposed, but to sketch, as it were, an image of each Book, so that readers may explore, with a single glance, St. Augustine's mind. Then I shall add a few observations to each Book. And, before I come to the matter, it is worth inquiring why St. Augustine entitled the Book which we treated in the preceding chapter "*On Lying*," while he entitled this one, which I now undertake to transcribe in compendium, "*Against Lying*." The reason for the different inscription Augustine himself sets forth (Bk. I, *Retractations*, last chapter): "*The title of the latter is 'Against Lying,' but of the former, 'On Lying' — because through the latter the whole attack against lying is open; the former, however, is occupied for the most part in the disputation of inquiry.*" For, so that he might exhaust the controversy to its depths, in the former Book he disputed, as it were, problematically on lying: he brought forward the adversaries' reasons, not incidentally, but professedly, into the open, and set them in full light; he also gave responses, and showed whatever lies to be unlawful. In the present Book, however, *Against Lying*, he attacked the matter at close quarters, and undertook to rout all lies with a united hand. Occasion for publishing this Book was furnished to Augustine by the Priscillianists, whose more pernicious error was that it is lawful for a man, by lies, indeed even by perjuries, to conceal the profession of his own religion. Hence, feigning the religion of Catholics externally, they entered into commerce with Catholics, and, more securely under such a mask, waged war against evangelical truth. And since it was most difficult to drive these wolves, clothed in sheep's skins, from Christ's fold, certain Catholics, less prudent, so as to drive out one nail with another, feigned themselves Priscillianists, so that they might more easily detect the impious dogmas of these same men. To rout these errors, Augustine published his Book Against Lying.

II. And first he established (ch. 1) that neither are lies to be exterminated by lies, nor thefts by thefts, nor adulteries by adulteries. This is the impious opinion of the Priscillianists (ch. 2), which dishonors the holy Martyrs; indeed it takes away entirely their altogether holy martyrdoms. There are many kinds of lies (ch. 3), all of which we ought universally to hate, since none can be found which is not opposed to truth, just as darkness is opposed to light, iniquity to piety, and sickness to health. This opinion of lying once admitted, all human society is removed from the midst. For if the Priscillianists should suspect that we speak Catholic dogmas deceitfully, in order that we might catch them at something — I know not what — this I did then for this reason, that I might see whether even now he does so, lest I tolerate it. But what will he answer to one saying: whence, then, do I know that

Priscillianists do not lie (ch. 5) in comparison with us? For the Priscillianist speaks thus, because he so believes, so that he does not lie; but the Catholic does not so believe, though he speak thus. Never, therefore, let us conceal what we think is true; certainly he would say such things to one so suspecting him: although one blasphemes unknowingly, the other knowingly. One must not lie, then (ch. 6). For if lies were lawful in a matter of religion, with the intention of enlightening heretics, adulteries too, committed with the same intention, could be considered chaste. It matters much, indeed (ch. 7), for what cause, for what end, with what intention someone acts; but those things which are agreed to be sins are to be done for no good end, under no pretext, however good the cause, as it were, nor with any good intention. A good intention can indeed sometimes diminish the malice of a sin (ch. 8), but it can in no way bring it about that a sin which by its own nature is a sin should not be one.

III. But, it must be confessed, human minds are so disturbed by a certain compensatory reckoning of sins, that some things are even thought (ch. 9) to deserve praise, and are rather called well done. For who would doubt that fornication is a great sin! And yet if there existed a cause for which Lot thought he ought to prostitute his own daughters to the fornications of the impious! What shall we say here? If we open this path, and commit lesser evils, lest others perpetrate greater ones, by a wide, indeed by no, boundary, all crimes will reign. But this error prevails chiefly then (ch. 10), when the discussion is of lies. For they reckon that those are not lies which are uttered for another's benefit, and they contend to demonstrate this by examples of Scripture. Which, however (ch. 11), are either not lies, or are mysteries; or, if they are lies, are in no way worthy of imitation. For if the sayings and deeds of the Prophets and Patriarchs are referred to those things which they were meant to signify (ch. 12), even certain sayings, or deeds, of the Savior himself in the Gospel, since he too deigned to become a Prophet of the Prophets, are found to have truthful significations. Very many of his sayings (ch. 13) have a figurative signification. But whoever says (ch. 14) that some lies are just must equally assert that some sins are just. What could be said more absurd than this (ch. 15)? For those things which are against the law cannot be just. But it is said, "Thy law is truth." That, then, which is against truth cannot be just. But who would doubt that every lie is against truth? Nor does the example of the Egyptian midwives, or of Rahab, help the defenders of lying (ch. 16). Since it was not the iniquity of the lying tongue, but the disposition of a merciful mind, that merited a temporal compensation.

IV. But someone will say: would not the midwives, and Rahab, have done better (ch. 17) by refusing to lie, showing no mercy at all? On the contrary, if those Hebrew women, that is, had shown no mercy, they would have obtained thereby, you say, an eternal reward, incomparably ampler than those houses which they made for themselves. And, you will say, even had they themselves died, they would have obtained the eternal Kingdom. But what is to be said of the woman of Jericho? Could she not have said to those asking: I know where they are, but I fear God, and will not betray them? Could she have said this to the Israelites, so that there was no deceit in it, since it would have been true, insofar as by God's mercy she was passing over to the city of God? But, you will say, they, having heard this, would have killed her, and searched her house, and would have found the hidden guests, whom she had carefully concealed. Would she not, by lying, have betrayed the guests hidden within, just as she would have by telling the truth? But would it necessarily have followed that, by telling the truth... , they would also have found those whom she had so carefully hidden? For that most cautious woman had foreseen, and had made provision, that they should freely refuse to entrust the little ones to the men of Jerusalem, nor did she lie by this. But see what would have happened, had she, without

lying, said where they could hide, even though she would herself have been killed by her own fellow-citizens: her life would have had to end for the sake of a merciful deed, precious in the sight of the Lord, and his benefit toward them would not have been in vain. But you will say: what if, having come to that place where she had hidden them, they, by searching everything, had reached them — not only through the lie, but even through the perjury, of the most vile and shameful woman, of those who sought them? It can be said, in like manner: what, if they had refused to believe her when she lied out of fear? They would surely have obtained by that lie what she feared. And where, then, do we place the will, and power, of God? For by whom could they have been guarded, after the woman's lie, if, had she not lied, they could not have been guarded by him? Unless perhaps we have forgotten that this same thing happened at Sodom, where the males, inflamed with unspeakable lust toward males, could not even find the door of the house in which those they sought were hiding — since the just man, in a case altogether similar, refused to lie for the sake of his guests, whom he did not know to be Angels. And certainly that woman of Jericho could have given such an answer to those questioning her, as the just man gave in Sodom. But the just man refused to stain his soul with a lie for the bodies of his guests, for whose sake he was willing that the bodies of his daughters should suffer violence from an alien iniquity of lust.

V. The holy Doctor, however, warns that Lot is not to be imitated in that he offered his daughters to be ravished by the Sodomites. Whence it is established that not everything which we read to have been done by the Saints ought we to transfer into our own morals, or hold as just, ch. 9 of this Book. Let man do, then (Augustine continues, ch. 17), what he can, even for the temporal safety of men, so long as he does not sin — and when he comes to this point, where he cannot look after such safety without sinning, let him already reckon that he has nothing left to do, when he perceives that what remains to him is not to do rightly.

VI. *"But, since we are men, and live among men, and I confess myself to be among the number of those whom compensatory sins (ch. 18) do not yet trouble, human feeling often prevails over me even in these matters, nor am I able to resist it, when I am told: 'Behold, a sick man is in danger from a grave illness, whose strength can no longer bear it, if the death of his dearest son, most beloved, is announced to him; if he asks whether he lives — whose death you know — what will you answer, when, whatever else you say besides one of three things — namely, that he is dead, or that he lives, or that you do not know — he understands nothing else than that you are unwilling to say that he is dead? It will avail just as much, even if in every way you keep silent. But of those three, two are false: that he lives, and that you do not know; these you can say only by lying. But the one true thing — namely, that he is dead — if you say it, and the death of the troubled man follows, it will be cried out that he was slain by you.' And who could bear that men, exaggerating how great an evil is thereby avoided, prefer a salutary lie, and call truth a murderer? (Or, that truth, which confers life, should be preferred to a murderous lie.) I am moved by these objections vehemently, but it would be a marvel if I were also moved wisely. For when I set before the eyes of my heart, however dim, that intelligible beauty from whose mouth nothing false has proceeded, although the more that truth shines forth radiantly and ever more clearly, the more my own weakness, trembling, is beaten back by it — nonetheless I am so inflamed with love of so great a beauty, that I despise, in comparison, all the human considerations that call me back from it. But it is much for that affection to persevere so far, that its effect does not fail in the moment of temptation. Nor let it delay me, as I contemplate that luminous good, in which there are no shadows of lying, that truth should be called a murderer of men — because, on account of our unwillingness to lie, and their dying upon hearing the truth. For if an impudent woman awaits debauchery, and, with you not consenting, dies, disturbed by a savage passion — will chastity be called a murderer in every place, and everywhere? Or, because we read, 'We are the*

good odor of Christ in every place, and in them that are saved, and in them that perish; to some indeed the odor of life unto life, but to others the odor of death unto death' — shall we also pronounce the odor of Christ a murderer? But since we are men, and, in such questions and contradictions, human feeling grows weary, therefore it soon..."

Here it is worth adding what follows. There approaches, then, of his own weakness, and gradually, imperceptibly, he insensibly slips into it — as one who admits, for the sake of safety, that a lie could sometimes be said, is led on, little by little, and bit by bit, by such increments, that he can no longer be entirely on guard against so great a pestilence, growing immensely from the smallest additions. Whence it is written: "*He that contemneth small things, shall fall by little and little*"; "*And who is sufficient for these things?*" (2 Corinthians 2:16). It is to be lamented, that this evil, by such brief approaches, and by degrees, so often more miserably leads to so great a heap of wicked lies — where, he adds, most providently it is written: "*He that despiseth small things shall fall by little and little.*" What of the fact that such lovers of this life, so as not to doubt to prefer it to truth, wish us, so that man may not die — or rather, so that man, who is one day to die, may die a little later — not only to lie, but even to perjure ourselves, so that, forsooth, the vain safety of man may not pass a little sooner, and we take the name of our God in vain? And there are, among them, learned men, who even fix rules, and set limits, of when one ought, and when one ought not, to perjure oneself. O, where is that saying: 'Whither shall we go, and whither shall we hide ourselves from the wrath of thy face?' And what shall we do — if we not only readily commit such lies, but even dare, besides, to teach perjuries? Let the assertors, and defenders of lying, themselves see what kind, or kinds, of lying delights them to justify. At least let them grant that one must not lie in a matter of God; at least let them keep themselves from perjuries, and blasphemies. At least, where the name of God, where God as witness, where the sacrament of God is interposed, where the discourse is of divine religion, or is conferred — let no one lie, let no one praise it, let no one teach or command it, let no one say that a lie is just. As for the other kinds of lying, let each choose for himself what he thinks the mildest, and most innocent, kind of lying, in which it pleases him to lie. This I know: that even he who teaches that one ought to lie wishes himself to seem to teach the truth. For if what he teaches is false, teaching it he deceives, and deceiving he is deceived, knowing it! But if he wishes to be at pains, when he teaches falsely, so that he may find a pupil, he asserts that he teaches truth, where the discourse concerns doctrine — how, then, will it be a lie, if he teaches that lying is to be done? For if it is false that one must lie, how will any lie be from truth, the Apostle John crying out against it: 'Every lie is not of the truth'?"*

VII. "*It is not true, then (ch. 19), that one must sometimes lie; and what is not true is to be persuaded to no one at all. But infirmity plays its own part, and, where it contradicts, proclaims that it has a case winnable with sympathetic crowds. But how, among men, who without doubt, if they are deceived, are turned aside from ruin, whether another's or their own, doth human feeling, when men are helped in their peril, not incline toward lying? If the crowd of my mortality would patiently hear me, I would respond something on behalf of the cause of truth. Certainly pious, true, holy chastity is only from truth: and whoever acts against it, assuredly acts against truth. Why, then, even if those in peril cannot otherwise be helped, do I not commit debauchery — which is therefore contrary to truth, because contrary to chastity — and, that one in peril may be helped, speak a lie, which is itself most openly contrary to truth? What has earned so great a favor with us, and offense, that chastity of body should so please, and truth offend — when all chastity is from truth?*" But someone will say, this is for the perfect; solid food. "*For many things are relaxed to weakness by way of pardon, although they do not please; and let chastity be not of the body, but of the mind, and let truth dwell in the mind, just as most sincere chastity.*" Let him say this, whoever does not fear the consequences that are to be feared, if lies of any kind are in any

way admitted. "*In no way, however, are they to be permitted to ascend so far that they arrive at perjuries and blasphemies; nor ought any cause whatsoever to be alleged for why one ought to perjure oneself, or, what is more execrable, why God ought to be blasphemed. For it is not the case that, because blasphemy occurs through a lie, therefore it is not blasphemy. For it can likewise be said, in this manner, that one does not perjure oneself, because one perjures oneself through a lie.*" Whoever, then, says that, for the sake of a man in danger, even..."*

VIII. "*But sometimes it is objected (ch. 20) that one ought to lie, even for our own temporal safety, when it is loudly proclaimed that eternal salvation is thereby also endangered by our lie, if it cannot otherwise be repelled — as, if someone, wishing to be baptized, is placed in the power of impious and unbelieving men, to whom access cannot be had, so that he may be washed in the laver of regeneration, unless the guards are deceived by a lie. From this most invidious outcry, by which we are compelled ... to lie for a man's eternal salvation, whither shall I flee? And chastity, too, is set before me by you. For why, if the guards, unless deceived, would admit us to baptize the man, but could be enticed into debauchery — do we not act contrary to chastity? And, if they can be deceived by a lie, do we not act contrary to truth, unless truth does not command it, since no chastity would be lovable to anyone at all, unless truth prescribed it? Accordingly, in order that a man might be baptized, if the guards be deceived by a lie — if truth so commands. But how would truth command that a man be lied for, in order to be baptized, if chastity does not command that a man be committed adultery with, in order to be baptized? But why does chastity not command this, except because truth does not teach it? If, then, we ought to do nothing except what truth teaches; since truth teaches that we ought not to do what is contrary to chastity, even for the sake of a man's baptism — how will it teach us to do, for the sake of a man's baptism, what is itself contrary to truth? But just as eyes too weak to gaze upon the sun nonetheless gladly look upon things illumined by it, so souls, already able to be delighted by the beauty of chastity, are yet not altogether able to consider truth by itself, whence the light of chastity shines — so that, when it comes to doing something contrary to truth, they shrink back and shudder, just as they flee from, and shudder at, doing something contrary to chastity. But the son who obeys the word that proceeds from his mouth will be so far from all falsehood, and there will be such signs, that, in order to help a man, he reckons no path closed to him through a lie, rather than that he should be compelled to pass through debauchery. And the Father hears him praying, that he may be able, without a lie, to snatch a man from ruin, that man whom the Father himself wills to be helped, by inscrutable ... Such a son, then, observes as much abstinence from lying as from sin. For the name of lying is sometimes used in the place of the name of sin.*"

IX. "*Lies, then, are either to be avoided (ch. 21, or 22) by right acting, or to be confessed by repentance; but they are not to be increased by unhappily abounding in them, and by teaching them. But let him who thinks this the way choose it, whence he may help one in danger, of whatever sort of lies, and by whatever perjuries, provided that any kind of salvation for the man may be obtained — nonetheless, even among such men, let no cause lead us to perjury, and, if we shall have obtained this much at least, we shall judge these crimes at least equal to, or certainly not less than, debaucheries. For it must very often be considered that men provoke their wives, of whose adultery they are suspicious, to swear an oath — which assuredly they would not do, unless they believed that even those women who did not fear to commit adultery would fear to commit perjury. For indeed some unchaste women, who did not fear to deceive their husbands by a stealthy union, feared to deceive God, whom they had employed deceitfully as a false witness to the very husbands they had deceived... And if infirmity so far usurps for itself, that something is venially permitted to it which truth disapproves; nonetheless, so that you may inconcussedly maintain, in the divine religion, that one must never, absolutely, lie, hold fast — just as neither are adulterers to be sought out through adulteries, nor murderers through murders, nor sorcerers through sorceries, nor liars through lies, nor blasphemers to be sought through blasphemies — according to those things which we have disputed at such length in this volume, that we have scarcely arrived at that limit which we set for that place.*"

Chapter V — How opportune Augustine's teaching is for settling the controversy concerning the deceitful oath will be made plain from the following propositions

I. So that anyone may most easily perceive how opportunely I have prefixed Augustine's teaching against lying, before entering upon the most difficult controversy concerning the deceitful oath, it is worth setting forth beforehand certain general propositions, which are gathered, as it were, in summary, from St. Augustine's teaching, so that I may set them before the readers' eyes by a simple narration. Once I have explained these propositions, in comparison with the teaching of more recent authors, the discourse will return to them below.

First Proposition

II. All the difficulties which more recent writers turn over in their Books concerning equivocations and mental restrictions, and all the cases relevant to practice, St. Augustine brings under examination, both in his Book *On Lying*, and in that *Against Lying*. For, at the very beginning of the disputation, he attests that he wishes to institute a discourse concerning those expressions which greatly disturb the mind in daily speech; and he indicates the two chief purposes of his treatment: one, lest anyone wrongly condemn as a lie what is not a lie; the other, lest a lie be ever held lawful. "*Great is the question concerning lying, which often disturbs us in our own daily actions; lest we either rashly accuse of lying what is not a lie, or judge that one must sometimes lie for some honorable, officious, and merciful reason*" (Book on Lying, ch. 1).

Second Proposition

III. The hinge of Augustine's disputation, in the two Books cited above chiefly, turns on this: that reasons be given for the concealment of truth in matters of the highest moment, such as for the preservation of life, of chastity, and for the keeping of secrets. And Augustine himself, with his own divine genius, could find no remedies beyond these which follow. The first is silence: "*For most often,*" he says (Book *Against Lying*, ch. 10), "*we conceal true things, not by lying, but by keeping silent*." The other is an open and unconcealed signification, by which someone protests that he knows the truth, but is unwilling to reveal it: "*I fear God, I do not betray them. I will neither betray, nor will I lie*." No other way of concealing truth did Augustine recognize — not internal restrictions, not material locutions, not amphibologies of words, not other inventions of more recent authors, wherever they may be found.

Third Proposition

IV. It is evident that Augustine was altogether ignorant of the doctrine of lying held by very many more recent writers, both his predecessors, and later Fathers, and the very defenders of lying themselves. Indeed, they would have disapproved it as false, on the grounds that they had determined that we cannot conceal truth, except either by silence, or by an open signification of our unwillingness to reveal it, or by lying.

Fourth Proposition

V. No difference at all, as I indeed judge, is repeated in this controversy between Cassian, and other ancient defenders of lying, and certain more recent theologians, except that the ancients called it "lying" when they used a lie in extreme, or most grave, necessity — namely, to conceal a truth of the

highest moment, such as for preserving bodily chastity, life, and procuring another's eternal salvation — and asserted this to be lawful. The more recent, by contrast, say for the most part that, in these circumstances, indeed even in far more trivial matters, it is not a lie; but an amphibological, or equivocal, saying, or a restriction — which was formerly called purely mental, is now called external — or, finally, a locution signifying nothing.

Fifth Proposition

VI. All the arguments which more recent writers bring forward in favor of mental restrictions — chiefly those which they draw again from Sacred Scripture — Cassian, along with other Fathers, produced as patrons of his own opinion, to show that lies are lawful.

Sixth Proposition

VII. They said that officious lies were to be employed as extreme remedies for escaping death, for preserving life, for procuring the eternal salvation of one's neighbor, of a worse condition than the opinion of very many more recent writers who defend such lies; for those who defended lies as licit were, in this respect, of a lesser evil condition than those who advocate altogether mental restrictions. Since the latter teach that men can make use of the same, whenever it is useful for the safety of body, honor, and the protection of family affairs — a matter already so defined.

Seventh Proposition

VIII. Some more recent writers, who wrote on mental restrictions after the opinion was condemned by the Church, wrote, as I indeed judge, more loosely, in better judgment, than the ancients, and even than certain other modern patrons of restrictions. Since these latest, most recent writers teach, the proscribed restrictions having been set aside, that men have no need at all of these restrictions; that they need not weary their minds over them, from which these latest, most recent writers free the faithful, salvation always being safe... , indeed do not even torment and rack their brains in hunting out ambiguous words, as Sánchez would have it, nor in fitting equivocal words, or in the very restrictions of mind — as certain patrons of mental restrictions teach, and teach that they must, in order to protect not life, not chastity, but their own family goods, hurl a round "no" in the face of an importunate questioner — namely, that they must deny, absolutely, and without the inconvenience of restriction or equivocation, that they have the sum which the purchaser, seeking to pay, asks about, since then the words signify nothing, and the man speaks as a parrot.

Eighth Proposition

IX. What in the teaching of certain more recent writers seems to me supremely to be deplored is this: that not only do they assert, but even teach, that those locutions which the ancients called lies are not lies — locutions which they themselves call material — and that they can lawfully be confirmed by oath.

Chapter VI — A historical narration of the doctrine which several more recent writers devised for concealing truth.

Purely mental restrictions, not-purely-mental restrictions, equivocations, amphibologies, and material locutions are reviewed

I. After Augustine attacked lies as professedly wicked in his own Books, and censured the census of all Fathers and Doctors of every age, both the Fathers after Augustine, and all Catholic theologians, condemn lies as sin, and, in whatever event of Christian profession, they are detested. It is superfluous, I judge, to weave this together, since no one now doubts that all Doctors have acceded to Augustine, so as to reject lies, however useful, as illicit remedies for concealing truth. But, since the concealment of truth is most frequently necessary, both for guarding secrets, and for protecting innocence, chastity, and bodily life, and other domestic goods — Doctors have therefore all exercised the powers of their genius, so as to provide suitable remedies for this necessity. Augustine, with his nearly divine genius, left us no other means, by which we might guard the truth hidden in our mind, necessary for attaining this end, except these: silence, and "I will neither betray, nor will I lie." The Fathers who followed devised nothing else. St. Thomas, as in other matters, so in this one, adopted the Augustinian teaching. Writers closer to our own time — St. Raymond, St. Antoninus, Cajetan, Sylvester, Sotus, Navarrus, Angles, and others — introduced the use of equivocal words, though only of those which by their own nature have a double external sense; which use, however, some had already indicated before them. At length, as the sixteenth century was drawing to a close, and the seventeenth beginning, when moral theology began to be treated more sharply and broadly in the schools and academies, the invention of mental restrictions, within a short interval of time, so prevailed, that not only Casuists who filled the front benches, but even Theologians, defended these same mental restrictions as licit for guarding truth. So that readers may have an exquisite knowledge of the doctrine which such theologians handed down, I will here transcribe it, expressed in the very words of the authors themselves. For, just as I set before the eyes, in compendium, Augustine's teaching against lying, so that the controversy of that time might be known, so it is fitting that we should likewise bring forth the sentiments of these theologians too. Among the more recent theologians who treated this controversy most broadly, and at the same time most laxly, are Sánchez, and Tamburini. Let me touch briefly, then, on the synopsis of their teaching.

II. Sánchez (Bk. III, on the Decalogue, ch. 6, n. 15): "*Words may be used without lying, although by their own signification they are not ambiguous, nor admit a true sense either of themselves, or from the surrounding circumstances, but nonetheless yield a true sense from something retained in the mind of the speaker, whatever that may be — as*" (here begins the proposition condemned by Innocent XI) "*if someone, whether alone, or in the presence of others, whether questioned, or of his own accord, whether for the sake of recreation, or for any other purpose, swears that he did not do something which he really did, understanding within himself some other thing which he did not do, or some other day*" (Sánchez has "another day": and this is the true reading, since an error has crept into the condemned proposition) "*or whatever else true is added, he does not really lie, nor is he a perjurer.*" (Thus far the condemned proposition.) "*But,*" Sánchez continues, "*he only does not state the determinate truth which the hearers conceive, and which the words in themselves signify, but another, disparate truth.*" He lists several patrons of his own opinion, namely Navarrus, Valentia, Salón, Toledo, Manuel, Filiarco, Suárez, Leonardo. He proves his opinion, moreover, by the authority of Christ the Lord, who, in John 7, said: "*I go not up to this festival day*"*; and yet*" (says Sánchez) "*he went up immediately afterward: which speech was nonetheless true, manifestly, from an added retained mental clause — namely, 'I will not go up,' with the sense which those words did not themselves make.*" He proffers many other arguments,

drawn both from Scripture and from reason, which I omit, so as to proceed to describe the other rules of his teaching.

III. In the same chapter, n. 19, he has this: "*The cause, moreover, of using these amphibologies is, whenever it is necessary, or useful, for the safety of body, of honor, of protecting family property, or for any other act of virtue, such that the concealment of the truth is then judged expedient, and worthy of pursuit*." This is proposition 27 condemned by Innocent XI. He adds, moreover, n. 12, near the end, that the cause of using these amphibologies can also be jest, or recreation. But, he says, if there were fault, it would only be venial, if it were manifest.

IV. The same, n. 34: "*A witness can use the aforesaid equivocations, even if otherwise legitimately summoned, whenever he is bound, for some cause, to bear testimony, as, for instance, because notable harm would follow to himself, etc*."

V. The same, n. 25, writes this: "*When the assessed price of some thing is unjust, if one selling for more, or defrauding in weight and measure, so that he satisfies himself for the injustice of the price, and gives corresponding goods for the price given — can this man, questioned by a judge, if he is not bound, that excusing cause standing, to say he did not see, did not hear, understanding that he is not obligated to answer, so that he must say he does not know whether he sold for more, or fell short in weight and measure, deny this, and assert that he sold at the taxed price, and delivered the full weight and measure, understanding this: 'insofar as one who sells for more, or falls short in weight and measure, is held to make it up.' For without any defect he has done both. And so he truly says that he delivered in full, namely, insofar as he was bound, that price having been received, nor did he exceed by his wrongdoing. And for this it suffices that the opinion be probable, that that tax does not oblige*." Not only are mental restrictions, or lies, taught here; but the very governance of the commonwealth is entirely subverted. For it is manifestly about the state, if subjects can despise the sanctions of the Principate, and substitute for them, at their own arbitrary whim, whatever probable opinion they judge more just.

VI. The same, n. 21, writes this: "*Fifth, it is deduced that, when someone needs to hide his goods, for his own sustenance, lest he be forced by his creditors to beg — he can lawfully have such goods hidden*" (and the same is quite obviously true of the commonwealth) "*and, asked by a judge whether he has any such hidden goods, can knowingly swear that he has none, so long as it satisfies him — understanding within himself: 'I do not have hidden goods which I am bound to disclose to the judge.'*" The discourse here is not of extreme, or grave, necessity. For he holds that a debtor can retain the creditor's goods, so as not to be forced to beg, and, moreover, can swear that he has not retained them. What could be more effective for introducing every kind of fraud, and for evading the payment of debts?

VII. The same, n. 21: "*Sixth, it is deduced that, whenever someone is free from the obligation of any debt whatsoever, he can, being asked by a judge about it, deny it, understanding within himself: 'so that I am bound' — since he answers according to the judge's due intent. For which reason Covarrubias, Cepola, and Azor most excellently teach that one who has paid back money received on loan can, being asked by a judge about the loan, swear that he did not receive it, understanding: 'so that he is bound to pay it.' Suárez, Paraldus teach the same. And the same must be said, if for any other cause he is freed from paying back the loan. And I believe the same, if he is then not bound to pay, because the term to which the loan was given has not yet been fulfilled, or the debtor is excused from paying then on account of poverty*."

VIII. The same, n. 16: "*Ninth, it is deduced that a creditor, by virtue of a public instrument, exacting a debt before a judge, commonly 'executing for the debt,' can affirm under oath that the sum contained in that instrument is owed him, exactly as it is owed by right — even if part of that debt has been paid to him — if an equal amount of money, as much as has been paid, is owed him by some other way, of which nothing...*" concerns the other creditor's prejudice."*

IX. The same, n. 39: "*Tenth, it is deduced that, if by injury a sworn promise of giving some money is extorted, it is lawful for the swearer to use this equivocation: 'I swear to you' — understanding, 'that I will pay you money' — with the word 'you' understood ambiguously, such that the sense is: 'I swear to you that I will pay money, whether to you, or to another' — since that speech admits both senses.*"

X. The same: "*But is it lawful then to swear, retaining in mind this condition: 'I swear that I will give, if I am indebted to you by no oath'? Some deny it, on the grounds that these words do not admit this amphibology in the common sense of men — Cajetan, Aragón, Sotus. But, holding to our own opinion, given in number fifteen, it must be said that this is lawful. For it matters not that the words do not admit this amphibology, provided the intent, and necessity, compel their use.*" Moreover, in the fifteenth number cited, he teaches: "*Why, then, would it be a lie to use words not ambiguous in themselves, if from a retained mental condition they produce a true sense? ... This is most useful for concealing many things which need to be concealed, and could not be concealed without a lie, unless this method were certain. For words ambiguous in themselves are not everywhere to be found.*"

XI. The same, n. 39: "*Eleventh, it is deduced that one compelled to accept some woman in betrothal, whom he is not bound to marry, can swear that he will accept her, understanding within himself: 'if I am bound,' or 'if it should afterward please me.'*"

XII. The same, n. 41: "*Thirteenth, an adulteress, asked by her husband whether she has committed adultery, can swear that she has not broken the marriage. Likewise she can swear that she did not do it, understanding within herself: 'so that I would reveal it to you.'*"

XIII. The same, n. 43: "*Fifteenth, it is deduced that, when someone from whom a loan of money is sought, which he really has, can affirm under oath that he does not have it, understanding within himself: 'so as to be bound to lend it,' when he is not bound to lend it. So Navarrus, Filiarco, Sayr... But Córdoba, López, Henríquez hold the contrary. But I believe the former opinion to be truer, as to this — that he is not thereby a perjurer: because in his own sense he speaks truly, since the sense is: 'I do not have it so that I would wish to lend it to you.' Wherefore, for the truth of this oath, it matters not at all whether he is bound to lend or not. And so it is not necessary to add that limitation which the aforesaid Doctors add, 'when he is not bound to lend.'*"

XIV. The same, n. 44: "*Lastly, it is deduced that a penitent, rashly asked whether he has confessed this or that sin, can swear that he has not confessed it, understanding: 'so that he is bound to explain it to you.'*"

XV. So that a fuller knowledge of more recent theology may be had, it is worth adding a few things from Tamburini, who, above the others, tempered the rules of the ancient doctrine, and accommodated them to human weakness. In Bk. II of his exposition of the Decalogue, ch. 2, §2, n. 1, he teaches this: "*The question is, whether it is lawful for the swearer to take words in another sense than that which they present. For example: I swear by God that I have not slept this night, understanding, clothed; that I do not have money, understanding, which I would wish to bestow on you; that my wife, or husband, has not broken the laws of marriage, understanding manifestly; that a hundred is not owed by me to you, understanding, so that I cannot compensate it against the other hundred which you owe me, etc. Response: it is lawful, as the same authors teach*" (namely Lessius, Castropalao, Rebello, Bonacina) "*and it is taught elsewhere, prescinding, however,*

from the harm which I would unjustly cause by this deceitful oath — even if I am not asked to swear, but offer to do so of my own accord."

XVI. The same, ibid., n. 4: "*When the words in no way admit such an equivocation, or restriction of mind, is it lawful to understand something else, from one's own mere will? For example: I swear that I have not slept, understanding that I have not slept together. By this manner of speaking, I only, in a material fashion, say that I did not sleep — this signifying only affirmatively.*" Response: Sánchez denies that it is lawful, because it is not within anyone's discretion to impose a signification on words. But this reasoning cannot draw me away from the probability that it is lawful.

XVII. Martín Bonacina copied out almost all the propositions which we have reported from Sánchez, and taught the laxity more clearly still. I will transcribe one or two here. In disp. 4, q. 1, punct. 5, n. 5, he has this: "*Fifth, one who has a just cause of concealing some goods, lest they be seized by creditors, which are necessary to him for the sustenance of life, without which he would be forced to beg — can deny that he has concealed them, understanding those which he could not conceal, or which he is not bound to disclose. Witnesses who knowingly conceal him could answer the same, both because this response is not contrary to the intention of the questioner, but rather conforms to his mind, and because there is a just cause of using this restriction, or amphibology.*"

XVIII. The same Bonacina, ibid.: "*Sixth, an adulteress, asked by her husband whether she has committed adultery, can answer negatively, understanding, 'so that she is bound to reveal it to him.'*"

XIX. The same Bonacina, ibid., n. 8: "*From this it is gathered that sellers, who, since they could obtain a just price by no other way from the buyer, swear that a thing so priced cost them so much, in another sense than that the buyer shares — not only are not, precisely by reason of the oath, held to anything, as is clear from the first question; but they do not even seem to sin mortally, if they inflict no notable harm on the party, nor intend by this means to deceive, or to obtain something beyond the just, or to extort a rigorous price, at which the buyer would not have wished to buy.*"

Chapter VII — The Supreme Pontiff Innocent XI condemned the principles of the aforesaid propositions. Later theologians devised new inventions, by which to conceal truth. A synopsis of the various doctrines, and of the various principles, of these theologians is woven together

I. Before I proceed further, it is fitting to declare this: that the propositions which I described in the preceding chapter, from Sánchez, Tamburini, and Bonacina, were not the offspring only of these theologians; indeed, as may be gathered from Lumbier, in Cárdenas, dissert. 19, on the condemned propositions, ch. 1, n. 5, more than fifty Doctors are found to have upheld this same opinion condemned concerning mental restrictions, so that I might content myself with saying, lest I be too prolix — not only Casuists and Summists, but even distinguished Theologians of nearly every order and standing, taught the same, as one may gather from their Books. Suárez, Valentia, Castropalao, Diana, Vincenzo Ferre, Candido, Leander, Moya, Trullench, Conrado, Hurtado, Filiarco, Filliucci, Dicastillo; and, consequently, the recounted propositions all proceed, as from a fountain, from the condemned doctrine of mental restrictions.

This I especially wish to say, both lest ill-will attach to the three aforesaid authors alone, and so that the historical narration may be more exact. But as for what Gabriel Daniel asserts, in his *Colloquies of Cleander and Eudoxus*, near the end of his dissertation on mental restrictions — namely, that the recounted propositions, and others, which Innocent XI condemned, he condemned just as they lie, that is, as their words sound, and not as they are in the Books of the Authors from which they were excerpted — this is altogether the same as what the Jansenists say concerning the five propositions: that he condemns them as they lie, but that these propositions, condemned in that sense, are not to be found in Jansenius, and, falsely and contumaciously, they contend this.

II. The doctrine of mental restrictions, condemned by the most holy Pontiff Innocent XI, in the year 1679, then, men bent their minds toward finding other remedies for the concealment of truth. For the use of mental restrictions had so far prevailed, that already, from the time when the censure of the Roman Church came forth against the aforesaid doctrine, the faithful were disturbed, some were tormented with scruples and doubts, confessors approached theologians, seeking counsel over secrets to be guarded; theologians, reduced to a loss, did not know which way to turn. No other refuge for evading a lie, and for concealing a secret, was known, except mental restrictions; these having been condemned, minds despaired of guarding a secret. Augustine's teaching, and that of the other Fathers, which bids us neither betray the truth, nor lie, but guard it either by silence, or, by the virtue of fortitude, with open brow, seemed to them too harsh, and exceeding the yoke of human strength. Besides which, several theologians of that time, neglecting the study of the Fathers, and human reasoning, held their own authority of little account, and held the Theologians and Casuists, and Summists, of their own age, as the rule of morals.

