Summa of Moral Theology

Adapted for the use of schools

by

H. Noldin, S.J.

Professor of Sacred Theology in the University of Innsbruck.

I.

On the Principles of Moral Theology.

With the approval of the Bishop of Brixen and of the superiors of the Order.

On the Principles of Moral Theology

Adapted for the use of schools

by

H. Noldin, S.J.

Professor of Sacred Theology in the University of Innsbruck.

Ninth edition

(5000 copies).

With the approval of the Bishop of Brixen and of the superiors of the Order.

Innsbruck.

Printed and published by Fel. Rauch (L. Pustet).

At Ratisbon, Rome, and New York,

with Frederick Pustet.

1911.

Table of Contents

- Introduction (p. 5)
  - Into Moral Theology (p. 5)
    - On The Nature Of Moral Theology (p. 5)
    - On The Sources Of Moral Theology (p. 10)
    - On The Principles Of Moral Theology (p. 13)
- Book First (p. 14)
  - On The Ultimate End Of Man (p. 14)
    - On The Ultimate End Itself (p. 14)
    - On The Means To The Ultimate End (p. 18)
    - On The Moral Order (p. 30)
- Book Second (p. 34)
  - On Acts Apt For The End (p. 34)
    - On Human Acts (p. 34)
    - On Moral Acts (p. 54)
    - On Acts Morally Good (p. 71)
    - Appendix (p. 77)
    - On Acts Morally Indifferent (p. 77)
    - On Supernatural Acts (p. 79)
    - On Meritorious Acts (p. 82)
- Book Third (p. 86)
  - On Laws (p. 86)
    - On The Nature Of Law (p. 86)
    - On Divine Law (p. 89)
    - On Human Law (p. 100)
    - On The Subject Of Law (p. 112)
  - On Ecclesiastical Domicile. (p. 119)
  - On the Promulgation and Acceptance of Law. (p. 120)
  - On the Interpretation of Law and Epikeia. (p. 123)
  - On the Obligation of Law. (p. 125)
  - On the Obligation of Law in General. (p. 125)
  - On the Obligation of Special Laws. (p. 128)
    - § 1. On Penal Law. (p. 128)
    - § 2. On Invalidating Law. (p. 129)
    - § 3. On Law Founded on Presumption. (p. 131)
  - On the Manner of Fulfilling Obligation. (p. 132)
  - On the Cessation of Obligation. (p. 136)
  - On Causes De-obliging from Law. (p. 136)
  - On Dispensation from Law. (p. 138)
    - § 1. On the Power of Dispensing. (p. 139)
    - § 2. On the Causes of Dispensation. (p. 142)
    - § 3. On the Cessation of Dispensation. (p. 144)
  - On Privilege. (p. 146)
  - On the Cessation of Law. (p. 149)
  - On Custom. (p. 151)
  - On Derogatory Custom. (p. 151)
  - On Obligatory Custom. (p. 154)

- On the Collision of Duties and Rights. (p. 155)
- Book Fourth. (p. 157)
- On Conscience. (p. 157)
  - On the Nature of Conscience. (p. 157)
  - On Conscience in General. (p. 157)
  - On the Obligation of Following Conscience. (p. 160)
  - On Scrupulous Conscience. (p. 162)
  - On Certain and Doubtful Conscience. (p. 165)
    - § 1. On Certain Conscience. (p. 165)
    - § 2. On Doubtful Conscience. (p. 166)
  - On Probable Opinion. (p. 168)
  - On the Moral System. (p. 170)
  - On the Various Systems. (p. 170)
    - § 1. On Absolute Tutiorism. (p. 172)
    - § 2. On Mitigated Tutiorism. (p. 172)
    - § 3. On Probabiliorism. (p. 173)
    - § 4. On Laxism. (p. 174)
    - § 3. On the System of Probabilism. (p. 175)
    - § 6. On Equiprobabilism. (p. 185)
  - Article 2. On Reflex Principles. (p. 188)
  - Article 3. On the System of St. Alphonsus. (p. 189)
  - Article 4. On the Authority of St. Alphonsus. (p. 191)
- Book Fifth. On Virtues. (p. 193)
  - Question 1. On Virtues in General. (p. 193)
    - Article 1. On the Nature of Virtues. (p. 193)
    - Article 2. On the Distinction of Moral Virtues. (p. 196)
  - Question 2. On the Cardinal Virtues. (p. 198)
    - Article 1. On Prudence. (p. 199)
    - Article 2. On Justice. (p. 200)
      - § 1. On the Nature of Justice. (p. 200)
      - § 2. On the Obligation of Justice. (p. 205)
    - Article 3. On Fortitude, or on Martyrdom. (p. 206)
      - On Martyrdom. (p. 208)
    - Article 4. On Temperance. (p. 210)
- Book Sixth. On Sins. (p. 211)
  - Question 1. On the Nature and Division of Sin. (p. 212)
  - Question 2. On the Distinction of Sins. (p. 216)
    - Article 1. On the Theological Distinction of Sins. (p. 216)
      - § 1. On the Difference between Mortal and Venial Sin. (p. 216)
      - § 2. On Mortal Sin. (p. 219)
      - § 3. On Venial Sin. (p. 221)
      - § 4. On Habitual Sin. (p. 223)
    - Article 2. On Specific Distinction. (p. 223)
    - Article 3. On Numerical Distinction. (p. 226)
  - Question 3. On the Conditions of Sin. (p. 231)
    - Article 1. Conditions of Mortal Sin. (p. 231)
    - Article 2. Conditions of Venial Sin. (p. 233)

- Question 4. On the Gravity of Sin. (p. 235)
- Question 5. On the Origin of Sin. (p. 237)
  - Article 1. On Temptation to Sin. (p. 237)
  - Article 2. On the Danger of Sin. (p. 241)
- Question 6. On Internal Sins. (p. 243)
  - Article 1. On Depraved Desires. (p. 243)
  - Article 2. On Depraved Joys. (p. 245)
  - Article 3. On Morose Delectation. (p. 246)
- Question 7. On Certain Kinds of Sin. (p. 247)
  - Article 1. On Capital Sins. (p. 247)
    - § 1. On Pride. (p. 248)
    - § 2. On Avarice. (p. 249)
    - § 3. On Envy. (p. 250)
    - § 4. On Gluttony. (p. 250)
    - § 5. On Anger. (p. 257)
    - § 6. On Sloth. (p. 258)
  - Article 2. On Sins Crying to Heaven. (p. 259)
  - Article 3. On Sins Against the Holy Spirit. (p. 260)

- Index of Subjects (p. 261)
- Printed Analytical Index (p. 270)

Introduction

Into Moral Theology[1]

First Question

On The Nature Of Moral Theology

1. Definition. 1. Moral theology can be defined: the science of human activity, insofar as it is directed to the ultimate supernatural end.

a. The material object of moral theology is human acts, that is, the whole free human activity; for moral theology undertakes to direct this activity to the end of human life. The formal object is the human act in order to the ultimate supernatural end; for moral theology considers human acts not under just any respect, but insofar as they are ordered to the ultimate end of human life, or insofar as by them man tends to the end of eternal life.

b. It belongs to moral theology to teach in what way human actions ought to be arranged, so that through them man may attain his ultimate end. But a twofold ultimate end of man can be considered: the natural, which befits man insofar as he is a creature of God, and such as it would have been if God had left man in the order of nature; and the supernatural, which befits man insofar as he is a son of God, and which in the present supernatural order is proposed to us as to be attained. Which actions bring man to the natural end can be known by the natural light of reason, and this is taught by moral philosophy; but which actions befit the supernatural end can be known only from divine revelation, and this is taught by moral theology. Nevertheless the natural and supernatural end, or order, do not exclude each other, but the supernatural supposes the natural and elevates it to a greater dignity.

2. The proposed definition is to be proved: for the definition of any science ought to set forth its proper object, so that it may be distinguished from every other science. But the proposed definition sets forth the proper object of moral theology, and indeed in such a way that moral theology is easily distinguished from ethics, which is occupied with the same object: for ethics orders human actions to the ultimate natural end, whereas moral theology orders the same actions to the ultimate supernatural end.

2. Other definitions. Moral theology can be defined in two other ways:

a. The science of the laws and means by which human actions are ordered to the ultimate supernatural end.

In order that man may come to the supernatural end of eternal life, God has given precepts which must be observed, and has instituted means which must be employed. Hence, in order to direct human actions to their ultimate end, norms to be observed from the will of God and means to be employed from the same will must be proposed. Since, therefore, the task of moral theology consists in this, that it direct human actions to the ultimate end, moral theology must teach both the laws given by God and the means instituted by God.

b. The science of the virtues which man must exercise in order to come to the ultimate supernatural end.

Notes

1. Bouquillon, *Theologia moralis fundamentalis*, 3rd ed. (Bruges: Beyaert, 1903). Lehmkuhl, *Theologia moralis*, 10th ed. (Freiburg: Herder, 1902). Muller, *Theologia Moralis*, 2nd ed. (Vienna: Meyer, 1894). Schwane, *Allgemeine Moraltheologie* (Freiburg: Herder, 1885). Simar, *Lehrbuch der Moraltheologie* (Freiburg: Herder, 1893). Pruner, "Moraltheologie" (*Kirchenlexikon*, 2nd ed.). Gopfert, *Moraltheologie*, 6th ed. (Paderborn: Schoningh, 1905). Kraunitzky, *Moraltheologische Einleitung*, 2nd ed. (Breslau: Aderholz, 1898). Schindler, *Lehrbuch der Moraltheologie* (Vienna: Opitz, 1897).

Every moral action of man is in the genus of some virtue; for by any human action by which a norm is observed or a means is employed, through which man is directed to the ultimate end, some virtue is exercised. Therefore the proper task of moral theology can also be set forth in this way: that it teaches the virtues which man, according to the will of God, must exercise in order to attain his ultimate end. Hence moral theology can truly be called the doctrine concerning Christian virtues; and because the complex of all virtues is signified by the name of justice, moral theology is rightly called the doctrine concerning Christian justice - *die Lehre von der christlichen Gerechtigkeit.*

Note. It can be asked whether moral theology is properly a doctrine concerning virtues, or rather a doctrine concerning duties. Both can be truly and rightly affirmed: for the proper task of moral theology is so to direct man that he may obtain the end of eternal life. Now man can be directed to this end in two ways: either by deducing from Christian revelation and declaring the virtues which must be exercised for obtaining the ultimate end; or by collecting and explaining the norms or precepts which, according to the will of God, must be observed for obtaining the ultimate end. The former was done by St. Thomas in the second part of the second part of the *Summa Theologica*; the latter was accomplished by St. Alphonsus in moral theology. The former is more suited to theory and speculation, the latter to the practice of the confessional and to popular instruction. Nevertheless moral theology does not set forth the doctrine of the virtues absolutely and perfectly, but it teaches the virtues only insofar as they are prescribed and insofar as their exercise is necessary for obtaining eternal life or for avoiding sin. The doctrine of the virtues, complete in every respect up to the highest perfection, belongs to Ascetic Theology.

3. Practical theology. Moral theology is a theological science, and indeed a practical one.

a. It belongs to the nature of moral science that it set forth truths pertaining to morals not in any manner whatever, but in such a way that it demonstrates them from principles or sources, shows the connection by which they cohere both with each other and also with the ultimate end, confirms one from another, and by reasoning from them deduces new truths; this is what moral theology, if it deserves to be marked by this name, must accomplish.

b. In order that it may be called a theological science in the strict sense, it must not only treat of God, but must also be known from divine revelation. But moral theology treats of God insofar as He is the ultimate supernatural end to be attained by man, and insofar as He is the lawgiver and institutor of the means of salvation; and this is known chiefly from divine revelation.

c. A practical science is one which does not intend mere knowledge of truth, but rather operation. But moral theology is wholly concerned with directing human actions, since from its task it teaches which precepts are to be observed and which virtues are to be exercised for obtaining the end of eternal life.

4. On the progress of moral science. Although the moral truths to be proposed in moral theology always remain unchanged in themselves, nevertheless moral theology itself, insofar as it is a theological science, can and must make continual progress. For, in the first place, the conditions of human life are continually changed and developed; hence moral truths must be applied to new conditions of life, so that human life may be in every respect consonant with moral norms. Moreover the sciences, both sacred and profane, daily increase and are perfected; indeed new sciences repeatedly arise. But the advances of these sciences and their discoveries are also of use to moral theology and perfect it. Finally, in the course of time, different adversaries arise and assail moral truths with new weapons. But by the fact that their attacks are rejected and their difficulties solved, moral truths themselves shine with greater clarity and are established with more perfect certitude.

5. The relation of moral theology to related sciences. a. To ethics. Ethics agrees with moral theology in many things; indeed the latter partly contains the former in itself. For since the supernatural end does

not exclude the natural end, but rather supposes and contains it, what is evil with respect to the natural end will necessarily also be evil with respect to the supernatural end, although what is good with respect to the natural end cannot yet be good with respect to the supernatural end unless it is elevated to the supernatural order.

Nevertheless ethics and moral theology differ in several respects:

a. By reason of the means of knowledge: for the means of knowing for ethics is natural reason; but the primary means of knowing for moral theology is divine revelation, while the secondary means is reason enlightened by faith.

b. By reason of the object: for moral theology adds to ethical truths many truths drawn from divine revelation, especially those which refer to supernatural life and to the theological virtues.

c. By reason of the end: for ethics directs man to natural perfection and the natural end; but moral theology directs him to supernatural perfection and the supernatural end.

d. By reason of the means: for moral theology teaches man the supernatural helps, and especially the sacraments instituted by God, so that by their aid he may be able to come to the end of eternal life. Likewise it supplies supernatural motives of acting - fear, hope, charity - and finally shows supernatural examples - the life of Christ and of the saints - so that the faithful may attain their end in an easier and more perfect way, as is shown by the highest Christian perfection which the saints of the Church have attained.

e. To dogmatic theology.

f. The older theologians did not distinguish dogmatic theology from moral theology, but brought together all revealed truths under the name of speculative theology into one body of doctrine.

g. Afterwards, however, they separated moral theology from dogmatic theology and treated it separately, so that they assigned to moral theology the truths which pertain to directing morals, and to dogmatic theology those truths which do not proximately refer to morals. They called the latter theoretical theology, and the former practical theology.

From this it is clear that many moral truths are drawn from divine revelation and, as dogmas, pertain to the object of faith, such as the truths concerning the exercise of the theological virtues. Indeed there are several truths about which discourse can be undertaken with equal right both in dogmatic theology and in moral theology, such as truths concerning the sacraments, justification, merit, the end of man, the virtues, sins, and so forth.

c. Dogmatic theology, with regard to truths which pertain to faith alone and not to morals, is the foundation of moral theology, so that one ought to support and illuminate the other. And indeed the moral actions of man themselves are understood more accurately and more perfectly from dogmatic truths concerning justice and original sin, creation, redemption, and the grace of the Redeemer. Moreover, there are many other dogmatic truths which shed much light on moral truths.

d. To pastoral theology. Pastoral theology is the doctrine concerning the care of souls. Therefore it teaches pastors how they ought to exercise the care of souls according to the example of Christ the Lord, who is the prince of pastors,[2] namely through the exercise of the threefold office: of teacher, priest, and king, or pastor. Moral theology, among all theological disciplines, is most closely related to pastoral theology. For

---

Notes

2. 1 Pet. 5:4.

moral theology treats of the obligations which are incumbent upon all men, so that by their observance they may come to the end of eternal life; but pastoral theology treats of the duties which are incumbent specifically upon pastors, so that they may rightly exercise the care of souls and by its exercise lead the faithful committed to them to the end of eternal life.

e. To juridical sciences. Ecclesiastical law directs the external activity of ecclesiastical society and orders the relation of individual faithful to that same society; it more accurately determines and perfects the law, both natural and positive divine. Since a true legislative power has been granted to the Church by God, her laws have force in the forum of conscience and, according to the will of God, must be observed, so that we may obtain the end of eternal life. Therefore moral theology must frequently also attend to the dispositions of ecclesiastical law. Civil law rules the external activity of civil society and determines the external relation of citizens both among themselves and to society itself; it explains and perfects the social law of nature. Since civil authority also is furnished with the power of making laws that bind in conscience, its laws too must be observed according to the will of God. Of these laws, those pertain especially to moral theology by which rights are established and determined.

Among the philosophical and juridical sciences in our time the social and economic sciences are diligently cultivated; their investigations must be attended to in moral theology, so that by their aid false or obsolete notions and opinions may be corrected and moral theology itself may be fittingly perfected.

Note 1. Theologians, with Clement of Alexandria leading the way,[3] reduce the relation between Christian ethics and ancient ethics, and the perfection of the former, to these three heads. Christian ethics: a. contains all moral truths, and these fittingly connected; b. supplies greater certitude, drawn both from evident internal reasons and from the highest authority of Christ; c. confers force and virtue, by which even the most difficult and most perfect moral precepts may be expressed in the life of the faithful.[4]

Note 2. The relation between Catholic and Protestant ethics is determined by these five heads. Catholic ethics: a. is governed by the infallible magisterium of the Church; on the contrary, Protestant ethics, which lacks such a magisterium, necessarily falls into subjectivism and error; b. its source is not Scripture alone, but besides Scripture it also acknowledges ecclesiastical tradition; c. it teaches that liberty is necessary for the moral life, and that neither sin nor grace removes it; d. it teaches that the justification of sinners consists in internal conversion and sanctification through divine grace, not in the subjective apprehension of the justice by which Christ is just; e. we obtain justification through the sacraments received in reality or in desire, which the Church alone instituted by Christ administers.

From these points two things are made manifest. The first is that the difference between Catholic and Protestant ethics must be called entirely essential; the second is that the reason for the difference must be taken from the dogmatic truths which are rejected by Protestants.[5]

6. Method. Moral theology, by reason of its task, proposes norms and laws by which the moral and Christian life of man must be directed. Now the method of moral theology is the mode and form which is observed in proposing these laws, or in treating moral theology. A threefold method is distinguished: positive, scholastic, and casuistic.

Notes

3. *Stromata* 1, 20.
4. Cf. Mausbach, *Christentum und Weltmoral* (Munster: Aschendorff, 1897), pp. 1-35.
5. Cf. Mausbach, *Die katholische Moral* (Cologne: Bachem, 1901), p. 70 ff.

a. The positive method is that by which moral truths, drawn from the proper sources of this science and proved from them, are proposed in systematic order. Therefore the positive method supplies a simple knowledge of moral truths from their sources.

b. The scholastic or speculative method is that by which moral truths taken from their proper sources are explained more accurately, confirmed from theological and philosophical principles, vindicated from attacks, the connection by which they cohere with one another and with the ultimate end is investigated, and finally conclusions are deduced from them. Therefore the scholastic method supplies a deeper and more scientific knowledge of the same truths.

c. The casuistic method is that by which, systematic order being neglected, moral truths are applied to particular cases, and these the rarer cases of human life, and practical questions, especially the more difficult ones, are resolved from moral principles, so that in individual cases it may be known what is lawful and what unlawful, what is grave sin and what light sin.

d. Others, passing over the positive method as being joined with the scholastic method by an inseparable bond, distinguish this threefold way of treating moral theology: scholastic, casuistic, and mystical. The mystical method is that by which moral truths are treated in such a way that they arouse and direct one to pursue virtue, and that perfect virtue. Therefore the mystical method sets forth the individual virtues and their diverse grades of perfection, and from moral truths deduces reasons and motives by which man may be moved and determined to pursue Christian perfection. Since there exists a special theological discipline, namely ascetic theology, which treats of virtues in this way, the mystical method is not a way of treating moral theology.

e. Moral theologians who chiefly follow the casuistic method are called casuists. Some of them, with the exposition of principles almost entirely neglected, devote themselves almost exclusively to solving cases, especially the more difficult and intricate ones (Bucceroni, Genicot); others, however, after a more or less accurate and scientific exposition of principles has been set forth, give their effort to discussing cases (Elbel, Lehmkuhl).

7. The method of recent authors. Recent authors of moral theology do not follow only one method in preference to the others, but most of them fittingly join all three. Therefore, although in the different parts of moral theology, according as the matter itself requires, one method prevails over the others, nevertheless generally there is discerned a method composed and mixed from these three.

And rightly indeed the casuistic method is joined also with the positive-scholastic method.

For where moral theology is proposed to future confessors, the mere exposition of moral principles is not sufficient, but the resolution of diverse cases and questions drawn from practical life is altogether necessary. For the application of principles to practical questions, especially those entangled by diverse circumstances, is not without difficulty for beginners; and this difficulty cannot be overcome except by long and varied exercises.

Moreover, the solution of many practical questions is taken not so much from certain principles as from the prudent judgment and estimation of experts. But such a prudent estimation is not acquired except by the manifold consideration and study of cases which authors discuss and resolve.

Hence it happens that in moral theology, especially in questions whose solution depends upon prudent estimation, not only is much deference given to the authority of those theologians who excel the rest in prudent judgment, but also the opinion of several authors is usually cited, because the conforming judgment of several in questions of this sort offers a very clear testimony of truth.

8. Division. In order that moral theology may suit the practical end which we chiefly intend, it can fittingly be divided into three parts. The first is concerning the foundations of moral theology, or concerning the first and general principles of this science. The second is concerning precepts, which sets forth the norms drawn from Christian revelation which man, according to the will of God, must observe in order to attain the ultimate end of eternal life. The third is concerning the sacraments, which are so many means or helps of salvation instituted by God, so that man by their use may come to eternal life. God commands the use of these means by positive law, and the Church determines it by her decrees.

This division does not differ from that by which moral theology is commonly divided into two parts, of which one is called general or fundamental, the other special. The former sets forth the general principles of morals, namely those properties which must belong to all human actions so that they may be apt for the ultimate end. The latter teaches what man in particular must do or omit, namely both the obligations which, according to the will of God, man must fulfill, and the means which he must employ in order to obtain eternal life. For this reason special moral theology comprises those two parts which we mentioned above: concerning precepts and concerning the sacraments.

Second Question

On The Sources Of Moral Theology[6]

The source of moral theology is taken in a twofold sense: that from which moral truths are first known, a source; and that in which known moral truths are contained, theological places.

9. Sources. The supreme sources of moral theology, from which moral truths are known, are divine revelation and human reason, both natural and theological, that is, enlightened by faith.

a. Moral theology embraces supernatural truths manifested to us through divine revelation: for since the end to which this science must direct man is supernatural, it must contain within itself truths of the supernatural order; and indeed we must know these truths from divine revelation.

b. In order to obtain the end of human life, it is necessary that man also observe the laws of the natural order: for the supernatural end does not exclude the natural end, but supposes and perfects it. Therefore the laws of the law of nature, manifested to us through reason, likewise belong to the object of moral theology. Moreover reason declares and illustrates moral truths divinely revealed, and by reasoning deduces new truths from them.

c. Which moral truths have been manifested to us either through revelation or through reason, we learn from the infallible magisterium of the Church. For this magisterium was instituted by God and endowed with the prerogative of infallibility so that, with supreme and infallible authority, it might propose and declare to us truths, both supernatural and natural, pertaining to the moral order. Therefore by some authors the magisterium of the Church is called the formal or directive principle of moral theology, just as of dogmatic theology.

10. The places of moral theology. Now those documents must be exhibited in order in which moral truths, both supernatural and natural, are found deposited.

Notes

6. Melchior Cano, *De locis theologicis* VIII, 4. From the time when moral theology, among the theological sciences, began to exhibit a discipline standing by itself and distinct from dogmatic theology, treatment also began concerning the sources or places of moral theology. For although the sources of moral and dogmatic theology are almost the same, nevertheless moral theology has some proper to itself. Francis Zacharia, S.J., first published a special treatise concerning the places of moral theology, whom others then followed in this matter. Cf. the dissertation prefixed as prolegomena to Alphonsus de Liguori's moral theology, concerning the origins, places, and excellence of casuistic theology; Zacharia composed this dissertation at the request of St. Alphonsus himself, and the holy Doctor had it placed before the third edition of his work.

1. Sacred Scripture, both of the Old and of the New Testament.

a. Sacred Scripture of the New Testament is the primary place of moral theology, insofar as it contains not only moral precepts and counsels brought forth from the mouth of the divine Savior Himself, but also exhibits to us the most perfect example of Christian life in the most holy life of Christ the Lord.

b. Sacred Scripture of the Old Testament comprises precepts both moral and ceremonial and judicial. The ceremonial and judicial precepts, deprived of the force of binding, have ceased; but the moral precepts, confirmed by Christ and raised to greater perfection, retain binding force in the New Testament.

Note. The moral doctrine of the Old Testament is not absolutely, but nevertheless relatively, perfect; and this indeed in a twofold sense: both because it is more perfect than the moral doctrine of the other peoples of antiquity, and because it contains the perfection of the New Testament as it were in its root. For Christ the Lord did not come to destroy the law, but to fulfill it.[7] By the most wise counsel of divine providence it was brought about that divine revelation was gradually developed from imperfect beginnings to the perfection due to it. Moreover morality had to be accommodated to the character and capacity of the Israelite people, to whom the utterances of God were entrusted.[8] Therefore to a people not yet capable of a more perfect morality, precepts are at first proposed from authority without internal motives, which are added later; likewise at the beginning the same people are drawn to the keeping of the law more with a view to reward than with a view to virtue. But it can by no means be conceded that the Old Testament contains anything opposed to uprightness. What they reproach in the Old Testament, namely that the actions and precepts of God - killing the innocent, taking away what belongs to another, hating enemies, and the like - are vicious, and that persons inspired by God teach and perpetrate things which are vicious, rests upon passages of Sacred Scripture wrongly understood. Besides, the sayings and deeds of the Old Testament must be measured not according to the perfect norms of the New Testament, but according to the intellectual and moral culture of the Israelite people.

2. Councils, both general and particular - whether national, provincial, or diocesan - by canons which pertain to morals, partly declare and define moral precepts divinely given, and partly establish new precepts for the salvation of the faithful.

It must be noted that most laws given by the Church are disciplinary laws, which direct the external morals of the faithful and therefore are variable. For external morals, just as the circumstances of things, are changed day by day; hence it happens that disciplinary laws also are various according to the character of times and places: for what is useful at this time and place becomes useless at another time and place, indeed sometimes even harmful.[9]

3. Decrees of the supreme pontiffs, by which in diverse ways - either through constitutions, or encyclicals, or through responses of the congregations - either false moral doctrines are condemned, or moral precepts of divine or ecclesiastical law are declared, or it is expressly established what must be held and what must be done concerning determinate matters.[10]

From condemned propositions, directly and immediately the proscribed error is known; but indirectly and mediately, at the same time, the truth defined by the Church is also known. For by this very fact, that

---

Notes

7. Matt. 5:17.

8. Rom. 3:2.

9. Cf. Benedict XIV, *De synodo* l. 5, c. 3, n. 7.

10. A collection of these decrees was made by Jan. Bucceroni, *Enchiridion morale complectens selectas decisiones sanctae sedis et s. r. congregationum*^3 (Rome: Typographia iuvenum opificum, 1908).

the error is rejected, the contradictorily opposite proposition is established as true; and since condemned propositions are infallibly false, it is rightly inferred that the opposite propositions are infallibly true.[11] Of condemned propositions which pertain to moral matter, these are the chief:

a. The 28 propositions condemned by Alexander VII on September 24, 1665, as scandalous and dangerous in practice.

b. The 17 propositions condemned by the same Alexander VII on March 18, 1666, as scandalous.

c. The 66 propositions condemned by Innocent XI on March 2, 1679, at least as scandalous and pernicious in practice.

d. The 31 propositions condemned by Alexander VIII on December 7, 1690, as rash, injurious, ill-sounding, savoring of heresy, and so forth.

e. The 5 propositions concerning the duel condemned by Benedict XIV on November 10, 1752, by the constitution *Detestabilem*, as false, scandalous, and pernicious.[12]

4. The works of the holy Fathers. The holy Fathers of the Church are to be considered not only as witnesses of tradition, but also as teachers of truths pertaining to morals. Therefore it must be distinguished whether they propose ecclesiastical doctrine or their own. If they agree in proposing ecclesiastical doctrine, their opinion is to be held as absolutely certain, for the Church cannot fail from the truth. But if they propose a truth concerning which nothing has been defined by the Church, whether they agree or do not agree, the arguments by which they confirm it are to be considered and weighed; and regarding their authority, the rules to be established concerning the authority of theologians are valid.

5. The works of theologians, especially of those whom the Church greatly esteems, and indeed the Church attributes singular authority to St. Thomas and St. Alphonsus. Hence, when people seek decisions in moral matters, the Church sometimes responds: "Let approved authors be consulted."

Concerning the authority of theologians, these points from Fr. Zacharia must be held:

a. "If in some question all casuists agree with one another, saying that something is lawful, it is close to heresy to depart from their opinion.

b. From the common opinion of almost all casuist authors, arguments are taken as probable to such a degree that, unless a plainly grave and by no one observed reason or authority - but a clear and manifest one - stands in the way, it is rash to oppose them.

c. The testimony of even many casuist theologians, if other learned men contend against them, has no more force for producing belief than either their own reason or a weightier authority will have approved.

d. A single author, if he is above all exception and brings forward a reason which others have not considered or have not sufficiently solved, while he himself conveniently solves the reasons of others, although he teaches against the common opinion, will be able to render an opinion probable."[13]

6. The usage and practice of the Church: for the moral doctrines and laws which the Church proposes are found expressed in the morals and examples of the faithful. Therefore the usage of the Church fittingly

---

Notes

11. Cf. Dominicus Viva, *Theses damnatae*, etc., proemial question.

12. Commentaries on the condemned propositions were chiefly written by: Dominicus Viva, *Damnatae theses ad theologicam trutinam revocatae*; Ioannes de Cardenas, *Crisis theologica* (on the propositions condemned by Innocent XI); Ioannes Reuter, *Theologia moralis*, Part I, *Analysis theologiae moralis reprobatae*; Didacus Duarte, *Brevis expositio propositionum damnatarum a sede apostolica.*

13. Cf. Zacharia, *Dissertatio prolegomena*, pr. 2, c. 5.

serves to prove and confirm moral truths, especially those which refer to the sacraments. Therefore monuments which testify to the ancient usage of the Church are deservedly counted among the sources of moral theology.