III. Hence they began to soften the condemned doctrine of mental restrictions with various interpretations, and to purge it from censure with various distinctions. First of all, indeed, they distinguished a twofold kind of mental restriction: one, of purely mental restriction; the other, of restriction not purely mental. The former, they affirmed, was condemned by the Pontiff; the latter, licit. This distinction, moreover, was itself the occasion of disagreement among them. For that locution which seems to one a wholly internal, and purely mental, restriction, seems to another an external, and not purely mental, restriction. For example: if, having several sums of money, you are asked by Peter to lend him some of it, and you respond that you do not have money to give him — this locution, say the theologians of Salamanca (tract. 17, ch. 1, punct. 8, n. 106), is not to be called amphibological, but is to be called a mental restriction — joining mentally to it, "in excess of what I need myself." Other theologians, however, wish this same locution to be called not an internal, but an external, or not-purely-mental, restriction, when the borrower is not accustomed to repay the loan, prolongs the payment beyond the fixed time, and the lender suffers loss; for then, they say, from the exterior circumstance, the aforesaid restriction is not purely mental, but external, and therefore licit — of which more in its own place.

IV. Besides mental restrictions, new theologians devised other remedies as well, by which they might conceal, at least from men of dull perception, the truth. These are amphibological, and equivocal, words. These, likewise, are of a twofold kind. Some, according to common understanding, have a double sense, and acceptance, both of which they equally betray — as appears in this saying: "I say that you, the Aeacid, can conquer the Romans," which locution admits a double sense: namely, that the Aeacid can conquer the Romans (and here, in the aforesaid arrangement of words, this seems the

obvious sense), or that the Romans can conquer the Aeacid. Others likewise have a double sense: one common, and proper; the other less proper — as if you should say, "Sebastian is a good man," which, in common acceptance, signifies that he is endowed with virtue, but, in a less proper sense, signifies that he is simple, or of dull mind. By these equivocal and amphibological locutions, more recent theologians commonly hand down, truth can be concealed, a just cause pressing; nor do the ancients altogether dissent, as we shall explain below. Such amphibological locutions, however, are not undeservedly called not-wholly-mental restrictions, but constituted external by some external sign, or by a somewhat obscure, yet intelligible, word.

V. At length, not a few theologians, setting aside mental restrictions of both kinds, and amphibological and equivocal locutions, entered upon another path. For they learned by experience that ambiguous words are not always at hand in every circumstance, and are not frequently sufficient for concealing truth; nor are all men equally endowed with perspicacity and acumen, so as to be able, especially in sudden events, to arrange words by such artifice as to constitute an amphibological sense. Hence they devised another manner of concealing secrets. They say, first, that some truths are communicable, others incommunicable; and that it is to be gathered from the circumstances whether words are to be taken with respect to communicable, or incommunicable, knowledge. As, when a Confessor is asked whether he knows anything of a penitent's sin, and he himself answers that he knows nothing, it is denoted from the circumstances that he knows nothing by communicable, or extra-sacramental, knowledge; and when he is asked by a tyrant whether he knows anything as a Confessor, likewise, they say, he can answer that he knows nothing — since even in this circumstance the words appear to be uttered with reference to extra-sacramental knowledge, with respect to which he really knows nothing. Those, however, who proceed by this path have not altogether renounced mental restrictions; but they admit a restriction of mind, made intelligible by an external circumstance. They differ only in this: that they do not wish some word to be necessarily required in the speech itself, which retains the obscure sense which the speaker holds in mind, and reveals and conceals it; but they wish only the obscure, and internal, sense to be gathered from the circumstance either of time, or of the speaker.

VI. At the very last, other theologians entirely removed from the midst mental restrictions, both internal and external, both amphibologies, and equivocations, for the reasons indicated — namely, that ambiguous words do not always occur, or are not sufficient, whenever we address sharp-witted men, or that simple folk are not capable of constructing an amphibological and equivocal speech. Wherefore they forged an invention more effective, they say, than all those recounted, for concealing truth. They teach, then, that we can use words materially, or, as they say, in our own power, so as to utter words materially, without their signifying anything, whenever truth must be concealed for a just cause. Wherefore Peter, asked whether he committed a crime, or knows it to have been perpetrated by someone, can, absolutely, and without any equivocation of words, respond, "I did not do it," "I do not know anyone to have done it" — even though he did do it, or knows by whom it was done: because such words, "I do not know," "I did not do it," signify nothing, just as if they had been uttered by a parrot. Tamburini (Bk. II, on the Decalogue, ch. 2, §2, n. 6) opposes to himself the authority of Cardinal Pallavicino, in these words: "*But in this way you speak against the pact which was tacitly entered into among men in the constitution of language, that words be uttered significatively, and not only materially. Read Sforza Pallavicino in his Theology, Bk. II, disp. 2, n. 15.*" I respond: such a pact was too speculatively devised by that most ingenious man. I add: granted that there was an agreement, that by those

sounds men could open their own conceptions — yet I contend there was never a pact that they could never, whenever they wished, utter those sounds materially. Certainly, thus do infants utter them, when they begin to learn foreign languages; thus do typesetters, when they set type, and writers and printers, when they write or print words of another language. Why not, when it profits a man to do so? That words can be used materially, or as signifying nothing, in human and serious speech, for concealing truth, Caramuel also taught, in his *Haplotes*, art. 1, concl. 1, n. 14, p. 15, in Cárdenas, dissert. 19, ch. 4, n. 51; which opinion, however, he himself does not approve, since he saw it was not approved by the Roman Censors.

VII. Other more recent writers hand down this doctrine of words, or sounds, signifying nothing, more clearly. Fr. Claude La Croix (Bk. VI, part 2, ch. 3, dub. 2, n. 158, at the end) attributes this opinion to Tanner, and Stoz, in these words: "*Tanner and Stoz suggested another method: that a Confessor, if he cannot otherwise guard the seal, should use words purely materially, as sounds not signifying, wishing to signify nothing by them. The reason, moreover, why words in these circumstances are not significative, is this: that the significative force of words is the will of those who instituted them for signifying this or that. Now those instituting them neither willed, nor could will, that such words should be significative in the case where the seal would be revealed through them: for to will this would be impious, and neither God's, nor the commonwealth's, approval can accede to it — which, however, ought to accede, for there to be an obligation of using words as they were instituted. Therefore words, in these circumstances, are not significative. But as for the fact that the questioner takes them as significative, and is deceived — let him blame himself, for he questions unjustly.*" Fr. La Croix neither approves nor disapproves this manner of speaking; but, according to the custom of other Doctors, gathers various opinions, so that readers may select whichever pleases them.

VIII. Of his own, however, he offers a rule to all those bound by a seal, by which they might more easily know how to guard it. He says, then, n. 1587: "*When a Confessor is thus unjustly asked about a matter closed by the seal, and cannot otherwise conceal it than by lying, it is not necessary that he seek out, of the many ways of answering without a lie, that which is more consonant with the reasons already related; but it suffices, simply saying that he knows nothing, that he not have the intention of lying, and wish to respond in that sense in which, according to the mind of the Church and the Doctors, he can thus speak with truth: for it is certain that there must be here some licit way of saving the seal, nor does any more fitting one occur than one of these. And what has been said of a Confessor holds for every other person bound to a seal.*" But for these, and similar most grave cases, it would be a mortal sin to lie; it is licit to use such words.

IX. This doctrine, whose use Fr. La Croix concedes as licit only for the guarding of the seal, and for similar most grave cases, to protect either life, or chastity, which are called the most grave cases — Fr. Carlo Ambrogio Cattaneo extended to cases not only grave, but to the avoidance of any notable inconvenience whatsoever. The cases to which he extends this described doctrine I will transcribe here, rendered from the vernacular tongue into Latin. He says, then, Vol. I, Lecture 44: "*To your shop, for example, comes a wicked debtor, whom you cannot at all subject to the laws of justice; he asks whether you have such-and-such cloth. This question, the circumstances being inspected, betrays this sense: 'Would you have such cloth to sell me?' You respond...*" : "*and it must be understood that I do not have that which I do not have to sell to a wicked debtor; you can freely say: I do not have it.*" He proposes another case in these words: "*Another comes, who does not possess a hand's-breadth of land, and asks whether you have a hundred scudi. You abound in many. You respond: I do not have them. Is this not a lie? Not at all. From the circumstances, this response is true. For the*

question signifies: do you have a hundred scudi to lend? But you, to one who could repay only at great risk, and would not have the solid means to repay, are not bound to lend."

X. With these, and other similar cases resolved, and various examples adduced, he expounds this doctrine at greater length than the aforesaid Fr. La Croix indicates; and he beforehand warns his readers that this doctrine of his is sufficient to overturn all difficulties. He says, then, that ambiguous and equivocal words of double meaning are not always at hand, especially in sudden events. What, he says, if an assassin, having entered your courtyard, about to kill your father, asks whether he is at home? Are you, as if bewitched, bound to strain your mind to search out ambiguous words, or to fit an equivocal locution; or to bring under scrutiny whether the restriction is purely mental, or not; or to recite a formula of words committed to memory from some book, as described, when you may thus escape free from this snare? In these, and similar cases, no other way is open, nor does the word "I do not know" suffice; you must hurl back into the face of the impudent questioner a round and bold "no" — since this conforms to the mind of all men whatsoever: for men are masters of words. They by no means instituted them to the harm of the commonwealth, and in favor of thieves and assassins. Not to say more: whatever lacks signification, by the consent of the whole human commonwealth, which established that, in similar events, words signify nothing — in just the manner in which a coin, its value having been removed by the Prince's command, becomes worthless. When, then, you hear that an officious lie cannot licitly be told, neither to save an entire city from a fire, nor for the same end to steal one solidus, or one silk thread — you must know, however, that just as, in such an event, theft would not be theft (since this has been so agreed among men for the public good), by the same reasoning a lie would not be a lie: since the human commonwealth possesses dominion no less over words than over things.* Thus far Cattaneo, who confirms his doctrine with other examples.

Chapter VIII — A comparison of the doctrine of certain more recent writers with the doctrine of Cassian, to whom lies were licit in extreme necessity, and of Augustine, who pronounces lies to be contrary in every event. The same cases, both proposed and resolved by Augustine, and by the contrary doctrine

I. Of the ancient writers who patronized lying, I will single out Cassian, above all others, who defended the cause of lying more fully than all the rest, and treated it at greater length. But the whole doctrine of Cassian, and of the other Fathers, is concluded within these limits: namely, that in extreme necessity — for instance, to protect one's own life, or a neighbor's — the use of a lie is lawful, just as the use of hellebore is lawful in the most extreme illnesses. He proposes the case of the woman Rahab, and says that her lie was worthy of pardon. Here are his words, from Collation XVII, ch. 17: "*Lying is to be so felt, and so used, as though it had the nature of hellebore... For thus we read that even holy and most approved men of God made pardonable use of a lie, as did Rahab.*" Cassian manifestly does not assert that this lie was absolutely licit, but that it was pardonably uttered; or that the lie was worthy of pardon, since it was told for the good end of protecting the lives of three men. Wherefore Cassian did not absolutely teach that, even in these most extreme events, a lie is entirely innocent, and loses the nature and guilt of a lie; but that, of two evils, the lesser is to be chosen, and that one who employs an officious lie is worthy of pardon, so as to compensate for, or avoid, the greater harm which would follow from the manifestation of truth. Thus Cassian declares his own mind, in express

words, ch. 20: "*For then, necessarily, and pardonably, is acquiescence given to the detriment of a lie, when, as we have said, a greater loss from the confession of truth is imminent, and the utility conferred upon us by truth does not prevail to compensate for the harm that must be generated by it*." This teaching of Cassian's moved even Augustine himself, who calls it a doctrine of compensatory sins.

II. The same case, among several others, of the woman Rahab, and the Hebrew midwives, Augustine proposes (Book *Against Lying*, ch. 15); he turns it over in every direction, and disapproves Cassian's teaching, and resolves that Rahab, and the Hebrew midwives, did not lie, but Rahab teaches, in these words: "*He knows where I am; I will not betray him.*" Then he resolves and turns back upon his adversaries everything that can be objected against this response — namely, that the woman would have been slain, and that her fellow-citizens, given this answer, would have finally searched the whole house, and that innocent men would have been delivered to death. What, then, ought she to have answered, you will say — that they should search the house? "*But would it necessarily have followed that, by telling the truth, they would have found even those whom she had so carefully hidden? For that most cautious woman had foreseen, and had placed them where they could be hidden, even if she had not been believed when she lied. And even she, if nonetheless she had been killed by her own fellow-citizens, for a work of mercy, would have ended that life by a death precious in the sight of the Lord, and her kindness toward them would not have been in vain. But you will say: what if, having come even to that place where she had hidden them, by searching everything, they had found them? It can be said in this way: what, if they had refused to believe that most vile and most shameful woman, whether lying or perjuring herself? Surely, then, too, those things would have come to pass which she, by lying, feared. And where do we place the will, and the power, of God? Could he not, perchance, have kept both her from lying to her fellow-citizens, and from betraying the men of God, and have kept those men of his safe from every peril?*"

III. A wholly similar case more recent theologians also propose to themselves. Older theologians, among whom St. Thomas holds the chief place, respond, with Augustine, that the woman lied, and that all lie who, in a similar event, with Rahab, deny that guests, sought even unto death, are present in their own house, when in fact they are dwelling there. Most more recent writers, however, agree with Cassian on this, which is the head of the whole controversy. For Cassian teaches that Rahab was worthy of pardon for denying that guests were in her house; more recent writers likewise affirm that we can, and ought, to deny to an assassin seeking, for death, a guest present in our house, that such a guest is dwelling, or to be found, with us. They differ from Cassian, however, in that he calls Rahab's lie one pardonably uttered, or worthy of pardon; more recent writers, however, do not wish this aforesaid denial of the truth to be a lie, and assign various reasons. For some distinguish a twofold truth, and a twofold knowledge: one revealable, the other not revealable — or one communicable, the other incommunicable. They wish, accordingly, that truth, from whose manifestation the death of an innocent person follows, to be incommunicable, or not revealable; and therefore that the negation answering to it be true. Others teach that, in a similar case, words signify nothing, by the tacit consent of the commonwealth — so that a lie is not a lie, just as theft in extreme necessity is not theft.

IV. Another case Augustine proposes to himself (ch. 18, *Against Lying*) concerning a sick father, who, if he understood that his only and most beloved son had died, would himself also succumb to fate. "*If he asks whether he lives — whose death you know — what will you answer, when, whatever else you say besides one of three things — that he is dead, or that he lives, or that you do not know — he understands nothing else than that*

you are unwilling to say that he is dead? It will avail just as much, even if in every way you keep silent. But of those three, two are false — that he lives, and that you do not know — and these cannot be said by you except by lying. But the one true thing, that is, that he is dead, if you say it, and the death of the troubled man follows, it will be cried out that he was killed by you." We have described Augustine's complete response above, ch. 2, n. 6, which, lest I repeat the same thing, I refer readers to consult there. Only this I add: that Augustine restricts this case so that no room is left either for equivocation, or for silence, or for evading with words. Whatever you say, besides one of these three things — that he lives, that you do not know, that he is dead — the sick father concludes his son's death. If you confess the truth, saying he is dead, the father, too, dies. If you say, "he lives," or "I do not know," you lie. Manifestly, however, to attest death — or rather, truth — Augustine concludes, and proves by many arguments, even though the father's death should follow.

V. Most more recent writers think altogether the contrary. For they wish that you can say, "he lives," or "I do not know," so that the sick man's death does not follow — since, in these extreme cases, in which the manifestation of truth produces most grave harm, when it cannot be concealed by an equivocal speech, they teach that it is to be concealed by a manifest denial, which either signifies nothing, or denies incommunicable truth, as we have indicated, and shall explain more fully below.

VI. Augustine, near the end of the Book *Against Lying*, namely ch. 21, which is the last, presents a case which both occurred then, and now not infrequently occurs, of an adulterous wife, provoked, and compelled by her husband, to remove suspicion of adultery by an oath... . So firm and constant was it, in the persuasion of the faithful of that time, that a husband could exact an oath from his wife, whereby she might deny adultery without perjury, that this was really committed, as an evident argument of innocence. For if they had believed, or suspected, that wives could lawfully deny it, and confirm by oath the denial of adultery committed, husbands would never have been accustomed to induce their wives to swear, believing that they could also perjure themselves. For it must be considered that men very often provoke to an oath their wives, of whose adultery they are suspicious — which they certainly would not do, unless they believed that even those who had not feared to commit adultery would fear to commit perjury. For indeed some unchaste women, who did not fear to deceive their husbands by illicit intercourse, feared to employ God deceitfully as a false witness to those same husbands whom they had deceived.

VII. This same case more recent writers propose to themselves, and very many respond that an adulteress can lawfully deny that she committed adultery, which she really did commit, and confirm her denial by a sacred oath. Sánchez (Bk. III, on the Decalogue, ch. 6, n. 40): "*Thirteenth, an adulteress, asked by her husband whether she has committed adultery, can swear that she has not broken the marriage... Similarly, she can swear that she did not do it, understanding within herself: 'so that I would reveal it to you.*'" Castropalao (tract. 14, disp. 1, punct. 5): "*Thirteenth, a woman who has committed adultery can, under oath, deny that she committed it, understanding that she is not bound to disclose it*." Sayr, Bonacina, and all defenders of purely mental restriction teach the same. If, then, those men who lived in Augustine's time were alive in our own age, they would falsely persuade themselves that their wives would not perjure themselves — since the theologians themselves teach that perjury, in these circumstances, is not only, but merely material, and consequently licit. Is such a doctrine consonant with Augustine's mind, and teaching, who, in express words, teaches the opposite of the adulteress! Let Francolino gather from this on what foundation he could so intrepidly break out into these words (Bk. II, *Preface,*

Church, Benignity, disp. 7, n. 33): "*You understand now, I think, that the example you have adduced favors me, and rather confirms what I have tried to show: that our more recent Casuists do not write from their own genius, but respond according to the teaching of the Fathers, where the Fathers went before, and according to a teaching not contrary to the Fathers, where the Fathers did not go before; but according to what the Fathers themselves would hand down, if they taught in this age — that is, if they acted as Casuists in the schools, and not as sacred Preachers in the pulpits of temples, as they mostly did, when they treated of morals: for they spoke less distinctly than when they wrote of faith.*" Without doubt, if the Fathers were Casuists, and taught in the schools of most Casuists, they would then teach less strictly, and would transform their minds and spirits to teach the laxities of many. Francolino adds that he praises only the most approved of more recent writers, not those whose luxuriant license in opining Alexander VII and Innocent XI most wisely condemned in their decrees. But, as we shall show elsewhere, among the most approved, and most worthy of every praise, he professes to hold those whose propositions the aforesaid Pontiffs disapproved. And indeed, not only to Francolino, but to me too, several are most approved who taught in the schools that purely mental restrictions were licit. But the distinction which this author places between the Fathers teaching in the schools, and the Fathers composing in the temples from the pulpit, the most wise Father Elizalde says is the origin, chiefly, not of a benignity inseparable from the charity of Christ, but of laxity. Indeed, Elizalde adds that this distinction is that of the Pharisees, who preached true doctrine from the pulpit in the temples, but in private schools disseminated false and erroneous opinions; and therefore Christ said, "Whatsoever they say, do"; but, in private schools, he says false things: and therefore this same Christ said: "Beware of the doctrines of the Pharisees." But of this most erudite, and most opportune, interpretation of Father Elizalde, we shall speak more fully in its own place. What we wish, only in passing, to indicate to Francolino by our own dissertation, is this only: that all this that he said tends solely to diminish the authority of the Fathers; for this very distinction of Fr. Francolino's the Lutherans and Calvinists devised, so as to reduce the authority of the Fathers to nothing. I would wish that Fr. Francolino had brought forward some document by which he might prove that the Fathers spoke more cautiously, or more distinctly, when they wrote of faith than when they wrote of morals. Does not one equally err who corrupts the doctrine of morals, as one who corrupts that of faith? Are those who fight against sins that conflict with morals invaded with any lesser zeal than those who fight against sins that conflict with faith? This praised distinction of Fr. Francolino's, then, is false, and — to speak as gently as possible — most injurious to the Fathers of the Church. For if they spoke less distinctly of morals than of faith, from this universal rule it is inferred that scarcely anything certain can be gathered from the Fathers in the matter of morals, since they spoke less distinctly, according to Francolino. But we shall show, in its own place, that the holy Fathers of the Church spoke both in matters of morals, and in controversies of faith, distinctly and clearly enough — although neither all the opinions which more recent Casuists have devised in the matter of morals, nor all the errors which heretics have forged against the dogmas of faith, are found expressly refuted in the Fathers. But the general doctrine is found in their works, by which we reject both the dogmas of faith, and the rules of morals, contrary to the Gospel. But, as I said, of this more fully elsewhere.

VIII. I could adduce many other cases, which are resolved by Augustine in this matter, altogether opposite to the doctrine by which more recent theologians resolve these same cases — several of whom do not seem to recede far from the ancient defenders of lying. Indeed, as it seems to me — saving their better judgment — some of them defend that lies, which they call material, can be

confirmed by oath, and can be employed in those events in which those who defended lies scarcely at all used them. For Cassian, and the rest, said that the use of a lie was pardonably licit only for the protection of life, chastity, or something similar; not so for protecting domestic goods, wares, or honor — for the preservation of which our own Casuists teach that material lies, which to the ancients were formal, are licit. From these few things it appears that the fourth and sixth propositions described above, ch. 5, are true.

Chapter IX — The doctrine of more recent writers concerning purely mental restrictions is false, and was rightly condemned by the Church

I. Thus far we have played the part of the Historian; now, however, we must demonstrate clearly and distinctly what is to be disapproved from what we have described. But before I establish anything, in this most difficult question, of what seems to me more probable, let us first assail those things which are certainly false to us, or appear so; then let us set forth our own views. We begin, then, from a refutation of purely mental restrictions.

II. A purely mental restriction, as has been said, is then present, when the words, considered absolutely, and all circumstances inspected, constitute an external speech of the speaker false; but in the mind of the speaker something is understood which would make it true, no external sign, however, being given by which the hearer could detect what he restricts in his civil mind. As if someone should say, "Peter is dead," understanding within...

III. All Catholic Doctors, after the proposition was condemned by Innocent XI, condemn the use of mental restrictions; although, before the aforesaid condemnation, Casuists commonly, and even some distinguished Theologians, upheld the same as licit. By these considerations, however, it is established that purely mental restrictions are lies. And first, by the authority of St. Augustine (Book *On Lying*, ch. 17), it is laid down that in no way is a false thing to be uttered to him before whom it is spoken, since it is his own mind that is to be considered, and the falsity is not shown merely by the movement of the tongue, but by the very intention of deceiving him to whom the truth is denied. For it is said of false testimony that even a true thing may be uttered with the mouth of the body, provided the mind of him who is addressed be truly regarded. Since, when it is said to God, only then in the heart is truth to be embraced. When, however, it is said to a man, then only in some way can it be contended that a false thing must be uttered to him before whom it is spoken, since man is a mere observer of the outward act. Augustine, then, condemns a restriction of this kind, when we address men, and wishes... that the corporal mouth not lurk within the recesses of the heart and mind, but that truth be manifested.

IV. To this authority is added a clear reason. A wholly internal, mental restriction, such as we have described, is a true lie — since a lie is nothing other than an oral speech unconformed to the mind of the speaker. But speech uttered under a mental restriction is altogether unconformed to the mind of the speaker. It is, then, a lie. The minor proposition is proved. Words used under a mental restriction do not, either absolutely, or the circumstances inspected, externally betray the internal conception of the speaker himself — which is clear from the examples which the patrons of such restrictions use. When, with Tamburini, you say, "I swear by God that I have not slept this night," understanding "clothed," the proposition absolutely put, "I have not slept," before the mental restriction, is false.

Therefore it will also be false after the mental restriction. For here the mental restriction changes neither the word, nor the thing signified by the word; or the proposition, "I have not slept," is the same, both before and after the mental restriction. Therefore, if before the restriction it was false that you did not sleep, it will also be false after that same restriction. That this restriction can neither change the word, nor the thing signified by the significant words, is manifest. This is confirmed by another example, which they are accustomed to use. One who says, "I have not eaten meat," absolutely, understanding human flesh, denies, by force of that exterior proposition, universally, every eating of any flesh whatsoever. But the speaker's internal conception is not a universal negation of the eating of any flesh whatsoever, but is restricted to the exclusion of human flesh alone. The external speech, then, is unconformed to the mind of the speaker, and consequently a lie.

V. Finally, this is confirmed by the fact that the same absurdities, the same inconveniences, follow from a purely mental restriction as follow from a lie itself. St. Augustine observes two very great and extreme evils to proceed from lying, of which the first especially undermines the very foundation of faith. For if a lie were ever lawful, then God, and the Prophets, and the Evangelists could have handed down a doctrine involved in lies, and no reason at all could be assigned why it would be lawful for men to lie in extreme necessity, and not so for God, and the Prophets. Wherefore the ancient patrons of lying, since in the sacred Scriptures Patriarchs and Prophets are found sometimes to have lied without fault, therefore taught that it is lawful for men too to lie in extreme necessity. That this same inconvenience arises entirely from a purely mental restriction, the matter is clear. For, once it is admitted that a speech, cloaked by a mental restriction, is licit, nothing prevents the same from being consigned in writing. On this reasoning we could suspect that many things are found in Sacred Scripture, true only according to a sense unknown to us, but false according to the sense which the words present. Everywhere room for doubt would occur, and the certainty of our faith would perish, and its foundations totter. The other, and chief, inconvenience which a lie brings is the destruction of human society, just as a certain writer of ours forbids the fabric of words to be feared and suspected, lest all religious and divine speech waver, by its own nature. And this is entirely the case, according to a mental restriction — for the whole utility of words consists in the mutual communication of internal conceptions. But words are instituted to manifest conceptions of the internal mind. Wherefore, on the hypothesis that a lie were ever lawful, human commerce would collapse, faith among men would altogether perish, since there would always be reason for doubt whether the speaker used a lie, or spoke the truth; so too, the licit use of mental restrictions being admitted, human society would be broken off: since it would be lawful for anyone to affirm, and to swear, whatever he wished, however false according to the sense which the words present; especially since, according to the teaching of Tamburini, and others, which we exhibited above, ch. 6, n. 16, although the words in no way admit such a restriction, it is nonetheless permitted to another to understand, from his own mere will, that he did not sleep, understanding, that he did not eat. See the whole assertion in the place cited. No one, then, from this kind of restriction, any more than from a lie, escapes the ruin of commerce, and of the reciprocal society of humankind. But of this more below.

VI. You will object, first: An equivocal locution is licit, because it contains a true sense, though so obscure that the hearer cannot easily detect it: and it is therefore permitted, so that a deception, whereby truth is concealed which, if manifested, would produce a great evil, may be avoided. But a purely mental restriction also has a true sense in the mind of the speaker, though obscure with respect to the hearer, just as an external equivocal locution does. Therefore a purely mental

restriction will be free of lying. Response: There is a disparity. The words of an equivocal, or amphibological, locution really betray a sense, either absolutely, or from the circumstances, intelligible by the hearer, if he attends to it. A purely mental restriction, however, encloses the sense within the mind of the speaker, which the hearer can perceive neither by force of the words, nor by any external sign.

VII. You will object, second: No one is bound to manifest adequately the conceptions of his own mind; but each can manifest one conception, and conceal another. Wherefore external words are conformed to the mind of the speaker, who restricts them according to his internal sense. Response: It is indeed true that no one is bound to utter all his internal conceptions; but he can reveal one, and conceal another. Whenever, however, he wishes to disclose some internal conception of his, it is necessary that he use words which really manifest and express that conception of his. For example: one who externally utters this proposition, "I have not eaten meat," and in his mind understands human flesh, brings forth these words, "I have not eaten meat," to manifest some internal conception. But this internal conception which they signify is nothing other, by Hercules, than a universal negation of any flesh, whether of man, or of animal. But that conception, universal, denying the eating of any flesh, whether of man or of animal, and denying no one kind more than another, is not in the mind of the speaker. Therefore the words are unconformed to his own mind. For the conception in the mind of the speaker is restricted to human flesh; and the external words in no way express human flesh more than that of an animal. Therefore the external words are unconformed to the internal conception. Therefore the speech is a lie.

VIII. You will object, third: It is false that our faith is weakened by mental restrictions, since it rests on divine revelations; for God testifies that he speaks sincerely, in such a way that he can discern true from false speech without any danger of error. Response: It is granted that, the licit use of mental restriction being admitted, the objections which are opposed, excluding certitude and the Church's own authority, are false — since we can doubt whether God has used mental restrictions in the manifestation of his own law, room for doubt also remains as to whether, in reflexive revelations, by which he attests that he speaks true things openly and sincerely, he employs the aforesaid restrictions — which the adversaries cannot deny, since they teach that one who has once lawfully used an equivocation in direct speech can also use the same in reflexive responses, even to infinity. For example: a defendant, who, the order of law not being observed, being questioned by a judge, can answer that he does not know the crime, understanding, "so as to reveal it," can also, if the judge presses, so that he speak without ambiguity, equivocation, or mental restriction, answer, and swear that he speaks without any equivocation, restricting... the negation only to that mind, which is not lawful for me to use — of which he affirms himself candidly using, and, as Fr. Castropalao expressly teaches, whose doctrine I described in Diss. 1, ch. 4. Which doctrine, once admitted, it is evident that the foundations of our religion totter, and human society entirely perishes.

IX. They object, fourth, several testimonies of Sacred Scripture, by which they attempt to defend the aforesaid mental restrictions. But such texts we shall bring under examination below, together, and sincerely — since those too abuse them who defend what they call external amphibologies, without any distinction; and those same testimonies the patrons of lying used to oppose. Wherefore we shall bring all of them, individually, under examination below.

Chapter X — The opinion which asserts that words, by common consent of the human commonwealth, signify nothing, when they are employed to conceal a truth which cannot be manifested without grave harm, is rejected as altogether improbable, and false

I. Although the controversy which we handle concerning lying, and its kindred mental restrictions and equivocal locutions, is most difficult, nonetheless certain things which more recent writers have devised are reckoned by learned men as evidently false. The doctrine of mental restrictions having been condemned, a laxer, and at the same time easier, way of concealing truth was devised. For they assert that the human commonwealth, in certain cases, has taken away from words their signification, as we explained above, ch. 5. Tamburini indicated this doctrine; Fr. La Croix reported it more clearly from Tanner and Stoz, and approved it; and finally Fr. Cattaneo promulgated it more fully, and from the pulpit, and published it in print. This opinion the most learned Giuseppe Agostino Orsi undermined, who published an entire dissertation against Cattaneo's opinion, with exquisite erudition and doctrine, and two other letters against the defenders of the same Cattaneo — of whom one especially, namely the author of the *Allegatio*, departed further from the truth than Cattaneo himself, as the said Orsi shows in that same work. This opinion of Cattaneo's, then, of Fr. La Croix, of Stoz, and of Tanner, we undertake to demonstrate as evidently false.

II. And first, the falsity of this opinion consists in this: that this law, by which it is asserted that the human commonwealth took away from words their own signification in extreme necessity for concealing truth, was always unknown to both the ancients and the moderns. That it was hidden from the ancients is established from what has already been said. For the Fathers, all of them, treated this controversy concerning the concealment of truth for the protection of life, reputation, and chastity, professedly, especially Augustine; and not one of them mentions this law: unknown, then, to them. To this Cattaneo adds Cardinal Pallavicino among the six cited authors — no one of whom, though cited, gives silence to mention of this law. What is so incredible? What so contrary to common sense? A law promulgated by the entire human commonwealth, which itself also constituted the entire commonwealth — and yet, among all writers of later times, no mention of this law is made, although necessity now presses to name and employ it just as it did before. What? If someone were to say that the entire Venetian commonwealth had asked for a law, established by universal tacit consent, by which it was declared lawful for any citizen constituted in grave necessity to spend counterfeit money in commerce; and yet were at the same time to confess that no one, from its founding, had ever used this law, or mentioned it? Would not the promulgator of such a law show himself supremely ridiculous, and foolish? No less, certainly, fictitious, and plainly chimerical, is that law which Cattaneo fashions as established by the entire human race with tacit consent — since, from the creation of the world down to the five listed writers, not one has mentioned this law. What of this? Is it perhaps that this argument is a negative one? Since writers pass over this law in silence, they do not disapprove it. Certainly they do not disapprove it — since they could not condemn monstrous inventions which were fabricated after so many centuries; but they reject it in the manner in which what really never was can be rejected. Writers of almost every age, both pagan and Christian, taught peoples the manner by which they could conceal truth in extreme events. The Platonists assigned lying; several Christians acceded to the Platonists. At length, the entire Christian commonwealth always condemned lies as unlawful. The more eminent Doctors and governors of that commonwealth left nothing untried, to open a path for concealing truth; and they found nothing else,

except silence, or the sacrifice of one's own life. Augustine, and all the Fathers, and Doctors of the Church after him, teach that Rahab ought rather to have met death than to deny that guests were in her house; that the death of a sick man ought to be permitted rather than that one deny his son to be dead; that bodily chastity ought to be lost, which cannot be preserved except by saying, "My husband is present," when he is really absent. One of two things, then, must necessarily be said: either that Augustine himself was ignorant, that all the other later Doctors were ignorant, and the Church was ignorant; or that they were cruel, and inhuman, if they omitted to teach the people the use of the aforesaid law. What need would Augustine have had to publish two whole Books against lying? But I would offend the manifest darkness of truth, if I extended this argumentation further. Let us hasten, then, to other matters.

III. Thus far, then, it has been demonstrated that the aforesaid law is fictitious, and reposed only in the mind of five or six writers, on the grounds that it was always unknown to the whole human race. In the present matter, however, it is shown by most evident reasons that the commonwealth of men could not, even had it wished, take away signification from words, and render them, in serious and common speech, as material sounds, signifying nothing. To demonstrate this more manifestly, I must first premise the principles which the sacred Doctors use, so as to explain the depravity of lying. Augustine, in many places, proves that every lie is, by its own kind, a sin — because words pertain to this, that they betray the internal feelings of the mind. Whenever, then, a man employs words not to communicate what he has in his mind, he perverts the use of words. These are Augustine's own words, ch. 22: "*Moreover, every lie must be said to be a sin, for this reason: that man ought to speak what he bears in mind, not only when he himself knows it to be true, but even if, being mistaken or deceived, he thinks it so, whether it be true or supposed, and not true. But everyone who lies speaks against what he feels in his mind, with the will to deceive. And assuredly, words were established for this purpose, not that men might deceive one another by them, but that each might convey to another's knowledge his own thoughts. To use words, then, for deception, and not for that for which they were instituted, is a sin. Nor is a lie, for this reason, to be thought not a sin, because we can sometimes profit someone by lying: for we can also profit by theft, if the poor man to whom it is given feels the advantage, or he from whom it is secretly taken feels no inconvenience. Nor would anyone, for this reason, say that such a theft is not a sin.*" St. Thomas presents to us, in fewer words, the whole of Augustine's teaching (II-II, q. 110, art. 2): "*A lie is an evil according to its kind, being an act falling upon undue matter. For since words are naturally signs of understanding, it is unnatural, and undue, that anyone should signify by his voice what he does not have in mind.*"

IV. So that this teaching of Augustine's and Thomas's may be perceived more clearly, every equivocation set aside, it must be observed that, when the Angelic Doctor says that words are naturally signs of the conceptions of the mind, he does not exclude, nor deny, that these same words are signs, as they say, at pleasure. For words are signs at pleasure, insofar as it depends on the will of God, or of men, that this rather than that be signified. But it in no way depends on the will of men that these words be signs of the secrets of the heart. Men, at the first institution, could, at their own arbitrary will, endow the same word with one signification rather than another. But they never could, nor can, bring it about that words, whatever signification they enjoy, are not signs representing the conceptions of the mind. Not to say more: that words have this or that signification is a matter of human institution; that they reveal the secrets of the heart, they have by nature. The commonwealth, then, can change the human significations of words; but it cannot take away from them being signs which betray the internal feelings of the mind in common speech. These principles premised, an

evident demonstration is formed against the opinion which establishes that words signify nothing, in some grave necessity.

V. Man has from the Author of nature the faculty of speaking, so that, being a discursive being, he might reveal, as they say, the interior conceptions of his mind. But man cannot exercise this faculty, except by the bodily instrument of words — since his nature is composed of spirit and body. The soul, stripped of the body, itself brings forth its own conceptions, as it does in public. Attached to the body, however, it needs its organs. This teaching, besides Augustine, Thomas, and the other Fathers, even Marcus Tullius himself hands down (Oration for Caecina, near the middle), where he declares that words were instituted so as to reveal the will hidden beneath the veil of the body: "*For an honorable, familiar, and daily agreement is not observed, if we go hunting for words. We use those which, if they could be understood between us in silence, we would not use — because it is not possible; words have been found, not to hinder us, but...*" not to hinder, but so that they might indicate the will."* This principle is subject to no cavil. But it is in no way lawful for the commonwealth of men to deprive any faculty of that end for which nature instituted it, or to prescribe for it an end contrary to that end. Since, then, the end of the faculty of speaking in man is to manifest the secrets of the mind by the means, that is, of words, no will of men can take away from the faculty of speaking the power of manifesting internal secrets, since it has this power from nature. What? Can the entire human commonwealth, in some case, snatch from men the faculty of speaking? Can it take away from this faculty, in some case, the power of betraying internal secrets? Then it cannot take away from words their signification either. For if words did not signify, man could not reveal his conceptions, since without words he cannot reveal them. If, then, the commonwealth cannot deprive man of the faculty of speaking, or of manifesting his internal conceptions, it follows by legitimate inference that neither can words be stripped, in human speech, of their own signification. For words, destitute of their own signification, cannot be signs manifesting the internal feelings of the mind in human speech. These three things, then — namely, that man is endowed with the faculty of speaking, that the end of this faculty is the revelation of the secrets of the heart, and finally that words are given to man by nature, by which he might exercise this faculty of his of speaking, and reveal his own secrets — are so mutually connected that one who governs one does not govern the other. Man can indeed either speak, or keep silent, as seems to him expedient. But, once he has resolved that he wishes to speak, or is compelled to answer, he must, according to the laws of nature, use words which reveal, more or less clearly, his own internal conceptions. Otherwise he would pervert the end pre-established by nature. This can be confirmed by examples. Nature gave man the power of eating, with the end that he preserve his nature. Man can eat, or not eat. But, once he does eat, he cannot eat for any end other than that of preserving his nature. And those who eat for the sake of pleasure and delight alone sin, and pervert nature's end. Just as, then, the commonwealth of men cannot deprive the faculty of eating of this its end, or prescribe for it an end contrary to it — so it cannot deprive human words of their own end, which is to manifest the secrets of the mind, or assign to them an end contrary to it.

Chapter XI — The response of Tamburini is refuted, whose assertion seems altogether laxer than the very proposition condemned concerning mental restrictions

I. Thomas Tamburini (Bk. II, on the Decalogue, ch. 2, §2, n. 6) opposes to himself the most learned Cardinal Pallavicino, whom Cattaneo praises in favor of his own opinion, alleging him for the

contrary opinion, which denies that words can be uttered so purely materially. Tamburini, then, objects to himself the authority of Pallavicino in these words: "*But in this way you speak against the pact of the commonwealth, which was tacitly entered into among men in the constitution of language, that words be uttered significatively, not merely materially. Read Sforza Pallavicino in his Theology, Bk. III, disp. 2, n. 12, in Tancredo.*" "*I respond,*" he says, "*that such a pact was too speculatively devised by that most ingenious man. I add: granted that there was an agreement, that by those sounds men could open their own conceptions — yet I contend there was never a pact that they could not, whenever they wished, utter those sounds materially. Certainly infants utter them thus, thus do adults, when they begin to learn foreign languages; thus too writers, and typesetters, when they copy out, or print, the words of another language. Why, then, is not the same use permitted on other occasions, whenever it pleases a man?*" Thus far Tamburini.

II. Authors who, before Innocent XI, defended mental restrictions in a locution whose words admit purely mental restriction, tempered the laxity of this opinion, with this added: that they taught no one could use the aforesaid restrictions, except for the cause of protecting one's own, or another's, life, honor, domestic goods, or something similar. Their teaching concerning a purely mental restriction was covered with a twofold veil: namely, that the use of mental restriction was licit only when both the words of the speech admit such a purely internal restriction, and a reasonable cause is present for employing the aforesaid restrictions in common speech. Nonetheless, this opinion was proscribed.

III. Tamburini, spurning such salves, first, against Sánchez, as we have seen above, establishes, in the place cited, n. 4, that one can restrict at will any sense whatsoever in the mind, even if the words do not admit such a restriction. This is the first degree of laxity which Tamburini adds to the condemned proposition. But what he adds afterward — that a man can utter words at will, materially, their signification stripped away, whenever it pleases him — transgresses the bounds of every laxity, and shudders at the very horror of both lying and mental restriction. For defenders of both lies and mental restrictions defended their licit use only under the pressure of the most grave necessity, or grave necessity according to a few, of which more below; but Tamburini, no limit observed, decrees that, whenever it pleases a man, it is lawful for him to use material words, or material lies, which is really the same thing. He excepts only the case in which such a material locution would inflict harm on one's neighbor, since this would be a pernicious lie — concerning which no Christian has ever doubted.

IV. But let us weigh Tamburini's reasons. Children utter words as material sounds — "The fool hath said in his heart" — it is clear from this reasoning: Words can be taken both as words, and as material sound, to signify conceptions. If, then, words are not employed to signify these, then let each one use them for a mere material sound, not for expressing the internal feelings of the mind, but for concealing truth. Thus others reason. But Tamburini, these small distinctions set aside, contends that neither the Author of nature, nor the human commonwealth, has imposed any burden of uttering words significatively; but, provided the words are understood according to their own material sound, he will be able to use them for another end. All this is confirmed, they say, by the fact that no one uses words unless it pleases him; the Prophet David reports likewise: for however words are taken, no one can use them for another end, unless they conform to that man's own mind. The same must be said of those who recite the words of others — as, typesetters uttering words of another language materially, adults learning foreign languages, and printers. They add, and, freely granted, that there

was an agreement among men to utter words as signifying; but I contend, he says, that there was never a pact that they could not (whenever they wished) utter them materially.

V. So that we may begin with Tamburini's last words, this doctrine, as it seems to me, contains a manifest error. No law prescribes that words be signs representing the feelings of the mind? No pact, no law bids that words be used to signify anything? Man can use words at will, in common and serious speech, so that they signify nothing? I would believe that, if this doctrine of Tamburini's were brought to the tribunal of the Church, it would not escape immune from censure. Indeed, Cicero, Augustine, and Thomas condemned it, in the authorities cited in the preceding chapter, and again Augustine refutes it (Bk. I, *On Christian Doctrine*, ch. 2): "*There are, however, other signs, whose whole use is in signifying, just as words are. For no one uses words, except for the sake of signifying something*." If Tamburini had recalled this authority of Augustine's to examination, he would, without doubt, have rejected it as false. Would he not have replied: No one uses words, unless for the sake of signifying something? Do not typesetters, do not those learning foreign languages, use words which signify nothing? Augustine's teaching, then, is false. Thus Tamburini argues, whose doctrine we reject as most openly false. No one has used words, unless it pleased Tamburini, children, printers; and we embrace the Augustinian teaching.

VI. So that we may overturn, with no trouble, the objection of Tamburini, and of other writers, this must be observed, which is nevertheless open to anyone: that our present discourse concerns words used in common, and serious, speech, in which the internal secrets of the heart are mutually revealed. What could be more futile to object than what Tamburini objects concerning children, and printers printing the words of another language? Why did he not add that parrots utter not only words, but whole sentences? That magpies too, among brutes, emit the very sounds that men utter? What shall we say of other animals, which emit sounds that indicate, and manifest, internal feelings? A dog emits the sound of barking, and warns that the house is being invaded, or shows the hunger by which it labors. A lion roars, and indicates the ardor of its wrath. Who, however, would say that these brutes speak? The same must be said of children, and of adults learning foreign languages, who emit sounds, and yet do not speak: for our discourse concerns children not yet endowed with the light of reason. And adults, while learning foreign languages, insofar as they are learning, do not use... words as the instruments of that speech, in which secrets are to be manifested to one's neighbor. Certainly it is astonishing that such childish trifles, and such inept fabrications, could be thrust upon us by men who professed the theological science. For the question, indeed, concerns words used in human speech, in locutions by which men mutually, by way of question and response, disclose secrets to one another. In brief: the question concerns the speech of man as man, distinguished from brutes, and from Angels. Insofar as he is superior to brutes, he reasons, and communicates his secrets to others; insofar as he is inferior to Angels, he needs bodily instruments, by which alone he can manifest his thoughts to others. This being established, who would dare to thrust upon us that we can use words as a mere material and sensible sound, and as signifying nothing, in common speech? Should it be said otherwise, if words are taken as words? This distinction, applied to common and serious speech, is so futile, and so puerile, that it would be shameful to impugn it any further. Let us conclude, then, that the opinion of Tamburini, and of those who adhere to him, is far laxer than the very proposition condemned concerning mental restrictions, for the reasons adduced above.

Chapter XII — The opinion of Fr. Cattaneo, of Fr. La Croix, and of a few other authors, who compare a lie with a theft committed in extreme necessity, does not seem consonant with the teaching of the Church

I. Before all else, Cattaneo's opinion must be set forth in his own words. He writes thus, then (Vol. I, sacred Lectures, Lecture 44): "*But, however much you may hear, that not even an officious lie is permitted, not even for the sake of saving an entire city from fire — know that not even for such an end is it lawful to commit a theft of half a solidus, nor even of a single silk thread. But just as, in such a case, this would no longer be theft (this having been so agreed among men for the public good), so, for the same reason, that would cease to be a lie — since the whole of humankind is no less the master, at its own discretion, of all things than of the significations of the words instituted by it, for the benefit of the world. And let it be noted that this must especially be understood, when someone is asked, it being against every rule of honesty, that anyone should be obliged, in such cases, to serve as a minister to wickedness.*" This is the opinion of Cattaneo, which we transcribed more fully above, ch. 5. First of all, his last words must be observed: namely, that this doctrine is especially to be understood in forced responses, which must be given to an unjust questioner. If the recounted doctrine is chiefly to be understood in these cases, it is inferred that it can, absolutely, be applied to other cases too, just as Cattaneo himself really applies it.

II. Fr. La Croix speaks more cautiously; yet he himself too admits that a lie in the most grave cases is not a lie; but that, the most grave cause ceasing, it is a lie. These are Fr. La Croix's words: "*But outside these, and similar most grave cases, it would be a lie.*" See above, ch. 7, n. 7, where we reported La Croix's whole opinion.

III. According to the teaching of these theologians, then, this same locution is now a lie, now not a lie: it itself, that is, now denies, now does not deny, or signifies nothing. This opinion of Fr. Cattaneo's seems to be repugnant to the Church's teaching under a threefold head. First, it is repugnant to it in this: that he compares a lie to theft. The Church teaches that not even for the preservation of life is a lie lawful. Sacred Scripture forbids lying for another's life: chapter "*Super eo,*" Extra, on usury. But where, in any canon, or Council, or ancient Father, or Theologian, do we find it forbidden that theft be committed for the preservation of life? This author alone, with a very few others, speaks in the same manner of theft as of lying. If the reasoning of theft, and of lying, were the same, why did the Fathers never declare that one must lie in extreme events, just as they declared theft to be lawful, urgent necessity pressing? To avoid prolixity, other Fathers set aside, I will bring forward only St. Thomas, who speaks with the voice of the rest of the Fathers. Concerning theft, the Angelic Doctor writes this (II-II, q. 66, art. 7): "*He asks whether it is lawful for anyone to steal on account of necessity.*" To this question he responds thus: "*It must be said that those things which are of human right cannot derogate from natural right, or from divine right. But according to the natural order instituted by divine providence, lower things are ordained to this end, that from them the necessity of men be relieved. And therefore, by the division and appropriation of things proceeding from human right, it is not prevented that man's necessity be relieved from these things. Whence, whatever certain persons have in superabundance is due, by natural right, to the sustenance of the poor. Whence Ambrose says, and it is held in the Decretum, dist. 47: 'It is the bread of the hungry which you withhold; it is the clothing of the naked which you hoard.'*"

IV. In the same q. 110, art. 3, he asks whether every lie is a sin, or whether it is ever lawful to lie. And he raises six arguments against himself, drawn both from the Old and New Testament, and from

the amphibologies of Abraham, and of Jacob, and from homicide to be avoided, by which he tries to show that a lie is sometimes lawful in writing. He then responds thus: "*It must be said that a lie can in no way be good, since, for anything to be good, it is required that all things concur rightly. But a lie is, by its own kind, evil, being an act falling upon undue matter.*" This last is worth commending as words which will be useful for eluding certain things which the adversaries oppose under the color of angelic doctrine. Certainly the Angelic Doctor teaches, with all the Fathers and Theologians, that truth is to be concealed, in many cases, under some dissimulation — namely, by silence, or by turning the conversation to other matters; but never, according to the Angelic Doctor, is it lawful to conceal truth by a word which signifies something other than what the speaker has in mind.

V. St. Thomas, then, in express words, teaches that it is lawful sometimes to steal. Why? Because, he says, in the place cited, in the argument *Sed contra*: "In necessity all things are common." Why are all things common in necessity? Because, by their own nature, they were sometimes common, and the division was introduced by human right alone. But since those things which are of human right, such as the partition of goods, cannot derogate from those which are of natural right, therefore the division of goods among men did not abolish that primary natural right, by which men are entitled to temporal goods necessary for preserving their own life. For under this condition, this burden, this pact, the commonwealth of humankind divided temporal goods, that in extreme necessity all things should remain common. To those to whom it apportioned an abundant portion, it also imposed the burden of succoring the poor. And because the commonwealth of humankind published that law, or pact, by tacit consent, and God himself, the supreme Lord of things, who created all things so as to serve men's sustenance, attached this same debt to the division of goods, all recognize this aforesaid law and pact; no one is ignorant of it. Does not sacred Scripture, do not the Fathers, do not the Theologians, do not even the unlearned themselves, know this law attached to the partition of goods, so to speak, thoroughly, proclaim it, and, occasion given, carry it into execution?

VI. Moreover, if the human commonwealth had added the same exception for concealing truth, which it appended to the division of things — namely, that, necessity urging, it would be lawful to lie... , just as it is lawful to steal in a similar case — would not all have kept silent about such a privilege, necessary for preserving life, chastity, and sometimes the very soul? But why do I say, would have kept silent? Would they not really have taught the opposite? Augustine, and the Angelic Doctor, with all the rest, propose to themselves whether it is ever lawful to lie to avoid homicide. "*Another evil*" (he objects to himself, 4th, in the place cited above) "*is to be chosen, so that a greater evil be avoided. But it is a lesser harm that someone should generate a false opinion in another's mind, than that someone should kill, or be killed. Therefore man can lawfully lie, so that he may preserve one from homicide, or preserve another from death. Now scarcely a greater necessity than this can occur.*" This is the very case that Cattaneo, and others, propose. What does the Angelic Doctor answer? "*To the fourth it must be said that a lie has the character of sin not only from the harm inflicted on one's neighbor, but from its own inordinateness, as has been said in the body of the article. It is not lawful, however, to use any illicit inordinateness to impede the defects of others; just as it is not lawful to steal, so that a man may give alms, except perhaps in a case of necessity, in which all things are common. And therefore it is not lawful, for the sake of freeing another from any danger, to say a lie. One may, however, prudently conceal the truth under some dissimulation, as Augustine says in the Book On Lying.*" The Angelic Doctor, then, concedes that we can steal in a case of necessity; he expressly denies that we can lie in that same case of necessity. Therefore, according to Thomas, Augustine, and the rest of the Fathers, the opinion of Fr. Cattaneo, and Fr. La Croix, which speaks in the same manner of theft as of

lying, is false. The Angelic Doctor certainly concedes that we can, under dissimulation, prudently conceal the truth; but that we can lie, never. Whether they can open their mouths here, I certainly do not see.

VII. Perhaps they will reply that a formal lie is not lawful, which the Angelic Doctor, with Augustine, disapproves; but a material lie is lawful. But this is nothing but a delusion of words. Since, when the Fathers deny that, in the extreme case of avoiding death, we can lie, they decree that a lie, in this case, is neither material, nor formal, and cannot be called material. And, so that I may close off every refuge of evasion, do you concede that I can, if I wish, lie in a case of necessity? This, certainly, you cannot deny. An assassin enters my house, sword drawn, about to kill my father. He asks me whether he is at home. I am ready to lie officiously, so that I may preserve my father's life. I ask: what words must I utter, so that I commit an open, material lie? None other than these, "He is not at home." What must be added, so that this becomes a formal lie? Fr. Cattaneo says that this is a material lie. Why so? So that I have the intention of concealing truth, and of helping my neighbor. But this is the very end of every officious lie. What, then, is required? So that I not direct my mind to the pact entered into by the human commonwealth, by which it declared that words then signify nothing. But if this pact really existed, it would be lawful to lie, just as it is lawful to steal. But the Fathers teach that theft is lawful, and lying unlawful. Therefore the asserted pact is chimerical.

VIII. Lest we seem to have said in vain that all the Fathers, with St. Thomas, teach that theft is lawful in a case of necessity, but not so lying, it is worth confirming what has been said, from the universal teaching of the Fathers. The Valentinians, the Marcionites, the Manichaeans, as reported by Tertullian (Bk. IV, *Against Heresies*, ch. 49) and Augustine (Bk. II, *Against Marcion*, ch. 20), condemned as thieves the Israelite people, because they despoiled the Egyptians of gold and silver, as is held in Exodus 12:35-36: "*They asked of the Egyptians vessels of silver and gold, and very much raiment. And the Lord gave favor to the people in the sight of the Egyptians, so that they lent unto them: and they stripped the Egyptians.*" This theft God did not punish, but approved. Origen, Cassian, and others, cited in the same Augustine, object that the Egyptian midwives lied, and that God rewarded such lies. They therefore inferred that lies were licit, a grave cause urging.

IX. What do the Fathers answer? With unanimous consent, they say that the Hebrews committed no theft, because, says St. Thomas, since God has dominion over all things created by him, he can, by his own decree, impart these same things to whomever he wills. By his precept, then, the people of Israel carried off the spoils of the Egyptians, since God can bestow the same, at his own arbitrary will, on whomever he wishes. All the Fathers offer this same answer. But to the other example, drawn from the same Scripture, what do they reply? All, to a man, confess that both the midwives, and Rahab of Jericho, lied. Let it suffice to praise one — Augustine, who, in the Book *Against Lying*, ch. 15, writes this: "*But because it is written that God dealt well with the Hebrew midwives, and with Rahab the harlot of Jericho, this is not therefore false, because they lied, but because they were merciful toward the men of God. It is not deceit, then, that is rewarded in them, but benevolence; the goodness of their intention, not the iniquity of their lying.*"

X. Here the response of Cattaneo, and others, would have been obvious: namely, that neither did the Hebrews commit theft, nor did the aforesaid women commit a lie, because, as this author says, humankind's commonwealth possesses dominion no less over all things than over words. Why, then, did the Fathers proceed by an altogether opposite path, purging the Israelite men from the taint of

theft, but condemning the women for the guilt of lying, for any other reason than that, as the Angelic Doctor says, a lie is, by its own kind, an evil — because it perverts the order of nature, which instituted words to be signs of what we bear in our mind; but the division of things, introduced by human right, was so introduced, on this condition and pact, that in necessity all things should remain common, as at first? What is to be said to this? Is this a negative argument? Do not the Fathers really disapprove this fictitious law of the commonwealth, which strips words of any signification whatsoever — since they teach that a lie uttered in extreme necessity is a sin, both because it is, by its own nature, evil, and because the essence of words, in common and serious speech, consists wholly in signification?

XI. The recounted opinion of mental restrictions, secondly, seems to me — saving always a better judgment — most openly repugnant to the Church's teaching, in that it is even laxer than that doctrine of mental restrictions itself, proscribed by the Church. Since, in mental restrictions, one's wits must be racked, one's mind vexed, so that the speaker may devise the internal sense which the words admit. And yet this doctrine has been proscribed. Fr. Cattaneo, however, so as to free men from this vexation of mind, gave them the courage to hurl, absolutely, without any restriction, a round "no" into the face of an unjust questioner, without any inconvenience — so that men will be all the more innocent, and will not hurl that lie into the face of the assailant more boldly, in whatever way it may open the sincerity of the aggressor.

XII. Thirdly, and lastly, this opinion is repugnant to the Church's teaching in this: that it teaches words are stripped of their proper signification not only in extreme necessity, but even to avoid any notable inconvenience whatsoever. Wherefore it is to be disapproved not only because it establishes that it is lawful to lie, just as it is lawful to steal in extreme necessity; but it goes even further: for it teaches that it is lawful to lie to avoid any grave inconvenience whatsoever. Wherefore, from the doctrine of Fr. Cattaneo himself, his opinion seems not only to be proscribed in propositions 16 and 17, condemned by Innocent XI, but even in proposition 36 of the same Pontiff, which is of this kind: "*It is permitted to steal, not only in extreme necessity, but also in grave necessity.*" Fr. Cattaneo teaches that the commonwealth of humankind published the same law concerning the malice of theft, and of words. But, according to the Church's teaching, theft loses the malice of theft, and becomes material, or is not theft, only in extreme necessity. Therefore, admitting Cattaneo's opinion concerning the commonwealth's law with respect to words, these words will lose their own signification only in extreme necessity, just as theft does. And yet Fr. Cattaneo excuses even light and slight cases. For, by this doctrine of his, he excuses a merchant, denying that he has cloth which he really has, lest he sell a few ells of that cloth to a buyer of risky solvency; he excuses another, denying that he has money, of which he has an abundance, lest he lend a hundred to a borrower of whom... he doubts whether he is solvent. It is indeed true, however, that such a case he first purges from a lie by another way — namely, by a restriction which he himself calls not purely mental. But because not all are fit for forming such amphibologies, he therefore, so as to open a way pervious and easy for all, adds the law of the commonwealth depriving words of any signification whatsoever. And, although (lest I dissemble anything) near the end of the cited Lecture he warns that care must be taken lest, just as an unbridled greed for goods feigns necessity where there is none, the same thing happen also in the use of words — such medicines, and salves, nonetheless profit nothing the wound already inflicted on truth: all the more since the case proposed by the author himself yields no extreme necessity; and finally he himself closes his Lecture with these words: "*This much said suffices for the practice of the cases*

that occur daily. But the case of an assassin seeking the father of a family for death is not a daily occurrence." But of this again below.

XIII. You will object: It is false that man must always conform his words to his internal senses; for justice and charity, which command that secrets of the highest moment be guarded, often forbid this — and this is proved by the authority of St. Thomas, who teaches (II-II, q. 109, art. 3) that a man is not bound, from the debt of justice alone, to the manifestation of truth: "*For this virtue does not attend to the legal debt, which justice attends to; but rather a moral debt, insofar, that is, that one man, from honorableness, owes another the manifestation of truth.*" This text a certain Anonymous author objects, in an allegation of Fr. Cattaneo against Fr. Orsi, who most effectively refuted not only this allegator, but other adversaries too, and, among all whom I have read, treated this controversy most successfully, and, so far as could be done, exhausted it.

XIV. In the citation of the text which the Anonymous author objects from St. Thomas, good faith is to be believed. The cited text, however, is mutilated. In the words related, St. Thomas speaks of the debt of manifesting truth, which we can often, and most often ought to, conceal, when, that is, its manifestation produces harm to honorableness — since this having been removed, from the debt of honesty (because man is a sociable animal), he is bound to communicate truth to others. This truth, however, the Angelic Doctor never said — that, if man wishes to speak, and to reveal his internal conceptions, he ought not to fit his words to the conceptions of his mind; but rather he teaches the opposite, indeed, in that very place from which the Anonymous author plucked out the truncated text, which I will transcribe whole. "*The virtue of truth, moreover, agrees with justice in two respects. In one way, in that it constitutes a certain equality in things which pertains to another... In another way, insofar as it establishes an equality. The virtue of truth also does this: for it equates signs to the things existing concerning it. But it falls short of the proper reason of justice as regards the reason of debt. For this virtue does not attend to the legal debt...*" See how different a sense the whole Angelic text renders from that which the words plucked out by the Anonymous author produce! And these are the men who cry out that we bring forward the Casuists' words less than sincerely, when they cause a horror of laxity. The Angelic Doctor compares truth with justice. He says, first, that truth agrees with justice in two respects: in respect to another, and in constituting an equality between words, and the things existing in the mind of man, which are manifested by the medium of words. He then adds that truth differs from justice, insofar as this latter compels a man to render what he owes from justice, and binds him by a legal debt; but the virtue of truth does not impose a legal debt of always manifesting one's secrets, but only a moral debt, insofar as society, and human commerce, or other reasons, are wont to require.

XV. Several other objections are customarily raised, but we shall resolve these below. It is worth adding only this: that Fr. Domenico Viva, in his commentaries on propositions 16 and 27, proscribed by Innocent XI, recounts this opinion concerning the material signification of words, and attributes it to Sotus, who does not indicate it even remotely, to Valentia, to Sánchez, and to Pallavicino. He himself, however, does not excuse it from being a lie: for he says, n. 15: "*But, whatever be the case with this opinion, which perhaps does not teach lying, it suffices that it be taught by three, or four, so that it be received as probable.*" Nonetheless, elsewhere, he admits it as probable: because, whatever is devised by three or four, is taken up as probable.

Chapter XIII — The common opinion of very many more recent writers, which defends restrictions not purely mental, by the benefit of communicable and incommunicable, useful and non-useful knowledge, is brought under examination. It does not differ from the opinion of authors upholding purely mental restrictions

I. I fear this chapter's title may stir the reader against me. For it will perhaps seem to some to betray an elevated arrogance, that I should call into scrutiny the common opinion of more recent writers. What? If the common opinion is not proven, will you dare to attack it? Are you alone against all? Far be it. Rather, since I am conscious of my own smallness, I wish to adhere to the firm columns of all the Fathers, and Doctors, whom God has set to rule the Church. Not for this, however, do I despise more recent writers, whom I hold in great esteem, and venerate; but the opinions of many are not proven to me, because they have been proscribed by the Church, or are contained within them, as will become plain to the reader. Before I proceed further, this must be considered, which I object: that almost all those cases which the patrons of lying defended, and which Augustine, with the other Fathers, impugned, the authors of purely mental restriction likewise defend, after the Church declared that lying is never lawful. Lies, then, and purely mental restrictions, having been condemned, very many more recent writers who wrote after the decrees of Alexander VII and Innocent XI, under the title of restrictions not purely mental, defend almost all the cases which the authors of the condemned propositions defended. And if the reader, so that he may emerge certain, should wish to make trial of this matter, it is established from what the theologians of Salamanca, and very many others cited by them, write (tract. 17, ch. 2, §6, n. 139), and ch. 6, n. 15 and following, of Sánchez, who most certainly, in so many words, as it is said, teaches the propositions condemned concerning mental restrictions, whose opinion, nonetheless, was then the common one. Below we shall report some cases. Let no one, then, brand me as either less obsequious to more recent writers, or as greedy for singularity; but let him weigh what I am about to say with a mind free of prejudices, and by equal right.

II. So that we may clearly show that the opinion of very many more recent writers, in the matter of restrictions which they themselves call not purely mental, really differs in no way from the opinion of purely mental restrictions, first of all the principles of each opinion must be set forth. So that I may avoid prolixity, as far as possible, Fr. Leander, who, among Casuists, claims for himself a singular diligence and sincerity in citing authors, and in reporting their opinions, expounds the doctrine of mental restrictions (tract. 1, on the oath, disp. 45, §1, q. 9): "*It must be said that mental amphibology is, and is given, then, when the exterior words, precisely taken, do not have a proper and complete signification in which they yield a true sense — since they are drawn away from their proper signification by some restriction, not uttered by voice, but conceived internally, as if someone should say by voice, 'I have not eaten this meat,' and internally understand, 'today,' or 'so as to tell you.' Thus Suárez, Bk. III, ch. 10, n. 1; Sánchez, Bk. III, ch. 6, n. 15; and all.*" All, says Leander, restrict the internal sense by the medium of incommunicable knowledge. Castropalao teaches the same (tract. 14, disp. 1, punct. 7, n. 3): "*Asked about a crime which, at least under a probable opinion, you are not bound to manifest, either because you are not asked juridically, or because grave harm would ensue from the manifestation — you can deny that you did it, understanding 'in prison,' or 'so as to be bound to say it.*'" Without controversy, then, the authors of purely mental restriction defended their own opinion by the benefit of communicable and incommunicable knowledge.

III. Now the principles of purely mental restrictions must be compared. It is commonly agreed, however, that very many more recent writers began to call these restrictions not purely mental, or external, which the earlier writers called mental, and purely mental — adding nothing external besides the aforesaid restrictions, of which more, referring their own reason for calling these restrictions external, and not purely mental — which is demonstrated by this: that authors who wrote after the condemned propositions cannot further defend purely mental restrictions, by this appellation; for the principles by which they defend that these external, and not purely mental, restrictions are lawful, are the very ones by which authors before the condemned propositions used to defend the aforesaid restrictions. They say, then, that these restrictions are made external by the benefit of communicable, or incommunicable, knowledge, the circumstances in which the respondent utters his proposition being inspected. Note, however, that these circumstances are called external by them only in name: for by the name of circumstances of this kind, they understand nothing other than sufficient causes for justifying restrictions of mind; as if the authors, before the licit use of mental restrictions, taught nothing other, absolutely, than that they be used with just... and urgent cause, in the midst of which no one would deny that the aforesaid authors taught principles from which such an inference is drawn.

IV. Fr. Domenico Viva, in his commentaries on propositions 26 and 27, condemned by Innocent XI, n. 3, writes this: "*To this restriction, not purely mental, is reduced the use of a twofold knowledge: namely, communicable and incommunicable — as when a Confessor is asked whether he knows anything of a penitent's sin, and he responds that he knows nothing, it being apparent from the circumstances that words are to be taken with respect to communicable knowledge only.*" So that the principle of a twofold knowledge, communicable and incommunicable, might present some semblance of validity, the Author immediately brings forward the example of the Confessor. For, with respect to a Confessor, the use of a twofold knowledge can perhaps have some place, since a Confessor really bears a twofold person; that principle is thus easily rendered plausible to less experienced readers. But so that the falsity of this doctrine may appear, it must be observed that Fr. Viva teaches, not only for a Confessor — whom he sets before the reader's eyes as a mere pretext — but for all men, urgent grave cause pressing, that they can lawfully employ this principle of twofold knowledge, and with this amplitude, I say. And in this I say that this doctrine is, by force of just reasoning, evidently false, and condemned by the Church: for it differs in nothing from the doctrine of purely mental restriction.

V. And first, that Fr. Viva exhibits this doctrine of twofold knowledge for all men, the matter is most manifest — and, lest it seem said by us gratuitously, his own words must be transcribed. Thus, n. 15, having reported the opinion of those who teach that words can sometimes be used materially, or as signifying nothing, and having rejected this, as suspect of lying, he concludes: "*But, whatever be the case with this opinion, which perhaps does not decline a lie, it suffices to have hinted at it, since the sacramental seal can be so naturally guarded by all, with easy business, through the use of twofold knowledge.*" There you have the amplified use of twofold knowledge, extended to guard even a natural seal. But, if you wish to grasp the whole amplitude of it, read what he adds in the number immediately following, which I will transcribe whole.

VI. "*Lastly, rustics, who do not know how to employ opportune equivocations, ought to consider whether the concealment of truth prevails for the public good, so that the sincerity of their confession is not deceived. Certainly, when the concealment of truth conduces to the protection of health, honor, family property, or to any other act of*

virtue, then the concealment of truth is licit, provided a cause is required to superadd to the ambiguous speech: greater equivocation is nonetheless required, when a convenient equivocation, or EXTERNAL RESTRICTION, does not occur — although, if the cause is grave, rustics can, by the use of a TWOFOLD KNOWLEDGE EASILY AT HAND, conceal the truth, not with the intent of deceiving, but only by permitting deception."

VII. I ask my reader to weigh this recounted doctrine seriously and carefully; for it is of the highest importance. So that you may more clearly penetrate the Author's mind, I must therefore set before your eyes the very response which Fr. Viva presents, which is objected to himself by authors defending purely mental restrictions. Fourth, because cases arise everywhere in which it is not lawful to reveal the truth, or it cannot be revealed without great inconvenience, whence the concealment of truth is expedient, and to be sought — this argument itself must be set forth in the words of Fr. Viva himself, who objects it to himself, n. 7. So, then, some way must be given for this, one common to all, even to rustics. But the way of equivocation, or of external, not purely mental, restriction, is not easily open to all, and it labors under difficulties and dangers of falling into a lie, lest the truth to be concealed be manifested. On the contrary, however, recourse to purely mental restriction is easy, nor does it contain the intent of lying.

VIII. Fr. Viva sensed the force of this argument — namely, that the way of equivocation, and of real and external restriction, is not open, nor always pervious, to all, especially to rustics, and to less sharp-witted men. Therefore he has recourse to twofold knowledge, communicable and incommunicable, or to purely mental restriction, when, however, he says, a convenient equivocation, or external restriction, does not occur: "if the cause is grave, rustics can, by an easy use of twofold knowledge, conceal the truth." Which can be said in fewer words thus: "If a convenient external restriction does not occur, use the internal one." For the use of communicable and incommunicable knowledge signifies nothing else than: "I do not know, so as to say it, because I know it by incommunicable knowledge; and I know it, so as to say it, because I know it by communicable, or useful, knowledge." Exactly the same, and nothing more, do the authors of purely mental restriction say. And note that Fr. Viva himself writes: "*When a convenient external restriction does not occur*" — internal restriction must be used.

IX. In settling controversies of morals, two extremes must be avoided. One must abstain from censuring others' opinions; but one must beware lest an excessive fear of displeasing men induce a loss of truth. Not, then, so as to exercise a censorious rod against a most learned man, whom I cultivate with due deference, do I do this; but so as to vindicate a most evident truth of the highest moment from vain fabrications. But Fr. Viva establishes, without any explanation, that, when a convenient external restriction does not occur, an internal medium must be used. But nothing at all can occur that would more easily conceal the truth, than this internal medium, once the external restriction has failed. Therefore, while Fr. Viva teaches that, where external restriction does not occur, one must have recourse to the use of twofold knowledge, he already teaches a purely internal restriction. Therefore, etc.

X. It is established, then, by force of the very argumentation which Fr. Viva employs, that his opinion is contained in the condemned proposition, or is itself the proscribed proposition.

XI. What has been said is confirmed by the very explanation of the terms. For the use of communicable and incommunicable knowledge is merely internal. What else did the authors of purely mental restriction ever understand, when they said, "I do not know, so as to say it," or "I do not

know it by communicable knowledge, or by knowledge useful for saying it"? What, I say, did they understand, other than purely mental restriction? The use of incommunicable and communicable knowledge, then, is reduced to sheer, pure mental restriction.

XII. You will perhaps respond that the matter stands thus, if all these are taken absolutely, and apart from circumstances; but not so, if they are considered as bound and circumscribed by circumstances. The use of communicable knowledge is internal, absolutely considered; but externally... they take refuge, by reason of the circumstances in which they find themselves — and this sophism is the chief cause of erring. What are these circumstances, by force of which internal use of incommunicable knowledge becomes external? Assign, then, that principle with respect to all men indiscriminately, which constitutes external the use of incommunicable knowledge. For our discourse is not now of some particular person, such as a Confessor, a Prince's secretary, or another similar one; but of men, of rustics, who are distinguished by no character, no dignity. The cases of a Confessor, a secretary, a judge, who bear the office of a twofold person, we shall examine individually below. The controversy, then, concerns men not distinguished by any peculiar circumstance affecting their person. Answer, then: what are these circumstances which draw internal conceptions from the interior of the mind? These are certainly none other than the causes which all authors assign, so as to defend purely internal restrictions as licit. When there is danger of one's own safety, honor, and family goods, these are the circumstances by force of which the knowledge of truth becomes incommunicable. And because this knowledge, here and now, the danger of losing life, or honor, or family goods being attended to (which are external circumstances), becomes not useful, but rather harmful, for manifestation — therefore the use of incommunicable knowledge becomes external, and the restriction is called not purely internal. Thus Fr. Viva reasons, and, with him, very many more recent writers.