Third Question

On The Principles Of Moral Theology

11. What they are. 1. There can be speech concerning the principles of moral theology in a threefold sense, since the following are called principles of moral theology:

a. Divine revelation and human reason, both natural and especially supernatural reason enlightened by faith; for the means of knowledge by which we acquire some science are called its principles.

b. The places of moral theology; for the documents from which the truths of some science are drawn are likewise called its principles.

c. Certain moral truths; for truths from which others are deduced by reasoning are customarily called principles.[14]

2. If by the name of principle certain moral truths are understood, two kinds of principles must be distinguished, general and particular. General principles are those fundamental truths which exhibit the conditions and qualities that must belong to all human acts so that they may be apt for the end, and which therefore pervade and govern the whole of moral theology. Particular principles are the individual moral truths taken from their proper sources, from which truths, as from a root, other truths are deduced by reasoning. For just as revealed truths, which constitute the object of dogmatic theology, are called its principles, so particular moral truths must be called the principles of moral theology. Here the discussion is about general principles; particular principles constitute the chief object of special moral theology.

General principles are: human acts must be proportioned to the ultimate end; they must be morally good, supernatural, meritorious; they must be conformable to the dictate of conscience and to divine law, and the like. Particular principles are: truths revealed by God must be believed; God must be loved above all things; the needy neighbor must be helped; it is not lawful to commit adultery; it is not lawful to steal; and the like.

12. Division of general moral theology concerning principles. In order that moral theology may hand down the supreme principles or conditions and properties which must belong to all human acts so that they may be apt for obtaining the ultimate end, it must first teach what is the ultimate end to which man has been destined by God, and to which he must tend by his acts. Moreover, it must teach how human acts themselves ought to be arranged, so that they may be apt for the end. In order that human acts may be apt for the end, they must be conformable to law and to the dictate of conscience, their norm. Acts conformable to the moral norm are virtues; acts not conformable to it are sins. Hence virtues and sins constitute the two supreme genera of all moral actions. Therefore fundamental moral theology must treat in order concerning these five things: a. concerning the ultimate end of man; b. concerning human acts; c. concerning law; d. concerning conscience; e. concerning virtues and sins.

Notes

14. Cf. Kleutgen, *Institutiones theologicae* (Ratisbon: Pustet, 1881), p. 27 ff.

Book First

On The Ultimate End Of Man

Since moral theology teaches man the way by which he can come to his end, it first treats of the ultimate end of man, both so that he may know the end toward which he must tend by his acts, and so that the foundation and supreme principle of moral theology may be clear: for all things depend upon and are governed by the end. Nevertheless, the ultimate end is to be treated in such a way that those things which are set forth at length in moral philosophy are briefly recalled here, and then those things are added which are proper to moral theology.

First Question

On The Ultimate End Itself[15]

13. What it is. 1. Every rational agent acts for the sake of an end. An end is that for the sake of which something is done, or that toward which someone tends. End is distinguished in many ways; it will suffice here to explain the end of the work and the end of the worker. The end of the work is that good toward which a thing or action tends by its nature: a clock toward indicating time, almsgiving toward relieving the poor. The end of the worker is that good which the agent intends or strives to obtain through his action; for example, almsgiving toward making satisfaction for sins. The end of the worker is the cause which moves the worker to acting.

The end of the worker can be the same as the end of the work, and it can be different from the end of the work. If an artisan builds a house, the end of the work, or of the house, is that it serve for dwelling; the end of the worker can be the same, namely that he construct dwellings, but it can also be another: that he make a profit, that he acquire provisions for himself.

2. If we refer these things to God and to the things created by Him, and ask about the end of the Creator, or worker, and also about the end of creation, or work, it is clear first that there can be no discourse about a motive cause of creation, since God can be moved to acting by no good, neither external nor internal, but only about the reason why God willed that creatures should exist. Then it is certain that even God, acting ad extra, intends some good which He strives to obtain through His works or through creatures.

The end and the motive of an action differ from each other. For the motive is that good which moves the agent to the action; but the end is called both that good to the obtaining of which the action is ordered by its nature, and that good which the agent intends to obtain by his action. This good moves the agent to placing the action. Therefore only the end in this latter sense is the motive of the action, but not the end taken in the former sense, unless the agent is moved by that good to placing the action. Thus the internal end of eating is the preservation of life. In him who eats for the sake of pleasure, pleasure is the motive of eating; in him who eats in order to preserve life, the end is at the same time the motive of eating.

14. 1. The reason which moved God to create man, or the world, is the divine goodness or the infinite perfection of God. Therefore love and the highest esteem of the divine perfection is the reason for which God from eternity wills that created things should exist in time, and that man should exist.

Notes

15. Cf. Kleutgen, *Theologie der Vorzeit*^2 (Munster: Theissing, 1872), vol. 1, n. 427 ff.; vol. 2, chief part 4: "Von der ubernaturlichen Gemeinschaft mit Gott"; chief part 5: "Vom naturlichen und ubernaturlichen Ziel und Ende des Menschen"; vol. 5, chief part 3: "Von der praktischen Theologie." Bouquillon, *Theologia moralis fundamentalis*^3, bk. 1, *De ultimo fine*; bk. 2, *De mediis ad finem*. Schwane, *Allgemeine Moraltheologie* (Freiburg: Herder, 1885), § 13. Th. Meyer, *Institutiones iuris naturalis*^4 (Freiburg: Herder, 1907), I, n. 35 ff. V. Cathrein, *Moralphilosophie*^4 (Freiburg: Herder, 1904), p. 79 ff.

The reason for which God wills something is goodness, just as the reason for which He understands something is truth. But it cannot be a goodness distinct from God and placed outside God; otherwise God would not be most perfect and sufficient unto Himself. Therefore it is the divine goodness itself. Hence Sacred Scripture says: "The Lord has made all things for Himself,"[16] namely by gratuitous goodness,[17] and St. Augustine says: "Because God is good, we are."[18]

From the fact that man was created for the sake of divine goodness or the infinite divine perfection, two things necessarily follow: that man is a participation or participated likeness of the divine goodness, just as, analogically, an effect is a participation of the cause from which it flows; and that man, since he is a likeness and image, is a manifestation and representation of the divine goodness.

2. The good for the obtaining of which man was created by God is twofold: the external glory of God and the beatitude of man. The former is called the external end of man; the latter, the internal end of man.

a. The external glory of God. God creates man, as He creates the whole world, not in order to obtain some good for Himself, but in order to communicate His good to man, and in order that man may manifest it and acknowledge it with praise. But the external glory of God consists in the manifestation of the divine good and in knowledge of it with praise.

b. Glory is twofold, internal and external. Internal glory is the perfection and excellence on account of which someone is worthy to be known and praised; external glory is an external work on account of which someone merits admiration and praise.

Internal glory is either objective, namely the perfection and excellence itself, which constitutes the object of knowledge and the motive of praise, or formal, which is the knowledge of that excellence itself and the praise, love, and joy which follow from this knowledge. External glory likewise is either objective, namely the external work itself, which constitutes the object of knowledge and the reason for praise and admiration, or formal, which is the knowledge of the work and the praise, love, and admiration which follow from it.

b. Therefore the definition by which glory is usually defined, "clear knowledge with praise," that is, knowledge concerning someone's excellence with acknowledgment and praise of the same, this definition, I say, sets forth formal external glory, which in the proper sense is called glory.

c. Objective external glory of God is the universal ultimate end of all created things and properly absolute, both because all things are so ordered to it that its attainment is necessary, and because it is not ordered to another end. Subjective external glory of God is the proper end of man, as a rational creature.

d. Since the nature of creatures is diverse, the glory which they were created to exhibit is also diverse: irrational creatures, which are only a certain trace of God,[19] glorify God objectively by their mere existence, since they manifest God and His attributes; but man, who is the image and likeness of God,[20] can know, praise, and love the excellence of God, and therefore by his existence he objectively glorifies God, and by admiration of God's works he formally glorifies Him.

e. The beatitude of man. Since man was made for the glory of God, he was created to know and love God; but the beatitude of man consists in the knowledge and love of God; therefore the ultimate end of man

---

Notes

16. Prov. 16:4.
17. St. Bernard, Sermon 3 on Pentecost, n. 4.
18. *De doctrina christiana* l. 1, n. 32.
19. Job 11:7.
20. Gen. 1:26-27.

is the glory of God and at the same time the beatitude of man. Each end is acquired by the same acts of knowledge and love.

Beatitude is distinguished as twofold: objective or external, which is the good in whose possession man becomes blessed; and subjective or internal, which is the attainment and possession of that good. Moral philosophy demonstrates at length that the objective beatitude of man is nothing other than God, the highest good, since there is no other good which can quiet the appetite of man, and that subjective beatitude consists in the knowledge and love of God, since by these acts man is intimately joined with the highest good and enjoys it.[21]

Note. What the ultimate end of man is, is here shown from the end which God had and had to have in creation; moral philosophy deduces the same from the very nature of man.

15. The external glory of God is the primary end of man; perfect beatitude is the secondary end of man.

a. Whatever God wills, He wills for the sake of His goodness. Therefore He wills the beatitude of man only for the sake of His goodness, namely so that this goodness may be communicated and manifested, or for the sake of His external glory. Therefore He wills His external glory primarily, and the beatitude of man secondarily. b. Since the love of God is ordered, He wills individual goods according to their dignity. But the glory of God, since it is a divine good, excels the beatitude of man in dignity, which is the good of a creature.

The Hermesianists thought that this order of ends had to be inverted, namely that God principally intends the beatitude of man, and His own glory secondarily, lest God, if He ultimately referred all things to His own glory, should have to be called desirous of His own advantage and ambitious. But: a. the external glory of God, which is the primary end of creatures, is not some advantage or internal good of God, since such a good cannot accrue to God, as being most perfect. b. He is called ambitious who seeks glory not due to him, or glory due to him in an undue manner; but God seeks and intends glory most due to Himself and in a due manner, namely from love of His infinite perfection and goodness. Therefore God wills and intends only that which right order requires.[22]

16. The beatitude to which man is destined in the present order consists in the intuitive vision of God and in the highest love and joy which result from it.

a. Vision. "Beloved, now we are sons of God; and it has not yet appeared what we shall be: we know that, when He appears, we shall be like Him, because we shall see Him as He is."[23] By these words the Apostle teaches that our state in eternity will be far different from that which we now have: for then we shall be like God in glory and beatitude; and the cause of this wonderful transformation is the intuitive vision of God. "For we know in part, and we prophesy in part. But when that which is perfect has come, that which is in part shall be done away. Now we see through a mirror in an enigma: but then face to face. Now I know in part; but then I shall know as I also am known."[24] From these words we learn that the knowledge of God which we enjoy in this life is far inferior to the knowledge which we shall enjoy in eternity: for the knowledge of this life, whether natural through reason or supernatural through faith, is mediated knowledge of God; but the knowledge of the future life is immediate vision and intuition of God. Benedict XII declares: "By apostolic authority we define that the blessed enjoy the divine essence,

---

Notes

21. Cf. Cathrein I^4, p. 81 f., 96 ff.; Meyer I, n. 59 ff.
22. Cf. Kleutgen, *Theologie der Vorzeit* I, n. 428 ff.
23. 1 John 3:2.
24. 1 Cor. 13:9-12.

and also that from such vision and fruition the souls of those who have already departed are truly blessed and have eternal life and rest."[25]

b. Love. From the intuitive vision by which the human intellect is intimately joined with the divine essence, there arises in the will, by natural necessity, love of the highest good immediately known. The Apostle signifies this highest charity, by which man is borne toward God, in these words: "Now there remain faith, hope, charity, these three; but the greatest of these is charity."[26] For he says charity is greater than faith and hope because it is also to remain in eternity.

c. Joy. Speaking of eternal beatitude, Sacred Scripture says: "Well done, good and faithful servant … enter into the joy of thy Lord."[27] "Your heart shall rejoice, and your joy no one shall take from you."[28] And indeed, since through the love of the highest good present every appetite is satisfied and quieted, and since man at the same time knows that the possession of the highest good cannot cease, there necessarily follows from this that highest joy by which Sacred Scripture designates eternal beatitude.

d. The perfect beatitude of man consists in those acts by which he perfectly possesses and enjoys the highest good. But by the intuitive vision of God and by the love which necessarily follows from it, man possesses the highest good in the most perfect way and enjoys it. Therefore Benedict XII says: The blessed "enjoy the divine essence, and from such vision and fruition the souls of those who have already departed are truly blessed."

17. It is supernatural. The beatitude to which man is destined in the present order is truly supernatural, that is, it exceeds all the powers and all the demands of created nature, and is a participation in the divine life itself.

The beatitude which is promised to us in heaven can be known only by Him who searches the deep things of the Godhead; but such beatitude surpasses both the powers and the demands of created nature, and therefore is supernatural in the strict sense.[29] The beatitude of the Son of God is altogether supernatural to created nature; but the beatitude which awaits us in eternity is a participation in the beatitude of the Son of God Himself: for He will grant us to sit with Him on His throne, just as He Himself sits on the throne of His Father;[30] He will dispose the kingdom for us, just as the Father has disposed it for Him; He will grant that we eat and drink at His table in His kingdom.[31] The beatitude which awaits us in eternity consists in the intuitive vision of God, together with the love which necessarily results from it. But this is the beatitude of God Himself, and consequently is altogether supernatural. The sonship by which man is constituted an adoptive son of God is plainly supernatural; therefore the beatitude which corresponds in due proportion to adoptive sonship is also supernatural. But the beatitude which we await in eternity is the beatitude of the sons of God.[32] Although man can produce ethically good works by the powers of nature, nevertheless

---

Notes

25. Constitution *Benedictus Deus*, January 29, 1336.

26. 1 Cor. 13:13.

27. Matt. 25:21.

28. John 16:22.

29. "Eye has not seen, nor ear heard, nor has it entered into the heart of man, what things God has prepared for those who love Him; but God has revealed them to us through His Spirit: for the Spirit searches all things, even the deep things of God." 1 Cor. 2:9-10.

30. "He who has overcome, I will give to sit with Me on My throne; just as I also overcame and sat with My Father on His throne." Apoc. 3:21.

31. "And I dispose to you, as My Father has disposed to Me, a kingdom, that you may eat and drink at My table in My kingdom." Luke 22:29 f.

32. "For whoever are led by the Spirit of God, they are sons of God. For you have not received the spirit of servitude again in fear, but you have received the spirit of adoption of sons, in which we cry: Abba, Father. For the Spirit Himself gives testimony to our spirit that we are sons of God. But if sons, also heirs: heirs indeed of God, and coheirs of Christ." Rom. 8:14-17. Cf. Gal. 4:1 ff.

he cannot perform, without the help of grace, any work that is apt for the ultimate end to which we have been destined by God. But if grace alone renders us apt for works proportioned to the ultimate end, our ultimate end is supernatural.

Second Question

On The Means To The Ultimate End

18. What they are. In order that man may be able to attain the end to which he is destined, God willed him to be furnished with suitable means and powers. These are of two kinds, natural means and supernatural means; and both the natural and the supernatural are some external, others internal.

1. The external natural means are: a. created things existing besides man, which supply him with the necessities of life; b. the diverse forms of societies, the family and civil society. The internal natural means with which the soul is furnished are especially the intellect and the will, by which it can know and love its highest good.

The philosophical disciplines treat of all these things; supposing their doctrines, in this place we treat only of the liberty of the will, concerning which several points must be noted which are of the greatest importance in moral theology.

2. The external supernatural means which Christ the Lord instituted for this end are the Church, sacrifice, the sacraments, and the like. The internal supernatural means with which the soul is furnished, so that it may be able to tend to the supernatural end, are: a. sanctifying grace, which inheres in the substance of the soul and elevates man to a supernatural nature and life proportioned to the supernatural end to which he is destined; b. infused habits, which inhere in the powers of the soul, namely in the intellect and appetite, and furnish man with the forces and powers by which he can exercise works proportioned to the supernatural end; c. actual graces, by which God concurs with individual supernatural actions of man, in that He preveniently assists, accompanies, and perfects them by His help.

In order that man may tend by his moral acts to the ultimate end, the powers by which moral acts are elicited must be furnished with dispositions and qualities stable in themselves, by which they are rendered apt for eliciting acts consonant with the end; therefore God has placed habits in the powers, and these supernatural habits. Further, in order that the powers furnished with habits may be able to act supernaturally, they also need actual grace, by which they are excited to acts. Finally, in order that their acts may be meritorious of eternal life, the soul must be adorned with sanctifying grace. In these are contained all the internal means which are necessary to man so that he may be able to live a moral life consonant with the ultimate end.

Dogmatic theology treats of grace, whether habitual or actual; but those things which are necessary to know about infused habits must be set forth in this place. Now infused habits are of two kinds, supernatural virtues and gifts of the Holy Spirit, concerning which we must now treat.

First Article

On The Liberty Of The Will[33]

Since day by day the number increases of those who not only theoretically attack the liberty of the will, but also infer practical consequences from its denial and contend that crimes committed cannot be imputed to

---

Notes

33. Meyer, *Institutiones iuris naturalis* (Freiburg: Herder, 1906), I, n. 100 ff. Cathrein, *Moralphilosophie*^4 (Freiburg: Herder, 1904), I, p. 30 ff. Mach, *Die Willensfreiheit des Menschen* (Paderborn: Schoningh, 1887). Gutberlet, *Die Willensfreiheit und ihre Gegner*^2 (Fulda: Actiendruckerei, 1907). A. Beck, *Die menschliche Willensfreiheit* (Munich: Volksschriftenverlag, 1906). Encyclical of Leo XIII, *Libertas* (June 20, 1888).

criminals, and that for this reason they are by no means worthy of punishment, necessity demands that the existence of liberty be demonstrated and vindicated from the attacks of adversaries.

1. The Liberty Of The Will Is Asserted

19. On the different meanings. 1. Liberty in general signifies immunity from a bond; and since the bonds which can constrain us are various, the term liberty is also used in various senses.

a. Liberty from sin, which in this life is immunity from sin whereby we can not sin, and is called the liberty of grace; in the other life it is immunity from sin whereby we cannot sin, and is called the liberty of glory.

b. In this life the possibility, and through grace the facility, of performing moral good is available to us, although diverse difficulties stand in the way. In the other life there cease the difficulties and impediments which here sometimes render the choice of moral good difficult even for those who are in the state of grace.

c. This liberty of grace, which is sometimes called moral liberty, can and must be continually developed and perfected, to such a degree that man, already in this life, may gradually come to the liberty of the sons of God and may no longer be hindered by difficulties in choosing the good. For sometimes already here on earth it happens that the will, strengthened by the grace of God, yields to no temptations, but, the allurements of the senses having been rejected, without any trouble chooses the good of virtue; and to this the words of the Lord promise: "the truth shall make you free," namely from the determining influence of the passions.

d. Liberty from obligation, or from law, which is also called moral liberty, is immunity from the moral obligation of doing that which is commanded by a superior power.

It is clear that man is not endowed with this liberty: he has physical liberty of acting against the law, but he does not have moral liberty. Moral liberty is also called liberty of choosing between good and evil.

c. Liberty from coercion, or from external necessity, is immunity from force brought in from outside against the inclination of the will.

It is clear: a. that coercion can be brought to bear both upon one unwilling to act, as when someone is dragged unwillingly to prison, and upon one willing to act, as when exit is prohibited to someone shut up in prison; b. that liberty from coercion is rather liberty of acting than liberty of willing; c. that the will is immune from coercion, since a coerced act of the will is impossible.

d. Liberty from internal necessity is immunity from an internal force which would determine the will to acting or to acting in this way. This liberty is proper to the human will.

Internal necessity, therefore, would be a determination innate to the will itself toward willing or toward willing in this way. A determination of this kind is present in the human will with respect to good in general, which it must will, so that it cannot will evil as such, and with respect to happiness, which each one necessarily wills, so that he cannot will to be unhappy.

2. By reason of the object which is chosen, liberty is called liberty of contradiction, or of exercise, if the will can choose between acting and not acting; liberty of contrariety, if the will can choose a thing and its opposite, as to love and to turn away, good and evil; liberty of specification, if the will can choose between things diverse in species, this or that, to study or to walk.

a. Liberty of contrariety in the moral order, that is, liberty of choosing between good and evil, does not belong to the essence of liberty, but is a defect proper to human liberty in the state of the way.

b. Only liberty of contradiction is required and suffices for the will to be able to be called truly free, or mistress of its acts; nevertheless in man as wayfarer the other species are also found.

20. In what it consists. 1. The liberty of the human will consists in that property and perfection of it by which, once all things required for acting have been posited, the will is not determined to acting or to acting in this way, but can and must determine itself to this. Therefore a twofold element is required for the notion of liberty, one negative and one positive: a. the absence of internal necessity; b. one's own determination to acting.

a. The liberty of the human will is called liberty of indifference, because once all things required for acting have been posited, the will remains indifferent, that is, it is not determined to one thing, namely to acting, but can act or not act, can do this or that. It is also called liberty of election, for it belongs to its nature that the will can choose between one thing and another. Indifference is opposed to determination to one thing. The indifference which belongs to the human will and essentially constitutes its liberty is active indifference, by which the will itself can determine itself to opposites or diverse things. It is distinguished from passive indifference, which consists in this, that something can be determined from without to opposites or diverse things.

b. The doctrine of those who defend liberty of the will is today called indeterminism; on the contrary, the theory of those who deny liberty is called determinism. But the doctrine concerning liberty is less aptly called indeterminism, both because the liberty of the will does not consist in a merely negative element, namely in the negation of determination or internal necessity to acting or to acting in this way, and because liberty does not exclude every determination of the will, but only necessity. That is, it is not denied that conditions preceding a free act exercise an influence upon the will, which influence can be called a determination of the will; nevertheless it does not exclude free choice.

c. Those things are called required for acting which must precede, or in fact do precede, a free act or free choice: some good proposed by the intellect together with motives for choosing or rejecting it, the consideration of these, the power of willing, the inclinations of the will, and the disposition of the soul, whether habitual or actual.

d. Today determinists of every kind chiefly deny liberty of indifference, affirming that our will is determined to one thing, or to acting and to acting in this way.[34] Most philosophers, except the Scholastics, are addicted to determinism. It is known that Luther denied human liberty and substituted the servile will for the free will of the Scholastics. Protestant theologians, having abandoned this doctrine of Luther, had until now defended liberty of the will; now, however, those Protestant theologians who adhere to monism return to Luther's servile will.

e. Liberty does not exclude an antecedent inclination of the will toward the proposed object, or diverse goods, but only internal necessity for willing or not willing the proposed good. For if some good is proposed to the will, the will naturally and necessarily is inclined toward it, but is not necessarily drawn to willing it; for the will determines itself to willing and pursuing it. The same must be said respectively of evil proposed to the will.

2. A free act is not an act elicited arbitrarily and without a cause, but an act produced by the will after the motives of acting have been considered.

Notes

34. Cf. A. Seitz, *Willensfreiheit und Determinismus* (Cologne: Bachem). Cathrein, loc. cit., p. 30 ff.

a. Since determinists with one voice affirm that in our theory of liberty a free act is an effect without a cause, and therefore that indeterminism offends against the principle of causality, it is asked what the cause of a free act is. There are those who say that the cause of a free act is twofold: one objective, which is constituted by the good and the motives provoking to the act; the other subjective, which is constituted by the very power of freely willing. For, when the good and the motives for choosing it have been proposed, the will is not necessitated to choosing, but is furnished by nature with a force by which it itself can and must determine itself to choosing, so that the act may come to be. Others refer the objective element rather to the prerequisite conditions, and call the will, furnished with an innate force for producing the act, the cause of free choice. Therefore it has a cause, but one that acts not necessarily, but freely.

b. From the force and power in the will of determining itself to an act, there must be distinguished the virtue and energy of choosing the good, especially the moral good, although the choice appears arduous and impediments and difficulties stand in the way. The will is strengthened and helped both by exercise and by divine grace, so that choices may be prudent and consonant with reason, even if they are difficult for corrupt nature.

c. Pedagogy and ascetic theology treat of the means of strengthening and increasing the energy of the will. These consist especially in hardening and exercising the body, in strenuous labor whether bodily or spiritual, in good habits acquired through continual mortification of the passions, and finally in divine grace obtained by prayer and the use of the sacraments.

21. That it exists. Liberty from internal necessity, or liberty of indifference, belongs to the human will.

1. Theological arguments. a. There are many testimonies of Scripture by which the liberty of the human will is formally asserted.

"I call heaven and earth to witness today, that I have proposed to you life and death, blessing and curse; choose therefore life."[35] "He added His commandments and precepts; if thou wilt keep the commandments, they shall preserve thee … Before man are life and death, good and evil; what pleases him shall be given to him."[36] "Blessed is the man … who could have transgressed and did not transgress, could have done evil and did not do it."[37]

Likewise there are many testimonies by which the liberty of the human will is virtually asserted.

Here belong all those testimonies by which counsels are given to man, precepts are proposed, and by which man is affirmed to be worthy of praise and reward, blame and punishment, on account of his works.

b. Since liberty is the foundation of moral imputation, the Church at all times, against heretics denying it, upholds and defends the liberty of the human will.[38] Therefore those who deny liberty are considered heretics.

2. Philosophical arguments. a. The will is the power by which man can desire every good. Therefore, if some particular good is exhibited to it, it can desire that good because it is good; but it can also not desire it, or positively reject it, because, since it is a particular good, a defect is joined with it. Therefore the

---

Notes

35. Deut. 30:19.
36. Ecclus. 15:15-16, 18.
37. Ecclus. 31:10.
38. Cf. Council of Trent, sess. 6, can. 5. Vatican Council, sess. 3, c. 3, *De fide.*

will, to which a particular good is exhibited, is indifferent; hence if it embraces that good, this happens because the will determines itself to embracing it.

a. The defect which is joined with a particular good consists in this, that it either brings some inconvenience, or impedes another good, or at least is too slight to be able to fill the breadth of the power or the desire for beatitude.

b. From these things it is clear that choice must be preceded by knowledge by which either we know the diverse respects of the proposed good, good and evil, advantage and disadvantage, or we know and compare several goods at once. Without this preceding knowledge no choice could have place.

c. One's own conscience manifests to us with inescapable certitude that in very many of our actions we are not led by internal necessity, but that we ourselves determine ourselves to acting or to acting in this way, to such a degree that we can also not act or act otherwise. But this testimony of conscience is evidently true.[39]

Some determinists deny the testimony of conscience itself; others say that it is an illusion. Cathrein refutes them briefly, p. 35 ff.; Gutberlet at length, p. 31 ff.

c. Liberty is also demonstrated by penal or criminal law, which among all nations not only visits crimes with punishments, but also accurately distinguishes between purpose, negligence (*Fahrlassigkeit*), and fault; indeed it also contains an entire system of punishments, which are heavier or lighter according to the gravity of the fault and the evil action. But all these things would be empty if crimes were nothing but signs of disease and not of true fault.

2. The Liberty Of The Will Is Vindicated

Three diverse sciences recently cultivated attack the liberty of the will: moral statistics, criminal anthropology, and psychopathology. Each tries in its own way to show that man in all his actions is governed and determined by necessary laws and impulses just as irrational and material beings are, and therefore that committed crimes cannot be morally imputed to him.

22. On moral statistics. Moral statistics collects moral facts, especially criminal facts, in great number, and investigates their causes, both internal and external. Now, when statistical lists are considered, it appears that the same phenomena, namely crimes, under the same conditions constantly return in almost the same number. Therefore, just as in the physical order, so also in the moral order, there must exist a stable law by which these facts are governed and determined. Hence they conclude against liberty in this way: since from the same causes, especially from the same passions, the same crimes are constantly perpetrated, these must be attributed not to free will, but to passions and other circumstances determining one to the act, and therefore cannot be morally imputed to man. For facts which, according to a stable law, constantly happen in the same way and number cannot proceed from a free will. The conclusion is then extended to all acts of the will, and its liberty is simply denied. Concerning these matters the following must be noted.

a. A free action is not a merely arbitrary action, independent of every norm and law; on the contrary, even the will in its choices observes certain norms, both physical and moral. Moreover, there are several conditions, both external and internal, especially moral character, education, the example of others, and the like, which influence human choices and determine them more or less. For ordinarily man follows

---

Notes

39. For arguments from the universal consent of the human race and from the consequences which would follow if liberty were denied, consult the cited authors.

in his actions his own inclinations and customs, yet not under compulsion but freely. Therefore it is no wonder that men who are found in the same conditions act in the same way.

b. In order that anything could be gathered from moral statistics against liberty of the will, it would at least have to be established that a determinate passion in the same circumstances impels a great number of men to perpetrating the same crime, and that no man troubled by such a passion has overcome the temptation. But from moral statistics this is not established, nor can it be established. Besides, not even in this way would the inescapable and necessitating influence of the passions upon the will be proved, since men placed in the same circumstances freely determine themselves to the same action; thus, when winter approaches, all freely put on thicker garments. Finally, it is useful to note that statistics considers only external phenomena, and these criminal or indifferent, and their constancy; but it does not explore internal facts and external virtues. Therefore it can pronounce nothing about their origin, whether necessary or free.

c. The stability and constancy which is discerned in the perpetration of crimes from moral statistics is explained from the existence and influence of the same motives upon the human will. For it is established that men placed in the same external circumstances and subject to the same passions and temptations generally commit the same offenses. Nevertheless it cannot be denied that many others, troubled by the same passions, overcome the temptation, which statistics cannot report. Indeed this too must be affirmed, that most of those who yield to temptation, at least aided by the supernatural powers of grace, could have overcome the temptation and were conscious of this power in themselves.

From moral statistics two things are gathered: a. that in his choices man has great dependence upon the habitual disposition of the will and upon external conditions; b. since now very many are swept away to perpetrating the same crimes, that in our time certain passions, on account of social circumstances, rage more vehemently, and that there are very many men who, as languishing in faith and in religious life, and deprived of both natural and supernatural fortitude, are easily overcome by temptations.[40]

23. On criminal anthropology. 1. The theory is set forth. a. This science, first cultivated by Cesare Lombroso, professor at Turin, was afterwards variously changed and developed by his disciples. The account of criminal anthropology is this. Crimes in the human race are manifest facts; therefore their causes must be investigated. Both Lombroso himself and his disciples are addicted to materialism and Darwinian evolutionism. Therefore, in investigating the cause of crimes, some explain the atavistic theory and consider the delinquent as a man who has remained behind in the progress of evolution - an infant not yet developed, a savage man. Others, setting forth the pathological theory, consider the delinquent as a man sick in soul, indeed lacking the use of reason - morally insane, epileptic. Therefore, just as according to the former, crimes are necessary phenomena of an abnormal state of the body, so according to the latter, crimes are necessary phenomena of an abnormal habit of soul. Man therefore does not become a delinquent by free will, but is born a delinquent.

b. They investigate the abnormal marks and qualities which are found in delinquents, and these bodily, biological, and psychological. Delinquents, so they say, have the greatest conformity both in qualities of body and in habits of soul with epileptics and those laboring under moral dementia; therefore they are morally insane. And from these marks they construct, as it were, a universal form of the delinquent man, a *Verbrechertypus*. Indeed they affirm that a peculiar form corresponds to the individual kinds of crimes; thus thieves and murderers each display their own form. The form congenital to delinquents,

---

Notes

40. Cf. Gutberlet, loc. cit., chap. 3: "Die Moralstatistik." Lehmkuhl, "Der Selbstmord und die Misshandlung der Statistik" (*Stimmen aus M. L.* XX, II, p. 345 ff.). Huber, loc. cit., "Moralstatistik," p. 181 ff.

according to them, is transmitted to descendants by heredity, so that from a thief a thief is born, from a murderer a murderer.

2. The theory is refuted. If the things which are affirmed were true, at most it would follow that men abnormal in body and sick in mind lack liberty; but it is not demonstrated that healthy men are lacking it. In particular these things must be noted.

a. The theory itself is founded upon inadequate experiments, arbitrary hypotheses, many exaggerations, and false explanations of facts.

b. If delinquents were infants not yet developed or savage men, all infants likewise and all savage men ought to be delinquents.

c. The theory is founded upon the Darwinian hypothesis of evolution, which in relation to men is false. The delinquent is not a man not yet developed, but a man who, by his own fault, has fallen away from the moral perfection which others have attained and which he himself also could and ought to have attained.

d. It can be conceded that there are delinquents who are not of sound mind, and in like manner it can be conceded that in the concrete it is sometimes difficult to determine whether a man is of sound mind or of a somewhat disturbed mind. Nevertheless in most cases we certainly know that delinquents are sane. Therefore it is equally false that all delinquents are insane and that all insane persons are delinquents.

24. On psychopathology. a. Psychopathology, or psychiatry, is the science which considers the abnormal life of the soul, so that from this it may draw rules concerning the education of children, the imputation of crimes, and the care of those sick in soul. This science itself brings great usefulness to pedagogues, judges in criminal cases, and moralists. Nevertheless there are some who draw arguments from the same science against liberty of the will. For they consider the way of acting of men laboring under diverse diseases of the soul - insanity, dementia, paranoia, epilepsy, hysteria - who, since they lack liberty in their actions, lead them to infer this general principle, that man is not furnished with liberty.

b. But: a. from the fact that those sick in soul, or psychopathics, appear to be lacking liberty in acting, it does not follow that those sound in mind are also lacking liberty, unless someone wishes to affirm that there is no man perfectly sound in mind, but that all are more or less insane. b. It cannot be conceded that psychopathics are altogether lacking liberty: for just as disease of soul itself has diverse grades, so also liberty, from the influence of the same disease, is in some lessened more or less, and in others entirely extinguished. Besides, discussion will return to this matter below, where the impediments of the human act are treated.

3. On Those Things Which Influence Free Choice

25. Here we consider free moral activity, by which the will chooses between good and evil. The exercise of liberty is perfect if the will determines itself to an act fully from itself, without any other influence besides that which the nature of the will requires; this happens when the intellect adequately knows the object, and the will, according to the norm of reason, moves itself promptly to willing or rejecting it. Now there are many things, whether in man himself or outside man, which exercise an influence upon his free activity or upon his choice, and determine it more or less. And these indeed diminish the liberty of the will and the imputability of the action, yet they do not remove them.

26. On the relation of the knowledge of the intellect to the free act. a. The intellect must exhibit the thing to be desired in such a way that we know both its merits, namely perfection, goodness, usefulness, and its demerits, namely imperfection, detriment, inconvenience, which it has for us. This knowledge is the more perfect, the more accurately the moments of each side are apprehended. By these are supplied

the reasons and motives which direct us in making a choice. Hence the more adequately the merits and demerits of a thing are exhibited, the more easily a choice can be made which is according to reason. But if more the merits than the demerits of the proposed thing are known, or conversely more the demerits than the merits, the choice will indeed be free, but less according to reason. Choice becomes impossible if only one motive is known.

b. From these things it is understood that all those things exercise a determining influence upon the free choices of man which impede the merits and demerits of desirable things, especially moral things, from being adequately known. Although they do not remove the physical liberty of choice, nevertheless they bring it about that choices are imprudent, irrational, and morally evil. Moments of this sort are especially education and the social and political circumstances of the times in which we live.[41] Since in many men a defective and inadequate knowledge of things and actions, on account of these circumstances, is more or less involuntary and inculpable, even morally evil actions which proceed from it cannot be imputed to them according to their whole malice.

27. On the relation of the inclination of the will to the free act. a. When the object has been sufficiently proposed, there necessarily arises in the will an inclination, or aversion, which is sometimes slight, but sometimes more vehement. These inclinations, although inveterate and vehement, do not introduce necessity, but the will retains the power of resisting them; this the experience of all those teaches who, after a life long passed in sins, have returned to the path of virtue. Nevertheless they draw the will so that, by a free determination, it wills that to which it is already vehemently inclined; and therefore they render morally good choice difficult, and the more difficult the more intense the opposite inclination is. Vicious affections render free choice impossible only when, in a particular case, having suddenly arisen, they so cloud or impede the mind that it can no longer weigh contrary motives.

b. From these things it is understood that everything exercises an influence upon moral choices which brings it about that, on the one hand, bad inclinations and vices arise and grow strong in the appetite, and on the other hand, the energy of the will in repressing bad inclinations grows weak and is debilitated. Of this kind are heredity, age, temperament, habit, nourishment, temperature of the air, and so forth.[42]

Second Article

On Supernatural Virtues[43]

28. Whether they exist. Supernatural virtues are habits infused by God, by which man can connaturally exercise supernatural acts. That virtues of this sort are infused by God is demonstrated by theological reason and is established from the Council of Trent.

a. It is required that nature, elevated to the supernatural state, be able connaturally to produce acts by which it tends to the supernatural end. But for this it is required that not only the external and transient principle, actual grace, but also the internal and permanent principle, namely power, be supernatural; and this is supplied by infused habits. Therefore God has adorned man with the habits of supernatural virtues.

Notes

41. Cf. Huber, *Die Hemmnisse der Willensfreiheit* (Munster: Schoningh, 1904), p. 112 ff., 152 ff.

42. Cf. Huber, p. 102 ff., 130 ff.

43. St. Thomas I-II, q. 62-67. Suarez, *De gratia* l. 6, c. 4. Mazella, *De virtutibus infusis*^2 (Rome: Forzani, 1894). Pesch, *Praelectiones dogmaticae* (Freiburg: Herder, 1898), VIII, I. Tepe, *Institutiones theologiae moralis generalis* (Paris: Lethielleux, 1898), *De virtutibus* II, p. 147 ff. Kirschkamp, *Der Geist des Katholizismus in der Lehre vom Glauben und von der Liebe* (Paderborn: Schoningh, 1895).

Therefore, what in the order of nature are the powers of the soul, intellect and will, in the supernatural order are infused habits, namely the proximate principle of supernatural life; just as sanctifying grace, from which infused habits proceed, must be called the remote principle of supernatural life.

b. If it is asked only in general whether there are infused virtues, it must be answered that from revelation it is certain that supernatural virtues are infused into the soul: for from the Council of Trent we know that in justification itself, together with the remission of sins, man receives all these gifts infused at once through Jesus Christ, to whom he is joined: faith, hope, and charity.[44] Infused virtues are some theological virtues, others moral virtues.

These virtues are called theological, or divine, by reason of divine origin, because they are known only by divine revelation and are not acquired unless they are infused into us by God; by reason of essence, because they are supernatural in themselves; but especially by reason of the formal object, which is some divine perfection. On the contrary, the formal object of the other virtues is some created good. Yet the material object of the theological virtues, namely the true which we believe and the good which we hope for and love, at least the principal and primary object, is God Himself.

29. On the theological virtues. 1. The theological virtues are those whose motive, or formal object, is God or some divine perfection.

2. There are three theological virtues, namely faith, hope, and charity; and these indeed are required and suffice for us to come to the ultimate end.

a. St. Paul, writing concerning the theological virtues, says: "Now there remain faith, hope, charity, these three; but the greatest of these is charity."[45] He is speaking of a genus of virtues distinct from all other virtues. Therefore the Council of Trent declares: "In justification itself, together with the remission of sins, man receives all these infused at once through Jesus Christ, to whom he is joined: faith, hope, charity."[46]

b. Since we are destined to the supernatural end, God willed to render us capable of tending toward Him by proportioned acts, namely acts intrinsically supernatural and connatural to us. For this it was necessary that the habits of the theological virtues be infused into us. For in order that we may be able to tend to God, our supernatural end, it is necessary that we know Him supernaturally, that we be borne toward Him by a supernatural desire, and finally that we be supernaturally conformed to Him. But the first is had through faith, the second through hope, the third through theological charity, and therefore through the infused habits of the theological virtues (Ecclus. 2:8 ff.).

3. Several say that it is certain by faith from the cited place of the Council of Trent that the theological virtues are infused into us by God. They are infused all together at the same time with sanctifying grace, but they are not all lost together.

4. As often as sanctifying grace is increased, together with it the theological virtues also are increased with the remaining virtues: for so great is the connection between grace and the virtues that they are infused, preserved, and increased with it. But sanctifying grace is increased by reception of the sacraments and by good works.[47]

Notes

44. Sess. 6, c. 7.
45. 1 Cor. 13:13.
46. Council of Trent, sess. 6, c. 7.
47. Council of Trent, sess. 6, can. 24.

5. Although the theological virtues are all infused together with sanctifying grace and flow from it, nevertheless they are not all lost with it, but perish through acts opposed to them.

Charity, together with sanctifying grace, is lost through any mortal sin whatever; but faith and hope are lost only through mortal sin directly opposed to these virtues. For faith and hope precede charity by nature, dispose to it, and lead to it; for which reason, when charity has been lost, its prior dispositions are not lost, but remain in the sinner so that they may help him in recovering charity. Through the mortal sin of despair, hope is lost together with charity and sanctifying grace, but not faith, which is a prior disposition to hope and the foundation of all supernatural virtues. Finally, through the mortal sin of heresy, faith is lost together with sanctifying grace and all infused virtues.

30. On moral virtues. Moral virtues are those whose formal object is the uprightness of actions.

a. Since it is not certain by faith that moral virtues also are infused into us by God, there are theologians, the Scotists, who deny this; nevertheless their doctrine is rejected by others as erroneous. And indeed if it is established that the theological virtues are infused, this cannot be denied concerning the moral virtues. For if God infuses the theological virtues so that their acts may be exercised connaturally through internal principles, for the same reason He must also infuse the moral virtues. Therefore the Roman Catechism teaches: "To this grace there is added the most noble company of all virtues, which are divinely infused into the soul together with grace."[48]

b. It is not established how many infused moral virtues there are. It seems one must say that the four cardinal virtues are infused, but no more. For since the remaining moral virtues are reduced to the cardinal virtues as their integral or subjective parts, the habits of the latter suffice also for eliciting the acts of the former.

31. What the virtues effect. Infused habits, according to the common and truer opinion of theologians, give the very power, but not also the facility, of eliciting supernatural acts, because they indeed incline to their acts, but do not remove their impediments.

a. From these things the chief difference which exists between infused and acquired virtues is already clear: a. infused virtues give the very faculty, but not also the facility, of operating supernaturally. For when they are infused, they do not remove the impediments of operating which arise from concupiscence and from bad habits. Facility of operating is acquired through exercise of the infused habit. Acquired virtues, however, do not bestow the power but the facility of operating: for the power of operating is already present by nature; but since they are acquired by repeated acts and not without struggle, by this very fact they lessen or even entirely remove the difficulties of operating which arise from concupiscence or from a depraved custom. b. Infused virtues are infused with sanctifying grace in an instant of time, are increased by their acts not effectively but meritoriously, and are destroyed by mortal sin with sanctifying grace in an instant of time. Acquired virtues, however, are acquired not by one act but by repeated acts; by the same acts they are effectively increased, and by non-use or contrary acts they are gradually lessened and finally disappear.

b. Hence we sometimes see sinners, for example the impure, excel in some virtue, for example in justice; for not all acquired virtues are destroyed through mortal sin. On the contrary, we see just men having to fight against diverse and very vehement inclinations to evil: for infused virtues do not remove natural depraved habits, which are gradually weakened by contrary acts.

Notes

48. On baptism, n. 51.

Third Article

On The Gifts Of The Holy Spirit[49]

32. Whether there are gifts and how many. Besides the theological and moral virtues infused by God, seven gifts of the Holy Spirit are conferred upon the just man. The gifts are commonly defined as certain qualities by which the soul is disposed to works of the virtues, and especially to the more sublime and extraordinary works of the Christian life. Therefore the gifts are habits which, like the virtues, permanently inhere in the powers of the soul.

a. The holy Fathers and theologians confirm this doctrine by several arguments:

b. The gifts of the Holy Spirit in the just man are a participation in the gifts of Christ. Concerning the Messiah it is said in Sacred Scripture: "And the spirit of the Lord shall rest upon Him, the spirit of wisdom and of understanding, the spirit of counsel and of fortitude, the spirit of knowledge and of piety; and the spirit of the fear of the Lord shall fill Him."[50] These words are also applied by the holy Fathers of the Church to the just man, since God has predestined him to become conformed to the image of His Son.[51] Moreover, the gifts of the head overflow also into the living members of the mystical body, such as just men are. b. By the communication of the gifts, the promise made by Christ to His disciples is fulfilled: "You shall know Him, the Spirit of truth, because He shall remain with you and shall be in you."[52] c. Holy Church testifies to the communication of the gifts, in that in the liturgy of the feast of Pentecost she gives thanks to God for the gifts of the Holy Spirit and implores them more abundantly for the faithful.

c. The Holy Spirit is accustomed to move the just man by supernatural illuminations and inspirations not only to the ordinary virtues of the Christian life, but sometimes also, by divine instinct, to inspire and stir him to more perfect and more sublime works. Therefore the gifts of the Holy Spirit are granted to him and render him apt promptly to obey not only the ordinary but also the extraordinary motions of the Holy Spirit. Therefore the gifts of the Holy Spirit are an internal supernatural principle by which even the more sublime and extraordinary works of the Christian life are connaturally done.

Others are of this opinion: that the gifts of the Holy Spirit, which are the complement of the infused virtues, refer only to the more sublime and heroic acts of the virtues, while on the contrary infused virtues refer to ordinary Christian life and dispose the just man promptly and perfectly to obey the motions of the Holy Spirit by which he is stirred to exercise the infused virtues.

c. Seven gifts of the Holy Spirit are numbered: the gift of wisdom, understanding, counsel, fortitude, knowledge, piety, and fear of the Lord. For since these gifts are conferred for perfecting the virtues, and since there are seven principal virtues, it was fitting that seven gifts also should be infused. Hence the Holy Spirit, to whom these gifts are attributed as to their author by appropriation, is called by the Church "sevenfold in His gift," and He is asked to give to His faithful the sacred sevenfold gift.

Notes

49. St. Thomas I-II, q. 68. Suarez, *De gratia* l. 2, c. 17 f.; l. 6, c. 10. Weiss, *De septem donis Spiritus Sancti* (Vienna, 1895). Bodewig, *Die Gaben des hl. Geistes* (*Zeitschrift fur kath. Theol.*, 1882, 1883). Gopfert, *Moraltheologie*^3 I, n. 262 f. Meschler, *Die Gabe des hl. Pfingstfestes*^3 (Freiburg: Herder, 1900), chap. 7-14. Tepe, loc. cit., p. 275 ff.

50. Isa. 11:2-3.

51. Rom. 8:29.

52. John 14:17.

53. I-II, q. 68, a. 2.

Therefore the gifts are infused into all the just, which St. Thomas signifies in these words: "The Holy Spirit is not in men without His gifts."[53] From their names it appears that four pertain to the cognitive power: understanding, knowledge, wisdom, counsel; but three to the will: fear, piety, fortitude.

d. Although the gifts agree with the virtues in the nature of habit, nevertheless they differ from the virtues in two ways: a. by reason of the impelling cause: for to acts of virtues man is stirred both by his own reason, whether natural or supernatural, and also by the Holy Spirit, and by the habits of the virtues he is disposed to obey promptly; but to the more sublime works he is moved by the Holy Spirit alone, and by the habits of the gifts he is disposed promptly to obey this inspiration. b. By reason of the object or acts to which they dispose: for the virtues dispose man to works which are done according to the common order of Christian life; but the gifts dispose man also to works which exceed the common order of virtue.

33. The nature of the gifts. Concerning the nature of the individual gifts theologians do not agree; nevertheless, from their more probable doctrine, these things seem to have to be said.

1. The gift of understanding disposes man, by divine inspiration, to perceive revealed truths, whether practical or theoretical, more clearly and profoundly, both as to their meaning and as to their connection. With this knowledge is joined an aptitude and facility for understanding the meaning of Sacred Scripture.
2. The gift of knowledge, with faith in revealed truths supposed, disposes man to judge rightly concerning the Christian religion, insofar as under the influence of the Holy Spirit, though from natural reasons, he understands that these truths are manifestly credible, especially consonant with sound reason, and that Christian virtue is of such excellence that it must be preferred to all earthly goods.
3. The gift of wisdom, likewise with faith supposed, disposes man to judge rightly concerning the truths of the Christian religion, insofar as not from natural reasons, but from supernatural and divine reasons, namely insofar as they are from God, the supreme principle and end, he contemplates their beauty and delights in them.
4. The gift of counsel disposes man, from the motion of the Holy Spirit, to choose the means which are apt for progressing in the way of perfection. But because the Holy Spirit chooses things higher than human prudence does, it happens that He impels the just man to those things which appear foolish to men, and which are more to be admired than indiscriminately imitated.[54]
5. The gift of fortitude disposes man to overcome extraordinary difficulties which stand in the way of the exercise of virtues. The gift of fortitude differs in two ways from the virtue of fortitude, which inclines to overcoming the same difficulties: a. the motive of the virtue is natural uprightness, which is discerned in overcoming difficulties; the motive of the gift is confidence in the motion and assistance of the Holy Spirit. b. The virtue regards the measure of the powers of nature; the gift exceeds the powers of nature and dares those things which appear rash to natural reason.[55]
6. The gift of fear disposes man to follow the motion of the Holy Spirit for exhibiting reverence to God: for fear is understood as reverential toward the divine majesty, to which Christ the Lord also exhibited reverence, and before which, as Sacred Scripture testifies, the angels fall upon their faces.[56]

Notes

54. Cf. Judg. 11:30; 16:29; 1 Macc. 6:46.
55. Cf. 1 Kings 17:32 ff.; 2 Macc. 6:18 ff.
56. Cf. Apoc. 7:11.

7. The gift of piety disposes man to follow the Holy Spirit moving him to honor God as our Father.[57] Just as piety in the natural order refers to parents, so in the supernatural order it refers to God, our Father in a higher sense; therefore piety disposes to whatever acts by which, from a special motion of the Holy Spirit, we exhibit reverence to God as our Father and to all others, such as the saints, the Church, and neighbors, insofar as they are referred to God as Father.

Although the gifts differ from the virtues, nevertheless to individual gifts there corresponds a special virtue, which the gift surpasses in dignity and excellence: a. the gift of understanding corresponds to faith; b. the gift of knowledge likewise corresponds to faith; c. the gift of fear corresponds to hope; d. the gift of wisdom corresponds to charity; e. the gift of counsel corresponds to prudence; f. the gift of fortitude corresponds to the virtue of fortitude; g. the gift of piety corresponds to the virtue of justice.

34. The supreme principle. The ultimate supernatural end, or the destination of man to beatitude, which consists in the vision and love of God, is the supreme principle of moral theology. For from this truth are determined and understood all things which have been instituted by God and are to be performed by men for the sanctification of men. And indeed, in order that Christian life may be proportioned to the end of eternal beatitude, sanctifying grace is infused, by which man is elevated to the supernatural order, is constituted just, holy, an adoptive son of God, and by which he receives the principle of supernatural life, such as is worthy of a son of God and heir of eternal beatitude. Together with sanctifying grace the theological virtues are infused, by which the powers of the soul, intellect and will, are supernaturally perfected and rendered apt for exercising virtues altogether supernatural as to object and proportioned to eternal life. The moral virtues indeed do not differ from natural virtues as to object; nevertheless, through infused habits and through the influence which supernatural charity exercises upon their acts, they are elevated to supernatural perfection, such as is fitting to the dignity of a son of God destined to the beatific vision. To beget, nourish, perfect, preserve, and, if it has been lost, to repair again this supernatural life, Christ the Lord instituted the sacraments, or so many sources and supports of supernatural life. Finally, to the same end He added to all these things the precepts of the theological virtues and the precepts which refer to the sacraments, which indeed are precepts of the supernatural order.

Third Question

On The Moral Order

First Article

On The Moral Order Itself

35. What it is. The moral order consists in the essential relations by which man is referred to God, to himself, and to other creatures. These relations demand of man several and diverse operations, by which, according to the will of God, he must strive toward his end. For this reason the moral order also consists in the operations by which man tends to his end. Finally, there is added the order of means to the end, by which God helps man so that he may come to his end. Therefore the moral order, considered completely, comprises the ultimate end, God, in whose possession man obtains perfect happiness; the relations by which man is referred to God, to himself, and to others; the operations which are consonant with the essential relations of man; and finally the means which, by divine institution, serve for obtaining the end. Therefore the moral order instituted by God is the way by which we tend to the end, and the means by whose observance

---

Notes

57. Rom. 8:15.

we attain our end; whence St. Augustine teaches: "Order is that which, if you hold it in life, will lead you to God."[58]

a. Since order in general is the relation of one thing to another, in order to constitute the moral order one must first consider the relations by which man is referred to another. Now there are three relations of this kind founded in human nature itself: the religious relation, the individual relation, and the social relation. For man is referred to God, his first principle and ultimate end; he is referred to himself, since he is furnished with several and diverse inclinations and powers, which by their nature are so arranged that the lower are referred to the higher and, conversely, the higher to the lower; finally man is referred to other creatures, whether rational or irrational. For man, as part of the universe, is on the one hand ordered by his nature to forming society with other men, and on the other hand is furnished with the right of using material things insofar as this is required for attaining his end. It is clear that the moral order by its nature is a final order, since the whole nature of man with all its relations is ordered to God, the ultimate end: the religious relation immediately, but the individual and social relation mediately. From this, namely, is understood the dignity and excellence of rational nature, which alone has an immediate relation to God; on the contrary, irrational creatures are referred immediately to man and mediately through man to God.[59]

b. Since man by nature is referred to God as creature to Creator, as servant to Lord, order requires that man acknowledge his Creator and Lord, revere Him, serve Him, and love Him. Since the body is related to the soul as instrument to the principal agent, order requires that the lower powers be subjected to and serve the higher, and that the higher direct the lower. Therefore St. Gregory the Great calls reason the mistress of a large household.[60] Finally, since man is referred to other men as to companions and fellow-servants, participants of the same nature and destined to the same end, order requires that he love others as himself and observe justice in social life.

36. The natural and supernatural order. Order depends upon the end for the obtaining of which it was instituted, and must be consonant with it as to nature. Since there is a twofold ultimate end, there is also a twofold moral order: the natural, which is founded in human nature and corresponds to its capacity, powers, and demand; and the supernatural, which is instituted by the free will of God and transcends the capacity, powers, and demand of human nature. It is established that in the present order of providence man, through sanctifying grace, is constituted an adoptive son of God and heir of eternal and supernatural happiness: "When the fullness of time came, God sent His Son, that we might receive the adoption of sons."[61] "As many as received Him, He gave them power to become sons of God."[62]

a. Therefore in this order man is referred to God as son to father; the body, which is a member of Christ and temple of the Holy Spirit,[63] is referred to the soul as a sacred instrument to a sacred principal cause; and man is referred to other men as a brother of Christ and heir of eternal life to brothers in Christ and heirs of the same divine life. These relations are indeed altogether different from the relations which constitute the natural order. The supernatural order demands other and nobler operations, all of which Christ comprehended in the two precepts concerning the charity of God and neighbor.[64] By observing

Notes

58. *De ordine* l. 1, c. 9, n. 27.
59. Cf. St. Thomas II-II, q. 2, a. 3.
60. *Moralia in Job* l. 1, c. 30, n. 42.
61. Gal. 4:4-5.
62. John 1:12.
63. 1 Cor. 6:15, 19.
64. Matt. 22:37 ff.

these, man obtains the supernatural beatitude of eternal life. Finally, the means of this order also are supernatural (n. 33).

b. The natural order is instituted by the very fact of creation. But it pleased the supremely good God in creation itself to elevate man above nature to a higher order, plainly supernatural. The supernatural order is instituted by the very fact of adoption, or of the elevation of human nature to the state of adoptive sonship.

Second Article

On The Obligation Of Tending To The Ultimate End

37. On the obligation itself. The primary and principal moral duty which is incumbent upon man living in this life is the obligation of tending to the ultimate end and of attaining it by the means ordained by God.

1. Man has been destined by God to the end of eternal life; but in this destination there is manifestly contained the will of God, by which man is obligated to attain the end through the means ordained by Him.

This argument can be set forth in this way: God constituted Himself the ultimate end of man; but by the very fact that He constituted Himself the ultimate end, He imposed upon man the obligation of tending to the ultimate end.

2. Man by a natural weight is borne toward his perfection and beatitude, which he cannot attain except in God, the supernatural end. But in a rational being the tendencies of nature are governed by law and moral obligation. Therefore he is bound by moral obligation to strive toward the end of eternal life by freely choosing the end and those things which have been ordained by God for attaining the end. The same obligation is also imposed upon man by the express words of Sacred Scripture: "Be you therefore perfect, as also your heavenly Father is perfect";[65] "with fear and trembling work out your salvation."[66]

3. The relation of the present life to eternal life, according to Sacred Scripture, is the state of the way to the terminus, the state of tendency toward perfect beatitude: for the present way is exhibited as a time of combat, labor, and probation; eternal life as crown, wages, and reward.[67] Therefore, according to the will of God, we must freely strive toward the ultimate end through the means ordained by God.[68] Whoever has not done this will fall away from the end of beatitude and will be condemned to eternal punishment: "And these shall go into eternal punishment; but the just into eternal life."[69]

38. What this obligation involves. In order that man may come to the end of eternal life:

1. He is bound by faith to acknowledge God, the supernatural end, and to constitute Him the end of his moral life. Hence he ought to be so disposed that he wills to love nothing, to desire nothing, which simply impedes the ultimate end and is simply opposed to attaining it, of which sort is mortal sin.

a. Since venial sin is not simply opposed to the attainment of the ultimate end, the will and intention of committing venial sin is not against the prescribed obligation of tending to the ultimate end. Venial sin

---

Notes

65. Matt. 5:48.
66. Phil. 2:12.
67. Matt. 5:12; 16:27; 19:17, 29; 25:9, 30, 46; 1 Cor. 9:24; 2 Tim. 4:8; Jas. 1:12; 3:4.
68. Matt. 19:17.
69. Matt. 25:46. Cf. Matt. 7:19; John 5:29.

is indeed an action through which man does not tend to his end, but it does not remove the end and the attainment of it.

b. From these things it is gathered that the first and fundamental precept of the whole moral life is this: that man adhere to God by faith, hope to attain Him as his supreme good, and order himself and all that is his to God, his ultimate end. And since ordering to God in this order of salvation is done through the charity of God, it is understood why an act of divine charity is necessary and prescribed at the beginning of the spiritual life.