XIII. Now anyone endowed with reason evidently perceives that either no mental restrictions at all are given, or, if any are given, they are exactly those which Fr. Viva defends. Weigh the condemned proposition extracted from Fr. Sánchez; weigh what Sánchez says in the place cited, where you will find: "*The cause of using these amphibologies is, whenever it is necessary, or useful, for the safety of body, honor, and protecting family property, or for any other act of virtue, such that the concealment of the truth is then judged expedient, and worthy of pursuit*." This is the proposition proscribed from Fr. Sánchez. Neither did anyone among the many Doctors who defended purely mental restrictions ever say that these restrictions were made external, without a just cause; nor did any of them say that the causes for which they asserted it lawful to make use of the said restrictions would render them external. What more? These very causes are recounted in the condemned proposition. Therefore it must be said, either that the condemned proposition is not condemned, or that the causes recounted in that same condemned proposition in no way render external the restrictions of mind, which are absolutely internal. On the other hand, Fr. Viva assigns no other circumstance, with respect to rustic men, than the aforesaid causes. For if it is asked why the knowledge, or the incommunicable knowledge, is hidden, he answers, because it is occult, because its manifestation induces a loss either of life, or honor, or of temporal goods. Therefore his doctrine is really contained in the proscribed proposition.

XIV. Fr. Claude La Croix confirms, in express words, what we have said — namely, that these causes, of defending life, honor, etc., are circumstances which constitute a restriction not purely mental. For he says: "*When the causes are grave, then the restriction will not be purely mental; but if the causes are not grave,*

the restriction will be purely mental." Here are his words (Bk. III, part 1, ch. 2, dub. 4, n. 289): "*When the causes for so restricting are not very grave, if the restriction is made properly on the part of the respondent alone, it will commonly be purely mental, and consequently illicit. For example: a father asks his son, 'Were you at the tavern?' It is not lawful for the son to say, 'I was not,' understanding, 'so as to be known to you, so that I would have to confess it.' The reason is that, where the causes for restricting are not grave, the question is reckoned to be made absolutely, according to the words alone, and this has common judgment among men: for the questioner has the right to ask, and is not above human weakness to answer according to the precise words. Therefore these circumstances are not such that they can be reckoned to constitute, together with the words, a speech manifesting what is reserved in the mind: therefore this restriction is a purely mental one.*" This doctrine signifies, in a few words, that when there is danger of losing life, or honor, or something similar, a mental restriction is licit, because it is not a purely mental restriction; when it is not so, the restriction is not licit, because it is a purely mental one. Why? Because then, the manifestation of truth being joined with the danger of life, is above human weakness; therefore this mental restriction is not purely mental. Why is it not purely mental? Because then I ought to presume that you do not question me, so that I would reveal to you the hidden crime. A charming doctrine indeed! But hear what he writes in the preceding number, 288: "*If you ask me whether I killed Caius, I respond, 'I did not kill him' — even if I did kill him, I do not lie, nor sin, because in those circumstances in which the crime is entirely hidden, which, if I confess, my life is endangered — I ought not to presume, unless it is otherwise established to me, that you ask me whether I committed the crime absolutely, since you do not have the right to question me so absolutely; nor, in those circumstances, am I bound to reveal to you even what is not fully proven, with the certain loss of my life, even though you were my judge; for this would be too harsh to demand of me...*" And what is said there, very many teach with Cárdenas, that these things exceed and overcome human weakness. I have transcribed this whole passage, not because I disapprove all that is said in it (since I too approve that a defendant is not bound to reveal a crime which is occult, and not even half-proven), but so as to confirm what I proposed — namely, that these authors teach that the danger of losing life is a cause which suffices to render a purely mental restriction not purely mental; which is the same as saying that a purely mental restriction is licit, whenever a peril to life impends; or, that a lie is licit, a grave cause urging. For a purely internal restriction is a lie.

XV. This same doctrine of his Fr. Claude La Croix explains and impresses (Bk. VI, part 2, ch. 3, n. 1587), where, having reported several ways of guarding a seal, whether sacramental or natural, he concludes that, outside similar most grave cases, amphibologies are lies. And what, he says, has been said of a Confessor, holds for every other person bound to a seal. But outside these, and similar most grave cases, it would be a lie thus to use words. Furthermore, when truth can be concealed in a manner less suspect of lying, this must be employed here first, rather than the extreme remedy, when necessity urges. Even Cassian taught that a lie should be employed in the manner of hellebore in extreme necessity. Fr. La Croix, then, confesses, in the most express words, that it is licit, in extreme necessity of guarding a seal — not only sacramental, but even natural — and in other similar cases, to use a speech composed of such words, which, outside these most grave cases, would be a lie. What could be said more openly to be Cassian's, and the other ancients', proscribed doctrine, than to say that a lie in extreme necessity is not a lie, or, in extreme necessity, that a lie is licit? This, indeed, is entirely the same as saying, this doctrine is Cassian's, and other ancients', proscribed by the Church. One thing, however, I confess: that Fr. La Croix writes more cautiously than several other more recent writers. For he defends mental restrictions only in extreme cases. But he also confesses more

sincerely that the same speech, in extreme necessity, is not a lie, but, outside the case of necessity, is a lie — which altogether signifies that, in extreme necessity, a lie is licit, but not so, necessity removed.

Chapter XIV — The causes why very many more recent writers really defend proscribed purely mental restrictions. Fr. Sánchez disapproves, beforehand, the opinion of later Casuists. More recent writers' opinions concerning oaths confirmed by restrictions are more dangerous than the ancients' doctrine on the licit use of lying. St. Augustine's invectives against restrictions

I. The first and chief cause why very many more recent Casuists defend purely mental restrictions, proscribed by the Church, is an excessive, and unbridled, love toward the authors who taught purely mental restrictions. Before, however, I proceed further, I attest that I do not wish to carp at anyone as less obsequious toward the Apostolic See. I confess that all, in voice, and, as they themselves believe, in reality, detest purely mental restrictions in the sense condemned by the Church. To this end, then, pertains what I am about to say: that I may show that the aforesaid more recent writers, at the very same time that they condemn purely mental restrictions, approve them, as it seems to me — saving a better judgment, and due obedience toward these same authors. These excuses I most often premise, and perhaps to the disgust of some, since, in an age most inclined to calumny, a free and sincere explanation of the truth is turned into a fault — either of calumniating, or of promoting one's own advantage — which may this always be far from me, especially in a case where eternal life or death is at stake. But to the matter.

II. The chief cause of deception, then, is this: that later writers teach that the Supreme Pontiffs, Alexander VII and Innocent XI, condemned the propositions as they lie — that is, as their words sound — but not as they are in the Authors who taught them. For they wish that the aforesaid propositions were adulterated by their denouncers; or, insofar as they are found in the Authors from whom they were excerpted, that they be tempered by their own qualifications. Thus commonly teach Fr. Antoine, Fr. Cárdenas, Fr. La Croix, Fr. Sporer (tract. 3, on the Decalogue, ch. 1, sect. 1, n. 111, p. 128). It is certain, however, and most manifest, that the propositions condemned concerning mental restrictions are taught by Fr. Sánchez (Bk. III, on the Decalogue, ch. 6, n. 15, 19, and following) in that same obvious sense in which they are condemned, without any qualification, or gloss. Nevertheless, as I have hinted, more recent writers contend that they were not condemned as they are in Sánchez, in Sánchez's propositions. Let us hear Fr. Viva, in his commentaries on the proposition... 26 and 27, n. 1: "*Both propositions seemed to be taught by very many first-rank Doctors, in Diana, Vol. II, tract. 15, resol. 25, and Vol. III, tract. 6, resol. 3, and in Sánchez, Bk. III, ch. 6, n. 15 and 19, and not a few cite as many as fifty Doctors in favor of both propositions. But, if the mind of most of these, along with Sánchez himself, is attentively inspected, and if attention is paid to the cases in which they teach these amphibologies to be lawful, and their foundations, it will clearly appear that they do not wish purely mental restrictions to be licit, which the Pontiff condemns as lies, but only restrictions not purely mental, or equivocations, and, at most, a material locution.*"

III. Resting on this fallacious doctrine, the Jansenists have, for many years past, vexed and disturbed the Church. And they too, outright, deny that the five propositions are condemned as they lie, but

assert that they are found in Jansenius, and that he taught them in the condemned sense — most obstinately, and with fervor, they deny this. If this crafty escape of the Jansenists is execrated by Fr. Viva, and by all of us truly disapproved — why does he have recourse to it, so that Sánchez, with the other Casuists, may be defended? Whoever denies that the condemned propositions concerning mental restrictions are found in Sánchez, in the very terms, down to a single syllable, denies that the sun shines at midday. What flows from this doctrine of Fr. Viva's? The greatest, and most extreme, evil. For, while he denies that the condemned propositions are found in Sánchez, he defends the doctrine of Fr. Sánchez as immune from all censure. From this it is inferred that the Pontiff really condemned nothing — since purely mental restrictions, as Sánchez, with the other Theologians, teaches them, are not condemned. I ask, then: why is the Church so solicitous to prove that the five famous propositions are found in Jansenius, and are condemned in Jansenius's sense? At first glance it seems to matter little whether they are found in Jansenius, and whether they too are condemned, as they are found in the aforesaid Book of Jansenius, provided that, as they lie, they are rejected by all as condemned. But, although at first sight this seems so, if the matter is more deeply inspected, we shall find that a deadly poison lurks under this color. For, since the aforesaid propositions are really found in the Book of Jansenius, if they were not condemned as they are in that same Book, and in the sense which they present in that Book, the followers of Jansenius could freely teach, defend, and preach them. And, if it were objected to them that they are condemned, they would reply that they are condemned as they lie, not in Jansenius's sense; and that they would defend them in Jansenius's sense, not as they lie. And thus the whole pontifical institution would be futile, and the Supreme Pontiffs would have condemned nothing, and the deadly plague of a pernicious doctrine would soon infect the entire Church.

IV. All these evils follow from the doctrine of Fr. Viva, and of others, who defend that the Casuists' propositions are not condemned as they are found in Fr. Sánchez, in Fr. Tamburini, in Fr. Escobar, in Fr. Bauny, in Fr. Castropalao, in Fr. La Croix — since, though it is on the one hand most certain that the condemned propositions are taught by such Doctors, on the other hand the commentators teach that they are not condemned in the sense in which they are in these authors' Books; from which it follows that both the Casuists, and the commentators, freely whitewash purely mental restrictions, although they call them not purely mental, and defend all the cases which are governed by the doctrine of the condemned propositions. But, since we now handle a controversy of fact, which cannot easily be evaded, it is worth undertaking a labor, lest I incur the mark of prolixity. I ask, then, of Fr. Viva, whether any theologians ever taught purely mental restrictions, in the last degree of certainty, even though this might undergo some cavils. He will not dare to deny this. For the Pontiffs did not condemn the propositions defended by the Turks, the Indians, the Japanese; but those which Catholic Theologians upheld. Those purely mental restrictions, then, which Catholic Theologians taught, were condemned. But of these Theologians, no one taught them more openly than Sánchez himself, Tamburini, and others, from whose Books they were extracted. The doctrine of these Theologians, then, in this matter, is to be disapproved. But, this argumentation aside, so that it may become clear to all that what Fr. Viva writes is evidently false, the doctrine of one of the cited Authors must be transcribed here.

V. Fr. Thomas Sánchez (Bk. III, on the Decalogue, ch. 6, n. 11) proposes the question concerning restrictions not purely mental, and purely mental, in these words: "*The later difficulty is, when there is danger, or is it unlawful, to use some amphibology in an oath, to signify some truth according to the swearer's own*

mind, but according to a different sense which the hearers accept — some Doctors, in this matter, hold that this lacks lying, and consequently is licit for a just cause, whenever the words used are, from their own signification, and the common use of hearers, or at least the use of the learned, ambiguous, and thus admit both senses; but not so, when they are not such, but are twisted to a true sense from some additional condition conceived in the swearer's mind: for they say this is always a lie, and consequently mortal perjury, in any event whatsoever, unless it is lawful to lie, etc." He reports the arguments of those who defend that purely mental restrictions are lies; then he proposes the first rule, for ambiguous words, concerning which there is no difficulty; this set aside, I transcribe the second.

VI. "*The second rule is: Words can also be used without lying, although from their own signification they are not ambiguous, nor have that sense, if really, the circumstances of place, time, persons, and manner of questioning being attended to, they make that sense according to the questioner's intention, which the respondent conceives in his words.*" There you have restrictions not purely mental, when, that is, the words, though not ambiguous absolutely taken, nonetheless, from the circumstances of place, time, and person, take on a sense, and constitute an external restriction. This is established by examples, etc. In the following rule, however, which is third in order, he treats restrictions purely mental at greater length. And from this third rule, set out under n. 15, is extracted the proposition condemned as 26. This, then, must be transcribed.

VII. "*The third rule is: Words can also be used without lying, although by their own signification they are not ambiguous, nor admit a true sense either of themselves, or from the circumstances occurring, but rather yield a true sense from something retained in the mind of the speaker, whatever that may be — as*" (here begins the condemned proposition) "*if someone, whether alone, or in the presence of others, whether questioned, or of his own accord, whether for the sake of recreation, or for any other purpose, swears that he did not do something which he really did, understanding within himself some other thing which he did not do, or some other way than that in which he did it, or whatever else true is added, he does not really lie, nor is he a perjurer.*" Here ends the condemned proposition.

VIII. Who is so shameless as to dare deny that the condemned proposition is contained in Sánchez? Or who could thrust upon us that Sánchez betrays another sense; nor can his doctrine be purged of this proposition, since not a single word can be found there by which it might be freed from error! Indeed, Sánchez prefixes a principle so false to the condemned proposition, that it excludes any interpretation whatsoever. For he establishes that words can be used, even if they are not ambiguous, nor from occurring circumstances, but from something added, retained in the mind of the speaker, whatever that may be. This principle prefixed, he presents an example, which is that if someone, whether alone, etc. Let Fr. Viva turn over, and turn over again, Sánchez's entire disputation: when he finds a word that tempers the error of the condemned doctrine, then I too will free Sánchez's doctrine from censure. Wherefore the sincerity of Fr. Cárdenas is to be praised, who, dissert. 19, ch. 1, candidly confesses that Sánchez taught the opinion of mental restriction, with several others. I do not approve, however, that this same Cárdenas afterward uses Sánchez's doctrine in explaining the aforesaid restrictions. Wherefore he must be read cautiously, as we shall warn below from Fr. La Croix.

IX. So far is it from being the case that the proposition condemned by Innocent XI, as it lies, differs in any way from the doctrine of Fr. Sánchez, that the error is recognized even more clearly and openly in his own words. For from those things which precede the condemned proposition, it is most

evidently established that the discourse there concerns sheer, pure mental restriction, such that no room is left for any interpretation, or violence. From those things which follow the aforesaid proposition, it is likewise evidently gathered that Sánchez defends his purely mental restrictions, not in passing, but professedly, and at length: for he adduces those reasons, or rather paradoxes, into the open; and he himself, the case having been set out... , defends this condemned doctrine, which, if admitted, human society is entirely undone. First, he adduces various points drawn from the Books of sacred Scripture, which Cassian used to defend lies. Then he presents his own reasons, some of which I will transcribe here. Third, he says, it is proved: "*Since to lie is to go against the mind, external words behave merely materially with respect to the reason of a lie, and it matters not at all whether they are true or false in themselves, but attention must be paid to the last mind alone... Is this, perhaps, the tempering by which the error of the condemned doctrine is corrected? Whenever the speaker does not have the intention of lying, this suffices, so that he does not lie, whether the words by which he expresses his conceptions be true or false.*" If this doctrine is admitted, what certainty shall we have in Scripture, in the Fathers, in pacts, in treaties, in commerce? By this same reasoning, not long ago, it was upheld that it is lawful to burn incense, to offer sacrifices, to slay victims, to erect temples and altars to idols. But let us review what follows: "*Again, it is confirmed: since those external words, insofar as they are uttered by the swearer, signify not what others perceive, but what he himself wishes — although not adequately signifying, yet inadequately, in that they do not signify, and express, whatever the swearer has in mind. Fourth, if someone, with a loud voice, so that he might be perceived by bystanders, said something which, as it sounds, would be false, continuing with a lowered voice (not perceptible by others) an addition, by which the proposition would be rendered true, he would not lie; for the whole truth or falsity of a proposition contributes nothing at all to whether the whole, or only part, of it is perceived by others.*" The same reasoning holds if that addition is retained SOLELY IN THE MIND. Does this reasoning temper, or moderate, the laxity of the condemned doctrine? Is not that principle solid — concerning a lowered voice, not perceptible by others, which closes off that addition by which the proposition is rendered true, which he uses to defend the licit use of that restriction which is retained in his own mind? "*Fifth, because it is lawful to use ambiguous words without lying, although, according to the express question, the words do not admit that sense in the external response, and expressly exclude all amphibology, conceiving another sense in the mind, as we shall say from almost everyone's mind in the last number: why, then, will it be a lie to use words in themselves not ambiguous, if from a condition retained in the mind they produce a true sense? Sixth, because a lie exists not only when someone intends to express in words what he does not have in mind, but also when he acts as if by deed, as St. Thomas teaches (II-II, q. 111, art. 1): 'Nor does he lie who does something, for example, directing his steps toward some part to which he does not intend to go; he does not wish to signify that he has the intention of going there, even though those who see this conceive it, but only wishes to conceal his intention of going elsewhere, as St. Thomas teaches, in that same article, ad 4.' Similarly, then, one does not lie who does not intend, by whatever words, to signify something that is not, but only intends to conceal some truth from the hearers, intending to say what is true according to his own sense.*"

X. These are the reasons by which Sánchez attempts to establish his own opinion concerning purely mental restrictions. Is there anything in any of these that mitigates the sense of the condemned proposition? I omit some, for the sake of brevity; but I pledge my faith that I have omitted not a single word that could temper, or mitigate, the aforesaid laxity. It is not opportune now to show how undeservedly, and by what a slender thread, he stretches St. Thomas to confirm his own opinion — whose words, which he has in the place cited, it suffices to transcribe: "*A man lies in words, when he signifies what is not, but not when he keeps silent about what is, that at some time is; so too a man is likewise a*

dissembler, when by other signs of deed, or thing, he signifies something that is not, but not when he omits to signify what is."

XI. Nor shall I prolong my discourse to impugn these reasons of Sánchez's, since I have already done so above. I recount them now only for this: to show that this author really taught the propositions proscribed by the Church, and proved them by reasons which not only do not mitigate, but increase, the proscribed error. For if the intention of the speaker suffices to remove the malice of a lie; if external words behave merely materially with respect to the reason of a lie, and it matters not at all whether they are true or false — as this author contends — no one, indeed, unless excessively and impotently prejudiced by partisanship, would dare to excuse this author's doctrine from the Church's censure.

XII. I could further confirm what I have said, by transcribing Fr. Sánchez's responses to the reasons by which Cajetan, Sotus, and other Theologians disapprove purely mental restrictions; but these I omit for brevity's sake. Sánchez's Book lies open to all. Let anyone make trial for himself, if I have exposed anything less than sincerely. I transcribe only a few words from the response to the first argument of Cajetan, Sotus, and others, who inferred from purely mental restrictions countless absurdities, and the destruction of human commerce. Sánchez says, then, in the place cited: "*Let those absurdities be admitted, which would indeed follow, if we said that this method may be used indifferently. Indeed, this is most useful for concealing many things which need to be concealed, and could not be concealed without a lie, unless this method were licit. For words ambiguous in themselves are not always to be found.*" The response, too, to the third argument confirms what I have proposed. "*To the third it must be denied that this does not conform to the mind; for the mind does not intend to say what the words externally sound, but to utter them in the sense truly conceived in the mind.*"

XIII. See how manifestly Fr. Sánchez himself confutes his own adversaries. He candidly confesses that many things cannot be concealed by external amphibology alone. Wherefore, unless the method of purely mental restriction is licit, many things cannot be concealed without a lie. Why? Because words in themselves ambiguous are not always to be found — which is most true. It can be added that hearers most frequently reject ambiguous words, or press the respondent with so many questions that no room at all is left for external equivocation. Wherefore Fr. Sánchez concludes that the use of purely mental restriction must be admitted, nor need lying be feared: because the mind does not intend to say what the words externally sound, but according to the sense retained within the mind. He assigns sufficient causes for employing such restrictions, in the place cited, n. 19, in these words: "*The just cause, however, of using these amphibologies is whenever it is necessary, or useful, for the safety of the body, honor, protecting family property; or for any other act of virtue, such that the concealment of truth is then judged expedient, and worthy of pursuit.*" This is the very proposition 27 condemned by Innocent XI, without the variation of a single syllable.

XIV. From all this, two things are most clearly gathered. First: since the Church condemns these propositions in that obvious sense which they present, and Fr. Sánchez teaches them in this same obvious sense which they present of themselves — for he has nothing in that whole disputation by which to correct the aforesaid doctrine; indeed the reasons he presents to defend the said propositions breathe still greater laxity — no one, then, unless he wishes to be blind at midday, can rightfully thrust upon us that these same propositions are condemned as they lie, but not as they are in the authors from whom they were excerpted, as Fr. Gabriel Daniel writes in the appendix to his

dissertation on mental restriction, and as Fr. Viva, and others, confirm. Second: Fr. Sánchez himself confuted his adversaries — since, he says, external restrictions, or ambiguous words determinable by an external sign, do not always occur; therefore recourse must be had to purely internal restriction: and Fr. Viva himself uses this doctrine, as we have seen, for rustics, or men of less sharp wit. "*When, however, a convenient equivocation, or external restriction, does not occur, if the cause is grave, rustics can, by the use of twofold knowledge easily at hand, conceal the truth.*" Do you see? When rustics, and consequently craftsmen, and other similarly common men, do not know how to form an equivocation, or an external restriction — all use that restriction, obvious to any common person — namely, of twofold knowledge, or "I do not know, so as to say it," "I do not know it as manifestable" — which could be said in fewer words: when equivocation or external restriction does not occur, use the internal one. And this will be plainer still, if it is noted that Fr. Viva excludes every external restriction: for he excludes equivocation, when a convenient equivocation does not occur; he likewise rejects an external restriction, which either through words in themselves ambiguous, or through words determined by external sign, or exterior circumstance, betray an internal sense. All these external locutions having been excluded, he has recourse to the use of internal knowledge, incommunicable and communicable, that is, to internal restriction, since he has already rejected the external as insufficient. But every sheerly internal restriction is proscribed. Therefore, etc. That this author should be proved to defend the propositions condemned by the Church seems to indicate nothing else than either simulation, or a will to detract from a man most deserving in Theology.

XV. You will object: To what end does so much effort tend, that Fr. Sánchez taught the proscribed opinions — for it matters nothing whether this or that author taught the proscribed opinions, provided the condemned doctrine is rejected. Response: I do not doubt that this can be objected by some less experienced in the theological faculty. But I ask of these: why is the Church so solicitous to show that the five propositions are found in Jansenius, and in Jansenius's own sense, to be condemned? Certainly for no other reason than that the proscribed doctrine, as found in the Book from which it was excerpted, might really be detested by the faithful; the condemnation would be futile, once it is admitted that the five proscribed propositions are not, as they babble, contained in Jansenius, at least in that sense in which they are proscribed: for then it would always be possible, as they babble, to hold that Jansenius's teaching is detested — and by this way they could, with impunity, instill Jansenius's infected doctrine into the minds of his followers. This evasion the Roman See wisely blocked, so that it might guard its faithful against the condemned doctrine. Now, if we approve this cunning path of proceeding in the Jansenists, why should it not equally be disapproved in others, in a similar cause? That the two propositions, namely 26 and 27, proscribed by Innocent XI, are found in the Book of Fr. Sánchez, has been most evidently demonstrated; and I do not know whether any similar fact could be more evidently proven. This established, the response is now clear: that I, not with the intent of detracting from Fr. Sánchez, but with the desire of freeing the faithful from the danger of embracing the proscribed doctrine, have shown that the propositions condemned by Sánchez are found in Fr. Sánchez's Book. I venerate Fr. Sánchez with the utmost deference, as a man most eminently versed in Theology and in the sacred Canons, in suspicion, piety, and probity of morals adorned; but I add that in this he innocently erred; I add, not that he erred alone, but that he erred with very many other, learned, and most weighty Theologians. He erred in defending an opinion which was then a common one, and perhaps a truly probable one. No fame, then, or honor, of so great a Theologian is diminished, because he taught an opinion which he himself reckoned

probable, and which other Theologians upheld. To this, then, our cares are devoted: that we call back the faithful from the condemned doctrine — since, if readers, deceived by the interpretations of Fr. Viva, of Daniel, and of others, reduce to practice what Fr. Sánchez teaches concerning mental restrictions, they most certainly, as I indeed judge, embrace a doctrine proscribed by the Church; since it is most certain that the aforesaid propositions, condemned as they lie, are taught in the aforesaid Book without any correction. And... that this is truer than what we take away is clear from Fr. Viva himself, who, to defend that the proscribed propositions are not found in Fr. Sánchez, and in other authors cited by him, in the sense of the proscription, really teaches, as we have proved, the doctrine of purely mental restrictions.

XVI. What has finally compelled me to prolong my discourse is the great gravity of the cause we handle. If Augustine wrote two whole Books, so as to treat, as its dignity required, the controversy concerning the sole officious lie, which did not exceed the bounds of venial sin — certainly my prolixity will not be condemned, who am treating not merely of a lie, but of most grave perjury; not merely of a lie uttered for a neighbor's or one's own life, or the obtaining of eternal salvation, but of a lie, and of perjury perpetrated, for honor, for family goods — that is, for perishable wares to be guarded — a most grave cause we handle. Wherefore, with Augustine, I would say: if my question were concerning the sole officious lie, I would by no means have drawn out so long a discourse — especially if, according to Cassian's limits, men used a lie only in the extreme case of protecting human life: not that I approve a lie even in such an event (as Augustine says, Book *Against Lying*, ch. 18): "*Human compensatory sins so disturb the soul, that they are even thought worthy of praise, and rather are said to have been rightly done*." I would say to the adversaries: if you wish to employ mental restrictions for the sake of preserving human life, or for conferring sacred baptism on a dying faithful man, I would perhaps pass over them, though unwillingly, or would not be so vehemently moved. But, since at present we handle the cause of a lie confirmed by oath, all reason demands that we spare neither words nor prolixity, so as to persuade that perjuries, so far as can be done, are to be fled. I would say, then, with Augustine, in the Book cited, ch. 21: "*Either, then, lies are to be avoided by right living, or confessed by repenting, but not to be increased by abounding, and dared and taught*." But this seems fitting to one who thinks that whence relief may come to an endangered man, whatever lies of any kind may be chosen, provided only we obtain that no cause compel us to perjure ourselves, and to blaspheme. Let us judge these crimes at least equal to, or certainly not less than, debaucheries.

XVII. I close this chapter with other words of St. Augustine, which fit our own most unhappy times in a wondrous manner — in which not morals are bent to laws, but laws to morals. Not only are perjuries perpetrated; but, says Augustine in the cited Book, ch. 18, "*there are found, in these matters, learned men, who even fix rules, and set bounds, of when one ought, and when one ought not, to perjure himself. O, whence come the fountains of tears? What shall we do? Whither shall we go? Where shall we hide ourselves from the wrath of truth, if we not only neglect to guard against it, but even dare, besides, to teach perjuries?*" Let the assertors and defenders of lying see, then, at least what kind, or kinds, of lying they concede to be justifiable. At least let them grant that one must not lie in the worship of God; at least let them contain themselves from perjuries and blasphemies. At least, where the name of God, where God is witness, where the sacrament of God is interposed, where discourse of divine religion is uttered, or held — let no one lie, let no one praise it, let no one teach it, or command it.

Chapter XV — The causes are further explained why very many more recent writers really teach purely mental restrictions, and consequently lies. The explanation by which Fr. La Croix interprets the condemned propositions is rejected. His judgment concerning Fr. Cárdenas is approved, and extended to other authors

I. The second cause why very many more recent writers unwillingly fall into the error of purely mental restriction, and consequently into lies, arises from this: that they pervert the order of things, preferring vile things to precious ones, and corporal to spiritual ones. They strive to couple these two together, even at the cost of truth: the guardianship of natural secrets, of sacramental confession, and of other hidden truths, which charity, prudence, justice, and fidelity bid be concealed; and the preservation of one's own body, which they wish to keep intact and unharmed. They think that both the rights of human life, and the concealment of truth, remain unimpaired by these means. But if one or the other must perish, let truth perish, and life be preserved. If a husband, dagger drawn, attacks his adulterous wife, so that, an oath having been given, she confess the adultery committed, let her deny that she committed adultery, and confirm the denial by oath, so as to preserve her life. Augustine most excellently explains this cause (Book *Against Lying*, ch. 18): "*What of the fact that lovers of this life do not hesitate to prefer it to truth, so that man may not die — or rather, so that man, who is one day to die, may die a little later — they wish us not only to lie, but even to perjure ourselves, so that, forsooth, the vain safety of man may not pass a little sooner, and we take the name of our God in vain? And there are, among them, learned men, who even fix rules, and set limits, of when one ought, and when one ought not, to perjure oneself.*"

II. Moreover, so as to preserve both of these, they thrust upon us a paradox, most crafty of all. For they object that some precepts are impossible to fulfill, unless we say that the use of restriction is licit. For the precept of guarding the seal presses: it is not lawful to keep silent, since silence itself would betray the truth. It is necessary, then, to speak. It must be said, then, either that the precept of guarding the seal is impossible; or that words, in such an event, lose their own signification; or that, with reference to incommunicable knowledge, words contain some true, not manifestable, sense. Not to multiply words: it is necessary that some way of concealing truth be licit. This paradox is founded on a perversion of the order of things — since the theologians of this doctrine postpone precious things to vile ones, and are unwilling to protect the seal by the shedding of blood, as the Fathers teach after Augustine, but say that it is a most grave yoke, exceeding human weakness — that of a mere fallacy of words.

III. This very paradox, by which the order of things is disturbed, Augustine proposes to himself, and refutes it, Book *Against Lying*, ch. 18: "*In this men err, that they subject precious things to viler ones. For when you have granted that some evil is to be admitted, lest another, graver one, be admitted; each one measures the evil not by the rule of truth, but by his own desire and custom, and reckons that graver which he himself shrinks from more, not that which is truly more to be fled. This whole vice is born from a perversity of love. For since there are two lives of ours: one everlasting, which is divinely promised; the other temporal, in which we now are — when anyone begins to love this temporal life more than that everlasting one, on account of this, which he loves, he thinks all things are to be done; nor does he reckon any sins graver than those which take away from this life, or which unjustly, or illicitly, take away from it some advantage, or which take it away by death.*" By many arguments Augustine utterly refutes this aforesaid paradox, and adduces to himself the example of the woman of Jericho, who lied, so as to guard both her own life, and that of her guests. But Augustine shows that, if that woman had preserved truth, where there was no deceit, in passing over to the city of God, she

ought to have kept the guests, and truth, faithful to the Israelites. Could she not have said to those asking: I know where they are; I fear God; I do not betray them? He could have said this, if it were already certain, by mercy, that... What of it, you will say, if, having heard this, they had killed her, and searched the house? Yet even if she had been killed by her own fellow-citizens, for a work of mercy she would have ended that life by a death precious in the sight of the Lord, and her kindness toward them would not have been in vain.

IV. St. Augustine dispels the objected sophism with no trouble: he decrees that the seal must be guarded, and wishes blood to be shed, rather than either lying, or betraying the innocent. Turn over all the books of more recent Probabilists on this argument, and you will scarcely find one teaching that death must be undergone, blood shed, so as to avoid the danger of an officious lie, except in the matter of justice, and of religion. Those things which, Augustine says, can harm this mortal life, they exceedingly dread: they make life itself too precious. From which principle it follows that they object, as impossible, only those precepts which sometimes cannot be observed with peril to life: of which more below.

V. The third cause of deception is that they conflate the unique and peculiar case of the Confessor with other cases. For, as soon as they institute discourse concerning equivocations, and mental restrictions, they oppose the case of the Confessor, or of a Prince's Secretary. The guardianship of the natural, and sacramental, seal is a matter of natural, divine, and human right. The debt of preserving this seal takes precedence over any other debt toward anyone else. Hence men of the Christian profession, otherwise most easily credulous, and, without any distinction, read in books that the material use of words, or communicable and incommunicable knowledge, is licit for guarding a seal, as if with some weight, this leans, with pressing force, indeed into error... into error, that it is licit for all men indiscriminately to use, for concealing truth, the very speech-formulas which they read, in books, are used for guarding the seal of the Confessor. By this cause, then, the human mind, persuaded by that example of the Confessor's seal, with the greatest preoccupation, falls into this error: that it judges to be licit whatever the same authors, with more ample power, and just examination, except for that seal.

VI. I could adduce many, indeed innumerable, documents, by which to fortify this cause which I have indicated. I will report one or two. In common with other Theologians, Fr. Gabriel Daniel, in his book on mental restriction, part 1, n. 1, has this: "*Whatever is said of a Confessor, other authors likewise transfer, whether about grave secrets, or about a judge, so that he might not question without authority, and legitimate power.*" By this same reasoning, other authors grant, and privilege, unlearned men, ignorant of the artifice of amphibologies, according to the laws of the case, to be judged in cases pertaining to morals. They establish, for those unversed in these matters, that one of the many methods, sufficiently indicated, of these which Theologians have devised for concealing truth, is enough for concealing truth. Thus Filliucci (tract. 25, ch. 11, n. 78): "*For unlearned men, who do not know how to conceive an amphibology in particular, it suffices that they have the intention of affirming, or denying, in a sense which really contains truth, for which it is necessary that they at least know, in a universal way, that they can deny in some true sense*." You see? At length, the true sense is discovered, not only of concealing, but even of denying, the truth. Fr. Viva, Castropalao, and more recent writers commonly teach the same. Below, however, we shall show that the case of the Confessor is absolutely peculiar. Many things, moreover, concerning the Confessor himself, which cannot be purged of a lie, they teach. They wrongly infer,

from the Confessor's parity, that all men can use twofold, communicable and incommunicable, knowledge.

VII. The last cause, finally, why more recent writers are deceived in this question, arises from the falsest interpretation, by which they interpret the condemned propositions — which vain interpretation draws its origin from the first cause, which we explained in the preceding chapter. They are unwilling, as we have seen, that these propositions be condemned as they are in the authors, in whose books they lie; and therefore they have devised some extraordinary sense, and uphold that they were condemned in this. They say, then, that propositions 26 and 27 are condemned in this sense: namely, that if someone uses purely mental restrictions for any end whatsoever, without any distinction, or for any necessity, or utility whatsoever. Thus Fr. La Croix (Bk. III, part 1, ch. 11, dub. 4, §11, n. 294): "*Since,*" he says, "*proposition 27, condemned, says that a sufficient cause for using these amphibologies is 'whenever,' this word 'whenever' sufficiently signifies that, by these prohibited amphibologies, are understood those purely mental restrictions of which the immediately preceding proposition 26 spoke; and it adds that this damns their use for whatever necessity, or utility.*" By these last words, this author indicates that we ought not to use these amphibologies for any necessity, or utility, whether grave or light — that is, in clearer words, that it is forbidden to use those restrictions upon any occasion whatsoever, and outside the case of extreme, most grave necessity. And, although the words in which Fr. La Croix expresses his interpretation are somewhat obscure, nonetheless that this is his genuine sense is gathered from his doctrine, which establishes that grave causes make it so that a restriction is not purely mental, and, on the contrary, that light causes render an amphibology purely mental. This is already demonstrated. Read what he teaches in the same place, §7, n. 209, where he says: "*When the causes are not very grave for so restricting, if the restriction is made... it will be purely mental.*" Read what he writes, Bk. VI, n. 1687: "*Outside these, and similar most grave cases, it would be a lie thus to use words.*" Consult what I have said, ch. 10 and ch. 5.

VIII. This interpretation, handed down by Fr. La Croix in a few, and somewhat obscure, words, other authors teach more openly. Many being omitted, I will describe the interpretation which the Author of an *Allegatio*, published not long ago against the often-praised Fr. Orsi, gave in his defense of Fr. Cattaneo. He writes thus, §37: "*He greatly errs who thinks that all ambiguous locutions, equivocations, and restrictions have generally been condemned, as scandalous things, because such things are named in propositions 26, 27, and 28, by the holy memory of Innocent XI. To this thought Fr. Orsi seems, in several places, to accede — since, this posited, he ought to reckon condemned even his own equivocations of the second kind, which are not excepted by privilege. But the scandal of these propositions consists in this: that they grant such things as licit, as it is commonly said, in every respect — that is, for any end, under the title of any utility whatsoever, even on the occasion when truth is sought with all justice — as anyone can gather from the natural and obvious sense of these same propositions, even without great study, from those Theologians who have examined them most diligently.*" Which I have thus rendered in Latin: "*He is greatly mistaken who thinks that all ambiguous locutions, equivocations, and restrictions, since these are named in propositions 26, 27, 28, by the holy memory of Innocent XI, are to be reckoned as condemned as though scandalous.*" Fr. Orsi seems to accede to this opinion, without reconsidering that, this admitted, he ought to reckon condemned even his own equivocations of the second kind, which are not excepted by privilege. Wherefore the scandal of these propositions pertains to this: that it advises the most frequent, and constant, use of them — namely, for any end, and for the utility of anyone whatsoever, and even in the very case in which truth is justly sought — as each one can gather from the native, and obvious, sense of these same propositions. Nor did the

most accurate examination of the Theologians who subjected these propositions to examination collect anything else for this purpose.

IX. Several things here are worth noting. First, that these authors are unwilling for the condemned propositions to be condemned as they are in the authors from whom they were abstracted; and from this impotent affection toward the authors of these propositions have proceeded so many absurd fabrications. I ask that it not be tiresome to weigh seriously what the cited Anonymous author, from Fr. La Croix, and others, comments.

X. So that it may clearly appear how ruinous his interpretation is, we must attend to what the Pontiff really condemned in the aforesaid propositions. That the Pontiff condemned mental restrictions in the recounted propositions, as lies, and confirmed by oath, is most evidently gathered from proposition 26 itself, in which it is said that one who uses mental restriction really does not lie, nor is a perjurer. Here the assertion condemned is this. It is certain, then, that its opposite is most true — namely, that one who uses purely mental amphibology really does lie, and is a perjurer. This is so evident, that even Fr. Viva himself, in his commentaries on these same propositions, affirms it in express words: that the use of purely mental restriction is, by this thesis, really to be declared a lie, and an oath added to it, in whatever manner, and for any end whatsoever, perjury. Fr. Cárdenas teaches the same, in express words (dissert. 19, ch. 3, n. 28): "*From the censure of proposition 26, it clearly stands that these mental restrictions are condemned by the Pontiff, no less than a lie is unlawfully done in any case; indeed it is declared that in that case an oath added to it is a perjury.*" The same is proved from those words, "He does not lie, nor is a perjurer": for the assertion of these words is condemned as scandalous. And consequently the contradictory proposition must be asserted by the Master of the Roman Chair — namely, that one who uses this mental restriction, and swears under it, lies, and is a perjurer.

XI. From this principle alone it is most evidently established that this Anonymous Author, defender of Fr. Cattaneo, does not concede that lies are ever licit — although he himself really teaches this. For he teaches that only the constant use ("in every respect") of the condemned restrictions, or amphibologies, is forbidden. But these amphibologies are condemned as lies. Therefore this Author teaches that only the constant use of lies, for any end and utility whatsoever, is condemned; but not the rare use, urgent grave cause pressing. Therefore he teaches that lies are sometimes licit. This inference follows necessarily from his doctrine, and is so evident, and manifest, that it can be evaded by no subterfuge whatsoever. See into what snares they entangle themselves, so as to defend the sayings of all their authors! And what we cannot sufficiently marvel at is that this Anonymous allegator dares to delude the entire human race, when he says that the scandal of the said propositions consists only in this: that they grant such things as licit, in every respect, that is, for any end, under the title of any utility whatsoever. This interpretation, as I have said, is most openly false. For this is the condemned proposition, in which the causes for using amphibologies are assigned. "*The cause of using these amphibologies is whenever it is necessary, or useful, for the safety of the body, honor, protecting family property, or for any other act of virtue, such that the concealment of truth is then judged expedient, and worthy of pursuit.*" These causes — namely, the preservation of bodily safety, the defense of honor, and of family goods, the exercise of virtue, etc. — are, in everyone's estimation, most grave causes. With what face, then, is it said that these restrictions were condemned for any end, and any utility whatsoever, if in the proposition itself only grave, and most grave, causes are recounted! Did Fr. Sánchez (whose proposition this is) approve the use of restrictions for light causes, or for any causes

whatsoever? The daily use, too, in familiar speech (in every respect), all the authors of mental restrictions, with the same Fr. Sánchez, condemned — as can be established from their perusal. Only for grave causes, which Fr. Sánchez recounts, did they teach mental restrictions to be licit. All this is manifest. What more? If, according to the common opinion of the Doctors, and the obvious sense of the propositions, the Church declared that purely mental restrictions are lies, and proscribed them as lies, can it be said that it was forbidden to use lies continuously, and for any end and utility whatsoever, but not so in extreme events, and for grave causes?

XII. Fr. La Croix, who among more recent Collectors of moral Casuistry does not hold the last place, although he most often reports the diverse opinions on both sides, in this matter sincerely confesses that many things need much limitation, which grave authors, not only those before, but even those who wrote after the condemned propositions, hold. He warns readers that Fr. Cárdenas, who at length interpreted the aforesaid propositions, is to be read cautiously among the rest — though he does not himself render his own judgment, but leaves the choice of opinions to the readers' discretion. Here are Fr. La Croix's own words (Bk. III, part 1, ch. 2, dub. 4, §3, n. 296): "*According to what has been said, many things which are found everywhere in grave authors, which Fr. Moya reserves — Vol. II, disp. 1, q. 6, to Fr. Cárdenas (dissert. 19, on the condemned proposition 26, ch. 6) — must now, after the condemnation of the recounted propositions, be used with much limitation, since some things are put there which deservedly need to be limited.*" To this judgment I subscribe, and I add that very many more recent writers, among whom Fr. Viva, are to be read most cautiously in their commentaries on the condemned propositions. I likewise warn that Fr. Patritius Sporer must be read cautiously, who, contrary to the pious and sincere warning of Fr. La Croix, proposes to readers Fr. Cárdenas as master and interpreter of the condemned propositions. Here are Sporer's own words (tract. 3, on the Decalogue, ch. 1, sect. 3, resol. 1, n. 108, p. 116): "*Other cases, difficult in practice, look to the famous Fr. Juan de Cárdenas, of the Society of Jesus, in his Theological Crisis, Cologne 1692, dissert. 19, ch. 6, which explains the said propositions fully, quite liberally.*" Fr. La Croix warns that Cárdenas is to be read cautiously; Fr. Sporer advises him to be taken up as a famous master. He calls his liberality in this matter "laxity," which he boasts of following, in the place cited, n. 100: "*Nonetheless,*" he says, "*in a matter most practical, and most necessary for Confessors to know, saving reverence for the Holy See, I dare to say what Juan de Cárdenas dares, in his Theological Crisis, dissert. 19, and other modern Doctors, explaining the aforesaid propositions, as they lie, too laxly.*" And, what is worse, Sporer gathers what he writes not only from Cárdenas, and others who lived after Innocent XI, but from Fr. Sánchez, Tamburini, and others, who taught the condemned restrictions before the said Pontiff. Not only Fr. Sporer, but even very many more recent writers, proceed by the same path, and use entirely the same principles as the authors before Innocent XI used. They say that they reject the proscribed propositions, as they sound, as they lie; but really they teach the same, only the words being varied. Wherefore I again advise, in this matter, that very many more recent writers, and especially those who adhere to a probability lesser in the sight of a greater probability, be read cautiously — so that lies may be shown to be lies, and perjuries avoided. For it is evidently established, from what has been said thus far, that this pertains to it: that we show that the opinions of many more recent writers are not innocent lies, which the ancients called lies, which really are such — as we shall say even from Caramuel himself in the following chapter. This, nevertheless, is fitting for us to hold, as it becomes us to think: that they most innocently erred, just as those innocently erred who taught purely mental restrictions.

Chapter XVI — Fr. Diego de la Fuente Hurtado upholds that purely mental restrictions are licit for an honorable cause, even after Innocent XI condemned these restrictions. Fr. Carlo Antonio Casnedi teaches that purely mental restrictions are not condemned

I. No one, among the Probabilists, was permitted to read so openly upholding purely mental restrictions condemned by the Church, as Fr. Diego de la Fuente Hurtado. Fr. Carlo Antonio Casnedi, on the contrary, does not defend purely mental restrictions as licit, but teaches another paradox — namely, that they are not condemned by the Church... .

II. Lest some of the Probabilists cry out with the customary childish charge, I propose in the very title of this chapter, for discussion, the reason adduced from Fr. Diego de la Fuente Hurtado himself, in his *Reformed Theology*, dissert. 15, ch. 5, n. 16: "*PURELY MENTAL RESTRICTION*" is thus defined by him: "*one speech can be constructed, though the words composing it are false, without any addition, both internal and external, in the manner of a whole speech uttered by the speaker.*" Nor does this author fear to allege Sts. Gregory and Thomas in patronage of so great an error.

III. After the alleged authority of St. Gregory, he proceeds thus, n. 42: "*Whence I dispute thus, a priori. A merely false signification of words does not suffice for the intention of deceiving, as is clear from its received definition: for its manifestation carries a signification, unless it is intended, that truth be concealed, and another perceived by those who are ignorant of it. Everyone who lies does so with the intention of deceiving. Why does the speaker use a false signification of words, unless it is so that the questioner may not attain the truth? Therefore...*" etc. In our case, the speaker knows the truth, and knows the questioner's intention, even if in this matter men are accustomed to it. No one in the world, however, if he conceals what causes harm, is thereby a liar. The speaker, in this case, does not utter a false signification with the intention of deceiving; for if he did this, he would sin as those who lie without any urgent cause do. But this is true, except in those cases where he cannot manifest without prejudice to himself. Therefore he really does not lie before God with the intention of deceiving; for if he did this, he would not utter it, but only with the intention of expressing some conception of his own concealed from the questioner, so that truth... Therefore the intention of deceiving in these cases is not present, so that the questioner cannot attain the truth. Therefore the concealment of the truth, by means of a false signification of words, by which the speaker deceives and deludes him, who afterward directs this deception toward the concealment of truth. The end of every lie is concealment; the deceived questioner is deceived.

IV. Fr. Hurtado explains his doctrine in the same place, n. 43: "*It is explained. One who, compelled by just necessity, says with mental restriction that he did not do what he really did, does not utter these words with the intention of denying the deed in itself, absolutely, nor with the intention of affirming that he has, within his mind, an absolute judgment negating the deed, or of persuading another that he has it; but only with the intention of concealing the truth of the deed, by denying it, not in whatever manner, but with an added restriction, which verifies the negation of it. He does not, therefore, really speak, as is necessary for a lie, with the intention of deceiving.*" For that voice, "I did not do it," so far as it is concerned in itself, is indifferent to denying with an addition, and without it: for otherwise one who did on another day what he speaks of, and therefore truly says, "I did not do it yesterday," could be judged a liar immediately upon this utterance, unless it is established that it was uttered without any addition. But this is not established precisely from the utterance itself, nor would he be further suspected, whether he adds anything else, by which his

words are restricted, and thus verified. Then, it is not established either from the fact that the addition is hidden: for what is hidden to others is not hidden to the speaker, and this suffices for him to be able to intend to speak in this sense, and not in another. Therefore, whether the verifying restriction is public, or utterly hidden, the intention of deceiving will always be absent.

V. He warns you that he speaks of a restriction utterly hidden mentally. For although it is utterly hidden to the hearers, it is not hidden, nonetheless, to the speaker. Is this not, Father, a lie hidden to the speaker himself? Nor is there any objection you can raise. He who manifestly denies that he did what he did, retains it in mind, but does not deny it precisely with respect to that which he had expressed by voice and words. But he had not, in this way, expressed anything except the deed absolutely, not the external deed. He denies, therefore, the deed absolutely, which is, without doubt, false. For although he adds in his mind that word "yesterday," this does not restrict the speech uttered; since it is not a part, or modification, or complement of it. For that "yesterday" subsists entirely within the mind. Therefore it cannot restrict the external speech.

VI. To this he responds, in these words, n. 45: "*These things persuade; but do not fully convince... because sacraments too are placed in the genus of a sensible sign; nonetheless they are composed, adequately, of sensible and insensible things, as the Eucharist, from visible species, and the body of Christ, which can be perceived by no sense there... Then, further, the Mass is not one thing by mere aggregation, like stones in a heap, but a certain whole, artfully composed... and yet it consists not only of words intelligibly uttered, but of speeches partly vocal, uttered aloud, partly mental, and partly SAID SECRETLY.*"

VII. I myself would be mad, if I refuted these things. I have transcribed them, so that it may be plain to all what the human mind can devise, so as to elude the most manifest oracles of the Church. But, so that it may evidently appear that this Theologian's doctrine is condemned by the Church, recall to your eyes the condemned proposition 26: "If someone, whether alone, or in the presence of others, whether questioned, or of his own accord, whether for the sake of recreation, or for any other purpose, swears that he did not do something which he really did, understanding within himself some other thing which he did not do, or some other way than that in which he did it, or whatever else true is added, he does not really lie, nor is he a perjurer."

VIII. What does Fr. de la Fuente Hurtado say to this? He responds, ch. 8, n. 71: "*The Pontiff's aim was not to condemn opinions received of old, by the common reckoning of Doctors, after diligent examination, as probable, and safe in practice.*" What signifies "received of old by the common reckoning of Doctors"? In no author, except Fr. Sánchez, is the adduced condemned proposition repeated. I ask, whether the Pontiffs condemned propositions which European Theologians, or Japanese, Chinese, Persian, Egyptian Theologians, taught. The Jansenists too cry out, indeed even more evidently than Fr. Sánchez, that the Church did not condemn the propositions which Jansenius taught. And yet no severe critic, by force of reasoning, denies that the condemned propositions concerning mental restrictions are found in Fr. Sánchez, and other Casuists, condemned by Alexander VII and Innocent XI, as the five propositions condemned by Innocent X are found in Jansenius. Fr. de la Fuente Hurtado, then, gives the Jansenists occasion to imitate him in eluding the pontifical decrees.

IX. To dispatch the matter briefly, Fr. de la Fuente not only teaches that lies (for purely mental restrictions, by Fr. Viva's own showing, are rotten lies) are licit; but he openly asserts that these purely mental restrictions are taught by St. Augustine, by St. Thomas, by St. Gregory. Read him, in the place cited, ch. 12, n. 47, p. 306. The defenders of lies taught that these were licit for protecting

life, chastity, for avoiding another's death; Fr. de la Fuente Hurtado teaches, dissert. 16, ch. 2, n. 11, that it suffices for swearing honestly, without sin, that necessity be present, which suffices, and is required, for having explored the truth. What cause, then, suffices for swearing, suffices for lying. If you wish more, read him yourself, and you will find worse things.

X. Fr. Carlo Antonio Casnedi (Vol. V, disp. 9, sect. 4) asks whether PURE restriction is condemned by Innocent XI. He answers, however, n. 79, in these words: "*Celebrated among other ways of not lying, and at the same time of not speaking the truth, is PURE restriction, denying absolutely by words, and at the same time limiting, by a mental addition, that same vocal negation. Theologians of great name have stood for the licit use of PURE restriction, among whom Fr. Suárez, Fr. Sánchez, Fr. Lessius, Fr. Dicastillo, Fr. Moya, Fr. Raynaud.*" After a few words, he adds this, n. 80 and following.

XI. "*It is worth the trouble now to show that this opinion of the Doctors concerning PURE mental restriction does not coincide with the condemned proposition 26. For, of its liberty, or non-liberty, I shall speak next. I say, then, that this opinion concerning PURE mental restriction was not condemned by Innocent XI. Thus expressly Fr. de la Fuente, who solidly proves that it is not condemned; indeed he wishes it to be still today licit, whenever grave necessity presses — which second part, however, I do not approve.... I show my conclusion, then, first. Because the Pope condemns, concerning perjury and lying, a restriction limited by clauses added in proposition 26 condemned. But none of the Doctors whom I have cited, and can cite, if attentively read, and many others whom I have not cited, admit a restriction with the said clauses added, contained in proposition 26. Therefore neither do I admit it as condemned. Therefore the opinion concerning PURE restriction, free from all the circumstances added in proposition 26 condemned, is not condemned.*" "*I show it, second: because with equal right it could be said that the sensible restriction is condemned, and PURE restriction is called (as he says, n. 91) 'the safer condition of Doctors,' or 'transcribed witnesses in the source,' yet not the opinions which readers are assumed to use... Wretched, indeed, conclusions, from a superficial reading, or transcribed elsewhere, not understood in themselves.... not pure, but restriction they not only do not teach, but detest.*"

XII. This I have wished to transcribe, so as to stop the mouths of the Jansenists. They cry out that in Fr. Thomas Sánchez both condemned propositions, 26 and 27, are more evidently found than the five condemned propositions are found in Jansenius. And if the authority of the Church (which nonetheless prevails over every moment of reason) is set aside, and the matter is decided by the mere criticism of human reasoning, it is certain that the two cited propositions, with all their clauses, not one removed, are found more luminously to be true in Fr. Thomas Sánchez than the five are found in Jansenius. In both they really exist. That five are found in Jansenius, the Church has declared. That both condemned propositions are found in Sánchez, as they lie, the eyes themselves determine. Nor does anything precede, or follow, in Fr. Sánchez, which tempers the error and laxity of the propositions. Let the Jansenists know, then, that it is a hallucination in broad daylight for Fr. Casnedi, and Fr. de la Fuente, who are ready to deny that the sun shines. Wherefore we confess that the Church condemned the propositions which were excerpted from the books of the Casuists, not those which no one taught. Let Fr. Carlo Antonio Casnedi say that we are superficial readers. I say, meanwhile, that this practical zeal of his generates the greatest scandal, and gives the Jansenists a most seductive occasion, and instills in all the rest a most confident belief that the authors of the condemned propositions are the most famous Doctors. All this I grant to Fr. Casnedi. I wished, nonetheless, to read Fr. Sánchez yet another hundred times, after this. And I found the fact, as before, most evident. Wherefore Fr. Casnedi imposes on his readers, and evidently abuses public faith, when

he denies that both condemned propositions are found in Fr. Sánchez. Let Fr. Casnedi find one other author who taught the aforesaid propositions more clearly, and more publicly, than Fr. Thomas Sánchez taught them, before the Church condemned these propositions. He will not find even one. Let the Casuists know, then, that the Church condemned these propositions. For, by these Probabilists' own judgment, they are not found in the authors from whom they are said to have been excerpted. Nowhere, then, do they exist.

XIII. Behold, Christian reader, the calamity of our times. Propositions full of laxity and scandal are forged. If they are not condemned by the Church, the Probabilists cry out: this is not a proscribed opinion; the most famous authors teach it; therefore it is probable. If the Church condemns it, they raise their voice: what? The Church does not condemn the propositions which the most famous Doctors uphold. These things seem incredible. But, though Fr. Casnedi does not defend this use of purely mental restriction, Fr. de la Fuente nonetheless defends this same use as licit; and thus, in the proposition of Fr. Sánchez, lies, licit perjuries, are upheld, by the mere circuiting of words, by which they say lies are not lies, mental restriction not mental restriction. But the matter of fact is manifest. From this it follows that many of the faithful are led, by doctrines proscribed by the Church, to believe that perjury is not perjury. Even in Sánchez it is said that one who uses mental restriction does not lie, does not perjure himself. But the Pontiff, condemning this proposition, declared that in it a lie, and perjury, are found. By what fabrications do they elude these two propositions, obscure them by the same, and reduce others to nothing, so as to render the doctrine once defended immune from all censures! More things would need to be said, which I only warn beforehand, so that you may guard yourself against authors of this kind.

Chapter XVII — Our own opinion is proposed. Amphibology is licit, which, whether by force of words, or of circumstances, admits a double sense, both intelligible to the hearer. Not all truths can always be concealed by amphibologies. The error of very many more recent writers on this matter is exposed. Various rules are assigned for full understanding of the question, and for practice

I. It was most easy to refute the opinions of others; but it is most difficult to define certain limits, within which amphibology may be restrained. To disapprove all amphibologies, and to approve them all, is nearly equally dangerous. This, then, is the labor, this is the task: that the extremes both of lying, and of the violation of fidelity given, be avoided, and that external amphibologies be distinguished from sheerly mental restrictions. Among the innumerable authors who have written on this subject, very few have hit the mark. For the defenders of mental restrictions — Sánchez, Sayr, Tamburini, Lessius, and also very many defenders of restrictions which they call not purely mental — uphold these as licit in almost all the actions of civil life in which some cause of concealing truth occurs, as will be plain to anyone reading them. Others proceed by the opposite extreme path: they condemn every use of amphibologies; between equivocal words, or equivocal speech, whether internal or external, and mental restriction, they distinguish nothing, but mix all together, and generate the greatest confusion for readers. We shall avoid the extremes of both opinions. And so that we may pave the way for the opinion which we reckon true, we must first premise those things which are certain among all.

II. First, it is beyond controversy that restrictions of mind which, the circumstances inspected, and absolutely, rest within the mind, and can in no way be perceived by the hearer, are proscribed by the Church as lies. And, although some write that it is forbidden to use the same only continuously ("in every respect"), we nonetheless reprove this as altogether false, and proscribed.

III. Second, it is certain that some locution can be false in itself, and become true from the circumstances of the question. Suppose, for instance, a Confessor should ask Titius, confessing his sins, whether he has committed fornication, theft, and other sins; and he responds that he has by no means committed those sins — the response is true, although he may sometime have committed those sins, and have confessed the same. Because, from the circumstance of external and real confession, in which alone the sins committed, and not yet confessed, are disclosed, according to common understanding, the question concerns only these sins committed since the last confession. Wherefore Titius, responding that he has not committed these same sins, responds to the Confessor's mind. Similarly, if Peter, asked by a servant, anxiously seeking his master through the streets and squares, whether he has seen him, responds that he has not seen him — although yesterday, and at another time, he saw him a thousand times — the response is true: because, from the anxious and solicitous external circumstance of the inquiry, this question appears to concern the seeing of his master here and now, so that from the response he can grasp where he may now be found. And, if Peter should respond to the servant that he saw his master yesterday, the servant would think himself mocked. These things, however, are true according to the common understanding of all, and consequently licit. Very many more recent writers, however, err in this: that they infer a universal rule from these peculiar cases, as we shall now explain.

IV. An amphibological locution is that which admits various senses, and each of those who speak it can be understood in one sense; yet the one who hears it can also perceive that it can be understood otherwise by the same speaker; or at least he can advert that the speech is ambiguous; and thus he can press the respondent with other questions, to disclose the truth. For example, when Abraham said that Sarah was his sister: if Pharaoh had adverted to that word "sister," he would have understood it to be an equivocal word, and that others too, from the father's side, are called sisters, though from a brother, or nephew, on another side; and by this path he could have proceeded to compel Abraham to manifest the truth, which would have been manifestable without sin.

V. Finally, it is certain that it is never licit to use amphibology without a just cause (this all confess), when the speaker uses an amphibological speech in a sense which he trusts will not be perceived by the hearer. For if he uses amphibology in that sense which he foresees and expects to be understood by the hearer, then it is not properly amphibology; for he speaks, and responds, to the mind, and according to the intention, of the questioner: since one who believes it speaks candidly and sincerely, and no suspicion of sin can arise. These things premised, that opinion which seems to us true is proposed.

VI. It is licit to use an amphibological locution, or equivocation, which, either by force of words, or by reason of circumstances, admits, according to common understanding, several senses, intelligible by the hearer, so as to conceal truth; but this amphibology is not always at hand, nor does it always suffice for concealing truth, especially when the questioner urges that we speak without equivocation; therefore secrets which cannot be revealed without sin must be concealed by another way.

VII. This our opinion consists of a twofold member. The first contains nothing peculiar... , nor do I see how it can be denied by anyone. For it stands established, both from the examples adduced, and from several to be adduced from Scripture itself, that this equivocation is licit which admits, from the hearer, several senses intelligible either by force of the words, or by reason of the circumstances: because such a locution really has these various senses, according to the common understanding of men, although not every hearer always adverts to the sense which the speaker intends — which happens from that same hearer's inattentiveness, or dullness. When, however, from justice, or charity, a crime, or a secret, or some other deed must be concealed, and one takes up an amphibological locution, or equivocal words, it cannot be defined by us, nor any certain rule prescribed, but each one ought to consult his own conscience, and act with regard to the rules of truth. Thus Sotus teaches (Bk. *On Secrecy*, sect. member 3, q. 3, concl. 7): "*Meanwhile, however, if someone should ask by which amphibologies a wretched man could protect himself, we cannot collect them individually; but each, according to his own skill and prudence, will be able to devise them.*"

VIII. The second member of our opinion regards, and declares, the principal point, and, I might almost say, the sole one, of the present question. This is opposed to the common doctrine of more recent writers, who, as we have said above, because they wish always to couple together the guardianship of the seal, and the preservation of life, wish also always, and for the concealment of any truth of some moment whatsoever, that amphibological locutions be at hand, by which truth may be concealed. Nor do they infer that an external amphibology can licitly be employed from the nature of the peculiar deed itself, which really admits equivocation; but they establish, absolutely, that any deed, or crime, and any matter whatsoever, admits external equivocations, by this very fact that truth ought not to be manifested — as if truth, by its own nature, admitted concealment and communication, whenever it ought not to be manifested. We, on the contrary, say that some deeds, or words, under such circumstances of questioning, are sometimes made of double capacity, or which can have several senses; and then we affirm it licit, urgent just cause pressing, to conceal truth by the benefit of an amphibological locution, intelligible by the hearer, if he attends to it. Examples will make the matter manifest. Abraham could licitly conceal his marriage by amphibology; because really Sarah was his sister, not from his mother, but from his father — which consanguinity, among the Hebrews, sufficed for the true appellation of sister. But if they had not been joined by such a bond of consanguinity, Abraham could by no means have concealed the marriage by such amphibology, so as to compel him to manifest the truth by this path. Christ said: "I go not up to this festival day" — for indeed there were several feast days, and the first was more celebrated, and solemn, to which Christ was invited: he sincerely responded that he would not go up to that solemn feast, since his own time had not yet come; but he kept silent about his own hidden ascent, to be made after other days, when his time would already have been fulfilled. When a Priest who is at the same time a Confessor is asked whether he knows a homicide, or another crime, to have been perpetrated, he sincerely and truly responds that he is ignorant of it, although he heard it in confession: because, according to the common understanding of all Christians, he is not asked as a Confessor, but as other men are. Fr. Domenico Sotus explains all this in fewer words — who, as my own opinion holds, treated this controversy more successfully than all other Theologians, and approached, by his doctrine in this matter, nearer to the Church's mind. He says, then (*On Secrecy*, sect. member 3, q. 3, concl. 7): "*If there are no words at hand, by which, through an equivocation received in men's use, a crime can be concealed without a lie, one must lie, before he perjures himself... The sayings of the Saints tend to this: that they forbid responses*

through words which can make no true sense, according to the signification received in use — since these could by no reason be excused from being a lie."

IX. The difference which exists between our own opinion, and that of more recent writers, is more clearly explained. More recent writers, as we have seen, infer that restrictions are not purely mental not from the nature of the deed, nor from circumstances really coming from without, but from causes, or from the harm which, they say, affects the manifestation of truth itself, and consequently that truth follows. Examples will make the matter manifest. An adulterous wife loses her life, if she confesses adultery to her husband, dagger drawn, attacking her. They say that the adulterous woman can use amphibology, or twofold knowledge, communicable and incommunicable, or words signifying nothing, so as to escape death. Our opinion, with St. Augustine, asserts the opposite. For the causes which oblige one to conceal truth are altogether disparate from the speech itself; and therefore they are wrongly adduced, as if they were external circumstances, by force of which a sense retained in the mind becomes external. For if this were true, there would be no purely mental restrictions: since the authors of them defended them only for grave causes; and yet none of them said that these causes constitute those restrictions external. This invention the writers devised (which must be greatly noted) after the condemned propositions. For, so as to decline the pontifical censures, they began to call sheerly mental restrictions not sheerly mental, but external. And if you ask them why they are called external, they answer, because here and now the manifestation of truth induces grave harm, violates either justice, or charity. It is easy for them, however, to gloss this doctrine, otherwise false, with a specious color. For, as we have noted in explaining our own opinion, some external restrictions really are given, not on account of causes of concealing truth, but which affect the very speech, and the deed which falls under the locution — as is clear in the Confessor, whose personal dignity is truly an external circumstance, which determines the locution; and this is nearly the only occasion of error for more recent writers, who, from one peculiar case — namely, that of the Confessor, to whom the highest consideration supplied a similar equivocal word — infer a universal rule, by which they establish that all truths, and all secrets, are to be concealed by amphibological speech, no consideration having been made of whether the deed, or crime to be concealed, admits, or does not admit, an amphibological, and truly external, speech; and in the response of Abraham, and of Christ the Lord, they consider only the solemnity of the first feast, so as to conceal the marriage of the sister. But from this principle they infer, as if they were to say, "in grave matter, lies are not lies, purely mental restrictions are not purely mental," and this recoils back onto them. For just as the ancient defenders of lying used to excuse the locution of Rahab denying that guests were found in her house, and of the adulteress denying that she committed adultery, and of the son denying that his father is at home, so as to avoid death — so these excuse this same entirely locution, without any external addition, holding this difference nonetheless: that the ancients, in defending lies, were sincere, calling lies lies, but worthy of pardon, because uttered on account of necessity; these, however, wish that necessity brings it about that this locution is not a lie, but an external amphibology, on the ground that sometimes real amphibological locutions really are given, as is established by the examples adduced. It pleases me to confirm what has been said by the authority of the most celebrated Caramuel, who, in his *Fundamental Theology*, Vol. II, n. 805, says: "*To me,*" he says, "*there occurs a matter contrary to mental restrictions of the least piety, or sincerity, that they are not necessary. For if they are contained within necessary terms, all that they themselves promise, similarly conforming circumstances will supply. But if they are said such that they are also to be admitted where signifying circumstances are lacking, I*

confess to myself that their authors, and defenders, ruin human society, and that a way is opened, most pestilentially, to every perjury. And the whole difference will be in this: that what was called mental restriction yesterday is today called security, and safety." So perspicuous is this, so luminous, that it could not, with any cavil, be implicated. For Caramuel himself, who was not able, in relaxing the evangelical and natural law, to bear the palm over vice, seasoning it with the color of virtue and sugaring poison, could not close his eyes to so manifest a truth. What were once lies, after purely mental restrictions, and what were once purely mental restrictions, are now called external restrictions.

X. From what we have said, various rules for practice are elicited. The first is: If the deed which falls under discourse does not admit, by its own nature, equivocal words, which, according to common understanding, admit various senses, absolutely intelligible by the hearer, it is in no way licit for the respondent, from the necessity of concealing truth, to use these locutions: "I do not know that deed, so as to be manifestable"; "I did not do it," understanding, "so as to reveal it to you"; or, "I do not know it," understanding "universally, or by communicable knowledge"; "I do not have money," understanding "to give you," although he has much, lest a grave inconvenience follow. All these locutions, which the Probabilists establish are to be employed for concealing truth, are absolutely purely mental restrictions condemned by the Church, or are sheer, pure lies.

XI. Second rule. Sometimes the deed upon which the question falls admits an amphibological locution, either because the respondent person bears the office of a double person, as a Confessor, a Prince's secretary, etc., of whom more below, which are really external circumstances; or because the peculiar condition of the deed itself... supplies an equivocal word, and then, grave cause impelling, amphibology is licit.

XII. Third rule. Amphibological locutions, though sometimes sufficient for concealing some truth offered to questioners, or to those to whom it matters little to know it, are nonetheless often inept for concealing truth of great moment, from crafty and shifty questioners, who can detect the equivocation, and reduce the respondent to straits, so that he must respond precisely. What, then, must be done in such a case? I shall declare below.

XIII. Fourth rule. When a sharp questioner detects an equivocal, or amphibological, response, and urges the respondent to respond precisely, and candidly, so that he omit amphibologies, and all restrictions, the respondent cannot use reflex amphibology unto infinity, as very many more recent writers teach; but he ought to repel the unjust questioner in another way, to be explained below.

XIV. Fifth rule. From the preceding rule it is most clearly established that these aforesaid more recent writers teach so many purely mental restrictions, and consequently lies. For so far is it from being the case that their amphibological locution is external, that it is so internal that the hearer can by no conceivable way detect, by force of such a locution, the sense of the speaker. For here he so restricts and encloses within his mind his own sense, that he swears without using any equivocation — as more recent Probabilists commonly teach, with Sánchez (Bk. III, ch. 6).

XV. Sixth rule. When someone uses amphibology in a sense which he trusts will not be perceived by the hearer, which nonetheless he would perceive if he attended, he does not intend deception of him, but the concealment of truth, which he is bound to guard; the deception of the hearer, however, he only permits.

XVI. Seventh rule. So that you may have all the causes necessary for the licit use of external amphibology clearly perceived, I set before your eyes those reduced to four heads. First, that a just, and most grave cause presses. Second, that the respondent is not bound, from justice, or religion, or obedience, to disclose the truth nakedly; but has the right to conceal it. Third, that the concealment of truth so profits the speaker, that it harms no one. Fourth, that the words, by their own force, or by force of circumstances, betray the sense of the speaker, intelligible by the hearer, if he wishes to attend.

XVII. Eighth rule. From what has thus far been said, it is clear that this is not a question of name, while the reasons are impugned by which more recent writers defend amphibological locutions. For, if it is admitted that words are deprived of signification by the commonwealth's consent; or that the use of communicable and incommunicable knowledge is licit, any grave and urgent cause pressing, with respect to all persons and deeds — a general rule is already established: that it is always licit to conceal truth, by the medium of amphibology, or equivocation, on account of a grave matter, whatever is related, or concealed, grave cause pressing. This comes back to the same as saying that amphibologies are licit, whether the deed itself, or the circumstance, admits them or not. This, however, I assert has been condemned by the Church. Therefore we admit amphibologies where really either the circumstance is truly external of the person, or of the deed, or the deed itself supplies equivocal words, and enters into the speech itself; and the amphibology is, moreover, such that it can be detected by a sharp hearer. This, however, does not so frequently occur. That is, rather, merely a matter of name, which the Supreme Pontiff condemns — that these mental restrictions, which very many, even after Innocent XI, defend, must be called either lies, or mental restrictions. For mental restrictions, for most grave causes of life, honor, and family goods to be preserved, he condemned as lies. Let them see, then, how they can escape the pontifical censure, who write that mental restrictions are prohibited in daily use ("in every respect"), not for grave causes.

XVIII. Ninth rule. Since this question is subject to many circumstances, no general, and precise, rule can be established which can be accommodated to all cases. We have certainly striven to set the state of the question, and the opinion of more recent writers, in its own light, and to prescribe rules as precise as could be done. Nonetheless, much remains still to be declared, which we shall explain individually in the following dissertation, in which we shall resolve very many cases pertaining to this matter.

Chapter XVIII — The texts of Sacred Scripture which the ancients oppose in defense of lies, and more recent writers in defense of mental restrictions, are expounded

I. All the texts of Scripture which the ancients used to produce in favor of lies, more recent writers likewise adduce, so as to uphold mental restrictions. Those who wrote before Innocent XI alleged entirely the same texts for purely mental restrictions which the latest writers now praise for restrictions not purely mental — which ought to suffice to demonstrate that, from the aforesaid texts, nothing can be elicited either in favor of lies, or in favor of purely mental restrictions.