2. He is bound to acquire for himself the state of grace and of divine sonship through the sacrament of baptism: for the kingdom of heaven is promised only to the sons of God, just as only sons have a right to the inheritance of the father: "Unless one has been reborn of water and the Holy Spirit, he cannot enter into the kingdom of God."[70] "But if sons, then heirs."[71]

3. He is bound to lead a life worthy of a son of God through the supernatural observance of the commandments of God, so that through good works he may merit for himself the reward of eternal life: "If thou wilt enter into life, keep the commandments."[72] "He who does the will of My Father who is in heaven, he shall enter into the kingdom of heaven."[73]

4. If he has deserted the ultimate end and lost the state of grace through mortal sin, he is bound to return to the end of his life and to recover the lost state of grace through penance. For in the state of mortal sin an efficacious tendency to the ultimate end is impossible. Moreover, for one existing in the state of mortal sin, since his will, turned away from God, adheres to earthly things, because of lack of strength it is too arduous to overcome the difficulties which occur in observing the precepts for a long time, unless he withdraws his will from sins and efficaciously sets God before created things.[74]

Discussion will return elsewhere concerning the difficulty which is found in assigning the time within which this obligation must be fulfilled.[75]

39. To what extent the world is to be fled. The Christian religion, which constitutes the ultimate end of man not in the goods of this life but in the goods of another life, and obligates him, earthly things being put after, to strive toward supernatural and eternal goods, is therefore gravely blamed, as though by directing man to supernatural and future things it turns him away from the goods of this life, teaches him to despise them, and to neglect temporal prosperity and progress.

a. It rightly and deservedly teaches that man attains his end not in this life, but only in the other, since in this life man cannot obtain either the moral perfection fitting to human nature or the happiness which he naturally desires. For progress, even the greatest, whether material or intellectual, cannot raise man either to moral perfection or to happiness.

b. It teaches that the world is to be contemned and fled insofar as worldly cares impede the tendency toward eternal goods and bring true human happiness into danger. Hence is understood the frequent admonition of Sacred Scripture and of the holy Fathers, not of loving but rather of abandoning the world, namely insofar as it brings the danger of losing more excellent goods. But it is wholly false that

---

Notes

70. John 3:5.
71. Rom. 8:17.
72. Matt. 19:17.
73. Matt. 7:21.
74. Cf. St. Thomas I-II, q. 109, a. 8; II-II, q. 14, a. 2. Lugo, *De poenitentia*, disp. 7, n. 234 ff.
75. Cf. *De sacramentis*^3, n. 217.

the Christian religion impedes temporal progress or renders man unfit to collaborate in perfecting and promoting temporal life and its culture. For it requires only this: that in the works by which he tries to promote temporal prosperity, he observe the norms of morality and not neglect Christian duties. With this condition posited, Christians are admonished to apply themselves seriously and diligently to temporal and worldly labors.[76]

c. Nor from the fact that the Christian religion teaches that virginity is to be preferred in itself to marriage, and the religious state to the secular state, does it despise or condemn marriage or the secular state, but it prefers the greater and better good to the lesser good. Nevertheless, when the character of human nature is considered, it is not to be feared that so great a multitude of men will abandon the world that material prosperity and progress will ever be neglected.[77] Indeed the Christian religion effectively increases and promotes in every way the true culture both of the individual man and of society, in that it cultivates individual and social virtues in individuals, protects and perfects the family and the state, and commends and promotes that progress to which alone true and solid stability belongs.

Book Second

On Acts Apt For The End

Man must tend to the ultimate supernatural end by his acts: for eternal beatitude is repaid to us as wages and reward of labor. Now, in order that our acts may be apt for meriting the ultimate supernatural end, they must be human, morally good, supernatural, and meritorious: for the end cannot be obtained except by acts which are proportioned to the end; but only these acts are proportioned to the ultimate supernatural end. Therefore we must treat in order of human acts, of moral, supernatural, and meritorious acts.

First Question

On Human Acts[78]

First Article

On The Nature Of Human Acts

40. Definition. Human acts in the broadest sense are called all those which are done by man, and they are rightly divided into acts of man and acts strictly and properly human.

If human acts taken in the broadest sense are compared with the acts of brutes, there are found acts which are common to man with brutes, for man is a rational animal, and acts which are proper to man, for man is a rational animal. And indeed acts of four kinds can be distinguished: a. some are common to man with brutes both as to substance and as to the mode of operating, such as seeing, hearing, walking; b. others are proper to man as to substance, but common with brutes as to the mode of operating, such as spiritual acts, understanding and willing, which, like acts of brutes, happen necessarily or indeliberately; c. others

---

Notes

76. Cf. 1 Thess. 4:10 f.

77. On this matter the following discuss aptly: Schneider, *Die gottliche Weltordnung* (Paderborn: Schoningh, 1900): "Weltflucht und Kulturscheu," p. 528 ff. Mausbach, *Die katholische Moral*^2 (Cologne: Bachem, 1901): "Kulturarbeit und Weltflucht," p. 113 ff. H. Pesch, *Die soziale Befahigung der Kirche*^2 (Freiburg: Herder, 1897); Kneib, *Die Jenseitsmoral* (Freiburg: Herder, 1906).

78. St. Thomas I-II, q. 6-21. St. Alphonsus, l. 5, n. 144. Sporer-Bierbaum, *Theologia moralis decalogalis* (Paderborn: Typographia Bonifaciana, 1897), tr. 1, c. 2. Ballerini-Palmieri, *Opus theologicum morale*^2 (Prato: Giachetti, 1880), tr. 1. Lehmkuhl, n. 1-40. Bouquillon, n. 318-408. G. Walsch, *Tractatus de actibus humanis*^2 (Dublin: Gill, 1891). F. Frins, *De actibus humanis* (Freiburg: Herder, 1897). Tepe, *De actibus humanis*, n. 1-107. Pesch III, n. 536 ff. Bucceroni, *Commentarii de actibus humanis*^2 (Rome: Typographia iuvenum opificum, 1906).

are common to man with brutes as to substance, but proper as to the mode of operating, such as sensitive acts, seeing, hearing, walking, which are done deliberately; d. finally, others are proper to man both as to substance and as to the mode of operating, such as spiritual acts, understanding and willing, which are done deliberately.

1. Those are called acts of man which are common to man with brutes, because they do not depend upon the free will, such as acts of sensing, acts of thinking, and acts of willing which are done indeliberately.

To acts of man belong: a. acts which are done by man when he does not actually have the use of reason, as are infants, the drunk, the sleeping, and the delirious; b. acts which are done by man actually having the use of reason indeed, but not using reason, such as acts of the intellect, will, imagination, and motions of the sensitive appetite which precede advertence of the mind.

2. Those are called human acts which are proper to man, because they depend upon free will, of which therefore man is master; and they are usually defined: acts which proceed from a deliberate will, that is, which are done with advertence of the mind and with the free consent of the will, such as free acts both of understanding and willing, and also of sensing.

a. That these alone are strictly and properly human is clear: for acts are called truly and properly human which are done by man insofar as he is man and differs from irrational creatures, or those which are proper to man as to the mode of operating, whether as to substance they are proper to man or common with brutes. But only acts which proceed from a deliberate will are of this kind: for the necessary acts of intellect and will are indeed truly proper to man and can be called human as to the substance of the action, but they are not proper to him and cannot be called human as to the mode of action, because that proper mode of operating does not belong to them, namely to act with dominion over the act.

b. The reason why only acts which are done freely are called properly human and proper to man, insofar as man is a rational being, although there are also other acts proper to man, namely spiritual acts, is this: Since in moral doctrine it is asked which acts are proper to man, and in morals not the essence of acts but the operation is attended to, the essential difference between man and irrational beings is rightly taken not from the essence of the acts, but from the mode of operating. But the mode of operating proper to man, insofar as man is a rational being, is to operate freely or with dominion over the act.

41. Division of human acts. 1. Some human acts are elicited, others commanded. Those are called elicited which proceed from the will and are completed in it, such as acts of love, hatred, desire. Those are called commanded which, from the command of the will, are exercised by another power, whether internal, as an act of thinking, or external, as an act of walking.

a. Nothing prevents acts which proceed immediately not from the will but from another power from also being called elicited. Thus acts of thinking with respect to the intellect, acts of seeing and hearing with respect to the senses, can be called elicited. But since in moral matters only free acts are attended to, only acts of the will are usually called elicited.

b. The command of the will is called the act of the will by which the will moves the powers subject to itself to an act, or causes them to cease from an act. Thus the will can bring it about that the intellect think about some matter or cease to think about it, and likewise that the members of the body be moved or cease from motion.

c. The will exercises command over the intellect, the external senses, the sensitive appetite, and the motor power, insofar as this pertains to animal life. The operations of these powers, by force of this command, are and are called voluntary, free as to exercise, namely insofar as their exercise depends upon free

will.[79] Every commanded act is physically composed of a twofold act; morally, however, it is and is called one act.

d. The will can command not only the acts of other powers, but also its own acts, for example it can command itself to elicit acts of love of God. Therefore there are elicited acts of the will which are at the same time commanded.

e. Acts are also called elicited by reason of the internal motive, and commanded by reason of the external motive on account of which they are exercised. Thus prayer, which is an elicited act of religion, can be an act commanded by penance, if it is done for redeeming sins. From these things it is understood what theologians mean when they teach that one virtue commands the acts of other virtues, namely if someone, from the motive, for example, of charity, gives alms to the poor; charity is said to command the act of mercy.

2. Some acts are internal, others external, others mixed. Internal acts are called those which are completed by the merely internal powers of the soul, such as an act of thinking. External acts are called those which are completed by the will through the external organs of the body, such as an act of walking or seeing. Mixed acts are called those which are exercised by external and internal powers together, such as attentive vocal prayer, or devout adoration through genuflection.

According to another way of considering, acts elicited by the will are called internal, and acts commanded by the will are called external, since they are external to the will, whether they are then exercised by internal or external powers.

3. Acts are good, evil, indifferent. Good acts are called those which are conformable to right reason; evil acts, those which are repugnant to right reason; indifferent acts, those which are neither conformable nor repugnant to right reason. These become good or evil especially from the end for the sake of which they are done. A good or indifferent act is also called lawful, because it is prohibited by no law; but an evil act is called unlawful, because it is opposed to either divine or human law.

4. Some acts are natural, others supernatural. Natural acts are called those which are produced by the powers of nature alone; supernatural acts, those which are completed by the help of divine grace. Acts, both natural and supernatural, are called meritorious insofar as they are worthy that some retribution be repaid to them.

The difference between natural and supernatural acts is taken not from the object of the act, but from the eliciting principle: for in order that an act be supernatural, a supernatural principle is required and suffices; on the contrary, a supernatural object is neither required nor sufficient. Surely an act of the intellect placed with the help of grace concerning a natural truth is supernatural; but an act placed without the help of grace concerning a revealed truth is not supernatural.

5. Some acts are valid, others invalid. Valid acts are called those which possess all the requisites for producing their proper effect; invalid acts, those to which some condition necessary for this is lacking. Thus a vow is called valid which has the necessary conditions for inducing obligation. Valid acts are either rescindable or unrescindable, insofar as they can or cannot be rescinded, or deprived of their force, by human will, as vows and contracts can, but sacraments cannot.

Notes

79. On the command of the will over the other powers, cf. St. Thomas I-II, q. 17. Suarez, *De voluntario*, disp. 10. Cathrein, *Moralphilosophie*, p. 54 ff. Meyer, *Institutiones iuris naturalis*, p. 93 ff.

Second Article

On The Voluntary And The Involuntary

All human acts are voluntary. The voluntary and involuntary are treated so that the diverse modes may be known according to which the will tends into its object, or according to which acts proceed from the will, because this knowledge contributes much to determining the imputability of human acts and its grades.

42. What the voluntary is. The voluntary is called that which proceeds from the will, as an effect from its cause, with previous knowledge of the intellect. Therefore two things belong to the nature of the voluntary: a. that the act proceed from the will as from its cause; b. that it be placed with the knowledge of the intellect going before.

a. Something can proceed from the will positively, or through its positive influence, or negatively, or through omission of influence.

Something can proceed positively from the will in three ways: immediately, mediately, and effectively. The elicited acts themselves of the will proceed immediately; acts commanded by the will and elicited by other powers proceed mediately; the effects of these acts proceed effectively. Thus in the throwing of a stone by which a man is wounded, the intention of doing so proceeds immediately from the will, the throwing mediately, and the wound inflicted by the stone effectively.

Omissions and their effects are said to proceed negatively from the will. If someone does not extinguish a fire set to a house, the omission of extinguishing and the effect of the house burning are said to proceed negatively from the will.

Therefore four things are said to be voluntary to us: a. elicited acts of the will; b. acts commanded by the will; c. external effects of our actions; d. omissions and their effects.

b. The voluntary differs: a. from the willed: for that is called willed which is the object of the will, even if it does not depend upon the will; but only that object is called voluntary which depends upon the will; b. from the spontaneous, which proceeds from a power with sensitive knowledge; for which reason acts of the insane, of infants, and even of brutes can be called spontaneous, but cannot be called voluntary; c. from the free or from a human act: for the voluntary abstracts from whether the act proceeds from the will freely or necessarily, but a human act is a free act.

For him who kills his enemy, both the purpose of killing and the death of the enemy are voluntary; but for him who desires the death of one killed, but does not bring it about, the desire of death is voluntary, while the death is willed. The farmer's desire for rain is voluntary; the rain is willed. But for God the rain is willed and voluntary. Therefore everything voluntary is willed, but not conversely is everything willed voluntary.

43. On the divisions of the voluntary.[80] 1. The voluntary is necessary or free, according as the act of the will is so borne into the object that the will cannot abstain from it, or so that the will can, at its pleasure, place the act or not place it.

Therefore the voluntary and the free properly differ from each other in such a way that the free is a species of the voluntary. For the voluntary generically is an act which proceeds from the will with knowledge of the intellect. But an act of this sort can proceed either in such a way that man has dominion over it, or the power also of abstaining from it, which is the free; or in such a way that he does not have dominion over it,

---

Notes

80. Ballerini-Palmieri I, n. 15-32. St. Thomas I-II, q. 6. Suarez, *De voluntario et involuntario*, disp. 10. Frins I, n. 77 ff.

which is the necessary. Nevertheless, in moral matters voluntary and free are used promiscuously, because in man as wayfarer there are no deliberate acts of the will which are plainly necessary.

2. The voluntary is perfect and imperfect by reason of advertence. The former is done with full advertence of the mind and therefore also with full consent of the will; the latter is done with half-full advertence of the mind and therefore also with imperfect consent of the will. The imperfect voluntary is found, for example, in acts of one half asleep, in acts which are done in great disturbance of soul.

The voluntary is not called imperfect because the will embraces the object reluctantly and only with some repugnance; this is the voluntary in a qualified sense, which belongs to the perfect voluntary. Rather it is called imperfect because the will does not fully determine itself to willing the object, for example sin. For the determination by which the will determines itself to willing the object, as to the grade of perfection, depends upon knowledge more or less unimpeded, to such a degree that without full or unimpeded knowledge there cannot be a full and perfect tendency of the will into the object, such as is required for a perfectly human act.

Therefore, for example, a man who, stirred by great anger, in a quarrel with his adversary breaks forth into blasphemies or says insults to him, does not sin gravely, because the blasphemies and insults are either first-first movements on account of the defect of advertence, or are light sins, because on account of the defect of full advertence they are not perfectly voluntary, unless perhaps the blasphemies, on account of a neglected habit of blaspheming, are grave sins.

3. The voluntary is voluntary simply and voluntary in a qualified sense. The former is that which is done with the full inclination of the will without any repugnance at all; the latter is that which is done with full inclination of the will indeed, but at the same time with some repugnance of it. For example, the martyr who offers himself to death wills death simply, that is, he would not wish not to die; and the martyr who is dragged to death wills death in a qualified sense, that is, he would wish not to die.

a. In this division two diverse acts are considered and compared with each other, one of which is done without repugnance, while the other is done with repugnance. Voluntary simply is also called pure voluntary, and voluntary in a qualified sense is called mixed voluntary, because in the same act of the will an inclination is joined with repugnance.

b. The mixed voluntary, or voluntary in a qualified sense, contains in the same act an inclination or consent of the will joined with some repugnance toward that very thing into which the consent is borne, for example the migration of one who is sent into exile. Therefore the mixed voluntary is usually called voluntary simply and involuntary in a qualified sense: voluntary simply, because the will in fact wills the thing and consents to it; involuntary in a qualified sense, because the will would choose the contrary if this were possible. For example, in one who hands over a purse to a robber, handing over the purse is voluntary simply, because he absolutely wills the handing over of the purse, but it is involuntary in a qualified sense, because he would not hand it over unless moved by fear. Likewise the unjust action of one who lends at usury is voluntary simply, because he wills it absolutely, but involuntary in a qualified sense, because he knows that it is unjust.

c. Those things which are done from fear, for example denial of the faith from fear of death, are voluntary simply and involuntary in a qualified sense. A mixed voluntary of this sort is relatively imperfect on the part of consent if it is compared with the pure voluntary, but not of itself on the part of knowledge; therefore the mixed voluntary of itself constitutes a perfectly human act.

4. The voluntary is express and tacit. The former is present when elicited consent is manifested outwardly by words or other signs, as if a superior by stated words or a nod grants or denies something. The latter is present when elicited consent is not manifested outwardly, but is only gathered to be present from

some fact or from the omission of a fact, as if a superior, knowing something to be done against the law, does not prohibit it; he is considered to consent tacitly or to give permission. Hence the axiom has prevailed: he who is silent seems to consent.

a. From tacit voluntary there must be distinguished presumed voluntary, which is had when in fact no act or consent of the will is present, but because of the fittingness of the matter it is supposed to be present; for if the matter were proposed, without doubt consent would in fact be present. For example, if someone says to a young man entering a tavern, from the presumed consent of the father: your father wishes you to return home. Sometimes even the tacit voluntary is called presumed, because its existence must be gathered or presumed from external signs and circumstances.

b. Concerning the saying, "he who is silent seems to consent," these things must be noted. Silence of itself signifies neither consent nor dissent; therefore in a particular case one or the other must be gathered from the circumstances. The following rules, however, are established so that the consent or dissent of one who is silent can be presumed from the circumstances according to prudent estimation:

c. One who is silent is considered to consent in favorable matters, namely where it concerns his favor and advantage, but not in odious matters, where it concerns his burden and prejudice. Hence one who is silent when another promises him something is considered to consent; but if someone asks that something be given to him by another and that other is silent, he is not considered to consent.

d. One who is silent is considered to consent even in odious matters if, not wishing to consent, he ought and could contradict; but he is not considered to consent if he is not bound to contradict or cannot. Now he is said not to be able when he cannot without harm or great inconvenience. One who takes a thing while the owner is present and not contradicting does not commit theft, because the owner is considered to consent, unless he is silent from fear or for another reason. And if a prince or superior knows that something is being done against order and does not contradict, he is considered to consent if he could easily contradict or impede it, but not if he could not easily impede it.

5. The voluntary is in itself and in another, or in the cause, which by others is called direct and indirect voluntary, by reason of the mode in which something is intended. The first is what the will immediately intends in itself; thus, for him who deliberately kills his enemy, the death of the enemy is voluntary in itself. The other is that which is not itself intended, but whose cause is intended, and which therefore is foreseen as going to follow from something which is intended in itself and immediately as from a cause; thus to one writing evil books, the sins of the readers, which he foresees but does not intend, are voluntary in the cause.[81]

a. In order that something be called voluntary in itself, it is not necessary that it be desired for its own sake or as an end, but it can also be desired for the sake of another thing or as a means. Thus for a shipmaster the throwing overboard of goods is voluntary in itself, although he does not will it for its own sake, but as a means for saving the life of those sailing.[82] Likewise not only the cause but also the effect together with the cause can be voluntary in itself, provided the will also wills this in itself, as in one who wills, together with medicine, also the effect of health.

b. Something can be voluntary in the cause in two ways: either because by a positive action the cause is posited from which the effect is foreseen as going to follow, and this indeed is called voluntary in a

---

Notes

81. Others, who follow more exactly the way of speaking of St. Thomas, distinguish direct and indirect voluntary from voluntary in itself and in the cause, and define it so that it agrees with positive and negative voluntary. Cf. St. Thomas I-II, q. 6, a. 3; q. 77, a. 7.

82. Lehmkuhl I, n. 4.

positive cause; or because by omitting an action, the cause is not removed or not impeded, although it can be impeded, and this is called voluntary in a negative cause. Let the death of innocent men in a military commander who fires cannon into a fortress, and the burning of a house in one who does not extinguish a fire set by another, serve as examples.

c. Cause here in a broader sense signifies everything in which another thing is contained, whether as an effect in a cause, or as a part in a whole, or as connected with the other, so that the will cannot desire one without being considered to desire also the other.

d. Therefore the voluntary in the cause is generally an effect which is not intended but which follows apart from intention from a cause which is voluntary in itself and is intended.

6. The voluntary is actual, virtual, habitual, by reason of the influence which the act of the will exercises upon the work, or upon the effect. Since this voluntary agrees in reality with actual, virtual, and habitual intention, it is better to set forth this division under that respect. Intention is the act or tendency of the will toward some end to be obtained through apt means.

a. Actual intention is that which exists here and now, influences the work, and is adverted to reflexively when the work is placed. Thus one who here and now wills to confer baptism and in fact confers it has actual intention in conferring baptism.

It can be twofold: explicit, if the will intends what is apprehended clearly and distinctly, as if someone intends to confer the sacrament of baptism; or implicit, if that which the will intends is in some way contained in that which is explicitly known and intended, as if one baptizing intends to do what he saw the pastor doing. The former has actual explicit intention in conferring baptism; the latter actual implicit intention.

b. Virtual intention is that which, elicited previously, continues here and now, influences the work, but is not adverted to when the work is placed. Thus one who confers baptism which he had previously proposed to confer, but now, when he confers it, no longer thinks of this proposal, has virtual intention in conferring baptism.

The influence of virtual intention is discerned from this example. If someone goes walking after setting for himself the end of the walk, he does not think of the end at each step, but the intention of the end latently continues and brings it about that each step is suitably disposed to the end. This intention is called virtual from the force or virtue by which the act or intention of the will influences the action. What that force is which flows from an act of the will previously elicited into the action now to be placed, and brings it about that the action is virtually voluntary, is explained by authors in diverse ways;[83] but all agree in this rule to be assigned for practice, by whose aid it can be judged how long a previously elicited intention continues and influences the action: namely, a previously elicited intention influences the action as long as the agent, although he does not think about the intention, nevertheless, if asked what or why he is acting, without a new act of the will and without reflection, from the mere remembrance of the prior intention, immediately says: I am doing this, or, I am doing this for that.[84]

c. Habitual intention is that which, elicited previously, no longer exists nor influences when the work is placed. Thus one who elicited the intention of offering tomorrow's sacrifice of the Mass for a deceased

---

Notes

83. On this matter Walsch n. 70 ff. and especially Frins I, n. 51-56 can be consulted.

84. Cf. Sporer-Bierbaum III, tr. 7, n. 107 ff.

friend, and thinking no more about this intention celebrates tomorrow, applies the Mass from habitual intention.

d. In order that an action proceed from intention as from its cause, the intention must be actual or virtual; habitual intention does not suffice, since this no longer perseveres when the action is placed, nor influences it.

e. Nothing prevents someone from having several intentions at once, or intending several objects at once, whether these are ordered to one another, as if someone wills medicine and through it health, or are not ordered to one another, as if someone undertakes a pious pilgrimage to venerate a saint and to visit a friend.

44. On the involuntary. The involuntary is called that which does not proceed from the will. And since two things are required for the voluntary, consent of the will and knowledge of the intellect, it can happen in two ways that some action is involuntary to the agent: either because he is forced by an external force against the inclination of the will to place the action, as if someone is violently dragged to the shrine of an idol; or because he places the action ignorantly, as if someone kills a man thinking him to be a beast.

a. The involuntary is distinguished into negatively or privatively involuntary and positively involuntary. The former is had when no act exists in the will toward some object; the latter is had when there exists in the will toward some object an act of aversion or unwillingness.

The privatively involuntary is also called the non-voluntary. There are some who distinguish between involuntary and non-voluntary: they call involuntary what someone does while ignorant, which he would not have done if he had known, and therefore against the will; they call non-voluntary what someone indeed does while ignorant, but which he would have done even if he had known, and therefore without the will. The former is done from error, the latter with error. Thus if someone, wishing to kill a beast, kills the goat of his enemy, whom he has long intended to harm, the killing of the goat is indeed not involuntary, but nevertheless non-voluntary.

b. There is perfect and imperfect involuntary. The former is had when the will fully and, as far as lies in it, efficaciously rejects something; the latter is had when the will rejects something weakly and remissly, only with some hesitation. A temptation against faith, charity, or chastity which is entirely rejected without hesitation is perfectly involuntary; but one which is rejected with some hesitation and negligence is imperfectly involuntary.

Third Article

On The Principles Of Human Acts

45. What they are. The principles of human acts are called those things which must concur for producing a human act in the individual. Now three things must concur for effecting a human act: the object, the intellect, and the will.

1. The object of a human act, which is some particular good, as a final cause allures and moves the will to acting and by its influence gives it a certain and determinate tendency, or affection. Therefore acts of the will have from the object that they are acts of such a species, that is, the object specifies the acts of the will.

2. On the part of the intellect there must be present: a. advertence to the act itself. For a human act must be in the power of the one operating, to such a degree that he can place it or not place it. But this is impossible unless, adverting to the act itself, he knows that he is going to place the act.

For this reason thoughts, imaginations, or appetitions which immediately upon the proposal of the object arise in the intellect, in the imagination, in the will, or in the sensitive appetite without any advertence of the mind cannot be human acts, and therefore neither good nor evil.

b. Advertence to the object and its qualities. Since the object of a human act must be freely willed and therefore previously known, the act is human insofar as its object is known.

In order that the act of one who, killing his father, commits parricide, be a human act, he must know that he is killing his father; it would be homicide if he thought he was killing a man; it would not even be homicide if he thought he was killing a beast.

c. Deliberation, by which we inquire whether some object represented by the intellect is to be embraced or rejected by the will.

Those are not human acts which are not determinate in the concrete and surrounded by various circumstances. Therefore the intellect, having considered all the circumstances, must judge whether the action is to be embraced or rejected. Moreover, the object which we desire rarely exhibits itself to us as a mere good or as a mere evil, but frequently as a good joined with a defect or evil, whether true or apparent. In this case deliberation is needed as to whether that is good or evil, lawful or unlawful, and therefore to be embraced or rejected by the will.

d. The dictate or practical judgment, by which we decide that something is good or evil, to be embraced or to be rejected.

e. The will cannot elicit a human act, whether of pursuit or aversion, unless a judgment has preceded concerning the suitability or unsuitability of the object, with which the act is concerned, with the nature of the agent; and specifically it cannot elicit a morally good act unless a judgment has preceded concerning the moral goodness or lawfulness of the object and act. But this judgment is called the practical dictate or judgment.

f. Frequently by a simple glance it is known that the thing proposed by the intellect is good and therefore to be embraced, or evil and therefore to be rejected; in which case deliberation and practical judgment are contained in a single act.

3. On the part of the will there is required: a. the exercise of liberty, in that the will determines itself to acting or to acting in this way.

Since a human act by its nature is a free act, it is clear that a human act cannot be done without the exercise and use of this perfection, namely liberty.

b. A free tendency into the object, insofar as it is proposed by the intellect.

After the will has determined itself to acting, it elicits in itself an act which by its nature is a vital and affective tendency by which it embraces the object and adheres to it, or is a vital aversion which rejects the proposed object.

46. On advertence. a. Advertence is defined as the act by which the mind attends to something. It is divided:

a. By reason of the act itself into full advertence, if nothing impedes the mind so that the act of adverting is perfect, as when someone perfectly awake, self-possessed, and not distracted adverts to things; and into half-full advertence, if something impedes the mind so that the act of adverting is not perfect, as when someone thinks about a matter while not yet fully awake, or not fully self-possessed, or distracted by other things.

b. By reason of the thing to which the mind adverts into distinct advertence, if the thing is apprehended clearly or certainly, and confused advertence, if the thing is apprehended obscurely or doubtfully. Thus one who steals a sacred thing, thinking that the theft of a sacred thing is sacrilege, distinctly adverts to sacrilege; one who steals a sacred thing, knowing only that the theft of a sacred thing is graver than simple theft, adverts confusedly to sacrilege. Likewise one who throws a tile from a roof into the street with the plan of killing an enemy passing by, adverts distinctly to the death of the enemy; and one who does the same suspecting indeed that a man perhaps passing by could be killed, but not knowing whether in fact someone is passing by and is killed, adverts confusedly to the death of a man.

c. According to the diverse advertence of the mind to an act, whether of the will or of other powers, threefold diverse acts, or as they are usually called, movements, are distinguished. There are: a. first-first acts or movements, which precede every advertence of the mind, for example movements of aversion, anger, revenge in the sensitive appetite or in the will; b. second-first acts or movements, which precede full and perfect advertence of the mind; c. second acts or movements, which are elicited with full and perfect advertence and knowledge.

Fourth Article

On The Impediments Of Human Acts

47. Since it depends upon the exercise of liberty that an act be human, it is necessary to know what things impede the exercise of liberty and therefore a perfectly human act. The impediments of human acts are of two kinds: some are actual, which actually and transiently lessen or remove the human, voluntary, and free act; others are habitual, which habitually and permanently lessen or remove the human, voluntary, and free act.

I. Actual Impediments

There are four things which actually and transiently impede the human act: ignorance, concupiscence, fear, and force. Because a human act must proceed from previous knowledge, ignorance impedes it; because it must proceed from the will as from an internal principle, violence impedes it; because it must proceed from a principle indifferent to acting and not acting, concupiscence and fear impede it.

1. On Ignorance

48. Notion. Ignorance is the lack of knowledge of some thing. Therefore ignorance denotes a habitual state of the mind.

a. Ignorance differs: a. from error, for error signifies an erroneous judgment or an assent not conformable to truth; therefore besides the lack of knowledge of some truth it involves a judgment contrary to truth, as if someone not only did not know that Christ is God and man, but judged Him to be a mere man; b. from inadvertence, which consists in this, that the mind does not attend to a matter, even though habitual knowledge of that matter is present.

b. Ignorance, which denotes a habitual state of the mind, is taken here insofar as it actually influences our action, namely for actual ignorance, to which inadvertence also pertains.

49. Division of ignorance. 1. By reason of the object, ignorance is divided into ignorance of law and ignorance of fact. The first is ignorance of the law, as if someone does not know that fasting must be observed on the vigil of Pentecost, or does not know that the reading of a heretical book is prohibited. The other is ignorance of a thing, either as to substance or as to some circumstance, as if someone does not know that today is the vigil of Pentecost, or that the book which he reads is heretical.

Some reduce ignorance of the penalty to ignorance of law, namely of the law decreeing the penalty for the offense; others to ignorance of fact, namely of the connection of the penalty with such an offense; finally others list it as a third species of ignorance.

2. By reason of the subject, or of the man ignorant, ignorance is divided into invincible and vincible. The first is that which cannot be put away, and is called physically invincible if it cannot be put away in any way, as if someone does not think at all about the matter or law, or about the obligation of investigating; and morally invincible if, with moral diligence applied, it cannot be put away. The other is that which can be put away by applying moral diligence, but is not put away.

a. That diligence is considered moral which prudent persons are accustomed to apply in matters of this sort. Moral diligence must be diverse according to the quality of the matter, person, and circumstances: for greater diligence is usually applied in a matter of grave moment, lesser in a matter of slight moment; likewise, other things being equal, a person to whom many means of finding the truth are available applies greater diligence, and a person to whom only few means are available applies lesser. How much diligence must be applied so that it can be called moral must be measured from the way prudent persons act in these diverse circumstances. Therefore moral diligence is not the greatest diligence which can be applied, but is that diligence which anyone, from prudent judgment here and now, in this matter and in these circumstances, can and must apply for dispelling ignorance. But no one is bound to greater than moral diligence, even if he could apply greater.

b. Invincible ignorance is involuntary and therefore inculpable. Vincible ignorance is voluntary at least in the cause, and is culpable if it concerns those things which must be known, but inculpable if it concerns those things which can lawfully be unknown.

c. In order that ignorance be vincible and culpable, it is required both that a thought, or at least suspicion, of ignorance and of the obligation of putting it away enter the mind, and that the occasion of inquiring be voluntarily passed over or not sufficiently used.

3. Vincible ignorance, according to the diverse way in which it is willed, is divided into affected and not affected. The former is had when someone deliberately wills ignorance, for example so that he may sin more freely, as if someone doubting whether today is a fast does not ask, although he could easily ask, lest perhaps he be bound to fast. The latter is had when someone omits due inquiry, not because he wills to be ignorant of the matter, but for another reason, for example because of negligence, shame, and so forth.

The former is willed in itself; the latter is willed not in itself but in the cause, that is, in the omission of due inquiry.

4. Ignorance not affected is subdivided into crass or supine, when no diligence or almost no diligence is applied to putting it away; and into simply vincible, when some diligence indeed is applied, but not sufficient.

5. Invincible ignorance is divided into antecedent and concomitant. It is called antecedent if the one operating is actually so disposed that he would not place the action if he knew what he is ignorant of. Thus the ignorance of a hunter who kills a friend whom he thinks to be a beast is antecedent, because he would not have done it if he had known it was his friend. It is called concomitant if the one operating is actually so disposed that he would place the action even if he knew what he here and now is ignorant of. Thus the ignorance of a hunter who kills an enemy sought for death, whom he thinks to be a beast, is concomitant, because he would have killed him even if he had known him to be his enemy.

The former precedes the consent of the will and is usually called the cause of the action, because the action would not be done if the ignorance were absent. The latter accompanies the consent of the will and is usually named a non-cause, because the action would be done even if the ignorance were absent. In the former case the action is done from ignorance; in the latter, with ignorance.

6. Ignorance in general is divided into antecedent and consequent. Antecedent ignorance is that which precedes voluntary negligence in investigating an obligation, as is ignorance of the fast in one who has not even thought about the fast. Consequent ignorance is that which follows voluntary negligence in investigating an obligation, as is ignorance of the fast in one who, thinking about the fast, does not put away the ignorance.

All antecedent ignorance is invincible and therefore involuntary and inculpable. But all consequent ignorance is vincible and therefore voluntary and culpable, either in itself or in the cause.

Note. Ignorance of those things which must always be known is called habitual ignorance. A physician, judge, advocate, confessor, or pastor labors under habitual ignorance when he does not know those things which he must know from his office. Those who labor under ignorance of this sort are said to be in a habitual state of sin. This is not to be understood as though they sin at every moment for as long as they labor under this ignorance, but as meaning that they sin as often as an occasion offers itself of learning those things whose knowledge is necessary to them, if they advertently neglect the opportune occasion.

50. The influence of ignorance on human acts. 1. Invincible ignorance, whether antecedent or concomitant, removes the voluntary: for what is done ignorantly is not voluntary in itself, because it is unknown, nor is it voluntary in the cause, because the ignorance is supposed invincible. And since both antecedent and concomitant ignorance are invincible, the latter removes the voluntary by equal reason.

a. Invincible ignorance, just as it removes the voluntary, also removes fault. Hence one who on Friday eats meat while invincibly ignorant that it is Friday, or that what he eats is meat, does not commit sin. One who strikes a man while invincibly ignorant that he is a priest is guilty of injustice, but not of sacrilege. Children and the uneducated who do shameful things whose malice they do not know do not sin.[85]

b. That disposition of soul by which one operating with concomitant ignorance would place the action even if he knew the matter cannot bring it about that the action is voluntary, but only brings it about that after the truth is known the action is pleasing. Therefore, in the example given above, the actual will of killing the enemy indeed brings it about that the hunter sins by internal affection, but not that he is guilty of actual homicide.

2. Vincible ignorance does not remove but lessens the voluntary, at least if it is not affected.

a. The reason for the first is that vincible ignorance is voluntary; therefore voluntary also is the action or omission which proceeds from this ignorance, and the effect which follows from the action or omission.

Because vincible ignorance does not remove the voluntary, neither does it remove fault: one who shoots at a beast while suspecting that it could be a man is guilty of homicide if in fact he kills a man.

b. The reason for the second is that something is less voluntary the less knowledge there is of it; but manifestly there is less knowledge in one who is ignorant of a thing, even vincibly, than in one who knows it.

Notes

85. Therefore this proposition (2) was condemned by Alexander VII on December 7, 1690: "Although invincible ignorance of the law of nature may be granted, this in the state of fallen nature does not excuse the one operating from formal sin from it."

c. Therefore vincible ignorance also lessens fault: for something is imputed as fault insofar as it is voluntary. And since this ignorance has diverse grades of voluntariness, namely according as it is simply vincible, crass, or affected, so also the action which follows from this ignorance has diverse grades of fault.

d. The quantity of fault which is present in a sin committed from vincible ignorance is not taken from the action or omission which followed because of the ignorance, but from the negligence which was committed in dispelling the ignorance: for the action or omission is voluntary insofar as the cause of that ignorance is voluntary. Hence it can happen that great defects committed from ignorance by confessors in absolving penitents, by pastors in arranging marriages, or by physicians in treating the sick, are only light sins, when the negligence in fulfilling the obligation or in removing the ignorance was slight.

e. Ignorance is usually called crass when the negligence of investigating the truth is very great; and it is usually called simple or simply vincible when that negligence is not so great. Therefore crass ignorance is usually assessed as grave sin, while simple ignorance is assessed as light sin. There are authors, however, who say that not every simply vincible ignorance is a light sin, but that even simply vincible ignorance is either light or grave sin according to the greater or lesser negligence. Ignorance that is lightly culpable in a moral matter is usually equated with invincible ignorance.

Note. Because affected ignorance ordinarily arises from a great inclination to sin, it seems rather to increase than to lessen the voluntary. But an action which proceeds from affected ignorance is voluntary only in the cause; and what is voluntary in the cause is never as perfectly voluntary as that which is voluntary in itself and directly, because knowledge of the former is not as perfect as knowledge of the voluntary in itself.

2. On Concupiscence

51. Notion. Concupiscence in the broader sense, as it is taken here, is otherwise also called passion, and designates any act or movement of the sensitive appetite toward sensible good or evil apprehended through the imagination.

a. Concupiscence taken in the stricter sense is one of the passions, of which six are numbered in the concupiscible appetite: love, desire or concupiscence, joy, hatred, horror, and sadness; and five in the irascible appetite: hope, daring, despair, fear, and anger. Therefore concupiscence taken in the broader sense signifies the acts of all the passions, but taken in the stricter sense signifies the act of one passion only, namely desire.

b. Sometimes concupiscence in an altogether different sense signifies a depraved inclination of the appetite, lower and higher, arising from original sin, by which man is borne toward those things which are opposed to right reason.[86] Therefore this concupiscence differs in two ways from that concerning which we treat here: a. this one signifies a movement or act, but that one only an inclination or disposition; b. this one is concerned with sensible good or evil, but that one only with evil, yet both sensible and rational evil.

52. It is divided into antecedent and consequent. Antecedent concupiscence is that which precedes every consent of the will, yet draws and allures the will to consent. Consequent concupiscence is that which follows the consent of the will.

a. It can happen in three ways that concupiscence follows the consent of the will: either it is admitted after having arisen spontaneously, as if in one who meets an enemy, hatred spontaneously aroused is fostered by deliberate consent of the will; or it is deliberately stirred up, as if someone recalls in his mind

---

Notes

86. Cf. Gal. 5:17; Rom. 7:23.

injuries inflicted upon him by an enemy in order that he may be stirred to revenge; or it overflows from a vehement free act of the will, as if affections of hatred or love freely admitted overflow into the sensitive appetite.

b. Therefore antecedent acts of the sensitive appetite are not voluntary and hence in themselves neither good nor evil. But consequent acts of the sensitive appetite are voluntary and therefore either good or evil; and those indeed which are deliberately stirred up or, once stirred up, are admitted, are voluntary in themselves, while those which overflow from the will into the sensitive appetite are voluntary in the cause.

53. The influence of concupiscence on human acts. 1. Antecedent concupiscence lessens the voluntary and sometimes entirely removes it.

a. The reason for the first: for the voluntary is less, the more reason is impeded in its deliberation and the more the will is inclined by an external influence toward one side. But movements of the sensitive appetite impede the deliberation of reason: for they turn it away from considering the proper motives of reason and weaken their force and efficacy; moreover, they allure the will to consent.

b. The reason for the second: sometimes passion is so vehement that it entirely disturbs the mind and wholly removes the use of reason, to such a degree that the moral malice of the object is no longer perceived. Now, if no deliberation of reason is present, there is likewise no voluntary, as is clear in those who because of love or anger are plainly insane. But if passion does not wholly remove the use of reason, it does not entirely remove liberty.

c. Passion which lessens the voluntary also lessens sin, and passion which removes the voluntary excuses altogether from sin. Yet passion which does not wholly remove the use of reason does not remove the voluntary, and therefore neither excuses from sin. Hence it happens that actions which proceed from sudden anger or from vehement sadness, according to the degree of advertence, are either altogether involuntary or at least cannot be imputed as perfectly human acts; and if evil, they are frequently either no sin or only a light sin. A determinate judgment in the concrete concerning the imputability of such an action must be committed to God.

d. Whether the consent of the will which adheres to movements of concupiscence is a perfectly or imperfectly human act does not depend upon the movement of concupiscence, that is, upon its greater or lesser vehemence, but upon the influence which it exercises upon the use of reason. For a movement of concupiscence cannot act directly upon the will and absolutely draw it to consent; on the contrary, the will can resist even more vehement movements of concupiscence and deny consent. But passions usually impede the use of reason more or less.

2. Consequent concupiscence which overflows from an act of the will neither increases nor lessens the voluntary, but is a sign of its intensity.

a. The reason for the first is that the act of the will is already perfect when the movement of the sensitive appetite arises.

b. The reason for the second is that only from an intense act of the will does a movement overflow into the sensitive appetite.

Consequent concupiscence which is deliberately stirred up by the will serves this purpose, that human operations may be performed with greater alacrity and with greater vigor and fervor; and since it itself is voluntary, it can add merit to good actions and demerit to sins.

3. On Fear

54. Notion. Fear is defined as a trembling of the mind on account of a future evil. Therefore it is an act of the appetite by which we flee from an imminent evil which we think we can conquer either in no way or only with difficulty.

a. Fear arises in the appetite from the representation of evil; and although the one fearing remains altogether self-possessed, nevertheless fear often moves him to willing something which otherwise he would not have willed. And thus fear must be considered in this place, namely insofar as it moves the will to choose something for avoiding a greater evil, which otherwise it would not have chosen, as if someone chooses amputation of a leg in order to avoid death.

b. The evil which causes fear can threaten either the one himself who fears, or those joined to him; for the evil which happens to those joined either by blood or by friendship is considered one's own.

c. He is said to operate from fear for whom fear is the cause of the operation; he is said to operate with fear for whom not fear but another thing is the cause of the operation. A sailor throws goods into the sea from fear; a martyr undergoes death with fear, which he naturally fears. In the former case fear is antecedently related to the operation; in the latter, only concomitantly. Here the discussion concerns operations which are done from fear.

55. Fear is divided: a. By reason of quantity into grave and light, according as the evil from which fear arises is grave or light.

In order that fear be called grave, two things are required: a. that a grave evil threaten, such as death, mutilation, long imprisonment, grave infamy, great loss of goods, and the like; b. that the evil can be averted only with difficulty. If a light evil threatens, or indeed a grave evil but one which can easily be averted, fear is called light.

Grave fear is either absolutely grave, if an evil truly grave in itself is feared; or relatively grave, if the evil is indeed light in itself but grave with respect to a determinate person who is fearful, such as children, the elderly, and women.

a. Relatively grave fear in moral matters is equated with absolutely grave fear, because it induces the same trembling of the mind and therefore exercises the same influence on the action.

b. Fear which falls upon a constant man signifies absolutely grave fear: for it arises from an evil which even a constant, strong, and courageous person deservedly dreads.

c. By reason of origin it is divided into fear inflicted from without and from within, according as it comes from an external or internal cause; thus fear of death from shipwreck is from without, fear of death from disease is from within.[87]

Fear from without is again divided into fear inflicted by a necessary cause, as by shipwreck, fire, or attack of wild beasts, or by a free cause, namely by man.

Fear inflicted by a free cause is again inflicted either justly or unjustly, according as the person causing the fear has the right of causing fear, as a prince or father who threatens punishment, or unjustly causes fear, as a robber threatening death unless money is given.

Notes

87. Others, for example D'Annibale (I, n. 138), call fear from without if it is inflicted by another for extorting consent, and fear from within if the imminent evil itself brings fear, whether it comes from an internal cause, such as infirmity, or from an external cause, such as contagious disease, storm, shipwreck, the punishments of hell, and so forth. According to this distinction, fear indeed inflicted by another, but not for extorting consent, must be referred to fear from within.

c. Reverential fear must be added, which is had when someone fears lest he have those offended and indignant whom he ought to revere, such as parents and any superiors whatever, princes, prelates, bishops, and the like. It is referred to fear justly or unjustly inflicted, according as its cause is just or unjust.

Can reverential fear be grave? Fear arises from evil which someone thinks is threatening him. Therefore if grave evil can threaten from the offense of parents or superiors, reverential fear can be grave. But reverential fear is taken in two ways: a. in itself, insofar as it signifies the confusion and distress which an inferior suffers because of the offense and indignation of the superior alone; b. insofar as it also signifies other evils besides, such as long reproof, harsher treatment, deprivation of goods, and the like. Now if reverential fear is taken in this latter sense, without doubt it can be grave; but if it is taken in the former sense, it is considered light. Once this distinction has been made, authors can be reconciled, some of whom hold reverential fear to be grave, while others hold it light.

56. The influence of fear on human acts. 1. Fear which is so vehement that it disturbs the use of reason entirely removes the voluntary: for where deliberation of reason is lacking, there is perfect involuntary. Yet this happens in fear rarely and only accidentally: for ordinarily and of itself even grave fear does not remove deliberation of reason, which is required for a perfectly human act. Therefore with regard to fear, the following principle must especially be attended to.

2. An act placed from fear, however grave, of itself is voluntary simply and involuntary in a qualified sense. For fear of itself brings it about that the will deliberately chooses the action as a means for avoiding evil, but with some repugnance, as if someone from fear of shipwreck throws goods overboard. But an act of this sort is voluntary simply with an admixture of the involuntary.

a. Since fear ordinarily does not remove the voluntary, it does not excuse from sin, nor remove the merit of a good action, as if someone assists at Mass from fear of punishment. Yet because involuntary is mixed with the voluntary which proceeds from fear, fear lessens fault and merit, and indeed the more, the greater is the repugnance in placing the action. But in particular: a. if the matter is intrinsically evil, no fear excuses from sin, nor does it lessen fault so much that mortal sin becomes venial because of fear; b. if the matter is prohibited by positive law alone, grave fear can completely excuse from sin, unless fear is inflicted in hatred of the Church or of religion.

b. Because an act which is done from fear is voluntary simply and therefore simply human, of itself fear does not excuse from obligations contracted because of it unless a law or special reason stands in the way. For the voluntary which suffices for committing grave sin also suffices for contracting obligations. Therefore, of itself, a vow emitted from fear of death in the midst of shipwreck or in grave illness is valid.

3. Light fear is not attended to in the external forum: for it is supposed not to have had influence on the action. But in the internal forum it lessens the voluntary and therefore the gravity of sin according to the quantity of influence upon the will.

4. On Violence

57. Notion and division. 1. Violence, coercion, or force, considered passively, is defined as motion caused by an external principle while the will resists; considered actively, it is the force itself which is applied for causing motion in another.

Therefore two things are required for an act to be called violent or coerced: a. that it proceed from an external principle; b. that it be against the will resisting with all its powers. Therefore one who truly and perfectly suffers force, so that outwardly he cannot do otherwise, not only inwardly does not consent, nor

merely dissents, but also outwardly resists as much as he can by persuasion, prayers, threats, shouting, force, and so forth, and tries to repel the force brought against him.

2. It is clear that violence cannot fall upon elicited acts of the will, since it is a contradiction in terms for the will to be coerced to an act, that is, that in the will there be an inclination toward an object while the same will declines from the same object by resisting. Therefore not even God can coerce the will. But violence can fall upon acts which can be commanded by the will: for not only members of the body, but also internal powers, especially imagination and intellect, can be moved to acts by external force, for example through the influence of a good or evil angel, while the will resists.

3. Violence is divided into absolute violence and violence in a qualified sense. The former is had when he to whom it is brought resists as much as he can and therefore suffers altogether unwillingly. The latter is taken in a twofold sense: a. according to some, it is had when the one suffering can repel the force brought against him or at least diminish it, but does not; b. according to others, it is had when the one suffering cannot repel the force brought against him, but does not suffer it altogether unwillingly.

58. The influence of violence on human acts. 1. Absolute violence removes every voluntary: for an act caused by absolute violence is done with the will altogether resisting, and if it consented even minimally or omitted due resistance, the absolutely violent would already fail. Therefore violence removes sin, since there cannot be sin which is not voluntary.

One does not sin who, violently shut in, is forced to omit Mass on a feast day; who is forced to bend the knees or burn incense before idols; the virgin who is oppressed by force and resists according to her powers; one who suffers depraved suggestions.

2. Violence in a qualified sense does not remove but lessens the voluntary. For either resistance which could and ought to be applied is omitted, and then the violent action is indirectly voluntary in the omission of resistance, as if a woman who is oppressed does not repel an attacker whom she could repel; or the will does not entirely oppose, and then there is some consent of the will, as if a woman who is oppressed and cannot repel the attacker consents to depraved pleasure.

The resistance which must be opposed to violence, lest a violent or coerced action can be imputed as sin, is sometimes required of itself, namely when the violence is of such a kind that it can be overcome. Thus if someone suffers immodest touches, in order that they be violent and involuntary in the full sense, it is required not only that the will oppose, but also that the touches be repelled as far as possible; otherwise the one who suffers force is considered at least in some way to consent. Sometimes resistance is required accidentally, even if it is useless, namely when it is required for preventing scandal; thus martyrs who were compelled to offer incense to idols were bound to resist insofar as it was necessary to show that they suffered unwillingly. Or resistance is required when it is necessary for forestalling consent, which happens where force is brought against chastity; thus a woman oppressed is bound of itself to resist, even by shouting and by the powers of the body, as much as she can. But if this positive resistance is useless or too difficult, indeed dangerous, she is excused from applying it, provided she can avoid consent.

II. Habitual Impediments

Habitual impediments are of two kinds: habits, both good and evil, inhering in the will; and illnesses of the soul, which impede man from being able fully to use his spiritual faculties.

1. On Habits

59. Notions. A habit is defined as a constant inclination, added to a faculty, for producing similar acts. To the power in which it exists, a habit confers that the power can operate easily and promptly.

a. Here the discussion concerns moral habits, and these acquired, which exist in the will and incline it to moral acts, whether good, virtues, or evil, vices.

b. Man by nature is not endowed with habits, neither good nor evil, but only with certain dispositions to habits, which are called inchoate habits and come from natural temperament or by heredity from parents. Habits themselves are acquired by repetition of similar acts: for any act leaves in the power from which it proceeds a certain determination or inclination toward producing similar acts; then, through the repetition of the same acts, a habit is generated in the power. Ordinarily several acts are required for generating a habit, unless they are very intense.

c. After he has acquired the use of reason, man begins to acquire habits for himself. For if he resists the passions which draw toward sensible things, by this very fact the forces of the will against the passions are gradually increased; there is formed in the will a certain disposition of eliciting similar acts against the passions, which inclines the will to the good, lessens the appetite of passion, and subjects it to the will; indeed, as experience testifies, the very organs of the body take on a disposition consonant with virtue. If on the contrary he indulges the passions, the forces of the will for overcoming the passions are lessened, inclination into the object of the passion is increased, and the very organs of the body take on a disposition consonant with vice, to such a degree that man is finally subjected to the vice. Nevertheless there remains in the will the power of freely determining itself against the impulses of passion, however much increased by the habits of vices, provided that sufficient use of reason has remained.

d. The more frequently similar acts are repeated, the greater in the power becomes the inclination and facility toward similar acts. An intense habit and one already long rooted in the power is called custom, which sometimes impels to similar acts with such force that it can scarcely be commanded: custom is a second nature. This especially holds concerning depraved custom.

e. Depraved customs are of two kinds: some which do not affect the organic powers, imagination and the sensitive appetite, nor impede the spiritual powers in their functions, such as the custom of blaspheming, lying, stealing; others which alter the organic powers, and sometimes indeed so vehemently that the activities of the spiritual powers are impeded thereby, such as the custom of lust and drunkenness.

f. By reason of origin there is distinguished natural or involuntary custom, which is contracted without advertence to its moral effects; and moral or voluntary custom, which is contracted and retained with knowledge of the moral effect.

60. The influence of habits on human acts. 1. A habit, whether good or evil, in the acts upon which it influences, increases the character of the voluntary and of merit or demerit; but it lessens the character of the free.

The reason for the first is that the act proceeds from a will which is more fixed in the object and more inclined to the object than a will lacking the habit. The reason for the second is that the free, or the indifference of the will, is less the more the intellect considers one side and the will is inclined into the same; but habit brings it about that the part which is consonant with the habit is exhibited more vividly to the intellect and that the will inclines more toward the same.

2. On custom. a. Depraved custom which does not infect the activity of the mind and will indeed lessens liberty, but does not exclude a perfectly human act and grave fault. Sometimes it exercises such force upon the will that it can be overcome only with difficulty; nevertheless it is not such that the will, at least aided by the help of grace, cannot command it.

It must altogether be held that any depraved custom whatever can, by applying apt remedies, be corrected over time, unless the spiritual faculties are thereby disturbed in their activities.

b. Depraved custom which impedes the functions of the mind and will lessens liberty in such a way that man is incapable of a perfect act and grave fault, and indeed the more so, the more the activity of intellect and will is disturbed.

In order that the imputability of offenses which are committed from depraved custom, especially against chastity, can be judged, it must be noted that sinful acts, the more frequently they are committed, increase the appetite the more, to such a degree that a most vehement impulse drives one to sin; that the same acts weaken the energy of the will; and that the intellect, recalling sensible goods, is impeded from sufficiently weighing the motives which would draw it back from sin. These impediments of liberty are greater in those who have contracted the depraved habit almost from infancy, and greater still in those to whom an evil disposition has been transmitted by heredity from parents. Therefore, although they sin more or less deliberately, nevertheless they can be excused not indeed from all sin, but from so great a sin.

2. On Illnesses Of The Soul

61. Notions. 1. The recent medical discipline which is called psychiatry or psychopathology has illnesses of the soul as its object. From this discipline moral theology chiefly gathers that there are diverse affections of soul which exercise a more or less determining influence upon the moral life and lessen liberty, and which therefore deserve to be attended to in assessing the imputability of offenses.

a. In times past, an examination concerning the state of mind of those who had perpetrated a crime was rarely instituted, since full use of reason, and therefore perfect imputability of the crime, was not called into doubt unless the accused were found to be plainly insane. But in our time a diligent examination is instituted concerning the state of mind of those who are guilty of crime. And rightly indeed, since a crime cannot be imputed to an agent who is not fully self-possessed. Although it cannot be denied that in our time, since men suffer much more frequently from nerves, there are more evildoers than before who lack the perfect use of the spiritual faculties, nevertheless several physicians, in making a judgment from theories of psychiatry concerning the full deliberation of evildoers, exceed the measure. For they teach that from disease there is present in the will an internal necessity by which it is impelled with inescapable vehemence to perpetrating evils, or that the will at least labors under perfect abulia (*Willenslosigkeit*), to such a degree that, the movements of concupiscence having been rejected, it plainly cannot choose the good. They attribute this sick will to those who labor under neurasthenia, melancholia, hysteria, or moral dementia.

b. From inclination to evil and from abulia there must be distinguished weakness of the will in relation to good (*Willensschwache*, *sittliche Schwache*), which is naturally present in it in the state of fallen nature. There is indeed present in the will, even after the fall, a natural inclination to good, to which nevertheless the sensitive appetite, concupiscence, the tinder of sin, is opposed; this by its nature is borne also toward sensible goods which are opposed to uprightness. Now concupiscence, insofar as it is borne toward shameful sensible goods, renders the choice of the moral good difficult and constitutes the natural weakness of the will in the moral order; this weakness can be greatly increased by depraved habits.

2. Illness of the soul, psychopathy or *Seelenkrankheit*, is said to be present when the activities of mind and will are habitually badly affected. From psychological principles it cannot happen that the intellect and will in themselves labor under some disease, since they are merely spiritual powers, incapable of disease. In particular, the will cannot have any other sickness in itself than depraved habits, which indeed lessen free determination but do not remove it. Nevertheless, since the spiritual powers in their acts externally depend upon the senses, especially upon imagination, upon the sensitive appetite, and upon that part of the brain which serves the functions of these powers, if the sensitive powers are badly affected, then by overflow the intellect and will also are disturbed in their functions.

Since the will in its acts depends directly only upon knowledge, with the required knowledge shining beforehand, the will itself is always unimpeded and free. Hence it cannot happen that one lacks moral liberty who sufficiently apprehends the moral goodness and malice of his action.

62. The influence of illness of the soul on human acts. One must distinguish between men who labor under illness of soul and those who are indeed not truly sick, but nevertheless are affected by dispositions which, when certain circumstances are added, can degenerate into a perfect illness of soul.

1. For those sick in mind, as lacking the use of liberty, it is manifest that moral actions cannot be imputed. They are driven by an inescapable force and inclination to committing depraved actions, thefts, arsons, homicides, lust, in which, on account of illness of mind and defect of liberty, they are immune from sin.

If such persons come before a confessor: a. he should not openly signify to them that in those acts they are plainly immune from sin, both because this cannot be established with certainty in a particular case and lest they yield to the depraved inclination without any resistance at all and thus increase it; b. he should gently exhort them to resist depraved inclinations, for serious resistance can at least diminish the natural inclination.[88]

2. Those who are not truly sick do not fully lack the use of liberty, and therefore cannot be immune from the obligation of rendering an account of their moral acts. For although imputability is lessened according to the measure of impeded liberty, nevertheless offenses committed must be imputed to them as fault, and sometimes even as grave fault.

a. For making an equitable judgment concerning some offense committed, attention must be given to the actual and habitual disposition of the delinquent. The more perfect the advertence to the malice of the action is, and the more unimpeded the deliberation concerning the obligation of omitting the action and concerning the consequences which arise from the offense, the greater is the imputability of the offense. The more knowledge and deliberation are impeded and disturbed by an actual affection and impulse or by a habitual disposition, the less is the imputability of the offense. But to those whose advertence and deliberation are not impeded, evil actions are fully imputed, even if they committed the offense under the influence of some passion or impulse.

b. Therefore the opinion must be rejected both of those who teach that offenses are to be imputed to all in the same degree, and of those who, with recent psychiatry, affirm that offenses cannot be imputed to any of those who have an affected disposition of soul. The true opinion neither removes their imputability nor equates it with that of the healthy; since it is impossible to determine its grade in a particular case, it must be committed to the judgment of God.[89]

Note 1. Pastors of souls and confessors must know what illnesses of the soul are, by what signs they are recognized, whether moral actions are to be imputed to sick persons of this kind, and how the sick themselves are to be treated in the care of souls. Pastoral theology treats of these things. Cf. Krieg, *Die Wissenschaft der speziellen Seelenfuhrung* (Freiburg: Herder, 1904), p. 166 ff. Huber, *Die Hemmnisse der Willensfreiheit* (Munster: Schoningh, 1904), p. 210 ff. Bessmer, *Storungen im Seelenleben* (Freiburg: Herder, 1907). The same, *Grundlagen der Seelenstorungen* (Freiburg: Herder, 1906). Familler, *Pastoralpsychiatrie* (Freiburg: Herder, 1898). Romer, *Psychiatrie und Seelsorge* (Berlin: Reuther, 1849). Schloss, *Propadeutik der Psychiatrie* (Vienna: Kirsch, 1908).