II. They object, then, several texts of Scripture. Caramuel reports very many texts of Scripture, in the book entitled *Apoletas*. We shall recount only those which can cause trouble. I. Abraham (Genesis 12, and 20) called Sarah his sister: "She is my sister" — who was nonetheless his wife. II. The same

Abraham, when he was going to the mountain, having received a command from God, so as to sacrifice his son Isaac, said to his servants (Genesis 22): "Stay here with the ass; I and the boy will go with speed as far as yonder, and after we have worshipped, will return to you." III. He seems also to have lied, when he impersonated Esau, so as to obtain the paternal blessing (Genesis 27): "I am thy firstborn Esau." IV. The Egyptian midwives lied, when, Pharaoh complaining that they had not killed the Hebrew males as he had commanded, they answered: "The Hebrew women are not as the Egyptian women: for they themselves are skilful in the office of a midwife; and they are delivered before we come to them" — for which reason God dealt well with the midwives, and, because the midwives feared God, he built them houses (Exodus 1). V. The Angel seems to have lied, addressing Tobias in these words: "I am Azarias, son of Ananias the great" (Tobit 5).

III. Before I answer each, I note, with St. Augustine, that many things are found in Sacred Scripture which seem to be absolutely lies; yet, as Augustine says, they are not lies, but mysteries; or, if lies, are by no means to be imitated. Here are St. Augustine's words (Book *Against Lying*, ch. 15), against the Priscillianists: "*To you, then, it pertains, when refuting that detestable sect, to show these testimonies of the Scriptures to be so understood, that either it is declared not to be lies which are thought to be, if they are understood in the way in which they are to be understood; or, if it is manifest that they are lies, that they are not to be imitated.... To show, then, that what are thought to be lies in the Scriptures are not what they are thought to be, if rightly understood, seems to me to be no small avail against these men — since they find, not from the apostolic, but from the prophetic writings, as it were examples of lying. For those things which they mention by name, where each one is said to have lied, are read in those books in which not only deeds, but also many figured facts, are recorded — since they were done figuratively.*"

IV. Response: This teaching of Augustine's would suffice to resolve all the difficulties commonly objected from sacred Scripture. Nonetheless, for the greater confirmation of truth, we shall give a response to each. To the first, St. Augustine responds (Book *Against Lying*, ch. 5), in these words: "*Those who assert that one must sometimes lie do not fittingly recall that Abraham did this concerning Sarah, whom he called his sister. For he did not say, 'She is not my wife,' but he said, 'She is my sister' — since she really was so near in kin, that she could be called sister without lying. And if afterward, she having already been restored to him by the one who had abducted her, he confirmed this, answering him, and saying, 'She is truly my sister by my father, not by my mother' — that is, of the paternal line, not the maternal — he kept silent about something true, he did not say something false, when he kept silent that she was his wife, and said she was his sister. This also his son Isaac did. For we know that he too took his kinswoman as his wife. It is not a lie, then, when, by keeping silent, the true is hidden, but when, by speaking, the false is uttered.*"

V. To the second, the same Augustine responds, that Abraham by no means lied, but prophesied: for he most certainly hoped that God, who had a little before said to him, "In Isaac shall thy seed be called," would raise up that same Isaac from death, as Paul himself declares (Hebrews 11): "*By faith Abraham, when he was tried, offered Isaac... and offered up his only-begotten son, who had received the promises; to whom it was said: In Isaac shall thy seed be called; reasoning that God is able to raise up even from the dead.*" This interpretation Augustine declares (Bk. XVI, *On the City of God*, ch. 32): "*He did not doubt that what could be restored to him, immolated, could be given, though not expected.*"

VI. To the third, the same Augustine responds (Book *Against Lying*, ch. 10): "*That which Jacob did, at his mother's instigation, so that he seemed to deceive his father, if diligently and faithfully attended to, is not a lie, but a mystery: which, if we call lies, all parables also, and figures, of whatever things are to be signified, which are not to*

be taken according to the propriety of the words, but in which something else is to be understood from something else, will be said to be lies: which is far from being the case. For whoever thinks this can call even so many tropical locutions all of them by this calumny, that even that itself which is called metaphor — that is, the transfer of some word from its own proper matter to a matter not proper — could be called a lie. For when we say that the crops wave, that the vines put forth gems, that flowery youth, that hoary snow — without doubt we do not find in these things waves, gems, flowers, snow, since in these matters we find these words, which we have transferred from elsewhere, not proper to them; but they will be thought to be related from elsewhere as significative of something. But these are not lies; but locutions, and prophetic actions, are to be referred to the things which they are to signify, so that one piously seeking the sense may perceive it." Likewise (Bk. XVI, *On the City of God*, ch. 37): "*Is it to be received as a blessing gained by fraud? What is the guile of a man without guile? What is a simple feint, which is not a lie of one lying, but a profound mystery of one signifying?*" Formerly, then, some things happened figuratively, which are covered with figured garments, so that they may exercise, and not grow cheap by being naked and ready to hand. What is there in these lies? Assuredly, not only what the Patriarch Jacob did, or said, so that he might be blessed; but neither what Joseph spoke, deceiving with words, nor Joseph's brothers, nor that David feigned madness, nor other things of this kind — for these are not lies. But if it is not a lie, when something else is said for the understanding of truth, many both of the more recent Scripture-writers, as well as Catholics, teach that Jacob lied; but if it is so, that lie is not to be imitated.

VII. To the fourth, Augustine responds (Book *Against Lying*, ch. 15): "*But because it is written that God dealt well with the Egyptian midwives, and with Rahab the harlot of Jericho, this was not done because they lied, but because they were merciful toward the men of God. It is not deceit, then, that is rewarded in them, but benevolence; the goodness of their intention, not the iniquity of their lying*."

VIII. To the fifth I respond: that the Angel Raphael represented the person of a man, and spoke in human manner: for Tobias himself, addressing him, reckoned him not an Angel, but a man. Ignorant that he was an Angel of God, he greeted him. Consequently, Raphael, to Tobias the elder asking, "Tell me of what house, or of what tribe, art thou?" answered: "I am Azarias, son of Ananias the great" (Tobit 5). Since, then, as he wore the person of a man, so also, without a lie, he could put forth as much as bore the person of a man; and he called himself the son of the great Azarias, rather than of another, because Ananias, in Hebrew, as Santes Pagninus says, means "gift, and mercy, and glorification of God." Now all Angels are sons of God. Therefore, speaking in human manner, he assigned himself an Israelite father, and paternal lineage from an illustrious stock, which, at the same time, might make his own heavenly origin known to Tobias, and might close off the way to Tobias's suspicion. Wherefore his speech was, to speak with Augustine, not a lie, but a mystery. For just as the Confessor bears the person both of man, and of God, so too the Angel, who is dispatched on God's embassy under the appearance of man. And just as the Confessor can put forth something without a lie, as man, and as it were as a minister of God, so too the Angel, in human commerce, can speak in human manner without a lie.

Many other texts of Scripture, which Augustine weighs, I pass over. For if someone should even obstinately contend that one of the holy Patriarchs had lied, this would conclude nothing against our own, and the common, Catholic opinion — since we would then reject that lie as unworthy of imitation. It is worth transcribing Augustine's words from Book *Against Lying*, ch. 9: "*Whence it may be established that we ought not to transfer into our own morals whatever we read to have been done by holy or just*

men; but also to learn from this how far, and to what extent, that reaches which the Apostle says (Galatians 6): 'Brethren, if a man be overtaken in any fault, you who are spiritual, instruct such a one in the spirit of meekness, considering thyself, lest thou also be tempted.'... In all our acts, however, compensatory sins disturb even the good, so that they are not even reckoned sins, if they have such causes for which they are done, and in which it seems rather that one sins, if they are not done."

Chapter XIX — Certain Gospel texts are adduced, which are customarily brought forward in favor of mental restrictions, and are explained

I. Not only from the Old Testament, but also from the Gospel, some texts are objected in favor of mental restrictions. I shall report the three more celebrated. The first is held in John 7:8: "*Go you up to this festival day, but I go not up to this festival day: because my time is not accomplished. When he had said these things, he himself stayed in Galilee. But after his brethren were gone up, then he also went up to the feast, not openly, but as it were in secret.*" Another text is objected, from Matthew 24 and Mark 13:32: "*But of that day or hour no man knoweth, neither the Angels in heaven, nor the Son, but the Father.*" Another, finally, from Luke 24:28: "*And he made as though he would go farther.*"

II. Before I give a response to the individual texts, I note, with St. Augustine, that Christ the Lord spoke very much figuratively in the Gospel, and under the coverings of parables. What seems to the inexperienced to be lies are mysteries, and figurative locutions. But let us hear Augustine, Book *On Lying*, ch. 21: "*It is evident, then, all being discussed, that those testimonies of the Scriptures counsel nothing else, than that one must never lie at all — since neither are any examples of lies worthy of imitation found in the morals and deeds of the Saints, as far as concerns those Scriptures which refer to no figured signification, as are the deeds recorded in the Acts of the Apostles. AND ALL THINGS IN THE GOSPEL WHICH TO THE INEXPERIENCED SEEM TO BE LIES ARE FIGURED SIGNIFICATIONS.*"

III. Do not all confess that Scripture is subject to no error, some texts being clearer, others more obscure, some spiritual, others literal? Hence it is that God, so as to remove confusion, established his Church as the supreme judge, to decree and define the legitimate and genuine sense from the false one. But, since each professor of a false religion arrogates to himself the right of interpreting Scripture, among whom there is no order, no unity, no Church, but confusion, and the greatest disturbance — if, in our own discourse, it were licit to imitate the sacred Writers in the use of tropes, figures, and allegories, human commerce would be broken off, and everything would become confused and disturbed; and the human commonwealth would have to choose a supreme judge, or interpreter, of our locutions, just as God designated the Church for the interpretation of sacred Scripture. But he prescribed for us, in these words: "Let your speech be: yea, yea; no, no." These things premised, I respond to the individual texts.

IV. The first text objected presents no difficulty at all, if the whole context is considered. Nor is it necessary that we have recourse to the Greek text, in which, instead of "I go not up," it reads "I go not up yet," as Jansenius of Ghent observes in his *Harmony*, ch. 78, and Erasmus himself confesses. But we do not need this; because the sense of that narration is clear, and obvious. For Christ knew that the time of his passion had not yet come, and foresaw that his brethren, or kinsmen, would divulge his journey into Judea beforehand, and that consequently the Jews would seek his death, if it lay open to them by previous notice. All this is clear from the text. His brethren, then, said to him: "Pass from

hence, and go into Judea, that thy disciples also may see thy works." What did Christ answer first? "My time is not yet come" (v. 7). He then adds (v. 8): "Go you up to this festival day: but I go not up (or, according to a text which coheres better, "not yet") to this festival day." Christ said, then, "I go not up," so as to conceal it; he added "this," lest they, having foreknowledge that he would come, might announce it, and prepare treacherous ambushes for him beforehand. This, then, was so that he might not be treacherously waylaid; he did not lie. He introduced something; he deferred something; he said nothing false.

V. This interpretation will emerge still clearer, if we consider the words by which Christ narrates his own journey to Jerusalem, and the reason which he adduces. He says: "Not to that festival day." He said this, so that he might not lie. This whole interpretation is Augustine's own, Sermon 143 in the new edition, n. 7, where it is gathered how, from Christ's own words, it stands that he did not deny absolutely, that he was going to proceed to Jerusalem; but only said that he did not wish to go up together with his brethren, and in a public, attended company: for he twice repeats that his own time had not yet come, or had not yet been fulfilled; and, with reference to this response, other words are understood: "I go not up" — because "my hour is not yet come." Does not anyone prudent gather from this response: therefore he will go up, when he himself shall judge that his time has come? All this is manifest, not by force of any internal restriction, but by force of the words. And this is confirmed, if we note that the Feast of Tabernacles, of which the discourse is now, consisted of several days, of which the third was more solemn, as it were — his brethren, then, do not betray this in their sense, so that Christ retained in his mind that he would ascend, not on the first, or second, day, but on the fourth, as it were, and afterward, not openly, but secretly; which words show that he had, indeed, retained in his mind, and therefore he said, "It is not yet come," etc. Christ, then, denied, as to the first, or second, day, to which his brethren were going... , since the true response, all being weighed, is that his brethren were going. This most false interpretation could at most be objected, unless Christ had ascended into the temple that same day; or unless he had declared, by external words, that he really would not go up to that feast to which his brethren were going. Indeed, Augustine says, he did not rashly say: "Go you up to this; I go not up to this," but he added "this," lest he lie — indicating that he would have lied, if he had retained that adverb manifestly in his mind, adding nothing externally; and he therefore added "this," lest he lie. All this Augustine again evidently confirms, tract. 28 on John: "'*Not to this*' — *that is, to which you wish, that is, the first, or second day. He went up afterward, however, as the Gospel says, on the middle day of the feast — since already, by the time of that day of the feast, so many days of the feast as remained had passed. For the feast itself, as far as is to be understood, they used to celebrate for several days.*" This is the sole, and genuine, interpretation, which naturally, and from the literal sense, flows. Since Christ answered according to the mind of those asking, who demanded that he go up with them openly. "Pass from hence, and go into Judea, that thy disciples also may see thy works which thou doest." No one, indeed, does anything in secret, and himself seeks to be renowned. If thou do these things, manifest thyself to the world. Christ, then, responded that he was not going up, as they wished, at the same time as they. In the sense, then, in which they had said, "Come with us," and he had responded...

VI. To the second text, which is more difficult, the Fathers' response is manifold; none, however, favors mental restrictions. First, St. Ambrose (Bk. V, *On Faith*, ch. 7), with several others, doubted whether that particle "neither the Son" belongs to the text, or was slyly added by the Arians. For the Gospel text of Matthew has only this: "But of that day and hour no man knoweth, neither the Angels

of heaven, but the Father only." Jerome, however, writes, on this passage of Matthew, that in some Latin codices of his own time, the particle "neither the Son" was found added to this same Matthew, which, however, was not had in the Greek exemplars, and especially those of Adamantius and Pierius; but, says Jerome, since it is read in some, it seems it must be discussed why he is said not to know. After the resurrection, questioned by the Apostles: "It is not for you to know the times or moments, which the Father hath put in his own power." When he says, "It is not for you to know," he shows that he himself knows; but that it is not expedient for the Apostles to know. About the day, he answers more manifestly: nor is a further explanation needed — that this same reasoning compels the Gospel to be understood the same. They will also say that the Father alone knows; the Son too is comprehended in the Father. For every Father is the name of a Son.

VII. Fr. Domenico Sotus, and, after the Council of Trent, no one among Catholics dares, on this matter, to raise a question of heresy, doubting that this voice exists in Mark, on this account, that certain persons hesitate that it is not found in Irenaeus, in his book on this passage, saying: "*Nonetheless it is not right, since no one of the Catholics moves this question.*" Sotus, in the place cited, compares Christ to a Confessor — for just as a Confessor knows many things as God's minister, which he is ignorant of as man in human commerce, so too Christ, as legate of the eternal Father, had many things under seal which, as he exercised the office of master of the Apostles, he said he did not know.

VIII. St. Augustine, in many places, explains the cited text. *On Psalm 6*, where it will be. "*What, then, is it that the Son does not know this? Which is indeed said for this reason, because through the Son men do not learn this — not that he himself does not know it in himself, but according to that locution: 'The Lord thy God trieth thee, that he may know'*" (Deuteronomy 13) — that is, that he may make you know; and: "Arise, O Lord" — that is, make us arise. So, then, it is said that the Son does not know this day, not that he is ignorant, but that he will make those ignorant for whom it is not expedient to know this — that is, he will not show it to them. Similarly Augustine writes (Bk. I, *On the Trinity*, ch. 12): "*For this he does not know, which he makes not known*" — that is, which he did not so know as to indicate to the disciples at that time — just as it was said to Abraham: "Now I know that thou fearest God" (Genesis 22) — that is, "Now I have made thee know" — since he too became known to himself in that trial. For that too, which he was going to tell the disciples at an opportune time, of which future thing, speaking as though of the past, he said: "I will not now call you servants, but friends. For the servant knoweth not the will of his lord. But I have called you friends, because all things whatsoever I have heard of my Father, I have made known to you" (John 15). What he had not yet done, but because it was certainly to be done, he spoke as though he had already done it — not that he could not bear to say it, but "you cannot bear it now."

IX. If all those things which are related to have been said by Christ in the Gospel are explained literally, they will appear, to the inexperienced, contradictory, and lies; but to the experienced, mysteries, and prophetic locutions. Christ, says Augustine, not rarely uses the past for the future, and the reverse. Will it, then, be licit for us too to use such locutions, if we wish? Often, too, God uses the word "I know" for approval, and "I know not" for disapproval, as Augustine teaches, Bk. 83 *On Various Questions*, q. 60: "*Thus also, when he makes one know, as it is written: 'The Lord thy God trieth thee, that he may know' — this is said, not that God may know, but that they themselves may know, whom he tries by temptations, that is, that they may know how much they have profited in the love of the Lord. And so, when he is*

said not to know, or to know, it is used for that which is called approval, so said because it does what makes them not know it, that is, it does not disclose to them what it would be useless for them to know — as it is said, 'I know you not,' because he does not accept them into his own discipline; and it is said that he alone knows the Father, only the Father knows the Son, because it is thus said, not that he knows the Father alone, that he does not know the Son, but because he makes men know that this is well received, that only the Father is said to know."

X. Other Fathers, such as Cyril (Bk. IX, *Thesaurus*, ch. 4), Origen (Homily 30 on Matthew), Gregory Nazianzen (Bk. II, *On Faith*, to Regina), Athanasius (Sermon 4 against the Arians; Ep. 36, n. 40), interpret the cited passage of Christ according to his humanity — not that Christ, as man, was ignorant of that day; but that he did not know that day as it pertains to humanity, although he knew it by infused knowledge. To this interpretation St. Basil also accedes (Epistle 8 to Amphilochius); Damascene (Bk. III, *On the Faith*, ch. 21). Wherefore, when some Fathers say that the Word did not know that day, they are to be understood as knowing it as man, but as God, blessed; although Christ, even as man, had that day manifest by infused knowledge, by reason and merit of his own human nature. The heretical Agnoetae, whom Gregory reports (Bk. VIII, Register, Epistle 27), attributed ignorance to Christ as man — an error which all Catholics condemn.

XI. St. Thomas (Part III, q. 10, art. 2, ad 1), the interpretation of the Arians and Eunomians, and other Fathers' interpretation refuted... he recounts. Origen, in the place cited, expounds the text of Christ according to his body, which is the Church. Others interpret it of an adopted, not a natural, son. Thus, indeed, says the Angelic Doctor: "*Origen, however, expounds this of Christ according to his body, which is the Church, which is ignorant of this time. Some, however, say that this is to be understood of the adopted Son of God, not the natural one.*"

XII. Chrysostom (Homily 13, *On the Trinity*), Epiphanius (in the *Ancoratus*), and St. Bernard (Book *On the Steps of Humility*) expound that Christ spoke of practical knowledge, which brings execution with it; and because he had not yet exercised universal judgment, he therefore said that he practically did not know that day.

XIII. I have judged it fitting to recount all these various interpretations, so that the reader may gather from this how weak is that argument which the defenders of mental restrictions elicit from the cited text. For, according to all the Fathers, Christ used a figured locution there, although they explain that locution in various ways. Augustine's exposition, which, above the others, could be twisted in favor of mental restriction, is established, from what has been said, not only not to favor, but openly to oppose, these same restrictions. And first, if the cited text favored mental restrictions, it would certainly favor purely mental restrictions — and really the authors of these adduced that text as favoring them. For this locution, absolutely uttered, "I do not know this day," this addition being retained in the mind, "so as to say it," is a purely mental restriction, unless some exterior circumstance, affecting and moderating that same locution, constitutes it an exterior restriction. But the end of utility, or of inconvenience, is something altogether disparate from the locution itself. For this utility, or inutility, of communicating knowledge, or the necessity of concealing truth, is something universal with respect to any locution whatsoever, by which truth is covered; and, since locutions by which truth is concealed are various, that extrinsic end cannot determine one, rather than another, to a peculiar signification.

XIV. Second, the cited words of Christ the Lord can in no way be twisted to the defense of mental restrictions, which men are accustomed to employ, unlawfully, in civil commerce. For that locution

which is true in Christ's mouth can become false in the mouth of man — just as that response uttered by the mouth of a Confessor is true, which, in the mouth of another man, is false. For, just as a Confessor bears the person both of man, and of God, and in civil commerce speaks as a man, not as God's minister (of which matter more below), so, in a more sublime manner, Christ the Lord exercised the offices both of divine legation, and of master of the peoples: God and man, legate of the eternal Father, and doctor of the human race, he really was. By reason of these dignities, he could put forth many things as true, which, in a private man, would be false. He put forth many things according to the mind of those questioning, which was known to him. There could have been several circumstances affecting that response, which rendered that response intelligible to the disciples asking. All of which, since they are unknown to us, and since no man possesses Christ's dignities, which are various, and infinite, it follows that no man can arrogate to himself all the formulas of speaking which Christ used — just as the rest of men cannot licitly employ all the locutions of a Confessor.

XV. Finally, I conclude with St. Augustine (Book *On Lying*, ch. 21): "*ALL THINGS IN THE GOSPEL WHICH TO THE INEXPERIENCED SEEM TO BE LIES ARE FIGURED SIGNIFICATIONS*." Wherefore, by right and merit, the Gallican Clergy, in the year 1700, censured, and rightly condemned, the following proposition: "*The Patriarch, the Prophet, the Angels, Christ himself, used amphibologies, or restrictions, with the vulgar.*" This proposition, I say, they condemned in these words: "*This proposition is scandalous, rash: it confuses the mystical, prophetic, parabolic, or economic significations for insinuating truth, whether uttered or unspoken, with the deeds of the Saints, and turns them into another's deeds; it is also injurious to the Angels themselves, contumelious toward Christ, and impious.*"

XVI. This aforesaid proposition is indeed impious; because it attributes sin to Christ the Lord — since all Doctors, and especially the defenders of restrictions, confess that it is a sin to use mental restrictions, or amphibologies, without necessity. What necessity, then, could be devised, that would drive our Lord to use figured locutions, and, above all, Christ's wisdom, and infinite sincerity? It remains, then, that we apply, with the most profound obedience, the responses and oracles of the Prophets, and of Christ, to our own affairs — none of which could ever, in innumerable ways, be violated, either by mental restrictions, or amphibologies, without necessity — but rather as mysteries, and figured locutions; and that formula, in our locutions, he prescribed: "Let your speech be: yea, yea; no, no."

XVII. To the last, Augustine responds (Book *Against Lying*, ch. 13): "*Hence too is what you recalled, that they say the Lord Jesus, after he rose again, walked on the road with two disciples, and, as they approached the town to which they were going, feigned that he would go farther.*" Where the Evangelist, saying "he himself feigned that he would go farther," has even used that very word by which liars are too much delighted, so that they might lie with impunity, as though every lie were what is feigned — whereas so many things are feigned, and yet, if it is well understood for the sake of truly signifying something else, it is not a lie, but a certain figure of a matter; otherwise all those things which are figuratively said would be judged lies, since so many things are said other than as they are, so that they may be referred to what he wished to signify. If, then, Jesus signified nothing else by "feigning that he would go farther," than that his walking was to be understood by his companions as further than that town where he lodged with them, it would rightly be judged to be a lie — but, if it be otherwise, and he indicated that he wished by that figure to signify that his walk was in a further direction, in the sense of walking

symbolically representing his own progress, and design, this is not a lie, but a figure of truth, as, indeed, sacred narratives frequently teach us to receive; and thus, when it is written of Jesus, that he did something, "wishing to have appeared to go farther," we say...

See how Augustine, always, if a deed or a saying is found to be free of a lie, or of amphibology, has recourse to mysteries, or to mystic and figured significations. Wherefore, he adds, no one, from this word, as the Priscillianists did, should think that lying is permitted, or, in addition, contend that Christ himself lied. Moreover, this Gospel text, and other adduced texts, which the Priscillianists twisted in patronage of lying, more recent writers likewise bend to the favor of mental restrictions: and not a few, in the very defense of restrictions, twist Christ's words, and the sayings of our Redeemer, no differently than those whom I have recounted among the patrons of lies. It seems to me, as I have often said, that there is this difference: the ancient defenders of lying (the Priscillianists excepted, who lied even in the business of religion) called the same locution, uttered for the same end, a lie; but the more recent writers call the restriction some purely mental, others not purely mental. But of these things enough, and more than enough.

Chapter XX — Some objections, drawn both from reason, and from examples, and from the doctrine of the Saints — especially St. Raymond, and from the work of Annibaldus, commonly ascribed to St. Thomas — are resolved

I. I will propose here only a few objections; since, in the following Dissertation, in which we shall handle all the cases which the authors of mental restrictions are accustomed to propose, we shall also explain very many difficulties that can occur. Here I shall only touch upon a few, which regard universal principles, and which are customarily objected against what we have taught in the preceding chapters.

II. You will object, first: Purely mental restrictions were therefore condemned, because their authors defended them as licit not only for sole, and precise, necessity, but also for utility. Whoever, then, employs them only in the case of extreme and grave necessity, will not be subject to the pontifical censures. Response: Purely mental restrictions are prohibited by the Church, as true, and rotten, lies. Lies, even in a case of extreme necessity, are forbidden, as all teach. Therefore purely mental restrictions are forbidden too. Utility, or necessity, does not constitute a locution true, or false, or lying; but it makes it either commendable, or execrable.

III. You will object, second: Unless we admit mental restrictions to be licit in grave necessity, some precepts of God, and of others, become impossible. For the immense necessity of guarding the seal compels one, on one hand, to violate it; on the other, that a tyrant compel one to violate the seal. What, then, must be done? If it is said that one or the other must be done — namely, either to lie, or to reveal the seal — it is already conceded that some precept of God is impossible; which is a heresy condemned by the Church. There remains, then, a way of escaping the transgression of both precepts, which can be no other than the way of mental restrictions — whether this restriction is made by the use of words signifying nothing, or by the use of twofold knowledge, communicable and incommunicable. These are the arguments of Frs. de la Fuente Hurtado, Casnedi, and others.

IV. It is answered that this objection is sheer, pure sophism. What a Confessor ought to answer a tyrant, we shall explain below. Now we say, briefly, that no precept of God is ever impossible to observe; just as no precept, whether natural or divine, ever bids us guard the seal by some illicit means, such as a lie, or mental restriction; but the precept only binds us to its concealment, either by silence, or by an honest repulse of an unjust questioner, even if life were to be exchanged for death. But, because the adversaries prefer life to truth, they therefore do not know how to reconcile the observance of both precepts: which Augustine reproaches to the authors of lying (Book *On Lying*, ch. 20): "*If anyone were to propose to himself the loving of truth in such a way, not only that which is in contemplating, but also in truly enunciating what is true in its own kind, that it should not be otherwise uttered by the bodily mouth than as it is conceived and beheld in the mind, so that he should prefer the truthful beauty of faith not only to gold, and silver, and gems, and pleasant estates, but to the whole of temporal life, and every good of the body — I do not know whether anyone would be said to err by this judgment. And, if he rightly preferred this to all such things, and reckoned it of more worth, he ought also rightly to preserve, and aid, with his own diligence and benevolence, even the temporal affairs of other men, whom he loves.*" Augustine has here many things pertaining to our own purpose, which I omit for brevity's sake. This only I add, with the same Augustine: that, if, after man has employed all licit and honest means by which he might guard a secret, it should happen that truth be manifested in whatever way without the fault of that man himself, then the precept of the seal would in no way be violated, to whose concealment no one is bound except by licit means. For lies are not to be told, so that seals may be concealed. Nor does the necessity of concealing the seal remove the fact that what is absolutely a lie, in such an event, is a lie, whatever the adversaries may say. Finally, with Augustine, we add that such events can occur, in which, all diligence having been employed for the concealment of truth, nothing else remains but recourse to divine providence. Let the whole ch. 17 of the Book *Against Lying* be read, where, after he shows that the woman of Jericho ought to have answered, "I know where they are, but I fear God, I do not betray them," he has recourse to the refuge of divine providence. "And where," he says, "do we place the will, and power, of God? Could he not, perchance, have kept her from lying to her fellow-citizens, and yet have kept the men of God safe from every ruin?"

V. You will object, third: This objection is already resolved above. For man is free to disclose his conceptions inadequately, and separately, one rather than another; but he ought to use words which really, distinctly, refer to one conception rather than another. If he uses words that universally deny all conceptions, he cannot then conceal one conception rather than another — as, if you say, "I did not eat meat," these words universally deny the eating of any flesh whatsoever. You cannot, then, without a lie, retain in mind the conception of human flesh, when you have eaten flesh, whether of beef or of veal, etc., since the aforesaid words are not restricted to denying the eating of flesh, whether human or animal.

VI. You will object, fourth: St. Raymond of Peñafort, in his Summa, Bk. I, tit. 10, on lying, and adultery, proposes to himself this case: it is customarily doubted what is to be done by one from whom someone is sought for execution, whom he himself knows to be hiding in his own house, or even in another place. He seems perplexed. If he manifests him, he fears the crime of causing his loss, and homicide, to which he will seem to have given cause, by showing the person; he fears too the sin of those who will kill him, and thus he will die more gravely in soul — which he also fears for the one hiding, if perhaps he is in mortal sin, and dies impenitent. If, however, he does not manifest him, he dreads the lie itself, for which he seems able to apply no remedy.

VII. Response: That St. Raymond was somewhat disturbed by those sins which Augustine calls compensatory, appears manifestly from this text. He opens three ways, indeed, of concealing the innocent man sought for death, and of avoiding a lie. I believe, he says, saving a better judgment, that such a one ought first to keep silent. If, however, silence itself would betray the one hiding, then let him use an equivocal word, such as, "He is not here" — that is, in this process. But he confesses that this is not sufficient in another matter, or let him respond with some equivocal word, as, for instance, that he transfers himself elsewhere, as if asking about someone, to elude the malice of a false questioner, or something similar. The use of equivocal words is licit, for the cause of extreme necessity, even St. Raymond himself confesses. These equivocal words, however, ought to have a double sense, according to common understanding, just as the word "here" has, in the Latin tongue. Those, then, who speak another idiom, must employ a word which similarly enjoys a double signification in common estimation. Finally, at the last, Raymond concludes: or say simply that he must deny, and assert that he is not there. If, however, his own conscience dictates to him that he ought to speak thus, then he will not speak against conscience, that is, he will not go against his own mind; indeed he will follow it, and in no way will he sin; nor does he contradict, in these words, Augustine — since here he will not lie, because he will not go against his mind.

This last response of Raymond's is not absolute, but hypothetical. For he says that, this hypothesis admitted, in which someone judges himself obliged to deny that a man sought for execution is present in his own house, then he will not sin. Why? Because, if the dictate of his own conscience represents to him, and commands him, that in such an event falsehood, or a lie, must be told for saving the man's life, and soul at the same time, he sins in no way, because he follows the rule of his own conscience. In such circumstances, indeed, Raymond seems to concede that invincible ignorance of the malice of such a lie can be given in some man. For although there is no innocent ignorance of a lie absolutely taken, nonetheless, when a lie is told in such most grave circumstances, so as to save a man's life, it is entangled together with his soul, and life at once; it is not so evident that no one can invincibly reckon such a lie licit. Those last words of Raymond's must be weighed: "he will not lie here, that is, he will not go against his mind." Raymond here takes "mind" for conscience, as John of Freiburg also notes, in his commentaries on this passage. When, then, it is said, "To lie is to go against the mind," in a matter to which you do not wish another to be led, if "mind" is taken for the knowledge, or notion, existing in the mind, this is contrary to knowledge, and a formal lie is opposed to it. For the rest, if conscience judges that a lie must be told for a man's life, then that lie will not be against the mind, taken for conscience, although against the mind, taken for the knowledge, or notion, which is found in the mind. But that lie is against the mind, taken both for knowledge and for conscience, which is uttered not with the intent of concealing truth, but out of a lust for deceiving, says Augustine (Book *On Lying*, ch. 14): "The fourth, which is the lust of lying, and deceiving, which is pure lying... The sixth kind, which harms no one, and profits someone, as if someone, knowing where the money of another is that is to be unjustly taken, lies to whoever asks about it, so as not to know it. The seventh, which harms no one, and profits someone, as if someone, unwilling to betray a man sought for death, lies, not to the just and innocent man, but to the guilty one — since it is not to be despaired of anyone's correction, nor is the access of repenting to be closed to anyone." Of these two kinds, which are wont to have great weight with good, and truthful, men and women, we have treated sufficiently, so that, in undertaking inconveniences, both brave, and faithful men, so bear them strongly, that these kinds too are avoided by the brave and faithful. Augustine, then, established

that one ought never to lie, either for a man's temporal, or eternal, salvation. Raymond, however, asserts that, if a man is found so weak that his conscience persuades him, in this most difficult controversy, that it is licit to utter a lie, then he will not sin, nor will he lie out of a lust for deceiving, nor will he go against the mind, that is, conscience. This is Raymond's genuine mind.

VIII. You will object, fourth: Annibaldus (Bk. III, Sentences, dist. 12, art. 4, ad 2): "It must be said that he (Christ) could utter a lying speech materially, not, however, significatively; and therefore he could not be a liar." So that this response may be understood, the objection must be recalled. If I shall say that I know him not, etc. (John 8). But this he could say. Therefore he could be a liar. It is now clearly gathered that Annibaldus teaches nothing else than that Christ could narrate the lying speech of the Jews, or utter a lie materially, not significatively, but assertively; in the manner in which we, with the Psalmist, sing: "The fool hath said in his heart, There is no God" — which words are indeed uttered by us materially, or historically. This will emerge more clearly, if the whole Gospel text, which the Author indicates in his objection, is transcribed. "And if I shall say that I know him not, I shall be like to you, a liar. But I know him, and do keep his word." Does not it hence most evidently appear... that Christ uttered the aforesaid words, "If I shall say," etc., only historically, or materially? It is, moreover, an altogether different thing to use words to express one's own conceptions materially, that is, stripped of all signification — which cannot be done without a lie. In the first case, he who utters those words does not use them so as to put forth his own conceptions, but so as to narrate the sentiments of another. But whoever uses words so as to communicate his own secrets to others, if he does not use them as signs representing internal senses, as their own nature would employ them, already perverts the order of nature, as we have proved in its own place.

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Adoration (*Adoratio*). Adoration is the act by which one subjects oneself to another in testimony of his excellence, p. 2, n. 1. — One kind is of latria, another of dulia, another of hyperdulia, ibid. — One is internal, another external, ibid., n. 2. — One is absolute, another relative, ibid., n. 3. — Another is that shown to creatures on account of natural gifts and dignities, p. 3, n. 4. — There is a natural and divine precept of worshipping God by internal and external acts, ibid., n. 5. — That precept, as negative, obliges always and for always; as affirmative, at set times, p. 4, n. 6. — The lax doctrine of Tamburini and of certain more recent writers is rejected, ibid. — The worship of latria is owed to God alone, one and triune, and to Christ the Lord, p. 5, n. 1 ff. — Christ the Lord as man can be adored with the adoration of latria, ibid., n. 3. — But the humanity of Christ, as abstracted from the divine Word, is not to be adored with the adoration of latria, p. 6, n. 4. — In practice it is lawful to adore the humanity of Christ with the adoration of dulia on account of its created perfections, ibid., n. 5. — The body of Christ during the three days of his death was to be adored with the worship of latria, ibid., n. 6. — It is lawful to adore absolutely the host elevated by the Priest in the Mass, p. 7, n. 7. — The flesh, or blood, which sometimes appears in a consecrated host by miracle, is to be adored with the worship of latria, ibid., n. 8. — The Cross of Christ is to be adored with the worship of latria, p. 8, n. 1. — As also the other instruments of Christ's Passion, ibid., n. 2. — Objections are resolved, p. 9, n. 3 ff. — The Blessed Virgin is to be worshipped with the worship of hyperdulia, but the Angels and Saints with the worship of dulia, p. 10 f., n. 1 ff. — The objections and calumnies of the heterodox are blown away, p. 11 ff., n. 3 ff. — Men or women who have died with the reputation of holiness, but are not yet beatified or canonized, cannot be honoured with public worship, but only with private, p. 14, n. 11. — The use of images of the Trinity, of Christ the Lord, and of the Saints is lawful and pious, p. 16 f., n. 1 ff. — Their adoration also is lawful and pious, whatever the heretics may babble, p. 18 f., n. 4 ff. — With respect to the community of the faithful there is a precept of the use of sacred images, which can incidentally press upon individuals, p. 20, n. 9. — The same holds of their adoration, ibid., n. 10. — The relics of the Saints are worthy of adoration, p. 21 f., n. 1 ff. — Namely, the same adoration with which the persons whose relics they are are worshipped, p. 22, n. 4. — What such relics are is indicated, ibid., n. 5. — It is not lawful to adore the worms into which the bodies of the Saints decompose, ibid., n. 6 f. — Moral certainty is required, and suffices, for relics to be venerated as particles of some Saint, p. 23, n. 9. — That they may be exposed to public worship, the Bishop can approve only the relics of someone Beatified, or of a canonized Saint, p. 24, n. 10. — It is lawful to wear authentic relics suspended from the neck, ibid., n. 11. — In this all irreverence must be avoided, ibid. — One who steals relics from a Catholic commits a sacrilegious theft, ibid., n. 12. — Not even in a just war is it lawful for a Prince to carry off relics from the cities he has taken, and transfer them elsewhere, p. 25, n. 13. — The sale and purchase of relics is not lawful, ibid., n. 14. — They may, however, be bought from unbelievers for a price paid, ibid. — One who exposes sacred relics to be viewed principally so that more generous alms may thence be offered sins gravely, ibid. ; p. 26, n. 5 [=15] ff. — Thieves of relics who take them from any sacred places whatever are punished with the penalty of excommunication, ibid., n. 17. — It is lawful to venerate the wax Agnus Dei, p. 27, n. 18. — Those who paint them with colours and vermilion are excommunicated, ibid., n. 19. — It is lawful to take a price for their material, ibid. — They may be devoutly touched and kissed even by laymen, ibid. — Veneration is owed to priestly vestments, sacred vessels, and churches, p. 28, n. 20. — Consecrated chalices cannot be touched by laymen without venial sin, except by those of the Religious Orders that have privileges, ibid., n. 21. — Laymen of the same Orders may also touch corporals and purificators, while they serve in the sacristy, p. 29, n. 22. — Sacred things, so long as they keep their form, cannot be converted to profane uses, ibid., n. 23. — The lax opinion of Fr. Dicastillo concerning sacred vestments is rejected, ibid., n. 24. — These cannot be converted to profane uses even after their form is

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Annibaldus (*Annibaldus*). Annibaldus, in the work commonly ascribed to St. Thomas, in no way favours lying, p. 546, n. 8.