Notes

88. Cf. Genicot, *Casus conscientiae* I, p. 6 f.

89. Cf. Bessmer, *Grundlagen*, p. 181 ff.

Note 2. Although sins of the flesh are often the cause of illnesses of the soul, nevertheless it must also be noted that from illnesses of the soul, or of the brain and nerves, sins of the flesh, especially sexual perversities, not rarely arise. In this way it is explained why sometimes men who until now had lived piously and chastely suddenly give themselves to sins of the flesh and foul perversities. Their moral defects are to be attributed not to fault, but rather to a disease contracted through misfortune.

Second Question

On Moral Acts

First Article

On The Nature Of Moral Acts

63. Which acts are moral. 1. Moral is said first and properly of an action, and that a human one. Whatever besides this is called moral (moral order, moral law, moral virtue, etc.) is so called secondarily and improperly.

For moral is said from *mos*, custom; but *mos* properly signifies the same mode of acting often repeated in free agents. Therefore moral first and properly pertains to free actions; improperly, whatever is referred in some way to a moral action is called moral.

2. Those acts are called moral which are performed freely with knowledge of the morality of the object. Therefore a twofold condition is required in order that an act can be called moral:

a. That it be free: for a necessary act can be called neither moral nor properly human.

"The genus of morals," says St. Thomas, "begins where dominion of the will is first found."[90] And indeed a moral act by the consent of all makes a man worthy of praise or blame, reward or punishment; but only that which is done with liberty makes a man worthy of praise and reward or of blame and punishment.

b. That the moral quality of the object be apprehended and intended: for liberty alone does not suffice to constitute the morality of an act, but it is further required that the will tend toward an object which is apprehended by the intellect and represented to the will under a moral aspect; for there cannot be a moral act except from a tendency of the will toward a moral object, just as an act cannot be good or evil except from a good or evil object.

c. We distinguish the physical order, or order of nature, and the moral order, or order of reason. To the physical order belongs everything which conduces to developing, preserving, and perfecting nature, whether sensitive or spiritual, and which therefore brings delight or at least utility to the agent. But to the order of reason, or the moral order, belongs that which befits rational nature, which is fitting to its dignity. If one operating in some action apprehends and intends nothing other than the delight or advantage of nature, he does not exercise a moral action, even if the action should pertain to the spiritual order. For example, one who in the study of mathematics or music knows nothing except that it pleases or perfects a man, and intends only this delight or utility, does not exercise a moral action. In order that an action be moral, he must apprehend and will the moral quality of the object.

d. The object of a moral act can be a thing whose nature is so constituted that it befits a rational being to exercise an act either of love or of aversion concerning it, as God, who is to be loved by man; or it can be

---

Notes

90. St. Thomas, II Sent., dist. 21, q. 3, a. 2.

an action which by its nature is of such a kind that it befits a rational being to place it or avoid it; thus it befits a rational being to speak the truth and to flee perjury.

e. Therefore not every human act is at the same time moral; but there are human acts which are not moral. And indeed not only do children act deliberately without their acts being moral, because they do not yet apprehend the notion of moral good and evil; but adults also sometimes deliberately exercise acts without any attention at all to their moral character, especially when they look at indifferent things, read, write, etc.[91] Moral authors are of different opinions in this matter. Some say that all human acts are moral, just as all moral acts are human.[92] Others, on the contrary, hold that there are human acts which, because of defect of advertence to the moral order, are not moral. The patrons of the former opinion must affirm that man, as often as he acts deliberately, also adverts at least confusedly to the moral order; but this seems contrary to experience.

Second Article

On The Norm Of Morality[93]

64. What it is. 1. Actions are called moral, and their objects are called moral. That by which something is and is called moral, in an abstract term, is called morality. Therefore a twofold morality is distinguished: one objective, which belongs to the object of the moral act, or to the act considered objectively; the other subjective, which belongs to the moral acts themselves.

2. Whether an action is moral, and specifically whether it is morally good or evil, depends on its object, so that the action is moral, and morally good or evil, because its object is moral and morally good or evil. Therefore the question is what that is by which the objects of moral actions are constituted moral and specifically morally good or evil. The objects of the will are constituted moral and morally good or evil by some norm, which is called the norm of morality; so that an action which is conformable to this norm is and is called morally good, but one which is difform from it, morally evil. Therefore the morality of moral objects consists in a certain relation to the norm of morality and can be defined: the relation of a moral object to the norm of morality. The norm of morality is twofold: one proximate, the other supreme and ultimate. Therefore the question is what the norm of morality is.

Morality is a generic notion and consists in that property of moral objects by which they have a relation to their norm. But this relation can be twofold, either of conformity or of difformity; therefore two supreme genera of moral objects are distinguished: the morally good and the morally evil.

65. The proximate norm. The proximate norm of morality is rational nature as such, elevated to the supernatural order, so that the good is that which is fitting to rational nature, and evil that which is unfitting to it.

The norm and measure according to which man must direct his actions is: a. human nature, indeed whole, not according to the superior part alone, but insofar as it is rational, that is, insofar as it is the nature of this species, diverse from brutes, human and rational. Hence in order that an action be morally good it is not

---

Notes

91. Cf. Struggl, *Theologia moralis*, tract. 1, q. 1, n. 28. E. Muller, *Theologia moralis*, 3rd ed. (Vienna: Mayer, 1894), I, l. 1, § 97, n. 1.

92. Cf. St. Thomas, I-II, q. 1, a. 3. Lehmkuhl I, n. 28.

93. The question of morality and of the principle or norm of morality easily occupies the chief place in moral philosophy, from which it will be useful to take the principal notions for the plan of moral theology. Cf. Suarez, *De bonitate et malitia humanorum actuum*. Schiffini, *Philosophia moralis* (Augustae Taurinorum: Marietti, 1891), I, n. 57 ff., n. 133. Frins, "Zur Philosophie der Sittlichkeit," *Zeitschrift fur kath. Theologie* (1886), p. 577 ff. The same, *De actibus humanis* (Freiburg: Herder, 1904), II, p. 54 ff. Theod. Meyer, *Institutiones iuris naturalis*, 2nd ed. (Freiburg: Herder, 1906), I, n. 140 ff. W. Schneider, *Gottliche Weltordnung und religionslose Sittlichkeit* (Paderborn: Schoningh, 1900), chapters 6 and 7. V. Cathrein, *Moralphilosophie*, 4th ed. (Freiburg: Herder, 1904), I, p. 156 ff.

enough that it be fitting to a nature which is rational, but it is required that it be fitting to nature insofar as it is rational. For it can happen that something is fitting to the nature of man insofar as it is sensitive, which nevertheless is not fitting to it insofar as it is rational. b. Human nature considered not only in itself and according to itself, but in its relations, namely as it is part of the universe created by God (n. 24). c. Human nature as it really exists in the present order of providence, namely elevated to the dignity of divine sonship.

a. The norm according to which the actions of all beings are directed and measured is their nature, and their actions are judged according to this norm: those which are fitting to their nature are called good, those which are unfitting to their nature are called evil; there is no reason, with regard to man, to seek another norm and to judge his actions according to another norm.

b. In the moral order, that is called fitting to rational nature which befits rational nature, or which, when the dignity of rational nature has been considered, is fitting to be sought and loved or rejected (n. 62). Now if it is asked what in particular that is which befits rational nature and is fitting to its dignity, one must say: that which is consonant with its relations (n. 34).

c. The same norm is exhibited in other ways:

d. Some call the norm of morality the moral order, so that the good is that which is, and because it is, consonant with right order; evil is that which is, and because it is, difform from right order. For since human nature considered according to its relations is the norm of morality, and the relations by which human nature is referred to God, to itself, and to other created things constitute the moral order, it comes to the same thing whether human nature or the moral order is called the norm of morality.

e. Others call right reason the norm of morality, so that the good is that which is, and because it is, according to reason; evil is that which is, and because it is, against reason. For since the will in its actions follows the guidance of reason, the dictate of reason is the immediate and proximate norm of the will; but reason takes its judgments from objects, or from the objective order. Therefore the goodness of the will depends upon reason in the way in which it depends upon the object, or upon the moral order.

f. The norm of morality is also called the principle of morality, and this for a twofold reason: because it determines the morality of acts, or constitutes moral acts morally good or evil; and then because it is the criterion from which we know moral acts and acts morally good and evil. Therefore, from what has been explained above, morally good acts are those which are consonant with the nature of man created by God and elevated to the supernatural state according to relation to God, to himself, and to other creatures; but acts which are unfitting to man considered in this way are morally evil.

66. Divisions of morality. 1. By reason of the subject, morality is objective and subjective.

a. Objective morality is that condition of the object (of the moral act) on account of which it deserves that a rational being either embrace it by the will or turn away from it. A twofold objective morality is distinguished: internal, which belongs to the object from itself; and external, which belongs to the object from the precept of a superior.

b. Subjective morality is that condition of the act by which the agent deliberately embraces or turns away from an object which deserves that a rational being embrace it or turn away from it.

c. Subjective morality depends essentially upon objective morality and designates the mode in which a moral act is produced, namely that condition by which it is exercised freely and with knowledge of the moral quality of the object. By this morality a man is constituted morally good or evil.

d. Objective morality is also called material, insofar as it belongs to actions considered objectively in themselves, independently of the agent's apprehension; and subjective morality is also called formal,

insofar as it belongs to an action dependently upon the apprehension of the agent. Because the agent is fallible in his knowledge, it can happen that the same action is formally good and materially evil, and conversely it can happen that the same action is formally evil and materially good.

2. By reason of perfection, morality must be distinguished into incomplete and complete: actions obtain the former from mere fittingness with rational nature, the latter also from conformity with the divine will. For in the complete sense, that is called good and evil which is worthy of reward and punishment; but that is worthy of reward or punishment which is conformable to law or difform from it.

a. Once creation has been supposed, God wills, and indeed necessarily wills, that man observe the moral order. This act of the divine will is the eternal law, by which man is held to observe the moral order. Therefore one must say that good is that which is conformable to the divine will or to the eternal law, and that evil is that which is difform from the divine will or from the eternal law.

b. The principle of obligation must be distinguished from the norm of morality. Indeed, it is one thing to ask why a human act is morally good or evil, and another to ask why a human act is morally (positively or negatively) necessary, or to be placed or omitted from obligation. The norm of morality is the moral order constituted by God insofar as He is author of human nature; the principle of obligation is the eternal law, or God insofar as He is supreme legislator. Morality extends much more broadly than obligation: for although a morally evil action is also prohibited, nevertheless there are very many morally good actions which are not commanded. These things are aptly confirmed by the well-known definition of St. Augustine, according to which eternal law is the reason and will of God commanding that the natural (moral) order be preserved and forbidding that it be disturbed.

67. The supreme norm. The supreme norm of morality is the divine essence. The supreme norm of morality is the ultimate reason and foundation of the proximate norm; but the ultimate reason on account of which human nature is such, has this essence and these relations, and on account of which some actions are fitting to it and good, others unfitting to it and evil, is this: because the divine essence is imitable *ad extra* according to this mode. For the human essence, as created by God, is a finite image of the divine essence, which manifests itself *ad extra* through created things. Therefore what is good in the moral order is good for this reason, that it is fitting to the divine essence; and what is evil in the moral order is evil for this reason, that it is unfitting to the divine essence. Therefore Christ the Lord admonishes: "Be you therefore perfect, as your heavenly Father is perfect."[94]

68. There is no morality without God. Morality can be taken in a twofold sense, in a broader and imperfect sense, in which it signifies the moral order, that is, actions which are fitting to the moral order; and in a strict and perfect sense, in which it signifies the moral order, or actions fitting to the order and commanded by immutable law. In both senses it is true that, if abstraction is made from God, morality is not had.

a. Actions fitting to the moral order are moral principles, which are understood to be necessary and immutable; but the foundation of principles of this kind can be nothing except a necessary and immutable being, God, who, just as He is the source of all truth, so also is the source of all moral goodness. Therefore without God moral principles lack a foundation, and therefore they lose their absolute necessity and their immutability.

Notes

94. Matt. 5:48.

b. All understand that law or moral obligation contains in itself the absolute necessity of the end and the equal necessity of the means; but only the supreme legislator, God, can constitute for rational beings an end to be obtained by absolute necessity and determine the means to be employed with equal necessity.[95]

Third Article

On The Sources Of Morality

69. On the sources themselves. 1. The sources, or also the principles, of morality are called those elements of human acts which constitute a moral action in the concrete as fitting to the moral order or discrepant from it: these elements are object, circumstances, and end. Therefore three sources of morality are numbered: object, circumstances, and end.

a. Namely, the morality of actions in general is taken from their fittingness or discrepancy with the moral order; but moral acts, both good and evil, are diverse. Now it is asked what constitutes actions as fitting to the moral order or discrepant from it; and since there are three things which constitute actions in the concrete as conformable or difform to the moral order - object, end, and circumstances - and no other element is found in the action, rightly and deservedly it is said that morality is derived into an action from a threefold source.

b. That the morality of actions is derived from this threefold source does not signify that morality in any given action is taken from these three things simultaneously, but that it is derived from one of these three: therefore in the concrete, according to the diversity of acts, it is taken now from one or another, now from all simultaneously.

2. In order that an act be good, all the principles on which morality depends must be conformable to rational nature; if even one is difform, the action becomes evil. Hence the axiom has prevailed: good from the whole cause, evil from any defect. Therefore, if an act from object, from end, and from circumstances is fitting to rational nature, it is good simply; but if either from object or from circumstances or from end it is unfitting to rational nature, it is evil simply.

Whether and when this principle, good from the whole cause, evil from any defect, must be restricted, will be said in its proper place; for it is asked whether an act good from its object always loses its whole goodness through an evil end or through an evil circumstance.

1. On The Object

70. Notion and principle. 1. The object of a moral act is called that about which the tendency of the will is proximately and primarily concerned.

a. That about which the tendency of the will is concerned is diverse according as the act of the will is merely elicited or elicited and at the same time commanded: a. some thing; thus God is the object of love of God, money the object of avarice for money; b. some external action, as in these acts: to will to bestow alms, to will to steal, to will to walk; c. some internal act, as in these acts: to will to love God, to will to believe.

b. It is said proximately and primarily because also the end and circumstances are that toward which the will tends, but not proximately and primarily.

Notes

95. Cf. Cathrein, *Religion und Moral* (Freiburg: Herder, 1900). Th. Meyer, *Die Grundsatze der Sittlichkeit und des Rechtes* (Freiburg: Herder, 1868).

c. To the object of an act pertain all those things which constitute its substance, considered not physically but morally; moreover, all those things constitute the substance of an act which are so essential and necessary to it that, if something is lacking or another thing is added, the act becomes diverse. Thus the object of theft is a thing of another taken while the owner is reasonably unwilling: for if the thing is not another's, or if it is not taken while the owner is unwilling, or not while he is reasonably unwilling, there is no theft.

d. The proximate object is the commanded act of the will itself (to steal, to believe), or the object of the elicited act (God, money); the remote object is that about which the commanded act is concerned (the thing of another in theft, revealed truth in an act of faith).

2. Human acts receive their first and essential morality from the object: for the object, just as in the physical order, so also in the moral order, gives species to acts per se and primarily, because powers are moved to act by the object per se and primarily.

Therefore it happens that the morality which belongs to an act from the object is conceived before every other which belongs to it from the end or from the circumstances. One who from love of God gives alms to relieve the misery of the poor exercises an act of mercy, and one who steals in order to become drunk places an act of theft, because the object, not the end, primarily constitutes the moral species of the act. Therefore the morality which acts receive from the object is called objective, essential, and substantial.

71. Division. 1. The object is called good if it is consonant with rational nature, as to adore God, to will to give alms; it is called evil if it is dissonant from it, as to blaspheme, to will to steal; it is called indifferent if neither obtains, as to eat, to walk, to write, which of itself is neither fitting nor unfitting to rational nature.

2. One object is internally and per se good or evil, another is per accidens and by reason of a precept good or evil. The former is from itself and by its nature conformable or difform to rational nature, as to love or to hate one's neighbor; the latter is not from itself and by its nature, but only by reason of a supervening law, good or evil, as to eat meats or to abstain from them.

Objects of the former kind are commanded because they are good, and prohibited because they are evil; but objects of the latter kind are good because they are commanded, and evil because they are prohibited.

3. Objects evil in themselves are of two kinds: some are evil absolutely and independently of any condition whatever, because of themselves they are so repugnant to rational nature that not even God Himself can change them, for example hatred of God, perjury; others are evil conditionally, that is, by reason of some condition which lies under the power of God because of the dominion which He exercises over created things; if God removes this condition, they cease to be evil and become licit, as to take another's thing, to kill a man, etc.

4. The material object is called that about which the act of the will is concerned, for example another's money which is desired, the taking of another's thing; the formal object is called the same material object insofar as it is attained freely by the agent with knowledge of its morality, for example the desire or taking of another's thing done with knowledge of moral malice.

2. On Circumstances

72. Notion and number. 1. Circumstances are conditions which are added to the substance of a moral act and affect it morally, as in theft the circumstance of a sacred place or of a sacred thing. Because circumstances are added to the moral act already constituted in its substance, they are called accidents of moral acts.

a. Only those conditions are customarily called circumstances of moral acts which are added to the moral substance of the act, or to the act already constituted in its moral species. Thus in the theft of a sacred thing, not the being another's, but only the being sacred, is called a circumstance of the act.

b. Those circumstances affect the object morally which contain some relation to rational nature or to the moral order.

2. Seven circumstances are customarily numbered, which are presented in this little verse:

Who, what, where, by what aids, why, how, when.

Who indicates the special quality of the person who acts, for example that he is a cleric, bound by vow or by marriage.

What denotes the quality or quantity of the object itself: whether a striking is grave or light, of a father or of a stranger; whether a thing taken by theft is great or small, sacred or profane.

Where signifies the aspect of place: whether it was sacred or profane, hidden or public, so that scandal could arise.

By what aids signifies the special character of the means which the agent employed, as to become drunk with money taken by theft, to wound with prohibited weapons.

Why indicates the end of the one operating, as to steal in order to become drunk. Although the end pertains to the circumstances, nevertheless because of its peculiar influence on morality it deserves a peculiar consideration.

How signifies the mode of the action, both interior, as to act intensely or remissly, advertently or inadvertently, in good or evil faith; and exterior, as to kill by poison or by the sword, to cut up limb by limb with cruelty.

When denotes the quantity and quality of time: whether something was done for a long time or briefly, in sacred time or non-sacred.

3. Not only objects are indifferent, but also many circumstances must be called indifferent, which do not influence the morality of an act nor confer any morality upon it, because they are neither fitting nor unfitting to rational nature, as to give alms with the right hand or the left, to steal on the second feria or the third.

73. Principles. 1. A human act receives morality also from circumstances, which determine the object in the concrete: for circumstances can bring it about both that an act is or is not fitting to rational nature, and that it is more or less fitting. Thus to refresh oneself temperately is fitting to rational nature, but to refresh oneself intemperately is unfitting to rational nature; to worship God fervently is more conformable to rational nature than to worship Him remissly; to kill a brother is more difform to rational nature than to kill a man.

2. Circumstances confer morality upon human acts in a fourfold way, in that:

a. an act indifferent from its object becomes good or evil from circumstances; thus to eat meats on a day of abstinence is evil, to refresh oneself temperately is good;

b. an act good from its object becomes evil from a circumstance; thus it is evil to pray against the precept of a superior;

c. an act good or evil from its object receives a new goodness or malice from circumstances; thus one who abstains from meats by vow places an act of temperance and religion, and one who steals a sacred thing places an act of injustice and irreligion;

d. an act good or evil from its object becomes more or less good or evil from circumstances; thus if a poor man gives alms, the act of mercy is greater, and if a priest sins, the malice of the sin, other things being equal, is greater.

It must be noted that those circumstances which confer the first moral species upon an action indifferent from its object are commonly referred to the object itself and are not distinguished from the object, so that an act is said to be objectively good or evil when, indifferent from its object, it is constituted good or evil from some circumstance; thus to eat meats on a fast day is customarily called an act evil from its object.

3. A gravely evil circumstance removes the whole goodness of the act, but a lightly evil circumstance accompanying an act (to attend remissly, to act precipitately, to pray tepidly, to give alms with distaste) does not remove the whole goodness of the act. The reason for the first is that an act which fully turns away from the ultimate end cannot conduce to the end. The reason for the second is that an act of this kind does not turn away from the ultimate end, and therefore the tendency of the will toward evil does not destroy the whole goodness of the act; and indeed, unless this were so, very few good acts would be found even in holy men.

With the circumstances of actions, which affect the actions themselves, there must not be confused actions, whether internal or external, which occur during an action but are in no way referred to the action itself, as a pious sigh or idle word while studying, an act of impatience or of prayer while working. Acts of this kind, whether they are good or evil, neither increase nor diminish the merit or demerit of the action, but have their own morality in themselves.

74. Division of circumstances. Circumstances are divided:

1. Into those changing species and those not changing species, according as they modify an action only within the same moral species, or make the moral species of the action diverse, or rather add another moral species to the action.

2. Circumstances not changing species are either aggravating or diminishing, according as they increase or diminish moral goodness or malice, as if someone performs acts which endure for a longer or shorter time, or if one committing a grave theft takes a greater or lesser sum. These circumstances increase or diminish the morality of the act either lightly or gravely, or notably.

We are indeed accustomed to speak of diminishing circumstances, but when the matter is considered more accurately, there are properly no diminishing circumstances. Thus if, with regard to an act of prayer, the circumstance of longer duration is lacking, nothing is taken away from the act, or the act is not diminished, but rather a greater perfection is not added to it. Likewise, if with regard to the evil act of theft the circumstance of a greater quantity is lacking, properly the objective malice of the act is not diminished, but a greater malice is not added.

3. Circumstances changing species change the theological species of the action if they bring it about that an action which from its object is a light sin becomes grave, and one which is a grave sin becomes light, for example because of smallness or greatness of matter; but other circumstances change the moral species if they confer upon the action a new species of goodness or malice besides that which it has from the object, as if someone steals a sacred thing.

3. On The End

75. Notion. 1. The end of a human act is that on account of which the agent operates. There is distinguished the end of the work and the end of the one operating, or the internal and external end.

a. The internal end, or end of the work, is called that into which the act per se and by its nature is ordered, as alms to relieving the misery of the poor. The end of the work, or internal end, is not distinguished from the work itself or from the object; therefore it does not confer upon the act a morality distinct from that which it has from the object. The external end, or end of the one operating, is that to which the act is ordered by the one operating, as alms to making satisfaction for sins. Now it can happen that only the internal end is intended by the one operating, or the internal end and at the same time some external end, or, with the internal end neglected, only some external end; as if someone bestows alms only to relieve another's misery, or also to draw another back from sin, or only to draw another back from sin.

b. The discussion here is only of the end of the one operating, because only that end can introduce into a human act a morality distinct from the object.

2. Ends indifferent in themselves must be admitted, which confer no morality upon acts, because they are neither conformable nor difform to rational nature, as to sing in order to make profit, to go into a field for the sake of relaxing the mind.

76. Division. The end of the one operating is divided in multiple ways:

a. Into proximate end and remote end: the proximate is that which is intended with no other intervening; the remote is that which is intended by means of another end. Thus if someone sings so that, after receiving a stipend, he may procure support for himself, the stipend is the proximate end, support the remote.

b. Into ultimate end and intermediate end: the ultimate is that which is intended for its own sake, in which therefore the agent rests without referring the act to a further end; the intermediate is that which is intended for a further end. Thus if someone composes books in order to acquire for himself money to be spent on the salvation of neighbor and on the glory of God, the glory of God is the ultimate end, while money and the salvation of neighbor are intermediate ends.

c. The ultimate end can be simply or absolutely ultimate, besides which there is no other to which the work is referred; and ultimate in a qualified sense, which is ultimate only in some order of things or in some series of actions. Thus knowledge is the ultimate end in a qualified sense in the order of studies; the glory of God is the simply ultimate end.

d. The ultimate end (in a qualified sense) is either positively or negatively ultimate, according as a further end is excluded, or indeed is not excluded, but neither is intended.

e. For one who studies only in order to acquire knowledge for himself, knowledge is the positively ultimate end, because he excludes a further end, for example the glory of God. For one who studies in order to acquire knowledge for himself and does not think about a further end, knowledge is the negatively ultimate end, because he neither intends nor excludes a further end, for example the glory of God.

f. The ultimate end can be excluded not only explicitly and formally, but also implicitly and virtually, namely by the fact that an action, as disordered and sinful, cannot be referred to the ultimate end. Thus one who eats intemperately for the sake of pleasure excludes (virtually) the ultimate end of the glory of God, even if he does not think about the ultimate end.

g. Into total end, which alone moves to the action, so that, if it were not present, the action would not be done; and partial end, which moves to the action together with another. A partial end can be so

constituted that it is equal with another, or equally principal, if each is sufficient to move to the act; or so that one is primary, which is first intended, and the other secondary, which is intended only with subordination to the primary and moves to the act. The former is called moving and alone would suffice for the action; the latter is called impelling and indeed influences the action, but alone would not suffice for the action.

For a priest who celebrates Mass only to worship God, the worship of God is the total end of the Mass. If he celebrates Mass both to worship God and to gain a stipend, the worship of God and the stipend are partial ends of the Mass. But if the priest is so disposed that he would celebrate even if he did not have the stipend, the worship of God is the primary end; if, with the stipend lacking, he would not celebrate, the stipend is the primary end of celebrating.

77. Principles. 1. A human act receives morality also from the end on account of which it is done: for the end to which an action is ordered by the one operating can bring it about that, by reason of this ordering, the action is conformable or difform to rational nature. Thus not only to give alms, but also to give in order to redeem sins, is conformable to rational nature; and not only to steal, but also to steal in order to become drunk, is difform to rational nature.

The end which confers the first moral species upon an act indifferent from its object is said to enter the object itself and to pertain to the object; thus to bestow money in order to relieve misery, to sing in order to praise God, are called actions good from their object; and to sing in order to create annoyance for another is called an action evil from its object.

2. It can happen in diverse ways that the end confers morality upon an action: for an act good, evil, or indifferent from its object can be referred by the agent to a good, evil, or indifferent end.

a. An act good from its object receives from a good end a new goodness, indeed as many species of goodness as there are diverse good ends which the agent intends. If someone, for example, bestows alms for the honor of God and to redeem sins, the action has a threefold goodness: of mercy from the object, and of religion and penance from the end.

b. If an act good from its object is ordered to an evil end, one must distinguish:

c. If the evil end is the total end, or the sole and adequate cause of the action, whether it is gravely or lightly evil, it corrupts the goodness of the act and renders the whole work either gravely or lightly evil; for example, to give alms to a poor man in order to turn him away from the faith, or to pray only for vainglory, is evil, because the will does not intend the good except under the aspect of evil, or as a means to an evil end, and therefore wills only evil.[96]

d. If the evil end is a partial end, or if the action is done on account of a good end and an evil end which is only lightly evil, whether it is primary or secondary, it does not vitiate the whole act, but the act is partly good and partly evil. For the will can will both at the same time, good and evil; but the tendency toward good is not destroyed by a lightly evil tendency, because the will is not turned away from the ultimate end by it, as if someone gives alms to relieve the poor and at the same time to catch the praise of men.

This partial end can relate itself to a good action in three ways: antecedently, so that it does not influence the action afterward to be placed, but rather is its occasion, as if someone from human respect approaches the sacred rite, at which he then assists with due intention; this occasional end does not vitiate the action.

Notes

96. Cf. Matt. 6:1, 5, 22, 23.

Concomitantly, so that together with another good end it is the cause of the action, as if someone plays the organ to praise God and for vainglory; this vitiates the action in part. Consequently, if, when an action has already been begun from a good end, an evil end is added, as if someone began to sing in order to worship God and then something of ostentation also creeps in; this end likewise vitiates the action in part.[97]

Authors explain in diverse ways how the will can will both at the same time. For some teach that the same act can be at once good and evil; others say that in the will there can be at the same time, concerning the same object, two acts, one good and the other evil.[98] Commonly, however, we are accustomed to consider acts of this kind as one act, even if composed of several.

c. If the evil end is a partial end and gravely evil, it vitiates the whole work and constitutes it evil, for example to extinguish a fire in order to help one's neighbor and at the same time to commit a grave theft; for it is impossible that an action be pleasing to God by which man is totally turned away from God.

d. An act good from its object does not become evil from an indifferent end to which it is ordered by the agent, whether the indifferent end is the partial reason of willing the good object or the total reason, as if someone sings in church either solely or also in order to earn money.

e. An act evil from its object cannot receive goodness from a good end, but is and remains evil: for if the object is evil, the good end does not prevent the will from really willing evil; but good is from the whole cause, evil from any defect. Hence that saying of the Apostle: let us not do evils that goods may come.[99] Nevertheless a good end diminishes the malice of the action, as if someone steals in order to do good, because the affection toward evil is less, since the will does not seek it except from love of some good.

From these things it is clear that he offends against the first principles of ethics who teaches that the end sanctifies the means, that is, that a good end constitutes an action good when it is evil from its object or from its circumstances. For although a good end can bring it about that an action indifferent from its object or circumstances is good, nevertheless it cannot bring it about that an action evil from its object or circumstances is good.[100]

e. An act evil from its object receives from an evil end a new malice, indeed as many malices as there are evil ends into which the action is ordered by the agent. If someone, for example, steals in order to become drunk, the action has a twofold malice, of injustice and of intemperance.

f. An act evil from its object is not changed by an indifferent end to which it is referred by the agent, but retains its malice.

g. An act indifferent from its object receives moral goodness from a good end to which it is ordered by the agent; for example, to sing in order to praise God is an act of religion.

h. An act indifferent from its object receives moral malice from an evil end to which it is ordered by the agent; for example, to sing in order to create annoyance for another is a sin against charity.

i. An act indifferent from its object, which is ordered by the agent to an indifferent end, for example to sing in order to earn money, remains indifferent in the abstract; whether also in the concrete will be said presently.

Notes

97. Cf. Ballerini-Palmieri I, n. 98.

98. Cf. Billuart, *De actibus humanis*, art. 4, n. 2.

99. Rom. 3:8.

100. Cf. Reichmann, *Der Zweck heiligt die Mittel* (Freiburg: Herder, 1903). Supplement to *Stimmen aus Maria-Laach* 68.

In the manner of a proverb it is said that the value and merit of our works do not depend on what is done, but on how it is done. In order that this may be rightly understood, it must be noted: a. If there is question of two works, of which one from its object is nobler and more perfect than the other, other things being equal, that is, if they are performed with equally perfect intention (from obedience, from charity), the work more perfect from its object is of greater merit, provided that the objective goodness is also intended by the agent. b. Of two works equal from the object, that is of greater merit which is performed with a more perfect intention (end of the one operating), whether as to substance or as to intensity. c. It can happen that a work less perfect from its object (indifferent) has greater merit than a work more perfect in itself, if the end of the one operating is more perfect in one than in the other, whether as to essence or as to intensity.

Fourth Article

On The Morality Of The External Act

a. External acts here are not called only the acts which are performed by external organs, but all acts of other powers which are commanded by the will. Now concerning these acts two things are asked: a. whether they have a morality of their own distinct from the morality of the internal act; and b. whether they increase the goodness or malice of the internal act, whether, for example, theft or the bestowal of alms adds anything to the morality of the internal act of the will by which someone efficaciously wills to steal or to give alms.

b. The Scotists solve this question in one way, who attribute to external acts a proper morality in themselves, but the Thomists in another, who deny proper morality to the same acts. The theologians of other schools, by almost common consent, accede to the Thomists.[101]

78. External acts do not have their own morality. 1. External acts do not have a goodness or malice of their own distinct from the morality of the internal act. For only those acts are properly called moral which are free in themselves; for liberty is the foundation and condition of morality. Therefore, because external acts are not free in themselves, they cannot be moral in themselves. Nevertheless they are and are called morally good or evil from the goodness or malice of the internal act by which they are commanded; for they are moral insofar as they are free, and they are free insofar as they are commanded by a free will; therefore they are moral by a denomination taken from the elicited acts of the will.

Therefore, because external acts participate their goodness or malice from the internal act, there is one moral goodness or malice of both acts. The external act perfects and completes the morality of the internal act by which it is commanded; therefore the internal and external act constitute one act in number, morally good or evil, completed and consummated in its species.

2. From these things it now follows that the external act per se, or other things being equal, does not superadd a special goodness or malice to the internal act; for the whole goodness or malice of the external act is had from the internal act; therefore it cannot add anything to the internal act. Hence also the omission of the external act per se detracts nothing from the morality of the internal act: for if the will, perfectly disposed for execution, does not place the external act only because it cannot place it, the omission of the external act is involuntary with respect to the will; but what is involuntary cannot detract anything from morality.

a. Therefore a serious and efficacious will of doing something, when the deed itself is not completed for this reason, that it cannot be completed, is praised in Sacred Scripture equally as if it had been done.[102]

Notes

101. Cf. Suarez, *De bonitate et malitia actuum humanorum*, disp. 10. Frins II, n. 332 ff.

Therefore those err greatly who think that they have committed less sin because they did not complete it in deed, provided that they had the efficacious purpose of the will of completing the sin when opportunity was given.[103]

b. But if it is affirmed that a good will and the desire of executing something are pleasing to God per se equally as if the thing had been done in deed, this does not hold: a. of an inefficacious desire, for example of executing whatever missionaries carry out in the whole world. The merit of a desire of this kind depends upon the disposition of the one who elicits it. Nor does it hold: b. of the desire, even efficacious, of those external actions to which by the institution of God a peculiar efficacy belongs, such as the sacraments or martyrdom. But it holds only of the truly efficacious will of exercising some external act which nevertheless, because of an external impediment, has not in fact been done per accidens.

3. Nevertheless it is not denied that an external act per accidens increases the goodness or malice (and therefore also the merit or demerit) of the internal act, and this in three ways: namely insofar as the external work brings it about that the internal act of the will becomes more intense and more lasting, or that it is repeated more often, or insofar as through the external act there is added good or evil example, edification or scandal of the neighbor.

That external acts are of the highest importance in moral matters is clear from those arguments by which the Scotists try to demonstrate that morality belongs to external acts per se, distinct from internal acts; namely: a. external acts are the object of precept; thus evil desires and evil acts are prohibited by distinct precepts in the Decalogue; but diversity of precepts is a sign of diverse malice. b. Not only in the sacraments, but also in indulgences and in martyrdom, the efficacy which these acts have from the work worked is annexed to external acts. c. In confession not only internal acts, but also external acts must be declared.

To a. Diversity of precepts would be a sign of diverse malice if, with the external act, the internal act also were not prohibited simultaneously; but by the sixth and seventh precept the external act is prohibited together with the internal. Then in the ninth and tenth precept the internal act is again prohibited, lest the uneducated think that the internal evil act is not evil unless external execution is added.

To b. We must confess external acts from the will of Christ instituting the sacrament of penance, because we are commanded to confess not only the formal malices of sins, but the sins themselves. But sins are not completely declared unless the external act also is accused, when external execution is added to the internal purpose.

Fifth Article

On The Imputability Of Moral Acts

79. The nature of imputability. a. The imputability of moral acts necessarily follows from their nature. For imputability is that property of a moral act by force of which it can and must be attributed to man as to its proper author and master; but moral acts, since they proceed from a deliberate will, belong to man as to author and master.

Ordinarily, however, imputability is predicated of the man himself as author of moral actions, and signifies that condition of man by which he himself can and must be considered as author of his actions.

b. Imputation is the judgment by which acts and their effects are attributed to man as to their proper author and master.

Notes

102. Gen. 22:16.

103. Matt. 5:28.

c. The foundation and root of imputability is the free will, through which man is constituted author and master of his acts. And therefore the grade of imputability depends upon the greater or lesser influence of the free will in producing moral acts.

Since moral acts are either good or evil, and their goodness or malice is attributed to man as author, they are imputed to him, insofar as they are good, unto praise and merit; but insofar as they are evil, unto blame or fault and punishment. Therefore moral acts, by reason of imputability, are either praiseworthy and meritorious or culpable and worthy of punishment.

80. Conditions of imputability in general. 1. In order that a moral act can be imputed fully to man (especially as grave sin), there is required: a. perfect knowledge on the part of the act; b. knowledge, at least confused, of the morality of the act; for if he does not apprehend the morality of the act, the physical action, but not the moral action, is to be imputed to the agent.

a. Knowledge of the intellect is perfect if no impediment stands in the way of its natural activity, such as is present in one who has full use of reason or is fully self-possessed. The more the intellect is impeded in its activity, the more the imputability of the action is lessened.

b. With regard to the morality of the act, knowledge can be concerned: a. with the morality of the act in general (good or evil); b. with the morality of the act in species (theft or sacrilegious theft); c. with the gravity of the evil act (grave or light sin).

c. For the full imputation of an act, confused knowledge of its morality suffices.

2. In order that a moral act can be imputed fully to man, perfect consent of the will is required, so that the act is perfectly human.

The perfection of consent depends not so much upon adhesion of the will as upon knowledge of the intellect, so that consent is perfect if knowledge is perfect, and imperfect if knowledge is imperfect. Therefore acts placed from fear are indeed less voluntary, insofar as they contain repugnance and therefore a lesser adhesion of the will; nevertheless they are perfectly human acts, placed with perfect consent of the will, provided that knowledge of the intellect has not been impeded because of fear.

81. On the imputability of an act morally good and evil. In order that a good act can be imputed to the agent, the moral goodness itself must be sought and intended; in order that an evil act can be imputed to the agent, it is not necessary that the moral malice be intended.

a. Both good and evil can be voluntary in itself or voluntary in the cause; concerning both, that is, concerning good and evil voluntary in itself, and concerning good and evil voluntary in the cause, the principle holds: To one giving alms, the moral goodness of the action is not imputed unless he intends it; to one striking an enemy, the moral malice of the action is imputed even if he does not intend it. To one writing a good book for the sake of making profit, the good effects from it, even if foreseen, are not imputed unless he intends them; but to one writing a depraved book for the sake of making profit, the foreseen evil effects are imputed even if he does not intend them.

b. The reason for the first is that the will must intend the good; for the will cannot be and be called good except from the goodness of the object which it intends. The reason for the second is that the will must not intend but avoid evil: for since the object of the will cannot be evil, the will is and is called evil from the malice which is joined with the object that is intended and which we must avoid.

82. On the imputability of an evil effect voluntary in the cause. Here there is question only of an evil effect, not likewise of the imputability of a good effect, because good, in order to be imputed to us, must be intended in itself, and therefore good voluntary only in the cause is never imputed. But evil voluntary

only in the cause can be imputed to us (n. 80). Therefore it is asked whether every evil effect is imputed to us already for this reason, that it follows from a cause freely placed by us, or whether other conditions are further required for this.

1. In order that an evil effect which alone follows from an action (indifferent in itself) be imputed, it suffices that it was foreseen confusedly. For since the effect is contained in the cause, the will which wills the cause necessarily wills also the effect which alone is contained in it.

Although this principle is implicitly contained in the following one, nevertheless it is better to state it explicitly. Example: drunkenness, which alone follows from drinking, must be imputed to the drinker, provided that he knew the drink as intoxicating.

2. In order that an evil effect which follows together with a good one from a good or indifferent action be imputed to the agent, the three following conditions must be present simultaneously:

a. That the agent foresaw the effect at least confusedly: for what has in no way been foreknown is not voluntary; what is in no way voluntary cannot be imputed to the agent.

Therefore drunkenness following from moderate drinking of wine, whose intoxicating force was unknown, is not imputable as sin, because it was not foreseen. Nevertheless brawls, blasphemies, obscene words, and things of this kind which are committed in drunkenness must be imputed as sin to him who is accustomed to commit these things in drunkenness, because on account of the custom of doing things of this kind in this state they have been sufficiently foreseen. But to him who was not accustomed to commit these things in drunkenness, they are not imputed if they happen by chance, because they have not been foreseen.

b. That he could have impeded the effect, that is, that the agent could have either not placed the cause or removed it once placed; for what does not depend upon his will cannot be imputed to the agent, since the foundation of imputation, liberty, is lacking.

c. The agent is rightly judged able to impede an evil effect which follows together with a good one from the same cause if there exists another means for obtaining the good effect with which the evil effect is not joined.

d. Hence a priest is not guilty of sacrilege who gives Holy Communion to a sinner, which he cannot deny because of the sacramental seal; nor is the omission of Mass imputable to him who must care for the sick.

e. That he ought to have impeded the effect, that is, that the agent is held either not to place the cause or to remove it once placed, lest the evil effect follow. For if he is not held to abstain from the cause, the agent uses his own right and, with regard to the evil effect, has himself only permissively.

To him who, in attacking a city, fires an instrument of war in such a way that besides the fighting enemies several innocent persons are killed at the same time, the death of the innocent is not imputed. To a physician are not imputed the depraved movements which he suffers in carrying out care of the sick.

83. When the cause of an evil effect is licit. Now it is asked when we are no longer held to abstain from an action, although it is foreseen that an evil effect will follow from it. The conditions under which it is licit to place a cause from which an evil effect follows are contained in this principle:

It is licit to place a cause from which a twofold effect follows, one good and the other evil, if the cause itself is in itself good or at least indifferent, if the good effect follows at least as immediately as the evil, if a proportionately grave reason is present, and if the end of the agent is honorable. Therefore four conditions are required in order that it be licit to place a cause from which an evil effect is known to be going to follow:

a. That the cause which is placed be good or at least indifferent: for if it were evil, the placing of the cause itself would already in itself, independently of every effect, have to be imputed as sin, for example in one who makes himself drunk while foreseeing that homicide will arise from it.

If, however, the cause were evil not precisely because of that effect about to follow, the malice of the cause would be imputed, but not the malice of the effect. Thus to one who harms his health while foreseeing that it will happen that he cannot fast, the omission of the fast is not imputed, because he is not held to preserve his health for the reason that he may be able to fast.

b. That the good effect follow from the cause at least as immediately as the evil, and not by means of the evil effect: for if from the cause there immediately follows an evil effect and from this only then a good one, evil would be done so that good may follow, which is never licit: for evils are not to be done that goods may come.[104]

c. If two effects follow from a cause, it can happen that they proceed from the cause equally immediately, because the cause by its nature is determined to produce both, as if a surgeon, by amputating an arm, causes health and pain for the sick man; or it can happen that the effects do not proceed from the cause equally immediately, because the cause is not determined by nature to produce both, as if someone paints an image for the sake of making profit, by the sight of which another is incited to sin. In each case the agent can intend one without intending the other.

d. Hence a girl pregnant from a crime sins gravely if she procures an abortion in order to avoid infamy; for she employs an evil means to obtain a good end. A physician licitly gives medicine to heal a pregnant woman, even if he foresees that an abortion will follow; but he acts illicitly if the remedy directly and immediately tends to expelling the fetus and only then, from this expulsion, to healing the disease.

e. That the evil effect which is foreseen to follow be not intended nor approved, but merely permitted: for even an action honest in itself becomes evil if the agent, in performing it, intends a depraved end.

Therefore two things from this side must be guarded against when a cause is placed from which an evil effect is foreseen to follow: first, lest the effect be intended when the cause is placed; and then, lest it be approved or pleasing when it actually follows. For example, if someone, using his own right, digs a pit into which he foresees his neighbor will fall, he sins both if he intends the neighbor's evil and if he rejoices in it once it has followed.

d. That there be present a proportionately grave reason for placing the cause and permitting the evil effect: for when a sufficient cause is added, the law ceases by force of which the evil effect was to be avoided; but when this law ceases, the evil effect can licitly be permitted, as if someone kills an attacker in order to preserve himself.

84. A proportionately grave reason. Therefore, in order to obtain a good effect, it is sometimes licit to permit evil, if there is present a proportionately grave excusing reason. The proportion must be present between the good effect, or between the cause on account of which the action is placed, and the evil effect.

In order that it can be judged whether there is present a proportionately grave excusing reason, attention must be given to these circumstances:

a. The greater the evil which is foreseen to follow from the cause placed, the greater the excusing reason must be.

Notes

104. Cf. Rom. 3:8.

Thus it is not licit to kill an aggressor in order to preserve goods of lesser value, but it is licit in order to preserve goods of greater moment or life itself.

b. A greater excusing reason is required if, by omitting the action, the agent can impede the evil effect, than if the evil is nevertheless going to follow from elsewhere.

Thus a greater reason is required so that an innkeeper can provide meats to guests on a fast day if no one else will be found who will give them, than if another is present who will give them when he refuses.

c. The closer the cause concurs toward effecting the evil, the greater reason is required.

A proximate cause is distinguished, which produces the effect in such a way that between it and the effect no other middle cause intervenes; and a remote cause, which does not produce the effect unless several other middle causes intervene. A cause is called nearer or more remote according as fewer or more other causes intervene. Therefore a greater excusing reason is required in one who concurs proximately, a lesser in one who concurs remotely, toward another's sin, for example drunkenness. From this reason it can happen that a good lesser in itself compensates a greater evil, namely when the good follows proximately, but the evil only remotely, from the same action.

d. The more certainly the evil effect is foreseen to follow, the greater excusing reason is required; therefore a lesser reason suffices if the evil will follow only more or less probably.

e. A greater reason is required in those who are held from office to impede evil than in those who are held by no office to impede it.

Thus a greater reason is required so that an innkeeper can provide meats to his son on a fast day than so that he may licitly do this toward strangers, because from the office of piety he is held to impede the sins of his son. Those are said chiefly to be held from office to impeding sin who by force of contract, and therefore from justice, must impede it, such as guards and pastors.

85. When an evil effect voluntary in the cause is imputed. 1. One who knowingly places or does not remove the cause of an evil effect (the same must be said of omission of a commanded action) does not commit sin when the evil effect follows, but when he voluntarily places or does not remove the cause: for sin consists not in the existence of the evil effect, but only in the internal act of the will. Therefore, although the evil effect does not in fact follow, nevertheless the sin has already been committed.

a. Hence one who, while drinking, adverts that he will become drunk by further drink, and besides this knows by experience that in drunkenness he is accustomed to quarrel and to blaspheme, at the very instant at which, foreseeing the evil effects, he decides to drink, commits the sin of drunkenness, quarrel, and blasphemy willed in the cause. One who on a feast day in the morning gives himself to sleep, foreseeing altogether that Mass will be omitted from this, then sins against the precept of the Church when, foreseeing the omission, he gives himself to sleep. One who has decided not to hear Mass sins by this purpose, even if afterward, his will changed, he hears it. The same must be said of one who gives poison to another; namely, he does not sin when the death of the other follows, but when he places the cause of death.

b. Therefore the gravity of a sin voluntary in the cause is not to be taken from the gravity of the effect or from the gravity of the precept violated, but from the malice of the internal act of the will. But if the act of the will which seeks the cause with foresight of the evil effect is a venial sin, even the violation of a grave precept will be only venial.

2. An evil effect voluntary in the cause, which completes an internal sin externally, has the character of sin from the malice of the internal sin. Hence if he who placed the cause has retracted his will before the

evil effect followed, this effect does not have the character of sin, but only has the character of an effect of sin.

To him who, foreseeing that he will commit homicide in drunkenness, makes himself drunk and kills a man, death is imputed as sin. But if before the death of the other he retracted his depraved will, the death is not imputed to him as sin, but only as an effect of sin. The same must be said of one who gives poison to another but before that one dies has confessed the sin; namely, after death has later followed, he is not held to confess again the sin of homicide; nevertheless he must repair the damage inflicted by the homicide.

86. On the imputability of sin committed from a depraved habit. If someone has contracted a custom, for example of swearing, the individual acts committed from this custom are imputable as sin if the one swearing adverts to the act and its malice. But if he swears inadvertently, one must distinguish: as long as the custom is voluntary, the acts are imputed as sin; if the custom is involuntary, the acts are not imputed as sin. For the contracted custom is the cause of the individual acts; therefore if it is voluntary, the individual acts are voluntary in the cause. But custom is voluntary both if the one swearing, adverting to the custom to be contracted by repeated acts, nevertheless does not amend himself, and if, adverting to a custom already contracted, he tries by no remedy to put it away. It is involuntary if, whether contracted advertently or inadvertently, he retracts it by penance and proposes to put it away.

a. Therefore one who from a depraved custom which he is studying to amend swears or blasphemes inadvertently does not sin, because the individual acts are voluntary neither in themselves nor in the cause. But one who from a depraved custom which he neglects to root out swears or blasphemes inadvertently commits sin, because the individual acts are voluntary, not indeed in themselves, but in the cause. Nevertheless he does not commit as many sins as the oaths or blasphemies he says, but one, and that he commits when, adverting to the contracted custom and to the obligation of rooting it out, he neglects amendment. Therefore if someone does not advert to the individual sins which are committed from a depraved custom, there is no reason for the confessor to be solicitous about their number, since the sin consists only in the neglected amendment of the depraved custom.

b. From these things is gathered what sort of sin is negligence in taking away a depraved custom of this kind, which is the cause of sins. Namely, if the sins committed from custom are grave, the negligence is grave, because the obligation of rooting it out is grave; but if the sins are light, the negligence is light, because the obligation of taking it away is light; but finally, if some care is applied for amending the custom, yet not serious and sufficient care, light negligence likewise is committed.

Third Question

On Acts Morally Good[105]

87. Which they are. In order that a human act be morally good, a twofold condition is required:

1. That it be explicitly sought as good: for an act of the will cannot be morally good except from the moral goodness of the object, which is explicitly sought by the will as such.
2. That it be referred to God at least objectively: for since God is the first principle and ultimate end of all things, reason demands that all our works be referred to God.

a. Besides the threefold subjective intention, actual, virtual, and habitual (n. 42, 6), there is another relation of actions to God, which is called objective or natural. An action is referred to God objectively, naturally,

---

Notes

105. Cf. Ballerini-Palmieri I, n. 103 ff. Walsch, l.c., n. 675 ff. Frins II, n. 290 ff. Ernst, *Uber die Notwendigkeit der guten Meinung* (Freiburg: Herder, 1905).

or implicitly, by the fact that the action is referred to God, not by some intention elicited by the one operating, but by its very nature. For every good work by its own nature is fitting to the moral order; but since God is the author and end of the moral order and has willed that it be observed, one who deliberately acts according to this order implicitly regards God and places an action ordered to God and conformable to the divine will. Now it is asked how an act must be referred to God in order that it be good. Concerning this matter there are diverse opinions of theologians.[106]

b. There are some who teach that all acts which are not concerned with God Himself, the ultimate end, must be referred to God through the virtual intention of the one operating in order that they be good.

Their argument is this: by a positive precept we are obliged to refer all our actions to God, for the Apostle says: Whether you eat, or drink, or do anything else, do all things for the glory of God.[107]

a. St. Alphonsus seems to be of this opinion, who (l. 5, n. 44) teaches that indeed an actual relation of all works to God is not required, but nevertheless a virtual one is. "Hence," he says, "it is necessary several times in the day, at least in the morning, generally to offer all one's acts to God, so that the precept of the Apostle may thus be fulfilled, at least by a virtual intention of doing all things for the glory of God."

b. Besides the Jansenists, the theologians who are called Augustinians (Noris, Berti, and others) thought that every act good from its object, in order that it be truly good, must be referred explicitly to God from the motive of charity. They came to this opinion from several testimonies of St. Augustine wrongly understood, and they thought it was confirmed from Sacred Scripture (by the texts just cited). They said that the omission of this relation was a venial sin.

It cannot be understood why, from the nature of the thing, another relation of the same action to the ultimate end would be required for honesty than the implicit and natural relation. And indeed, since God is the absolutely ultimate end, every moral action must tend toward God the ultimate end; but a moral action, by the very fact that it is morally good, tends toward God, and the one operating exercises an action tending by its nature toward God. Therefore, if another and more perfect relation were required, this would be necessary from the positive will of God. Therefore, in fact, the patrons of this opinion appeal to the precept of God promulgated through the Apostle. But no divine precept exists by which we are obliged to refer our actions to God by a positive intention. For the words of the Apostle related above are explained by some, with St. Bonaventure and his school, not of a precept but of a counsel; but if nevertheless, as St. Thomas with his followers thinks, they contain a precept, they do not oblige to anything else except that all works be referred to God implicitly and objectively. And indeed those words cannot contain a universal precept which affects absolutely all men; for if all actions, in order to be morally good, had to be referred to the ultimate end by the intention of the one operating, it would follow that all works of unbelievers are sins from defect of due relation, which is false.[108]

Nor do those words contain a particular precept which obliges only the faithful; for besides the fact that an intolerable yoke would be imposed upon the faithful by a precept of this kind, this doctrine is contrary to the sense and practice of the faithful. For all the faithful, even the pious and timorous, judge that they do a

---

Notes

106. Since the relation of works to God is made through a good intention, here is solved the question whether a good intention is required, and what kind, in order that our works be good.

107. 1 Cor. 10:31. Cf. also 1 Cor. 16:14; Col. 3:17; 1 Pet. 4:10-11.

108. Cf. Baian proposition 25: "All works of unbelievers are sins, and the virtues of philosophers are vices"; likewise propositions 36 and 37.

good work if from mercy they give alms to a poor man, even if they do not think about a further end.[109]

Finally, if these words contained a precept of explicitly referring all things to God, we would not be held only to refer all works to God in whatever way, but we would be held to this from the motive of charity. For to seek the glory of God by one's acts pertains to charity; indeed it is even the most perfect intention which man can elicit, since it is the intention which God Himself pursues in His works *ad extra*, and the intention according to which Christ the Lord offered His life here on earth to God the Father. But it is false that all works are to be referred to God from the motive of charity; for it would follow that every action which is not done from the motive of charity is a sin, which no sane person affirms.

In fact, by these words the Apostle concludes a discourse expounding the precept that in no way by our operation should we scandalize our neighbors, but rather edify them; and therefore from the context the words objected contain the precept that our external operations, especially indifferent ones (to eat, to drink, and things of this kind), should edify the neighbor and in this way redound to the glory of God. Concerning the motive from which those operations are done, since it is internal and hidden from others, there is no discussion in these words.[110]

88. If there is question of acts indifferent in themselves, it is required that they be moderated at least according to the prescriptions of reason and that they be apprehended and sought as such, even if the will explicitly intends not the honorable good but delight or advantage.

a. One who plays in order to recreate himself and understands this action, all its adjuncts considered (of person, place, time, duration, etc.), to agree with the prescriptions of reason, and intends it as such, acts well. Theologians of every school hold this opinion, especially St. Thomas and his genuine disciples, who think that the acts which most Scotists call indifferent are morally good. Today this opinion has become almost common among theologians.[111]

b. Ordinarily men judge some action to be exact according to reason by the fact that they apprehend it as not illicit.

c. Others teach that all actions, especially indifferent ones, in order that they be morally good, must be referred positively to an honorable end, that is, the reason which moves and determines the will to acting must be a positively honorable good or the motive of some virtue; nor does it suffice that it be either delight or advantage of nature.

In order that actions by which a man consults his own health or preserves life through food be morally good, the will must seek them because, for example, God thus commands, or because they sustain life. The

---

Notes

109. Cf. proposition 9 of Alexander VIII: "He truly sins who has hatred for sin merely because of its turpitude and unfittingness with nature, without any respect to God offended." Therefore he neither sins nor performs an evil act who, from the motive of natural honesty without a further relation to God, elicits an act of sorrow for his sins.

110. Cornely, *Commentarius in s. Pauli ep. 1. ad Cor.* (Paris: Lethielleux, 1890).

111. Cf. Ballerini-Palmieri I, n. 112-129; VI, n. 239. Genicot I, n. 39. Pesch III, 673. Lest anyone think this doctrine foreign to the mind of the ancient theologians, let him compare these testimonies. "The act of political virtue (to speak to someone from a certain civil friendship - an indifferent act from an indifferent end) is not an indifferent act, but is good in itself, and if it is informed by grace, it will be meritorious." St. Thomas, II Sent., dist. 40, q. 1, a. 5. "In two ways man can operate for relieving a necessity of nature or even for an advantage of the body: first, by considering human nature only as animal; in another way, by considering it also as rational, which happens when, for operating on account of an advantage of nature, man applies the rule of reason and judges that advantage to be fitting to himself also as regulated by reason. Therefore the former mode does not suffice for the honesty of the action. But if he operates in the second mode, this is enough for the honesty of the action." Suarez, in I-II, tr. 33, disp. 9, sect. 3, n. 9. "We are accustomed to call recreation honest, games honest, etc., insofar as in their delightfulness, which is the reason of willing and the formal object of such acts, the measure prescribed by reason is preserved, and on account of this measure preserved they are named honest." Mastrius, l. 1, disp. 5, q. 4, a. 4, n. 196.

bestowal of alms by which someone intends to relieve the need of the poor is a morally good work because it is done from a positively honorable motive, namely from the motive of the virtue of mercy.

Of this opinion, besides the Augustinians, are many theologians of every school, not only Thomists, but especially Scotists, who, admitting acts indifferent in the individual, require this for acts to be morally good: that they be explicitly ordered to an honorable end.

b. Their argument is this: man always and in all things is held to operate as man, or as a rational being. For God cannot permit that man, acting deliberately or as a rational being, should operate in a mode which does not befit the dignity of rational nature. But an operation which is not positively referred to an honorable end is not worthy of man; for the end proper to rational nature is a positively honorable end. Therefore one who by his actions seeks advantage or delight, and does not positively intend a further end, acts after the manner of brutes and does not place a morally good action.

c. Refutation. But neither does this opinion seem to be admitted. For although the end proper to rational nature is called the honorable good, nevertheless it can be shown by no argument that man is held always and in all things to intend that end positively in order that he act well. For it suffices that he intend it negatively, that is, that he apprehend himself to do nothing which is contrary to the honorable end; by this very fact he also implicitly intends the positively honorable end. Besides this, this opinion also seems to be contrary to the sense and practice of the faithful, as will soon be explained.

89. Arguments for the proposed opinion. a. An action is morally good which is good from object, end, and circumstances; but an action which is ordered according to reason is of this sort. Certainly an object which, considered abstractly, is indifferent, but in the concrete, all circumstances considered, is ordered according to reason, must be called morally good. Likewise an end which, considered abstractly, is indifferent (delight), but in the concrete, with account taken of the circumstances, is ordered according to reason, must be called morally good, because it is conformable to reason. It is always indeed required that man in his deliberate actions operate as man and as befits rational nature; but one who in some action intends delight or advantage of nature, yet one tempered according to the norm of reason, does not act after the manner of brutes, but as a rational being, namely deliberately and according to the prescription of reason.

b. An act by which moral virtue is exercised is a morally good act: "the honorable," says St. Thomas, "is properly referred to the same thing as virtue."[112] But there are acts whose object and end are indifferent in themselves, and which are constituted acts of virtues by this alone, that the use of things, which is undertaken for advantage and delight, is in every respect tempered according to the norm of reason; of this kind is the virtue of temperance.[113]

c. This opinion agrees with the mind and practice of the faithful, even the timorous. For no one, however pious he may be, judges that he has committed sin if he moderately uses the advantages and delights of nature according to the prescription of reason, and is not solicitous about a further honorable end. Therefore the faithful nowhere accuse themselves of actions of this kind as though they had performed an evil action; and this practice of the faithful agrees very well with the mind of the holy Fathers.[114]

Note. Nevertheless all concede that this moral goodness of actions is the lowest, and that it can be increased and perfected through an intention by which actions are explicitly ordered to a higher honorable end and

---

Notes

112. *Summa* II-II, q. 145, a. 1.