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Benedict XIV (*Benedictus XIV*). Benedict XIV is praised for his immortal work On the Beatification and Canonization of the Servants of God, p. 15, n. 11.

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Cabala (*Cabala*). See: Divination.

Caramuel (*Caramuel*). Caramuel shrewdly, and for the best of reasons, sets himself against mental restrictions, p. 530, n. 9.

Cárdenas, Juan de (*Cardenas (P. Ioannes de)*). Fr. Juan de Cárdenas is to be read with caution in what he has on certain propositions condemned by Innocent XI, p. 520, n. 12.

Casnedi, Carlo Antonio (*Casnedi (P. Carolus Antonius)*). Fr. Carlo Antonio Casnedi upholds that purely mental restrictions are not condemned, p. 524 ff., n. 10 ff. — He favours the Jansenists, p. 525, n. 12.

Castropalao, Fernando (*Castropalaus (P. Ferdinandus)*). Fr. Fernando Castropalao wrongly defends that a vow made in thanksgiving on account of an unjust thing is valid, p. 161, n. 27. — He is attacked, and at the same time it is shown that Suárez is wrongly alleged by him in his own favour, p. 162, n. 28 ff. — He laxly excuses from mortal sin one who, after a vow to abstain from wine, drinks only as much wine as a temperate man is accustomed to drink at one meal, p. 227, n. 4. — He teaches lax propositions concerning the oath, p. 380, n. 7 ; p. 410, n. 5.

Casuists (*Casuistae*). Their outcry, with which they trumpet that the words of their fellows which inspire horror at their laxity are not sincerely reported, is turned back upon themselves, p. 497 f., n. 14. See: Propositions, condemned; Propositions, lax.

Cattaneo, Ambrogio (*Cattaneus (P. Ambrosius)*). Fr. Ambrogio Cattaneo embraces the doctrine of material locutions, p. 476, n. 9 f. — He says this suffices to tear up all difficulties, ibid. — But it is shown to be improbable and false, p. 485 ff., n. 1 ff. — His opinion, comparing a lie with a theft committed in extreme necessity, is opposed to the doctrine of the Church, p. 492 ff., n. 1 ff. — It is wrongly defended by an anonymous confrère, the text of St. Thomas being cut short, p. 497 f., n. 13 f. — As also by false interpretations of the condemned propositions, p. 518 ff., n. 8 f.

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Certainty, moral (*Certitudo moralis*). Moral certainty ought to exclude every prudent doubt, p. 412, n. 7. — That certainty is wrongly explained by the probabilist Casuists, p. 410, n. 5 ; p. 412, n. 8.

Cicero (*Cicero*). Cicero assigns the causes why sleepers divine, p. 63, n. 12.

Clergy of France (*Clerus Gallicanus*). The Clergy of France condemned the proposition by which it was asserted that the Patriarchs, the Prophets, the Angels, and Christ himself used equivocations, or amphibologies, and restrictions, p. 541, n. 15.

La Colombière, Claude de (*Columbier (P. de la)*). The piety of Fr. de la Colombière is praised, p. 174, n. 57.

Comitolus, Paulus (*Comitolus (P. Paulus)*). Fr. Paulus Comitolus rightly and prudently enjoined penances on habitual blasphemers, p. 110, n. 7.

Commutation of vows (*Commutatio voti*). The commutation of a vow is the substitution of one thing for another, p. 344, n. 1. — Those who can dispense can also commute vows, ibid., n. 2. — One who has vowed cannot by his own authority commute his vow even into something evidently better, p. 346 ff., n. 5 ff. — The objections are answered, ibid. — One who by his own authority commuted his vow into a lesser or an equal good would sin mortally, p. 350, n. 16. — One who vowed to enter one religious order cannot by his own authority enter another equally good, ibid., n. 17. — In things which are consumed by use, one cannot be substituted for another promised by vow unless it is within the same species, p. 351, n. 18. — Much less in speaking of things which are not consumed by use, ibid. — One who vowed to hand over a determinate son to religion cannot by his own authority substitute another, ibid., n. 19. — Neither a layman nor a married Cleric is capable of the jurisdiction of commuting vows, except by dispensation of the Pope, ibid., n. 20. — Vows are more probably to be commuted into morally equal matter, p. 352, n. 3 f. — Sporer's lax opinion is disapproved, p. 353, n. 5. — When the equality is doubtful, commutation has place, p. 354, n. 6. — A commutation into a lesser matter, and without due equality, is not free of mortal fault, ibid., n. 7. — A commutation into something evidently better, made by a Prelate endowed with the power, requires no cause, ibid., n. 9. — As also one into something evidently equal, and at the same time probably better, ibid., n. 10. — A Prelate cannot make it into an equal thing except with some cause, ibid., n. 11. — If the commutation is made by virtue of the jubilee, of the crusade bull, or of another pontifical privilege, the execution of the works prescribed in it suffices without a cause, p. 355, n. 12. — For a commutation to be made into an equal good, the petition of the one vowing alone does not suffice, ibid., n. 13. — But it is required that there be a cause, at least a light one, ibid., n. 14. — Otherwise the commutation, though valid, would yet be unlawful, ibid., n. 15. — But if it is made into a lesser good without a reasonable cause, it is null, p. 356, n. 18 ff. — Much more if it is made by one's own authority, p. 357, n. 20. — One who commutes a vow into a lesser, or an equal, good without a reasonable cause sins only venially, unless the diminution of the thing substituted for the vow is notable, ibid., n. 21. — But one who so commuted his vow for himself would sin mortally, ibid. — When a commutation appears illegitimate, as being manifestly into a lesser thing, it is not to be presumed that the commutation was mixed with a dispensation, ibid., n. 22. — Commutation is broader in the jubilee than in the Crusade bull, p. 358, n. 1. — The vows of chastity and of religion excepted both in that bull and in the jubilee are perfect and absolute vows, ibid., n. 2. — Commutation can be made both within and outside confession, p. 359, n. 3. — Not, however, into something less, ibid., n. 4. — The vows of religion and of chastity cannot be commuted by force of the jubilee or of the bull, even when necessity presses, ibid., n. 5. — As neither can a vow and oath of giving alms to a determinate Church, or poor person, after its acceptance, ibid., n. 6. — One who has once gained the jubilee can obtain the commutation of vows after it, p. 360, n. 7. — A commutation obtained at the beginning of the jubilee stands even if the enjoined works are afterward omitted through negligence, ibid., n. 8. — But one who culpably omits them sins mortally, ibid. — A Confessor who, asked in the time of the jubilee, refuses without just cause to commute vows sins, p. 361, n. 9. — When a vow is commuted into another matter, the prior obligation is not extinguished, but changed, ibid., n. 1. — A commutation of the vow having been made, the one vowing is not bound to carry out the prior matter if the substituted matter has become impossible, ibid., n. 2. — He is bound to it, however, even after the defined time has elapsed, if it can be fulfilled, ibid. — After a commutation made into something better, and accepted, the one vowing cannot return to the former matter, p. 362, n. 6. — The same holds after a commutation made into an equal thing, p. 364, n. 7. — In the commutation of a vow only the matter promised by the vow is to be regarded; but in dispensation, the bond of the promise also, p. 365, n. 2. — This is explained, ibid. — The greater or lesser dignity of the matter is to be judged both from the excellence of the virtue whose fruit it is, and from the circumstances, ibid., n. 3. — This is explained, ibid. — In any vow, the end, the quality, and the dignity are chiefly to be considered, p. 366, n. 4. — The difficulty of carrying out a vow is to be considered also from this, that such difficulty increases merit, ibid., n. 5. — This is explained, ibid. — Though it is fitting, it is not necessary that a personal vow be commuted into a personal one, and a real into a real, p. 367, n. 6. — In the commutation of conditional vows, it is to be considered how contingent

the coming of the condition is, when they are to be commuted into absolute ones, ibid., n. 7. — This is explained, ibid. — In any commutation of vows, the frailty of the one vowing is always to be regarded, and care must be taken that he be not too heavily burdened, or remain exposed to the danger of sinning, p. 368, n. 8. — This is explained, and illustrated by examples, ibid. ; ibid., n. 9. — In a pilgrimage it is to be considered whether the journey is on foot or not, ibid., n. 10. — The manner of commuting a vow of entering the Dominican Order is assigned, from Medina, ibid., n. 11. — As also of a vow not to marry, and of receiving the priesthood, p. 369, n. 12 ff.

D

Daniel, Gabriel (*Daniel (P. Gabriel)*). Fr. Gabriel Daniel wrongly contends that Innocent XI condemned the propositions as they lie, not as they stand in the books of the authors from whom they were excerpted, p. 472, n. 1. — In this way he favours the doctrine of the Jansenists on the five propositions, ibid.

Dicastillo, Juan (*Dicastillus (P. Ioannes)*). Fr. Juan Dicastillo laxly teaches that it is lawful to use sacred vestments within the church for honest comedies, p. 29 f., n. 24.

Dispensation of vows (*Dispensatio in voto*). A dispensation in a vow can be granted by the Church, p. 313, n. 1. — Such a faculty resides with the Prelates of the Church, p. 314, n. 3. — And it is of spiritual jurisdiction, not of order, ibid., n. 4. — It is the removal of the bond of a vow, made in the name of God by one having spiritual jurisdiction in the external forum, for a reasonable cause, ibid., n. 5. — Such removal is rightly explained by St. Thomas, ibid., n. 7. — One who can dispense can more probably also commute, p. 315, n. 9. — This power can be delegated to all Priests, and to Clerics initiated by the tonsure, provided they are not married, p. 316, n. 2. — Not, however, to married ones, unless it is delegated by the Supreme Pontiff himself, ibid. — Those to whom this power belongs by ordinary right are reviewed, ibid., n. 3. — Vows made by a community can for a cause be dispensed by the Bishop; but the successors of the community are not bound by force of the vow, but by the precept of the Bishop, who can dispense them, ibid., n. 4. — One who can grant a dispensation from a vow more probably cannot apply this privilege to himself, but must have recourse for it to his superiors, p. 317, n. 6. — Regular Prelates can dispense in their subjects' vows made with the license of the major Prelates, p. 318, n. 2. — As also with their Novices, ibid., n. 3. — Not, however, with their subjects in a vow of passing to a stricter religious order, if they are in a laxer one, that is, one collapsed from regular discipline in substantial matters, ibid., n. 4 ; p. 319, n. 5. — Nor in solemn vows, and those which affect the state of their own religious order, ibid., n. 6. — The many privileges alleged by many to prove the faculty of Regulars to dispense in all vows of seculars not reserved to the Supreme Pontiff do not stand, p. 320 ff., n. 2 ff. — They are reviewed, and attacked, ibid. — The opinion granting such privileges to Regulars is altogether false, p. 325 ff., n. 16 ff. — This is shown, ibid. — The Salmanticenses also falsely teach that Regulars can dispense in any vows whatever with Religious, even of another Order, by force of the privileges of Eugene IV and Sixtus IV, p. 327, n. 24. — Only five vows are reserved to the Pontiff: namely, the vows of perpetual chastity and of religion, and of the threefold pilgrimage, to Jerusalem, to Rome, and to Compostela, p. 328, n. 1 ff. — Objections drawn from St. Thomas are resolved, p. 329, n. 4 f. — Oaths made to God concerning these things are more probably reserved to the Pontiff equally with vows, p. 330, n. 6. — Bishops, and Prelates having quasi-episcopal jurisdiction, can dispense in the five aforesaid vows when necessity presses, ibid., n. 7. — This is declared, ibid. — The Salmanticenses and Crousers wrongly ascribe the same privilege to all Prelates, ibid., n. 8. — In the cases in which Bishops can dispense, the dispensation ought not to exceed the limits of the necessity, p. 331, n. 9. — They can dispense as above, even if a pontifical Legate or Nuncio is in the province, unless these have power over the said vows specially delegated by the Pontiff, ibid., n. 10. — The reservation of vows is to be interpreted strictly, ibid., n. 11. — And for vows to be reserved, they must be absolute, certain, express, and perfect, ibid. — Vows to which someone intended to bind himself only under venial sin would not be reserved to the Pontiff, ibid., n. 12. — Or if they were made out of fear, even light fear, p. 332, n. 13. — If some such vow, or its reservation, is doubtful, it is to be judged in favour of non-reservation, ibid., n. 14. — A vow of not contracting marriage is not reserved, ibid., n. 15. — A Bishop can, by force of custom,

grant the faculty of asking the conjugal debt to one who, bound by a vow of chastity, contracted marriage, ibid., n. 16. — A vow of conjugal chastity is not reserved, ibid., n. 17. — Nor a vow of an unapproved religious order, p. 333, n. 18. — Vows of the threefold pilgrimage are reserved when they were made out of devotion, not in general, but toward the aforesaid places, ibid., n. 19. — A vow made with some circumstance is also reserved, if it remains whole when that circumstance is omitted, ibid., n. 20. — A disjunctive vow, while the choice remains open, is not reserved, ibid., n. 21. — It is otherwise once the one vowing has afterward chosen the reserved part, ibid. — A vow of entering religion if one's father dies is reserved, p. 334, n. 22. — Truly conditional vows, and penal ones too, are reserved once the condition is fulfilled, p. 335, n. 24. — The pious work into which a reserved vow is commuted is not reserved, p. 336, n. 25. — When the aforesaid vows are not reserved on some head, regular Prelates can commute them, ibid., n. 26. — One who receives by a bull, or jubilee, the faculty of dispensing, or commuting, all vows cannot relax even reserved ones, unless the faculty over them is expressed, ibid., n. 27. — For a valid and lawful dispensation a reasonable cause is necessary, ibid., n. 1 ; p. 337 ff., n. 2 ff. — In doubt of the existence of a cause for dispensing, the Prelate cannot dispense, p. 338, n. 6. — If the cause is certain, and it is doubtful whether it is sufficient, it will be better to commute the vow, ibid. — A dispensation given in good faith, both on the side of the one asking and of the one granting, for a cause afterward found false and null, is more probably null, p. 339, n. 8. — That a dispensation may be lawfully imparted, three things are required: that it be lawful according to equity; that it be becoming according to honesty; that it be expedient according to utility, p. 340, n. 9. — For particular causes occurring, the Bishop can dispense, p. 341, n. 10. — They are reviewed, ibid. — Imperfect deliberation of the one vowing alone is not a sufficient cause for granting him a dispensation, p. 341, n. 11. — Even if it arises from fear of death, of shipwreck, or of some other grave danger, p. 342, n. 12. — A grave difficulty in carrying out the vow, not foreseen before the vow, suffices for granting its dispensation, ibid., n. 13. — But if it was foreseen, it regularly does not suffice, ibid. ; p. 343, n. 14. — In a negative doubt about a vow made, there is a just cause for dispensing; not, however, if there are more probable reasons for the vow, ibid., n. 15. — For the increase of the common good, or to avoid its harm, a dispensation can be granted, ibid., n. 16. — A cause adequate for dispensing a vow absolutely rarely occurs, p. 344, n. 17.

Divination (*Divinatio*). What divination is is set forth, and its species are indicated, p. 41, n. 1 f. — Demons can foretell those future things which depend wholly on natural causes, ibid., n. 3. — Demons teach their diviners in many ways, p. 42, n. 4. — Diviners invoke the help of demons sometimes by an explicit, sometimes by a tacit pact, ibid. ; p. 43, n. 5 ff. — This is explained, ibid. — Divination by an explicit pact with a demon does not differ in moral species from that carried out by a tacit pact, p. 44, n. 11. — Yet on account of the aggravating circumstance, and because other sins commonly accompany this one, it is to be explained in confession, ibid. ; p. 45, n. 12. — It is a mortal crime, whether it is by an explicit or a tacit pact, p. 46, n. 13. — Those who rather often use the cabala for the sake of a jest sin gravely, ibid. — Natural divination by the stars, though for the most part vain, is yet lawful, p. 47, n. 1. — It is lawful to divine the future by dreams sent by God, p. 54, n. 4. — Whether they are sent by God or by a demon is difficult to know, ibid. — They are to be made known to a prudent Confessor, ibid. — The observation of natural dreams is lawful, ibid., n. 5. — To divine free future things from dreams is a grave crime, ibid., n. 6. — One who, on the occasion of dreams, prudently orders his conduct and business does not sin, p. 55, n. 7. — This is explained, ibid. — Even if dreams are borne out by events, they are not to be observed, ibid., n. 8. — From the song, flight, and movement of birds it is lawful to foretell future things which depend on natural causes, p. 56, n. 2. — But not free contingent ones, p. 57, n. 3. — Nor future things from human words uttered by chance, or from other fortuitous events, ibid., n. 4. — Natural physiognomy is lawful, ibid. ; p. 58, n. 5. — But to divine free contingent future things from astrological physiognomy is superstitious, ibid. — Those who seriously consult the Egyptians, commonly called Gypsies, that they may announce good or bad fortune to them from the showing of the hands, sin mortally, p. 58, n. 6. — Divination by the use of lots is of three kinds: divisory, consultative, and divinatory, p. 58 f., n. 1. — This is explained, ibid. — Divisory lots are lawful, p. 59, n. 2. —

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E

Elizalde, Miguel de (*Elizalde (P. Michael, vulgo Celladei)*). Fr. Miguel de Elizalde (commonly "Celladei") says that the Casuists' distinction between the doctrine of the Fathers teaching in the schools and that by which they preach in the churches is the chief origin of the present laxity, p. 480, n. 7.

F

Fascination (*Fascinatio*). See: Magic.

Francolino, Baldassarre (*Francolinus (P. Balthassar)*). Fr. Baldassarre Francolino falsely writes that our Casuists write from the doctrine of the Fathers where the Fathers have gone before, and from a doctrine not contrary to the Fathers where the Fathers have not gone before, p. 479 f., n. 7. — The distinction he places between the Fathers teaching in the schools and the same preaching from the pulpit is the origin of laxity, ibid. — That distinction lessens the authority of the Fathers, and favours the Lutherans and Calvinists, ibid.

Fuente Hurtado, Diego de la (*Fuente Hurtado (P. Didacus de la)*). Fr. Diego de la Fuente Hurtado upholds purely mental restrictions even after their condemnation, p. 522 ff. — His doctrine is reported and disapproved, ibid. — He offers the Jansenists a handle for eluding pontifical decrees, p. 524, n. 8. — He rashly attributes the doctrine of purely mental restrictions to Sts. Augustine, Thomas, and Gregory, ibid., n. 9.

G

Gobat, Georg (*Gobat (P. Georgius)*). Fr. Georg Gobat teaches a lax proposition concerning the vow, p. 170, n. 47.

Grotius, Hugo (*Grotius (Hugo)*). Hugo Grotius wrongly contends that the promissory oath is not lawful, p. 419, n. 1.

H

Heir (*Heres*). Whether an heir is bound to pay the vows of the testator. See: Vow.

Hesselius, Joannes (*Hesselius (Ioannes)*). Joannes Hesselius of Louvain wrongly contends that it is by no means lawful to destroy the signs of sorcery, p. 80, n. 9.

I

Idolatry (*Idololatria*). Idolatry is a particular species of superstition, and a grave crime, p. 38 ff., n. 1 ff.

Images, sacred (*Imagines sacrae*). See: Adoration.

Invalidation of vows (*Irritatio voti*). The invalidation of a vow is its removal, made by one who holds dominative power, p. 287, n. 1. — For such an invalidation to be valid, some cause is required, ibid., n. 3. — But for it to be lawful, there are two opinions, each true in its own sense, ibid. ; p. 288, n. 4 f. — The faculty of invalidating vows is more probably of natural law, p. 289, n. 7 f. — The Supreme Pontiff cannot invalidate whatever vows a father, guardian, prelate, and master can, p. 290, n. 10. — Bishops can invalidate the vows of Nuns subject to them, but not of those not subject, nor of exempt Regulars, nor of Clerics not their own, and much less of laymen, p. 291, n. 11. — Only those can invalidate vows directly who have dominative power over the persons subject to them, ibid., n. 12. — This is illustrated by examples, ibid. — To act prudently, a superior is bound to know specifically the vows to be invalidated, ibid., n. 13. — He can invalidate them even against the subjects' will, ibid., n. 14. — Even internal vows of Regulars, which in no way disturb the government nor the observance of religion, can be invalidated by their Prelates, p. 292 f., n. 3. — The objections are answered, p. 293, n. 4. — Those vows are excepted which constitute a state, and the vow of passing to a stricter religious order, p. 294, n. 5. — The Prelates able to invalidate the vows of subjects of Regulars are enumerated, ibid., n. 6. — Neither Legates a latere nor the Congregations of Cardinals can invalidate the vows of Religious, ibid., n. 7. — When the chief Prelates are present, the secondary ones have no right of invalidating vows, ibid., n. 8. — Abbesses, or Prioresses, can invalidate the vows of their Nuns, p. 295, n. 9. — Regular Prelates cannot invalidate the vows of Novices, ibid., n. 10. — Parents can invalidate the vows of non-pubescent children, p. 297, n. 2. — Not, however, the personal vows of children who have attained puberty, if these do not hinder the government of the household; otherwise he can, ibid., n. 3. — Vows made by children who are wards, and confirmed by them at puberty, cannot be invalidated, except as above, p. 298, n. 4. — The vows of non-pubescent children once confirmed by the father more probably cannot afterward be invalidated by him, ibid., n. 6. — Vows made by natural and illegitimate children can be invalidated by the father, unless they have been placed under a guardian or curator, p. 299, n. 7. — The real vows of pubescent children can be invalidated by the father, ibid., n. 8. — Not, however, if those vows concern goods of a military kind (castrensia), ibid., n. 9. — Or adventitious goods, of which they have the administration, p. 300, n. 10. — As neither a vow of going to Rome, if it is necessary to go there to obtain absolution from an excommunication, ibid., n. 11. — Guardians and Curators can invalidate the vows of non-pubescent children and minors as fathers can, ibid., n. 13. — A curator given to an adult on account of the fault of prodigality can invalidate his real vows, p. 301, n. 15. — A mother, the husband being present or living, cannot invalidate the vows of the children, p. 302, n. 19. — Nor when he is dead or far absent, if a grandfather, guardian, or curator of the children exists, ibid., n. 20. — She can, however, when all these are lacking, p. 303, n. 21. — Not, however, the real vows of pubescent children, ibid., n. 22. — In default of parents, a grandfather and grandmother can invalidate those vows which a mother can, ibid., n. 23. — Masters of disciples, owners of servants, and masters of household staff cannot invalidate personal vows made in childhood, p. 304, n. 25. — A husband can more probably invalidate only those vows of his wife made after the marriage was contracted which regard the marriage, the education of the children, the administration of goods, and the government of the household, ibid., n. 1 ; p. 305 f., n. 2 ff. — He cannot invalidate the vows and oaths of his wife concerning commanded works, p. 307, n. 7. — Nor can he more probably invalidate a vow of not asking the debt made by his wife without his consent, ibid., n. 8. — Nor a vow of chastity which the wife made with his consent, ibid., n. 9. — Or which both made by mutual consent, ibid., n. 10. — Even if they have afterward sacrilegiously performed the conjugal act, ibid., n. 11. — It would be otherwise if the spouses only granted each other leave to vow, without the kind of vow being specified, p. 308, n. 12. — When each spouse by mutual consent vows religion, one alone cannot, nor can both by mutual consent, invalidate that vow, ibid., n. 13. — Vows which the wife made before the marriage was contracted, but to be fulfilled after the marriage was entered upon, the husband cannot invalidate, but only suspend, inasmuch as they are inconvenient to the marital office, ibid., n. 14. — Vows which the wife makes, to be fulfilled after the marriage is dissolved, the husband more probably cannot invalidate, ibid., n. 15. — A wife can invalidate those vows of her husband which are repugnant to the matrimonial right, p. 309, n. 16. — A wife cannot invalidate a vow

made by her husband not to ask the debt, ibid., n. 17. — Such a vow would for the most part, and almost always, be unlawful, ibid., n. 18. — A wife can invalidate a vow which her husband made of wearing the habit of an Eremite, or of some religious order, p. 310, n. 19. — Not, however, a vow of giving ample alms and of pouring out lengthy prayers, ibid., n. 20. — She can invalidate a vow of keeping frequent fasts which would make the husband unfit to render the debt, ibid. — As also a vow of a long pilgrimage, ibid., n. 21. — She cannot, however, invalidate vows of the husband made before the marriage, but only suspend them, p. 311, n. 22. — Masters of household servants cannot invalidate their vows, but only suspend them, inasmuch as they hinder the service owed to them, p. 312, n. 1. — If the servants are truly slaves, the masters can invalidate vows that hinder the service owed to them; otherwise not, ibid., n. 4. — Not, however, vows of chastity and the like, ibid., n. 6. — The same is to be said of sons of a family who have slaves as goods belonging to their military peculium, p. 313, n. 7.

Oath (*Iuramentum*). Several heretics have condemned the oath as unlawful, p. 375, n. 1. — And this relying, as they think, on Scripture and on reason, p. 374, n. 2. — But it is a truth of faith that not every oath is forbidden, or unlawful, for Christians, ibid., n. 3 ff. — The arguments of the heretics are answered, p. 375 ff., n. 5 ff. — An oath is the invocation of the divine name to give credence to an assertion, or to confirm a promise, p. 383, n. 1. — This is explained, ibid., n. 3 ff. — The various formulas of swearing are reduced to three classes, p. 384, n. 7. — They are explained, and their force is laid bare by many examples, p. 385 ff., n. 8 ff. — Various ways of speaking that sound the same as "By God" are reviewed; and it is shown, chiefly against Sporer and Tamburini, that they are true oaths, p. 389 ff., n. 1 ff. — Those who everywhere take the name of God in vain, though they affirm or deny nothing, sin gravely, p. 391, n. 4. — These formulas, "By my soul," "On my soul," imply an oath; but not these, "By my conscience," "On my conscience", p. 391, n. 5. — One swears who says, "I swear by my conscience", p. 392, n. 6. — As does one who says, "I swear by the life of this horse," or by the preservation of an inanimate thing, ibid., n. 7. — One who, asked thus, "Do you swear to me by God that the matter is so?", answers "The matter is so," swears, p. 393, n. 8. — One swears who uses expressions taken for an oath according to common estimation, ibid., n. 9. — In an ambiguous matter, the intention of the one uttering it is to be attended to, ibid., n. 10. — It is not lawful to swear by false gods; nor does such an oath oblige, p. 394, n. 11. — Some formulas containing an execratory oath are reviewed, p. 395, n. 12. — They are to be weighed as they are commonly uttered, ibid., n. 13. — In an oath, the mind and intention of the one swearing are to be attended to, ibid., n. 15. — But if the formula of words by its own nature expresses an oath, it is an oath, even when the intention of swearing is lacking, ibid. — For an oath the word "I swear" is not required; an express invocation of the divine testimony suffices, p. 396, n. 16. — Words which can be used in a double sense are to be interpreted with regard to those who pronounce them, ibid., n. 17. — So too ambiguous words; as also they are to be interpreted from the circumstances, p. 397, n. 18. — That divine rule is explained: "But let your speech be Yea, yea; No, no", ibid., n. 19. — The division of oaths is to be taken from the side of the thing sworn, and from the manner of swearing, p. 398, n. 1. — On the side of the matter, the oath is divided into assertory and promissory, ibid., n. 2. — An assertory oath is that by which God is invoked in confirmation of a truth, either present or past, ibid. — A promissory oath is that by which one confirms the promise of a future thing, so as to make the other more secure, ibid. — Both are explained, ibid. — The promissory is divided into absolute, and confirmatory, which is also called a sworn vow, ibid. — One who violates a vow sworn to God sins both against the vow and against the oath, ibid. — On the side of the manner of swearing, the oath is divided into attesting and execratory, p. 399, n. 3. — This is explained by examples, ibid. — One oath is simple, another solemn, p. 400, n. 4. — Several rites of the Jews for the use of the oath are reported, ibid. — Various rites for solemn oaths are prescribed in civil and canon law, ibid., n. 5. — A solemn oath is either verbal, made by words alone, or judicial, which is taken in judgments, ibid., n. 6 ; p. 401, n. 7. — The judicial is either of calumny, ibid., n. 7. — Or of malice, p. 402, n. 8. — Or suppletory, ibid. — Another is "in litem," another necessary, another voluntary, ibid., n. 9 ff. — The suppletory oath is to be tendered to the defendant, not to the plaintiff, in a doubtful case, p. 403, n. 12. — And indeed only in the gravest necessity, ibid., n. 13. — There is no place for the suppletory oath in criminal cases in which a

corporal penalty is to be inflicted on the defendant, ibid., n. 14. — The aforesaid oaths are all of the same species, p. 404, n. 16. — Not seldom, however, they contain another malice too, as of blasphemy and so forth, ibid., n. 19. — That an oath be lawful, three conditions are required: truth, justice, and judgment, p. 405 ff., n. 1 ff. — This is explained, ibid. — Six cases are assigned in which an oath is not only free of fault, but even has the merit of virtue, p. 407, n. 4. — The truth required in an assertory oath need not be such in the thing; it suffices that it be thought such, p. 408, n. 1. — One who swears falsely in the lightest matter sins mortally, ibid., n. 2. — The opposite proposition of Fr. Bauny is condemned by Innocent XI, ibid. — One who swears a doubtful matter as certain, or the contrary, sins mortally, p. 409, n. 3. — One who swears by hyperbole something which, as it sounds, is not true, swears unlawfully, ibid., n. 4. — It is not lawful to swear something which you judge only probably to be true, p. 410 f., n. 5. — The lax opinions of Leander, Sánchez, and others are disapproved, ibid. — That someone may lawfully swear, moral certainty is necessary, which excludes every prudent doubt, p. 412, n. 7. — Moral certainty is wrongly explained by the Casuists, ibid., n. 8. — No one, whether in judgment or out of it, can swear as absolutely true a thing which he has heard only from a single trustworthy witness, p. 413, n. 9. — The norm of the diligence required in inquiring into the truth necessary for an oath ought to be, not the nature of the thing sworn, but the supreme gravity and dignity of the oath, p. 414, n. 10. — One who is notably negligent in inquiring into the truth of the thing he swears sins mortally, even if it happens to be true, ibid., n. 11. — That students may lawfully swear that a fellow student attended the schools for the time required by the university, it is enough that they know he commonly heard the lectures, p. 415, n. 12. — Tamburini's tangled doctrine, taken from Hurtado, is disapproved, ibid. — It is not lawful to persuade someone to swear a truth of which he himself is ignorant, ibid., n. 13. — The defect of justice in an assertory oath is more probably a mortal sin when the assertion of the one swearing is a mortal sin; otherwise not, p. 416, n. 3. — But the defect of judgment is light, if it is only in weighing the necessity of swearing, p. 418, n. 5. — But if it is in the inquiry into the truth, it will be grave or light according as the negligence was grave or light, ibid. — Grotius wrongly contends that the promissory oath is not lawful, p. 419, n. 1. — In it too truth, judgment, and justice are required, ibid. — In a promissory oath the defect of present truth is always a mortal sin, ibid., n. 2. — One who does not fulfil a thing promised and confirmed by oath in grave matter sins mortally, p. 420, n. 3. — The same holds even if the matter is light, p. 421 ff., n. 5 ff. — The failure to carry out such an oath brings in a falsity not material, but formal, p. 423, n. 9. — The objections of the adversaries are answered, p. 425 f., n. 12 ff. — One who promised something under oath with a doubtful intention of fulfilling it would sin mortally, p. 427, n. 16. — Oaths by which men commonly swear that they will, or will not, do something are to be interpreted according to the common sense in which they are taken, ibid., n. 17. — One who swears that he will fornicate, or perpetrate some grave crime, sins mortally against religion, p. 428, n. 2. — He more probably sins so too if the crime is light, ibid., n. 4 f. — One who swears that he will do something against the evangelical counsels sins only venially, p. 429, n. 6. — The matter of an oath must be lawful, possible, and good, p. 430, n. 1. — This is explained, ibid., n. 2 ff. — If an indifferent matter is sworn for an honest end, or for the benefit of one's neighbour, the oath obliges, p. 431, n. 6. — In a liberal promise, and in one sworn of contracting marriage, the condition "unless I choose a better state" is always included, p. 432, n. 8. — An oath concerning an unlawful thing needs no relaxation, ibid., n. 9. — Two objections drawn from canon law are answered, ibid. — Absolutely speaking, the obligation of a vow is greater than that of an oath, p. 434, n. 6. — It is not lawful to swear without the intention of swearing, p. 436 f., n. 9 f. — Fr. Tamburini's doctrine is disapproved as a condemned doctrine; and so is the explanation of it which Fr. Viva offers, ibid. — One who swears something false in grave matter without the intention of swearing sins mortally, p. 437, n. 11. — As also in light matter, ibid., n. 12 f. — Fr. Viva seems wrongly to defend the opposite as probable, ibid. — One who swears something true without the intention of swearing sins mortally, even if he swears in light matter, p. 439, n. 16. — One who deliberately swears, for example "By God it is so," utters a true oath, even if he has the intention of not swearing, ibid., n. 17. — An objection is satisfied, p. 440, n. 18. — One who swears something false by a slip of the tongue is not guilty of perjury, nor does he sin mortally; otherwise if from a

wicked habit, p. 441, n. 19. — One who swears without the intention of binding himself is more probably in fact bound, p. 442, n. 21.

L

La Croix, Claude (*La Croix (P. Claudius)*). Fr. Claude La Croix teaches a lax proposition concerning the vow, p. 117, n. 8. — And other lax ones on the same, p. 170 f., n. 47 ff. — He laxly teaches that one who omits the whole Rosary promised by vow sins only lightly, p. 183, n. 13. — He laxly teaches that one who vows abstinence from wine to avoid drunkenness may take any other drinks apt to inebriate, p. 226, n. 3. — His doctrine and Fr. Cattaneo's, comparing a lie with a theft committed in extreme necessity, is opposed to the doctrine of the Church, p. 492 ff., n. 1 ff. — His doctrine of mental restrictions falls back into that which teaches that the danger of losing life is a cause able to make a purely mental restriction not purely mental, p. 504, n. 14. — And into that which teaches that a lie in grave necessity is not a lie, and so is lawful, p. 505, n. 15. — His interpretation of the condemned amphibologies is reported and disapproved, p. 517 f., n. 7 ff. — His method of writing opens the way to excessive laxity, p. 520, n. 12.

Leander of the Most Holy Sacrament (*Leander a SS. Sacramento*). Leander of the Most Holy Sacrament most laxly teaches that one who blasphemes from an inveterate custom does not sin, p. 103, n. 6. — Another horrible laxity of the same on this, ibid., n. 7. — He wrongly calls on St. Augustine as patron in defence of his laxity, ibid., n. 8. — Another laxity of the same, which he falsely imputes to Navarre and to St. Thomas, is disapproved, p. 105, n. 12. — He praises Amadeus Guimenius, full of laxities, errors, and impostures, p. 107, n. 5. — Another laxity of the same, and of the recent Probabilists, on absolving habitual blasphemers at once, is disapproved, p. 109 f., n. 6. — Other lax propositions of the same on the vow, p. 116 f., n. 3 and 5 ; p. 136 f., n. 17 ff. — And on the oath, p. 379 f., n. 3 and 8 ; p. 410, n. 5.

M

Magic (*Magia*). Natural magic, by which certain wonderful and unusual things are done, is lawful, p. 68, n. 1 f. — Natural and superstitious magic can be distinguished by three signs, p. 69, n. 3. — They are reviewed, ibid. — In doubt whether an effect proceeds from a natural cause or from a superstitious art, one must abstain from procuring it, ibid. ; p. 70, n. 4 f. — The equivocation of the Salmanticenses, who wrongly fit the doctrine of St. Thomas to the question, is exposed, ibid. — That there are "healers," so called, who heal diseases not by natural power but by a grace freely given by God, is more probably not the case, p. 71 f., n. 6 ff. — Their superstition can be discerned by several signs, p. 73, n. 10. — They are reviewed, ibid. — An invocative charm (ensalmus) is lawful, but not a constitutive one, ibid., n. 11. — Both are explained, ibid. — One fascination is vulgar, another physical, or natural, p. 74, n. 12. — That there is a natural one is more probable, ibid., n. 14. — The vulgar is superstitious, p. 75, n. 15.

Sorcery (*Maleficium*). One sorcery is poisonous, another amatory, p. 76, n. 1. — The Church proposes remedies for expelling these, p. 77, n. 2. — The remedies proposed by the Philosophers against amatory sorcery are vain and full of superstition, ibid. — Yet the use of natural remedies is useful, ibid. — It is not lawful to ask the dissolution of a sorcery from a sorcerer, even one ready to do it, ibid., n. 3. — The objections are satisfied, p. 78, n. 4. — It is lawful to ask a sorcerer to take away a sorcery, if it is established that he can do it by lawful means, ibid. ; p. 79, n. 5 ff. — It is lawful to destroy the signs of sorcery, p. 80, n. 8. — Hesselius's opposite opinion is disapproved, ibid., n. 9. — A sorcerer who handed a demon a document signed with his own blood is not bound to redeem it in order to do true penance, p. 81, n. 10. — Money, whether genuine or counterfeit, obtained by the demon's art, must altogether be thrown away, ibid. — Women given to sorcery are called some "lamiae," some "sagae," some "striges", p. 81, n. 1. — This is explained, ibid. — Women are more given to sorcery than men, for several causes, ibid., n. 2. — These causes are reviewed, ibid. — Two reasons are assigned why old women rather than younger ones devote themselves to enchantments and sorcery, p. 83, n. 3. — A solid reason why God permits lamiae, or striges, to harm infants and the young rather than adults,

ibid., n. 4. — Striges can in fact be carried from place to place by the help of the demon, ibid. ; p. 84, n. 5. — This rarely happens, ibid. — Little faith, too, is to be given to women in these matters, ibid., n. 6. — Luther and his followers wrongly accuse Catholics of giving credence to some transports of this kind, p. 85, n. 7. — The Council of Ancyra does not favour them, ibid. — Witch-women, or men, can by no means be changed by the demon into a cat, a weasel, a hare, or other beasts, ibid. ; p. 86, n. 8 f. — Only the senses of those who see, and of the witches, can be changed by him, ibid., n. 10. — Demons cannot bring witches through closed doors into houses and the bedchambers of their lovers, ibid., n. 11. — The place is assigned in which the gathering of witches with demons is held, and what they do at such meetings, ibid., n. 12. — Intercourse of demons with women does in fact happen, p. 87 f., n. 13. — The usual objections of the adversaries are washed away, p. 88, n. 14. — Human and divine laws decree that sorcerers be punished, p. 89, n. 1. — They are in fact excommunicated by the law, ibid., n. 2. — They are to be denounced to the Inquisitors, ibid.

Marín, Juan (*Marin (P. Ioannes)*). Fr. Juan Marín teaches a lax proposition concerning the vow, p. 117, n. 7. — He laxly teaches that one who vows virginity is not bound to chastity, p. 234, n. 22.

Martínez de Prado, Juan (*Martinez de Prado (Ioannes)*). Juan Martínez de Prado teaches a lax proposition concerning the vow, p. 116, n. 4. — And another, p. 153, n. 11 f.

Lying (*Mendacium*). Plato, and some Fathers of the Church, taught that a lie is lawful when a most grave cause presses, p. 445 ff., n. 1 ff. — Their testimonies are reported, ibid. — Chrysostom was not free of this error, p. 446, n. 5. — Such an opinion was common in St. Augustine's time, p. 448, n. 8. — It is wrongly proved hence by the heretics that the Fathers are of no authority, ibid., n. 9. — Before, or around, Augustine's time, several authors declared war on lying, p. 449 f., n. 1 ff. — They are reviewed, ibid. — All that St. Augustine writes on lying is narrated compendiously, p. 451 ff., n. 1 ff. — All that the same holy Doctor wrote to Consentius against lying is likewise narrated compendiously, p. 458 ff., n. 1 ff. — In that book all lies are expressly routed, ibid. — Augustine's doctrine is most opportune for settling the controversy over the deceitful oath, against the doctrine of very many more recent writers on equivocations and mental restrictions, p. 464 ff., n. 1 ff. — Their doctrine is either the same as, or worse than, that which St. Augustine disapproved, ibid. — The doctrine devised by very many more recent writers for concealing the truth is narrated historically, p. 467, n. 1. — A synopsis is given of this doctrine, contained in various lax propositions of Thomas Sánchez and of Tamburini, p. 468 ff., n. 2 ff. — Innocent XI condemned the principles of the aforesaid propositions when he condemned mental restrictions, p. 472, n. 1. — That this Pontiff condemned only the propositions as they lie, and not as they stand in the books of the authors from which they were excerpted, Fr. Gabriel Daniel wrongly asserts, ibid. — After mental restrictions were condemned, very many more recent writers took refuge in the distinction of purely and not purely mental restrictions, as also in amphibological and equivocal words, p. 473, n. 3 ff. — This is explained, ibid. — Not a few others, in communicable and incommunicable knowledge, p. 474, n. 5. — Others, finally, in locutions employed materially, that is, with the intention of signifying nothing, ibid., n. 6. — The doctrine of Fr. Tanner and of Fr. Stoz is explained, p. 475, n. 7. — And the doctrine of Fr. La Croix, especially with respect to a Confessor questioned about a matter he holds under the seal, ibid., n. 8. — Fr. Ambrogio Cattaneo extends this doctrine to cases not only grave, but to avoiding any notable inconvenience whatever, p. 476, n. 9 f. — Yet the doctrine of these more recent writers is the same as the doctrine of Cassian, who would have lies lawful in extreme necessity, p. 477, n. 1 ff. — And it is opposed to the doctrine of St. Augustine, who condemns lies in every event, ibid. — This is shown by a comparison of the cases proposed by the same Augustine and by the more recent writers, and resolved by contrary doctrine, ibid. — The doctrine of the more recent writers on purely mental restrictions is false, and rightly condemned by the Church, p. 481 ff., n. 1 ff. — The objections are answered, p. 483 f., n. 6 ff. — It is improbable and false that words, by the common law of the commonwealth, signify nothing if they are employed to conceal a truth which cannot be made known without grave harm, p. 485 ff., n. 1 ff. — That law was unknown to all the ancients, ibid., n. 2. — The opinion of Tamburini, who says that a man may at will utter words materially, is laxer than the very proposition condemned concerning mental restrictions, p. 489 ff., n. 1 ff. — The opinion of

Fr. Cattaneo, of Fr. La Croix, and of others, comparing a lie with a theft committed in extreme necessity, is opposed to the doctrine of the Church, p. 492 ff., n. 1 ff. — The common opinion of very many more recent writers, which defends restrictions not purely mental by the help of communicable and incommunicable knowledge, useful and not useful for speaking, is brought under examination, p. 499 ff., n. 1 ff. — It is shown not to differ from the opinion of those who uphold purely mental restrictions, ibid. — What Fr. Viva has published on it is attacked, ibid. — His doctrine falls back into the condemned proposition, p. 502 f., n. 9 ff. — The causes are reviewed why very many more recent writers in fact defend the proscribed purely mental restrictions, p. 506 f., n. 1 f. — The doctrines of Fr. Sánchez are reported and disapproved, together with the defence of him that Fr. Viva offers, ibid. ; p. 508 ff., n. 5 ff. — Very many more recent writers in fact teach mental restrictions because they wrongly put life before truth, p. 515, n. 1. — When the use of mental restriction is rejected as unlawful, it is wrongly inferred that some precepts of God are impossible, ibid., n. 2. — St. Augustine's doctrine is shown, p. 516, n. 3 f. — The single and peculiar case of Confessors is wrongly confused with other cases, ibid., n. 5 f. — It is false that the condemned propositions were not condemned as they stand in the authors, p. 517, n. 7. — Extraordinary senses are wrongly fastened on the aforesaid propositions, in which it is contended that they were condemned, ibid. ; p. 518 ff., n. 8 ff. — The senses attributed to them by Fr. La Croix and by the anonymous defender of Fr. Cattaneo are reported and disapproved, ibid. — Fr. Moya, Fr. Cárdenas, Sporer, and very many other more recent writers are on that account to be read with caution, p. 520 f., n. 12. — Purely mental restrictions are not lawful even for an honest cause, but are pure lies, p. 522 ff., n. 1 ff. — Fr. Diego de la Fuente Hurtado upholds them after the propositions condemned by Innocent XI, and Fr. Casnedi teaches that they are not condemned, ibid. — Their doctrines are reported and disapproved, ibid. — An amphibology which, either by force of the words or of the circumstances, admits a double sense, both intelligible to the hearer, is not a lie, but is lawful, p. 526 ff., n. 1 ff. — This amphibology does not always occur, or suffice to conceal the truth, especially when the questioner presses that we speak without equivocation, p. 528 ff., n. 8 ff. — Secrets which cannot be revealed without sin must therefore be concealed by another way, ibid. — Nine rules to be observed are assigned, p. 531 f., n. 10 ff. — The texts of Scripture which the ancients put forward in defence of lies, and the more recent writers in defence of mental restrictions, are expounded, p. 533 ff., n. 1 ff. — Some Gospel texts are wrongly brought forward in favour of mental restrictions, p. 536 ff., n. 1 ff. — This is shown by the explanation of all of them, ibid. — And likewise by the solution of the objections drawn from reason, and from the examples and doctrine of the Saints, p. 543 ff., n. 1 ff.

Molinos, Miguel de (*Molinos (Michael)*). Miguel de Molinos taught two errors concerning the vow, afterwards condemned by Innocent XI, p. 115, n. 1.

Moya, Mateo de (*Moya (P. Matthaeus)*). Fr. Mateo de Moya, who first spread lax opinions under the mask of Amadeus Guimenius, afterwards coined them anew under the splendid colour of probability, p. 145, n. 30. — He contends by an empty distinction that one who vows virginity is not always bound to chastity, p. 234, n. 22. — He teaches a lax proposition concerning the oath, p. 380, n. 10. — Fr. La Croix rightly warns that he is to be read with caution, p. 520, n. 12.

O

Opinion (*Opinio*). See: Propositions, condemned; Propositions, lax.

Orsi, Giuseppe Agostino (*Orsi (P. Ioseph Augustinus)*). The works of Fr. Giuseppe Agostino Orsi are praised, p. 444 ; p. 497, n. 13.

P

Probabilists (*Probabilistae*). The Probabilists, whether the Church condemns lax propositions full of scandal or does not, have escapes by which to defend them, p. 526, n. 13.

Probability (*Probabilitas*). Not every probability makes moral certainty, as Leander wrongly contends, p. 410, n. 5. — Probability does not suffice for swearing, ibid.

Propositions, condemned (*Propositiones damnatae*). The condemned propositions contained in this work. On the habitual sinner, p. 110, n. 6. — On the vow, p. 115, n. 1. — On the oath, p. 373, n. 1 ; p. 377, n. 1 ; p. 408, n. 2 ; p. 410, n. 5 ; p. 436, n. 9.

Propositions, lax (*Propositiones laxae*). The lax propositions concerning the vow contained in this work, p. 116 ff., n. 2 ff. — On these and other lax propositions. See: Bauny, Étienne; Bonacina; Casnedi, Carlo Antonio; Cattaneo, Ambrogio; Castropalao, Fernando; Daniel, Gabriel; Dicastillo, Juan; Francolino, Baldassarre; Fuente Hurtado, Diego de la; Gobat, Georg; La Croix, Claude; Leander of the Most Holy Sacrament; Marín, Juan; Martínez de Prado, Juan; Moya, Mateo de; Sánchez, Tomás; Sporer, Patritius; Tamburini, Tommaso; Torrecilla, Martín de; Viva, Domenico.

La Puente, Luis de (*Puente (P. de la)*). Fr. Luis de la Puente's vow never to sin venially deliberately was made by a special leading of the Holy Spirit, p. 174, n. 57.

R

Raymond of Peñafort, St. (*S. Raymundus de Pennafort*). St. Raymond of Peñafort in his Summa does not favour lying, p. 545, n. 7. — These words, "to go against the mind," are taken by him for these others, "to go against conscience", ibid.

Religion, the religious state (*Religio*). Religion, or the religious state which one professes, is a thing praiseworthy and full of merit, p. 251, n. 1. — One who vows it ought to apply every diligence to enter it, ibid., n. 2. — So one who vows, if he hopes to be received into it by making his vow known, is bound to make it known to the Prelate, ibid. — This vow is explained: "I promise to enter religion, unless God should decide otherwise concerning me", p. 253, n. 1. — And this other: "I vow to enter this religious order, if I shall have entered any", ibid., n. 2. — A vow by which one vows that no person shall be an obstacle to him, so that he should not enter religion, is valid, p. 254, n. 3. — Whether one who made a vow of wishing to enter religion is bound to enter it depends on the intention of the one vowing, ibid., n. 4. — A vow of dying in religion is equivalent to a vow of religion, p. 255, n. 5. — A vow of eremitic and solitary life induces an obligation, ibid., n. 6. — One who vows religion absolutely does not fulfil the vow if he assumes the habit of the Knights of St. James, of Calatrava, of Alcántara, of Montesa, and of St. John, ibid., n. 1 ; p. 256, n. 2. — He would fulfil it by entering an order of military Clerics, ibid., n. 3. — He would not fulfil it if he entered a relaxed religious order, ibid., n. 4. — A relaxed religious order is one that fails in substantial matters, ibid., n. 5. — This is explained, ibid. ; p. 257, n. 6 f. — One who vows to enter a stricter religious order does not satisfy by entering a laxer one, ibid., n. 8. — Nor can he lawfully persevere in the laxer, if he has professed in it, p. 258, n. 9. — No religious order collapsed in substantial matters has the privilege of receiving those who vowed a stricter one, p. 259, n. 10. — What one who vowed religion indefinitely ought to perform is assigned, ibid., n. 11. — One who vows to enter this determinate convent, if he suffers a refusal, is bound to approach other monasteries, unless he was moved by a special reason to vow so, p. 260, n. 12. — One rejected for ever, if invited again by the religious order, is more probably free of the vow, p. 261, n. 14. — He is not free of it if, the petition being made, the religious order asks for time to deliberate, ibid. — One bound by a vow can be repelled by a regular Prelate with the same facility as one not bound, ibid., n. 15. — One who vowed religion that he might be a Cleric in it is free of the vow, if the religious order will not admit him except as a layman, ibid., n. 16. — An illegitimate son who, ignorant of the constitution of Sixtus V by which illegitimate sons are repelled from ranks and dignities, vows religion, seems to be bound to the vow once the constitution is known, p. 262, n. 17. — One who vowed religion in the priestly state is bound to learn grammar, that he may be admitted to it, ibid., n. 18. — One who, having made a vow of religion, contracts marriage can still, and ought to, abstain for two months from asking and rendering the debt, and enter religion, ibid., n. 19. — The marriage consummated, he can render and ask, ibid. — If such a vow follows the marriage, he can render, and

ask, ibid. — A vow of religion is not fulfilled by accepting the Episcopate, p. 264, n. 20. — One who enters religion with the intention of leaving does not satisfy the vow, ibid., n. 2. — Even if he entered together with the resolve of praying God that he might change his heart, p. 265, n. 3. — A vow of entering it, and of leaving it at once, is null, ibid., n. 4. — One who vows to enter it with the liberty granted by law to Novices can leave once the trial is made, ibid. — He does not, however, satisfy the vow if, the trial made, he leaves without any cause, p. 266, n. 5 f. — The just causes for withdrawing from religion are reviewed, p. 267, n. 7. — One who, beyond religion, vows also perseverance in it cannot leave it except on account of evident inability to profess, or of his expulsion from the religious order, ibid., n. 8. — If, however, he leaves otherwise, he is not bound to keep chastity in the world, unless he vowed this too, at the same time and principally, p. 268, n. 9. — One who vows entrance into religion is bound to enter it as soon as he conveniently can, ibid., n. 1. — If, an opportunity being given, he defers it beyond half a year, he sins mortally, p. 269, n. 2. — If he cannot fulfil this vow at the time prefixed for himself, and foresees it, he is not bound to anticipate that time, ibid., n. 3. — Unless the defined time admits latitude, p. 270, n. 4. — If the designated time runs out, he is still bound once it has elapsed, ibid., n. 5. — It would be otherwise with a vow of fasting fixed to a day, ibid. — If the end of a vow of religion was the whole and only cause of vowing it, you are not bound by the vow once that end ceases; otherwise you are bound, p. 271, n. 6. — The same holds of the condition under which the vow was made, ibid. — One who spontaneously places impediments so that the condition under which he vowed religion may not come to pass is not exempted from fulfilling the vow, ibid. ; p. 272, n. 7 ff. — Vows of Religious made without the Prelate's permission, concerning honest matter which disturbs neither jurisdiction nor the religious order, are valid, p. 275 f., n. 4. — It is otherwise if they concerned things forbidden either by the Rule, or by the precept of Superiors, p. 277, n. 5. — A vow made by Prelates of Regulars of giving alms is valid, ibid., n. 6. — Vows of subjects of Regulars, made without the Prelates' permission, of giving something in alms from the goods granted them for their use, are not, however, valid, p. 278, n. 7 f. — A Religious, profession having been made, does not escape free of the bond of the vow on account of a right he acquires to the royal crown, p. 286, n. 11 [=9]. See: Invalidation of vows.

Relics of the Saints (*Reliquiae Sanctorum*). See: Adoration.

Reservation of vows (*Reservatio votorum*). See: Dispensation of vows.

Mental restrictions (*Restrictiones mentales*). See: Lying.

S

Sacrilege (*Sacrilegium*). Sacrilege is the violation of a sacred thing, p. 95, n. 1. — It is threefold: one by which a sacred person, another by which a sacred place, another by which sacred things are violated, ibid., n. 2. — This division, from St. Thomas, is into the lowest, or atomic, species, p. 96, n. 3. — The sacrileges contained in the violation of sacred persons are reviewed, ibid., n. 4. — Likewise those contained in the violation of a sacred place, ibid., n. 5. — One who, outside a sacred place, has the will to kill in a sacred place contracts the malice of sacrilege, p. 97, n. 6. — But not one who in a sacred place deliberates, for example, about fornicating in a place not sacred, ibid. — Sacred things are divided into four degrees, ibid., n. 7. — To abuse the words of Sacred Scripture is sacrilege, p. 98, n. 8. — The decree of Trent against this abuse is reported, ibid. — Sacrilege can be committed even by omission, ibid., n. 9. — This is explained by examples, ibid. — The omission of the reception or administration of the sacraments at the due time is more probably not sacrilegious, ibid., n. 10. — Sacrilege is by its kind deadly, p. 99, n. 11. — It can be light on account of the smallness of the matter, or of inadvertence, ibid., n. 11. — The penalties established against the sacrilegious are some pecuniary, others spiritual, ibid., n. 12.

Salmanticenses (*Salmanticenses*). In a doubt about the honesty of an action, the Salmanticenses wrongly apply another doctrine of St. Thomas, p. 69 f., n. 4. — They wrongly allege St. Antoninus and Sylvester, p. 129, n. 2.

Sánchez, Tomás (*Sanchez (P. Thomas)*). Fr. Tomás Sánchez laxly and monstrously teaches that what is received for divination need not be restored, provided the diviner used the devil's art, p. 51, n. 13 f. — He laxly teaches

that things we know by a merely probable conjecture can be sworn as true, p. 410 f., n. 5. — He teaches many lax propositions, and some condemned ones, concerning equivocations and mental restrictions, p. 468 ff., n. 2 ff. — They are reviewed, ibid. ; p. 509 ff., n. 9 ff. — Fr. Sánchez is proved to be, with just cause, the author of propositions 27 and 28 condemned by Innocent XI, p. 512 f., n. 15 f.

Dreams (*Somnia*). Their various kinds, and four causes, p. 53, n. 1 f. See: Divination.

Lots (*Sortes*). See: Divination.

Sporer, Patritius (*Sporer (P. Patritius)*). Fr. Patritius Sporer teaches a lax proposition concerning the vow, p. 116, n. 2. — And another on the observance of the vow, p. 135, n. 2 [=12]. — Likewise another, p. 183, n. 13. — He laxly excuses from mortal sin one who vows abstinence from wine, unless he drinks as much wine as a temperate man is accustomed to drink at one meal, p. 227, n. 4. — In this he expressly contradicts himself, ibid. — He teaches a lax proposition on the commutation of a vow, p. 353, n. 5. — And on the oath, p. 378 f., n. 1, 11, and 15. — And another, p. 389, n. 2. — He is to be read with caution on account of the condemned doctrines which he praises in others and copies from them, p. 521, n. 12.

Religious state (*Status religiosus*). See: Religion, the religious state.

Superstition (*Superstitio*). What superstition is, and its division, is set forth, p. 32 f., n. 1 ff. — From an undue manner of worshipping God it is a grave sin, p. 34, n. 5. — To mix profane and shameful things into the divine office is a grave sin; but light, if they are only vain, ibid., n. 6. — One who proposes false relics for adoration, or preaches false miracles, sins gravely, ibid., n. 7. — One who fasts on Sunday only to restrain the flesh and the senses does not sin, ibid., n. 8. — Several common cases in which superstition lies hidden are reported, p. 35 ff., n. 1 ff. See: Divination.

T

Tamburini, Tommaso (*Tamburinus*). Tamburini laxly teaches that the precept of adoring God of itself and directly never obliges, p. 4, n. 6. — He most laxly teaches that one who blasphemes from an inveterate custom does not sin, p. 103, n. 5 f. — He laxly teaches that one who omits the whole Rosary promised by vow sins only lightly, p. 183, n. 13. — A want of diligence in reporting the opinions of authors is familiar to him, p. 342, n. 12. — He teaches lax propositions concerning the oath, p. 379 f., n. 2, 4, and 14. — And another, p. 390, n. 2. — And another, from Hurtado, p. 415, n. 12. — And another, condemned, on one who swears without the intention of swearing, p. 436, n. 9. — And other lax ones likewise on the oath, p. 470 f., n. 15 f. — He laxly teaches that a man may at his pleasure utter words materially, that is, stripped of all signification, p. 489, n. 1. — This doctrine is laxer than the condemned one on mental restrictions, ibid., n. 2 ff.

Tempting God (*Tentatio Dei*). The tempting of God is an inordinate trial of some divine perfection, by words or deeds, p. 9 [=91], n. 1. — One kind is express, another tacit, ibid., n. 2. — It is by its kind a grave sin, p. 92, n. 3. — To tempt God even when the matter is light is more probably mortal, ibid., n. 4. — One who strives to make his innocence manifest by the trial of red-hot iron, or of boiling water, tempts God, p. 93, n. 5. — The examples usually adduced are answered, ibid. — One who, to convert a heretic, offers a miracle to be wrought by God in confirmation of Catholic truth tempts God, p. 94, n. 6. — Express and tacit tempting of God are not two distinct sins, ibid., n. 7. — In confession it must be disclosed whether the tempting of God was express or tacit, ibid.

Torrecilla, Martín de (*Torrecilla*). Torrecilla teaches lax propositions concerning the oath, p. 382 f., n. 24 ff.

V

Wyclif, John (*Wicleffus*). Wyclif wrongly asserts that oaths made to strengthen human contracts and civil dealings are unlawful, p. 373, n. 1. — This proposition is condemned in the Council of Constance, ibid.

Viva, Domenico (*Viva (P. Dominicus)*). Fr. Domenico Viva teaches lax propositions concerning the oath, p. 381 f., n. 16 and 23. — He wrongly denies to Tamburini the condemned proposition on one who swears without the intention of swearing, p. 436, n. 9. — He is to be read with caution in his exposition of the condemned propositions, ibid. — He does not depart from the sense of proposition 25 condemned by Innocent XI, ibid. — He seems wrongly to defend as probably lawful swearing something false in light matter without the intention of swearing, p. 437, n. 12. — He defends restriction not purely mental by the use of a twofold knowledge, communicable and incommunicable, p. 500, n. 4. — And he extends it to all men when a grave cause presses, p. 501 f., n. 5 ff. — And to rustics, when no convenient external restriction occurs, ibid. — Such a doctrine falls back into the very proposition proscribed, p. 502, n. 9. — He wrongly contends that the propositions condemned on mental restrictions were condemned only in their obvious sense, and not as they stand in their authors, p. 506, n. 2. — This doctrine favours Jansenism, and is shown to be false, p. 507 ff., n. 3 ff. — His commentaries on the condemned propositions are to be read with caution, p. 520 f., n. 12.

Wolff, Christian (*Wolfius (Christianus)*). Christian Wolff, a Lutheran, wrongly denies that an oath produces a new obligation of performing something to the one to whom one swears, p. 433 f., n. 3.

Vow (*Votum*). The Lamperians, Wyclif, Luther, and Calvin condemned the vow, p. 112, n. 1. — A vow of abstaining from wine is not made by us as though some holiness lay beneath wine, as Calvin slanders, ibid., n. 2. — Other ravings of Calvin about the vow are reported, and turned back upon him, p. 113, n. 3 ff. — A vow can rightly be made both for a defined time and for ever, p. 114, n. 5. — This is shown from the Scriptures and by reasons against Calvin and Luther, p. 114, n. 5. — The condemned, and some lax, propositions on the vow are reviewed, p. 115 ff., n. 1 ff. — A vow is a deliberate promise made to God of a better thing, p. 118, n. 2 ; ibid., n. 3 ff. — Full and perfect deliberation is necessary for a vow, p. 119, n. 5. — If these are present, even sudden vows must be fulfilled, ibid., n. 6. — One who hastily makes a vow of great moment sins venially, p. 120, n. 7 f. — The Salmanticenses are attacked, ibid. — A vow made deliberately, though hastily, is valid, ibid. — For no vow, though in the lightest matter, does half-full deliberation suffice, p. 121, n. 9. — Virtual deliberation, or liberty, suffices for a vow, ibid., n. 10. — A resolve, though firm, is not a vow, and induces no obligation, p. 122, n. 1 [=11]. — The Fathers often use "vow" for "resolve", ibid. — The nature of a vow lies in the promise, p. 123, n. 1 [=12]. — How it differs from a resolve is explained, ibid. — The resolve of the one vowing can be considered in different ways, ibid., n. 13. — One who vows with the intention of vowing, and of binding himself, is bound by the vow, though he has at the same time the will of not carrying out the promise, p. 124, n. 15. — The same holds, though he had at the same time no intention of binding himself, p. 125, n. 18. — Vows made in honour of the Saints are valid, p. 126 ff., n. 1 f. — This is explained, and at the same time Erasmus, Luther, and Calvin are attacked, ibid. — The vows we pronounce to the Saints are properly made to God alone, p. 128, n. 6. — All those things which are commanded by divine or ecclesiastical law can be the matter of a vow, p. 129, n. 2 f. — The promise made at the reception of baptism, to renounce the devil and his pomps, is not a vow except in a broad sense, p. 130, n. 4. — For a vow to be of a better good, it suffices that it be such compared with the contrary omission of the same vow, ibid., n. 5. — Things opposed to the evangelical counsels are not fit matter for vows, p. 131, n. 6. — In some circumstances a work which, speaking absolutely, is opposed to them is in fact not opposed, ibid. — A vow of contracting marriage, speaking of itself, is not valid, p. 132, n. 7. — This is explained, ibid. — One who, agitated by the stings of concupiscence, vows marriage to avoid fornication and other acts of lust, more probably does not vow validly, ibid. ; p. 133, n. 8 ff. — The arguments of the contrary opinion are resolved, p. 134, n. 11. — A married person hindered from asking the debt by a vow (as by incest, or spiritual kinship) cannot ask the debt even if he is agitated by vehement stings of the flesh, lest he fall into grave sins of lust, p. 135, n. 12 f. — Sporer's opposite lax opinion is attacked, as also another of his much like it, ibid. ; p. 136, n. 15 f. — Vows of chastity, of religion, or of not marrying, made by those for whom it is more salutary on account of incontinence to enter marriage, are valid, and oblige even after supervening vexations of lust, ibid. ; p. 137 ff., n. 17 ff. — The opposite opinion of Leander, Moya, Fr. La Croix, and others is shaken out and attacked, ibid. — Vexations of lust can best be overcome by other means than marriage, ibid. — A vow not to vow is invalid,

p. 146, n. 32. — A vow not to seek a dispensation, commutation, or invalidation is valid; it does not, however, oblige when it is more useful to the soul to seek them, p. 147, n. 34. — Whether those who vow not to seek a commutation may seek a dispensation, or an invalidation, is to be gathered from the intention of the one vowing, p. 148, n. 35. — Indifferent things are not the matter of a vow, p. 149, n. 1. — A vow of a thing whose execution is a sin is invalid, ibid. ; p. 150 ff. — The objection drawn from Jephthah's vow is answered, as are other objections, ibid. — A vow of running bulls in honour of some Saint is not valid, p. 153, n. 11 ff. — The opposite opinion of Martínez de Prado, improbable and false, is rejected, ibid. — A vow of women not to comb their hair on such-and-such a day, and similar vows, are invalid, p. 154, n. 14. — A vow of nocturnal vigils is valid; not, however, one of not going to sea, ibid., n. 15. — A vow made for a wicked end, or for the attainment of a wicked end, is always evil and void, p. 156 f., n. 18 ff. — Soto's doctrine is explained, p. 157, n. 23. — A vow of offering God a good gift for a future effect attached to a shameful condition is invalid, p. 159 f., n. 25. — A vow pronounced in thanksgiving to God for a shameful act already done is invalid, p. 160, n. 26. — As also a vow made in thanksgiving for victory in an unjust war, and for gain from an unjust game, p. 161, n. 27 ff. — The lax opinion of Castropalao, who wrongly cites Suárez in his favour, is refuted, ibid. — A vow made for a son received from a concubine is valid, as also for safety brought back from a duel, p. 163, n. 31. — As also a vow of punishing one's own crime, ibid., n. 32. — And also a vow for an indifferent end, if it is made in thanksgiving to God, ibid., n. 33. — A vow for the end of obtaining temporal things is null, if the one vowing stops in them, ibid., n. 34. — It is valid if it is directed to obtaining temporal goods from the liberality of God, as is commonly done, ibid. — One who vows to God what is evil sins now gravely, now lightly, p. 164, n. 35. — One who makes a vow to sin mortally, even without the intention of fulfilling it, sins mortally, ibid., n. 36. — The matter of a vow must be not only physically, but also morally possible, p. 165, n. 37. — A vow partly of a possible thing, partly of an impossible, is valid in the possible part, unless the one vowing intended the conjunction of both, ibid., n. 38. — A vow of a divisible thing must be fulfilled in the part which can be fulfilled, ibid. — One who vows to build a church, and cannot build the whole, is bound to build a part, unless the part is useless: and if so, he is bound to build a chapel in another church, or something else for the worship of God, p. 166 f., n. 39 f. — The objections of the Salmanticenses are answered, p. 167, n. 42. — A vow of matter partly good, partly evil, must be fulfilled in the good part, unless the one vowing intended otherwise, p. 168, n. 43. — One who makes a disjunctive vow, one part of which is fit and the other unfit, in practice makes a double vow, one valid, the other void, ibid., n. 44. — A vow of going to Rome barefoot obliges to its substance, though not to its manner, p. 169, n. 45. — A vow not to gamble is valid, ibid., n. 46. — A vow not to gamble excludes even moderate play, and play done through another, p. 170, n. 47 ff. — The opposite lax opinion of Gobat, La Croix, and others is attacked, ibid. — A vow never to sin mortally is valid; not, however, one of avoiding all venial sins collectively, p. 171, n. 50. — In practice, those who vow to avoid all mortal and venial sins understand it so far as human frailty permits, ibid., n. 51. — A vow of avoiding all sins distributively, either mortal or venial, is null, p. 172, n. 52. — A vow of avoiding some kind of venial sin is valid, ibid., n. 53. — Not, however, one of avoiding all venial sins, even distributively, ibid., n. 54. — The reasons of the opposite opinion are reported, p. 173, n. 55. — And refuted, ibid., n. 56. — St. Teresa's vow never to sin venially was by divine instinct, p. 174, n. 57. — As also the vow of Fr. de la Colombière and of Fr. Luis de la Puente, ibid. — The vow of a mother who learns that her unmarried daughter is pregnant, and promises the Blessed Virgin a thousand coins if, to avoid infamy, she dies before the birth, is impious, ibid., n. 58. — A daughter's vow not to marry another unless she marries him by whom she was violated, and who had promised her marriage before their union, is valid, ibid. — A vow is divided into absolute, conditional, and penal, p. 175, n. 1. — Some conditions customarily attached to vows are reported, ibid., n. 3. — This vow, "I promise to enter religion, if my elder brother has had children," is not conditional, as the Salmanticenses would have it, but absolute, ibid. ; p. 176, n. 4. — A vow is divided into solemn and simple, necessary, common, particular, real, and perpetual, p. 177, n. 5 ff. — One is reserved, another not; one express, another implicit; one public, another occult, p. 178, n. 10. — That a vow induces an obligation is a truth of faith, p. 179, n. 1. — The obligation of a vow pertains to the virtue of fidelity, or of religion, but not to

that virtue to which the promised matter belongs, p. 180 f., n. 2 ff. — This is shown, and an objection is satisfied, ibid. — It is of greater merit to undertake some work to be carried out under the law of a vow than without a vow, p. 182, n. 8 ff. — The obligation of a vow is by its own nature grave, p. 183, n. 12. — One who omits to fulfil a light part of the matter promised by vow sins venially, ibid., n. 13. — To omit a whole Rosary would not be light matter, as La Croix, Tamburini, and Sporer laxly teach, ibid. — The transgression of a vow whose whole matter, being absolutely small, is omitted, is only venial, p. 185, n. 15 f. — In practice, however, chiefly by reason of the ends of the one vowing, it scarcely happens without mortal sin, ibid. — The one vowing cannot bind himself gravely in light matter, p. 186, n. 17. — And more probably not lightly in grave matter, ibid. ; p. 187, n. 18 f. — The opposite reasons are refuted, ibid. ; p. 188 ff., n. 20 ff. — A vow to avoid a venial sin obliges under mortal, p. 190, n. 25. — One who violates several vows in light matter on the same day sins mortally, p. 190 ff., n. 26 ff. — The opposite lax opinions of Fr. 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