113. St. Thomas, II-II, q. 141, a. 6. Cf. also I-II, q. 64, a. 1.

114. Cf. St. Augustine, *In Ps.* 34, serm. 2, n. 16; *In Ps.* 164, n. 2.

therefore to the ultimate end. For the goodness of actions grows so much the more, the higher and nobler is the end which is positively intended by the agent, and the more this intention is explicit and actual.

90. Difficulties. Against this doctrine a twofold difficulty arises. One is from Sacred Scripture, by which idle words, and by equal reason idle actions, are reproved;[115] but idle words are said to be those which do not have an honorable end. The other difficulty arises from propositions 8 and 9 condemned by Innocent XI, from which it is clear that to use delights for pleasure alone is sin;[116] but one who in delightful actions does not intend a further end acts for pleasure alone.

a. An idle word is called not indeed a shameful or lying word, but neither is it a word which is not directed by the intention of the speaker to a higher honorable end. Rather an idle word is a word which, without reason of necessity or utility, is uttered from mere buffoonery or talkativeness; but a word of this kind, as uttered against the prescription of reason, is evil.[117]

b. He is said to act for pleasure alone, not who in the use of delights does not intend a further honorable end, but who seeks delightful actions as long as they bring pleasure, without respect to the prescriptions of reason dictating and requiring mode and measure, lest the use of delights impede goods of a higher order. Therefore one who acts for pleasure alone not only does not intend a higher end, but also implicitly excludes and impedes it (n. 74).

Therefore to act for pleasure alone in such a way that a further honorable end, and therefore the ultimate end, is impeded, is sin. But to act for pleasure alone in such a way that delight moves one to acting and is intended, without being directed to a further honorable end, is not sin, provided that the delightful action is known truly to serve nature and that in its use the mode prescribed by reason is observed.

91. On the use of delights.[118] a. Delightful goods (*Genussmittel*, *Genussguter*) are called those whose use brings delight. Delight is the rest or complacency of the appetite in a present or possessed good. Since there is a twofold appetite, there are also two genera of delightful goods: spiritual and sensible. Although delight is perceived also from the use of spiritual things, nevertheless the discussion here is chiefly of the delights of the lower appetite from the use of sensible things.

b. Sensible delightful goods are of two kinds: necessary, which are required for conserving life or the species and to which delight is annexed, as food and drink; and non-necessary, which serve only for bringing delight, as liquors, odors, spices, tobacco, etc. These are either taken alone or sprinkled upon things necessary for life in order to increase their delight. Concerning delightful things a twofold question is instituted: a. whether their use is licit; b. whether delight itself can licitly be sought.

1. Each person can licitly procure for himself delights which are not harmful, provided that their use is directed by the law of reason so as to be honorable and morally good; nevertheless abstinence from them is to be commended as an exercise of virtue.

a. All created things are good and were created by the author of nature for this reason, that we might use them to obtain our honorable ends. This especially holds concerning things which serve for conserving

---

Notes

115. Matt. 12:36.

116. Proposition 8: "To eat and drink unto satiety for pleasure alone is not sin, provided it does not harm health, because the natural appetite can licitly enjoy its own acts." Proposition 9: "The work of marriage exercised for pleasure alone is entirely without fault and venial defect." These propositions are false under multiple heads.

117. Cf. Knabenbauer, *Commentarius in evangelium s. Matthaei* (Paris: Lethielleux, 1892), I, p. 496 f.

118. Cf. I. B. Becker, "Die moralische Beurteilung des Handelns aus Lust," *Zeitschrift fur katholische Theologie* (1902), pp. 448, 673. Frins II, n. 198 ff.

life and the species: "For all things are yours";[119] therefore their use is not only not prohibited but entirely licit.

b. After the fall the appetite is borne toward delights independently of the norm of honesty, namely even toward those which are illicit and inordinately toward those which are licit. Therefore in their use it must be ruled by reason, so that its acts may be morally good.

c. For a twofold reason abstinence from delightful things, even licit ones, is to be commended: to strengthen the will, so that it may abstain from them so much the more certainly and easily when their use is illicit; and to exercise virtue according to the example of Christ the Lord, who, though He was rich, for our sake became poor,[120] and completely renounced non-necessary delights.

2. The act of the will by which delight itself or a delightful thing is sought on account of delight is licit and morally good, provided that the object is licit and the appetite for delight is moderated according to the rules of right reason. Therefore one who uses the delights of nature, such as conversing, eating, drinking, playing, recreating himself, etc., because they please, is far from acting badly; rather, he acts well, if in these things he observes the mode and measure prescribed by reason.

a. There are theologians (for example Billuart with other Thomists) who contend that acts which are done from delight, of whatever sort this may be, are all morally evil: for since to act on account of delight is not fitting to a rational being, they think every deliberately sought delight is morally evil. Others (as Viva)[121], distinguishing between animal delights, such as delights of touch and taste, and superior delights, though sensible, such as delights of sight and hearing, teach that the former can never under any condition be licitly sought for their own sake, because they are not of themselves worthy of rational man; but that the latter can licitly be sought for their own sake, provided they are sought with moderation, because they serve intellectual knowledge and do not so depress man to the condition of brutes.

b. To actions which contribute to conserving and perfecting nature, the author of nature has for this reason given advantage and delightfulness, that men might be drawn from this to exercising them. Therefore man can will advantage and delights. Now if in those actions he perceived and sought nothing other than advantage of nature and pleasure, the action would indeed be fitting to animal nature, but would not be worthy of rational nature. But by the fact that he prescribes in every respect, to the advantages and delights which he seeks, the mode and measure which right reason demands (with regard to adjuncts of time, place, duration, etc.), he acts as a rational being. Nor can it be understood what would be lacking to actions of this kind so that they cannot be called right and worthy of man. For the nature of man, since he is a rational animal, is not rational only, but animal and rational; therefore he can positively seek and pursue those things which are fitting to his animal nature. But by the fact that these are exercised under the guidance and dominion of reason, they also sufficiently befit rational nature.

92. On omissions. It is asked whether omissions of a good work not commanded are sins. An omission of a good work cannot take place without the pursuit of some good; now, according as this good is honorable or dishonorable, the omission will be sinful or not sinful.

In order that this may be explained better, it must be noted that omissions of a good work can occur in a twofold way: either in place of a more perfect work a less perfect work is chosen, or the good work is simply omitted.

Notes

119. 1 Cor. 3:22.

120. 2 Cor. 8:9.

121. *Damnatae theses*, on propositions 8 and 9 condemned by Innocent XI, nn. 6, 9, 13.

a. If in place of a more perfect action another less perfect action is chosen which itself is honorable, the omission is far from a sin; rather, it is a good act, although of lesser perfection than the omitted action. If, for example, to a young man there offers itself an occasion of hearing Mass (not commanded) and at the same time of taking a walk, and, the more perfect work omitted, he chooses the less perfect walk, by the omission of Mass he in no way sins.

b. If the good work is simply omitted, or excluded by an act of nilling, without another work being chosen in its place, it depends upon the motive on account of which the more perfect work is omitted whether the omission is sin or not. For since no one can will against the good insofar as it is good, one who omits a good work omits it for this reason, that he perceives in it some evil which he intends to flee; but we flee evil from love of the opposite good. Now if the love of the opposite good is honorable, the omission will be a morally good act; if it is dishonorable, the omission will be sin. If, for example, when an occasion of hearing Mass is offered, a young man apprehends that indeed no impediment is present for going to church, but also that no obligation urges, and omits it, he decides to omit Mass for this reason, that he apprehends in it an evil, for example inconvenience, which he intends to flee. Now if the motive on account of which he tries to avoid the inconvenience is reasonable, the omission is not sin; but if the motive is, for example, spiritual sloth or disdain of the good, the omission is sin.[122]

Appendix

On Acts Morally Indifferent

93. Declarations. 1. It is not asked whether human acts are morally indifferent: for it is clear that human acts which are done without advertence to the moral order are neither good nor evil (n. 55). But the question is instituted concerning moral acts: namely, whether acts which are done with advertence to the moral norm are all either good or evil, or whether moral actions must be admitted which are indifferent.

2. This question concerns moral acts considered concretely and in the individual, namely as they are exercised by an individual person operating here and now, and therefore together with the end of the one operating and with the remaining adjuncts accompanying the action in the concrete, for example to sing in church in order to praise God. For if moral acts are considered abstractly and according to species, that is, only according to their object, for example to sing, with abstraction made from the end of the one operating and from the remaining circumstances, it is certain that moral actions can be indifferent, because per se they have neither conformity nor difformity with the norm of morality.

It is clear that an act considered according to species does not exist except in the abstraction of the mind: for as often as an act is performed, it is performed in certain circumstances and unto some end which the agent proposes to himself.

3. Now concerning moral acts considered concretely and in the individual, there is not one opinion of philosophers and theologians. For the Scotists, affirming with St. Bonaventure,[123] and the Thomists with St. Thomas,[124] and the greater part of other theologians, denying, are opposed concerning whether any moral act considered in the individual can be indifferent. Nevertheless, they affirm this only of truly moral acts, which are done deliberately and with advertence to the moral order. For it cannot be denied that acts which are done without advertence either to the act itself or to the morality of the act are indifferent even considered in the individual.

Notes

122. Cf. Pesch III, n. 675. Lehmkuhl I, n. 40.

123. In II Sent., dist. 4, q. 1, a. 3.

124. *Summa* I-II, q. 18, a. 9.

These things, however, hold concerning the natural order and the natural goodness of actions. For indifferent actions are sometimes also called supernatural actions which are not meritorious and yet are not sins, that is, actions which are neither meritorious nor demeritorious. It is readily conceded that there are indifferent supernatural actions, of which kind are works both of sinners and of unbelievers which are done from grace, but especially works by which they dispose themselves for justification. Whether such actions must also be admitted in the just, who are in the state of sanctifying grace, depends upon the conditions which are required for a meritorious act.

94. There are no indifferent moral acts. For the one operating either intends an honorable end or does not intend one. If the first, the action is morally good. If the other, the one operating either apprehends the action to be exact according to the norm of reason, or apprehends it as opposing the norm of reason. There is no middle in him who adverts to the morality of the action. If the first, the action is good; if the other, the action is evil (n. 87).

1. Many Thomists reason in this way: any action which is exercised deliberately is ordered by the one operating to some determinate end, because man acting deliberately always acts from some end. Now this end is either an honorable end or it is not. If the first, the action will be good; if the other, the action will be evil. For as often as man acts deliberately, he must act according to the dignity of rational nature. But he acts according to the dignity of rational nature only if he acts for an honorable end; therefore in the concrete there is no morally indifferent action.

This argument supposes that actions must be positively directed to an honorable end in order that they be good. Therefore, if it is taken strictly, as the words sound, those actions indifferent from the object which are done from an indifferent end or on account of sensible delight, but are nevertheless ordered according to the mode prescribed by reason, would have to be called morally evil.

2. The reason of the Scotists, by which they fortify the contrary affirmative opinion, is this: in order that man act fittingly to rational nature, it is not necessary that always and in all things he tend toward a positively honorable end. Therefore if an action is ordered to some advantage of nature or is exercised for relieving a need of nature, it will not be good, because it does not tend toward an honorable end; nor will it be evil, because on the one hand it is not unfitting to rational nature, and on the other it is not necessary that every action be referred to an honorable end. Therefore it will be indifferent.

This argument also supposes the same theory, namely that actions must be positively directed to an honorable end in order that they be good. Nevertheless it affirms that those actions which are done on account of an indifferent end, whether their object is good or indifferent, but nevertheless ordered according to the prescription of reason, are morally indifferent.

95. Things to be noted concerning this question. 1. From the premises it is clear that the whole controversy concerning indifferent acts depends upon two heads of doctrine: a. whether an obligation can be demonstrated of always and in all deliberate actions intending a positively good end; for if this obligation exists, actions placed on account of an indifferent end become evil because of this neglected obligation. b. But if this obligation is not established, it is further asked whether those actions which are exercised on account of an indifferent end, but nevertheless according to the prescription of reason, must be called good or indifferent.

2. Whatever is said, certainly those theologians are not to be tolerated who on the one hand deny acts indifferent in the individual, but on the other hand absolutely require for the moral goodness of an act that an honorable end be positively intended. For the rigor of this doctrine is too greatly opposed to the mind and practice of the faithful, who are not persuaded that in absolutely all actions a positively honorable end must be sought lest they be evil. Therefore no one, whether uneducated or learned,

whether of lax or timorous conscience, recognizes a moral defect in the omission of this good intention, and therefore no one ever accuses himself of it. And indeed it cannot be understood why, for example, an action is evil by which someone tries to drive away the sensation of cold only to relieve this annoyance without a higher end. Therefore it will be either good or at least indifferent; the Scotists call it indifferent, but according to the theory expounded it must be called morally good, if the agent judges it licit in the concrete and explicitly intends it as such.

Fourth Question

On Supernatural Acts[125]

96. Declarations. 1. Moral acts by which we arrive at the supernatural end of eternal life must be supernatural, and this by the internal supernaturality of the act itself, by which it is elevated above nature in its very being and as to substance. For the way must be proportioned to the terminus, and the work to the reward; but the end of eternal life is strictly supernatural and essentially diverse from a natural ultimate end. Therefore also the acts by which we tend toward that end must be supernatural as to essence.

2. The conditions which are required in order that a human act truly be supernatural are assigned variously by authors. All indeed require: a. that the act be morally good, for a human act indifferent in itself morally cannot be supernatural. Certainly a supernatural act has God as principal author through grace exciting and assisting; but God does not excite by His grace to indifferent acts. Then they require: b. that the act proceed from a supernatural principle, namely from a power elevated by actual grace; for in order that an act be supernatural, this certainly is required: that it be elicited not by the powers of nature, but by the supernatural powers of grace. But others further require: c. that its formal object or motive also be supernatural.

What this condition means they explain in diverse ways; nevertheless most wish the formal object to be apprehended through faith, that is, that the agent be moved to acting by some revealed truth which he knows not by the mere light of reason but by faith (the intellect furnished with the light of faith). For example, one who gives alms to a poor man because to aid the poor is honorable acts from a natural motive; but one who bestows alms because the poor man has been redeemed by Christ, because he is the brother of Christ, because Christ commands this, because it contributes to eternal life, acts from a supernatural motive apprehended through faith, provided that he is furnished with the habit of faith. For faith must influence the supernatural act; but it influences through a motive known from faith.

97. Twofold opinion. 1. Theologians of great name require for a supernatural act, besides a supernatural principle, also a supernatural object or motive: Suarez,[126] Lacroix,[127] St. Alphonsus,[128] Mazzella,[129] Lehmkuhl.[130]

These authors bring forward two kinds of arguments:

Notes

125. Cf. St. Thomas, *De veritate*, q. 14. Schmid, "Die Ubernaturlichkeit der menschlichen Heilswerke," *Zeitschrift fur katholische Theologie* (1888), pp. 263, 419. Mullendorff, "Die Verdienstlichkeit u. das ubernaturliche Motiv," *Zeitschrift fur katholische Theologie* (1893), pp. 42, 496. Schiffini, *De gratia divina* (Freiburg: Herder, 1901), n. 371 ff.

126. *De gratia*, l. 2, c. 4, 5; l. 12, c. 7, 33, n. 10.

127. *Theologia moralis*, l. 2, n. 21 ff.

128. *Theologia moralis*, l. 6, n. 439.

129. *De gratia Christi*, n. 54 ff.

130. *Theologia moralis* I, n. 258. *Passauer Monatsschrift* (1895), p. 14 ff.

a. From the nature of the thing: acts are specified by the (formal) object; but a natural act differs in species from a supernatural act; therefore the (formal) object of each act must be diverse in species or essentially. But the essential diversity of each (formal) object consists in this, that one is apprehended through reason, but the other through faith.

b. From the sources of revelation. Some patrons of this opinion concede that from the nature of the thing there is not an efficacious argument by which it is demonstrated that a natural and a supernatural act cannot be concerned with the same object. But they affirm that from the positive will of God all supernatural acts must proceed from faith, or must have a supernatural motive; since both Sacred Scripture and tradition teach that faith is the root from which supernatural life sprouts. Therefore without the influence of faith through a motive known from faith, supernatural acts cannot be exercised. And indeed:

c. These testimonies: "Without faith it is impossible to please God; for he who comes to God must believe";[131] "the just lives from faith,"[132] must be understood not only of first justification, for which man must dispose himself through an act of faith, but of absolutely all supernatural acts, which cannot be supernatural unless faith influences them through their supernatural motive.

d. The Council of Trent, wishing to declare the doctrine of St. Paul expressed by these testimonies, adds: "For this reason we are said to be justified through faith, because faith is the beginning of human salvation, the foundation and root of all justification";[133] from which we have that not only first justification, but also the increase of sanctifying grace through supernatural and meritorious acts, must proceed from the root of faith. But, they say, acts proceed from the root of faith only in this way, that faith influences them through a supernatural object and concurs in their production.

2. Nevertheless it can be affirmed: in order that a human act be supernatural, no other condition is required except that it be ethically good and proceed from grace or from a supernatural principle; but it is not necessary that the object of the supernatural act be supernatural. Therefore the supernaturality of the act does not depend upon the object, but upon the eliciting principle, so that it is supernatural even if it is concerned with a natural object, provided that it is elicited by the powers of grace.

a. By these things it is not denied that an act which proceeds from faith, and therefore is elicited from the supernatural motive of faith, is of greater dignity and worth. Therefore, although the supernatural good intention, as it is called, is not proved necessary from this head, nevertheless the faithful are to be admonished and exhorted that they accustom themselves to exercise their actions from the supernatural motives of faith; for their works will in this way be of greater merit. But for the very supernaturality of the act this is not necessarily required.

b. For the rest, that which Cardenas teaches specifically concerning alms can be extended to most morally good actions of a Christian man: "He who in the school of faith has learned that alms are a holy operation and pleasing to God, because God has thus revealed, although when the occasion of alms is offered he is actually unmindful of divine revelation, nevertheless operates led by the doctrine which he learned in the school of divine faith; and thus that operation proceeds virtually from an act of faith, because he operates from the dictate which he acquired in the school of faith."[134]

Notes

131. Heb. 11:6.

132. Heb. 10:38; Rom. 1:17; Gal. 3:11.

133. Sess. 6, c. 8.

134. Cardenas, *Crisis theologica*, pr. 4, disert. 16, c. 6, n. 54.

98. Arguments for this opinion. 1. Acts which proceed from a principle supernatural through grace are without doubt supernatural: for if the root and principle is supernatural, the fruit or effect must also be supernatural. And indeed actual grace brings it about that human acts are supernatural. For grace is granted for this reason, that acts may become supernatural through grace; and for this reason grace is necessary for every salutary work both of the just and of the sinner, both of the faithful and of the unbeliever, because grace itself must bring it about that the work is supernatural.

a. Therefore if for supernatural acts a supernatural object or motive were required, this would be for this reason: because in this order of providence God would grant the help of grace (especially for indifferent acts) only under this condition, that man act from a supernatural motive. But it can be demonstrated by no argument that God in this order made the supernatural concurrence of grace dependent upon the supernatural motive of the agent. On the contrary, it seems able to be demonstrated that faith is the condition on which the supernatural help of grace depends in this order, so that God grants supernatural grace to those who have already received faith, by which their works are elevated to the dignity of a truly supernatural act. Namely, for man constituted on the way to the terminus, as often as he acts well, God is present with the supernatural help of grace. For God has destined man to a supernatural end; by this very fact He has also imposed upon him the obligation of tending by his acts toward the end established for him. But since without the help of grace he cannot tend toward his end, God must succor him through grace, so that man can satisfy his obligation. Therefore as often as man by his acts tends toward the end established for him, God grants him supernatural grace. But man tends toward his end as soon as he embraces faith or disposes himself to having it: for through faith he apprehends his end and orders himself to it. To bring forward at least one testimony of Scripture from many, Christ the Lord says: "He who hears My word and believes Him who sent Me has eternal life,"[135] that is, he has that by which he can perform the works of eternal life, because he has the condition by which, once posited, supernatural graces are supplied by God. From tradition, moreover, it is established that in the Church there flourishes the persuasion which St. Augustine expresses in these words: "that anyone cannot operate well unless through faith he has received grace. But man begins to receive grace from the time when he begins to believe God, moved to faith by internal or external admonition."[136]

b. From the preceding argument it follows that actual grace is always available to all the faithful, whether just or sinners, by which their morally good actions become supernatural. But with greater certitude it can be affirmed that all morally good works of the just are always exercised with the help of divine grace and therefore are supernatural. For the Council of Trent has this: "For since that same Christ Jesus, as head into the members and as vine into the branches, continually pours virtue into the justified themselves, which virtue always precedes, accompanies, and follows their good works."[137]

2. If for supernatural acts the influence of faith through a supernatural motive were required, there would be no supernatural act without the influence of faith; but there are supernatural acts without the influence of faith. It is certain that in unbelievers before faith and independently of the influence of faith there are found acts which proceed from grace: for the proposition affirming that faith is the first grace has been proscribed;[138] since before faith truly supernatural graces are granted, by which the unbeliever may dispose himself to embracing the true faith. But acts which are elicited by the powers of grace are

---

Notes

135. John 5:24.

136. *Ad Simplicianum*, l. 1, q. 2, n. 2. Cf. *Zeitschrift fur katholische Theologie* XVIII (1894), p. 593; XX (1896), p. 22 ff.

137. Council of Trent, sess. 6, c. 16.

138. Cf. proposition 27 of Quesnel and 5 condemned by Alexander VIII.

supernatural. Therefore there are supernatural acts which are not founded on faith in this sense, that faith influences them.

99. To the arguments of the opposing opinion. a. Acts without doubt are specified by the object: for an object diverse in species brings it about that the acts also are essentially diverse. Nevertheless the object is not the only reason from which the essential distinction existing between acts must be sought, since this can also be derived from an essentially diverse power, even if the object of the acts is the same. Now the distinction between a natural and a supernatural act must chiefly be taken from the side of the essentially diverse principle.

b. It cannot be affirmed that all supernatural acts are so founded in faith that they spring forth from faith as from a root. For it is established that there are truly supernatural acts in unbelievers, namely those acts which precede faith itself and its influence.

c. The words of the Apostle in Heb. 11:6 must proximately be understood of first justification, so that the sense is: the good pleasure with which God follows the just cannot be obtained without faith; and in like manner, one who comes to God through justification itself must have faith. Therefore proximately those words signify the absolute necessity of faith for justification. Then, if the words of the Apostle are taken more broadly, so that faith is said to be necessary for any good pleasure with which God follows even supernatural works, and for any approach by which even through supernatural works we come to God, this is true in this sense: not indeed that the motive of faith, but that the existence of faith in the one operating, is the condition without which grace necessary for supernatural acts is not granted.

d. The words "the just lives from faith" signify: a. the just man has through faith and on account of faith that by which he can live the supernatural life, because faith is the foundation and condition by which, once posited, he receives supernatural graces from God. b. The just man, at least for the most part, takes from faith the motives of willing and acting; from the same faith he takes motives of living well and piously and of exactly observing the precepts of the Christian religion, and in this way he lives, that is, preserves and perfects the supernatural life.

e. Faith is called the foundation and root of all justification not because of the motive of faith from which works supernaturally good must be done, but: a. because supernatural life begins with faith and depends upon faith as upon a condition of actual graces; b. because faith moves one to exercising good works and in this way concurs toward preserving and increasing justification.

Fifth Question

On Meritorious Acts

First Article

On The Nature Of Merit

100. Definition. Merit, considered abstractly, is that property of a human action by force of which it is worthy of reward or punishment: for a good action done in service of another is worthy of reward, but an evil action which redounds to the detriment of another is worthy of punishment. Merit, considered concretely, is a work worthy of reward or punishment. Therefore some work has the character of merit by the fact that it redounds to the good or detriment of another. Theological merit is a work which before God is worthy of reward or punishment; but more precisely that is called theological merit which, known from revelation, is referred to the supernatural end of eternal life, concerning which the words hold: for

God renders to each one according to his works.[139]

The moral goodness or malice of a human act, insofar as it redounds to the service or offense of God, is the cause of merit; reward or punishment is the effect of merit. In theological usage, the merit of a good act is commonly understood under the name merit, while the merit of an evil act is customarily called rather demerit.

101. Division. a. Merit is divided into natural and supernatural, according as it is ordered to a natural reward, which consists in goods of the natural order, or to a supernatural reward, which consists either solely or chiefly in supernatural goods. Natural reward belongs to works which are performed by the powers of nature alone; for since all morally good actions redound to the glory of God, they are worthy of retribution. But in this order of nature elevated through grace, no other merit and reward is considered except supernatural, which belongs to works that are done from grace.

b. It is divided into merit *de condigno*, to which wages are due from justice because its value is equal to the reward, and merit *de congruo*, to which wages are due only from a certain fittingness because its value is not equal to the reward. The former is also called perfect, the latter imperfect; the former is the merit of the just, the latter also belongs to sinners.

A twofold distinction intervenes between merit *de condigno* and merit *de congruo*: a. with regard to the value of the work: a work to which merit *de condigno* belongs is equal to the reward, not indeed with mathematical equality but with moral equality, or, as St. Thomas has it, with equality of virtue: "as the seed of a tree, in which there is the virtue unto the whole tree."[140] In merit *de congruo*, the reward surpasses the value of the work. b. With regard to the right to reward: in merit *de condigno*, on the part of the one meriting there is a right to the reward and a debt of justice on the part of the one rewarding; in merit *de congruo*, wages are bestowed only from a certain equity, and if the reward is owed because of a promise on the part of the one rewarding, it is owed only from fidelity.

c. As regards the infallibility of merit, it depends upon the divine promise. Now every merit *de condigno*, because of the divine promise joined to it, is infallible; but merit *de congruo* is one kind infallible, another fallible, according as a divine promise is or is not joined to it. Thus a sinner through the ultimate disposition for sanctifying grace merits this grace *de congruo* infallibly, but not through a remote disposition.

d. By reason of the good which is repaid in the homeland, it is divided into essential or substantial reward, which contains: a. eternal life or the beatific vision universally; b. increase of glory or greater grades of the beatific vision; and accidental reward, which contains all goods which besides the beatific vision come to the blessed in the heavenly homeland, and which are called secondary: the three aureoles (of martyrs, doctors, and virgins); familiar fellowship of the angels, the blessed, and the very queen of heaven; the vision of the humanity of Christ; joy concerning one's own body; a singular place assigned to the saints in heaven.

Second Article

On The Conditions Of Merit

102. What the conditions of merit are. Only those special conditions which are required on the part of the one meriting for merit must be proposed more accurately here.

Notes

139. Rom. 2:6; Matt. 16:27.

140. Cf. *Summa* I-II, q. 114, a. 3, ad 3.

a. The general conditions of merit, which are required for every merit both *de condigno* and *de congruo*, are four, of which two are referred to the person meriting, but two to the meritorious work: a. the state of the way, which by the free disposition of God has its terminus in death; b. liberty from coercion and necessity; c. the moral goodness of the work; d. the supernaturality of the work.[141]

b. The special condition of merit *de condigno* is the state of grace on the part of the person meriting. For true merit does not depend on the supernatural work alone, but also on the state and dignity of the person meriting. Therefore supernatural actions, unless sanctifying grace is added, do not have true and perfect merit; since sanctifying grace gives to works that value by which they are constituted proportioned and equal to the reward.

c. The Council of Trent attributes true and properly so-called merit, or merit *de condigno*, only to the works of the just;[142] b. Sacred Scripture declares that man cannot bear the fruit of good works unless he has remained in Christ through sanctifying grace.[143] Besides this, it calls only sons heirs, that is, he does not merit the inheritance unless he is a son through sanctifying grace.[144] c. And indeed, if one who is not in the state of grace were capable of merit, someone could be at the same time worthy of eternal life and eternal death. Besides this, the reward is the good proper to the sons of God, since it is the inheritance of the sons of God through adoption; but only through grace is man elevated to the state of sons of God. Therefore works done outside the state of grace have no proportion to the reward.

103. Many theologians further require that the work be done from charity: for without charity neither faith nor any other good work of whatever kind has any value before God.[145] But how the work must proceed from charity in order that it can be meritorious, not all explain in the same way.[146]

a. Some explain it so that only elicited acts of charity and acts commanded by charity, namely those which are ordered to God from the motive of charity actually or at least virtually, are meritorious. Therefore these require for merit an intention at least virtual by which all works are ordered to God from charity. By an argument taken from the nature of the thing they confirm this opinion in this way: for merit *de condigno*, which is the noblest merit, an act of the supreme and most perfect virtue, which is charity, is required. To confirm their opinion they appeal to the authority of St. Thomas,[147] whom St. Alphonsus understands and follows in this sense.

b. Others explain it so that acts of charity and works which through an act of charity are habitually ordered to God are meritorious. Therefore these require for merit a habitual intention by which all works are ordered to God from charity. In order that this condition be satisfied, it is required that an act of charity precede, that it never have been retracted by a subsequent grave sin, and that it be renewed as often as the precept of charity urges. By this reason they judge all works to be habitually referred to God from the intention of charity. The patrons of this opinion also appeal to St. Thomas, whom they think must be understood in this sense.[148]

Notes

141. The necessity of these conditions is shown by the dogmatic theologians, among whom may be compared: Schiffini, *De gratia divina* (Freiburg: Herder, 1901), n. 344 ff. Chr. Pesch, *Praelectiones dogmaticae*, 3rd ed. (Freiburg: Herder, 1900), V, n. 397 ff. Hurter, *Compendium theologiae dogmaticae*, 9th ed. (Innsbruck: Wagner, 1903), III, n. 225 ff.

142. Sess. 6, c. 16, can. 32.

143. John 15:4.

144. Rom. 8:16 ff.

145. 1 Cor. 13:1-3.

146. Cf. Schiffini, l.c., n. 364 ff.

147. *Summa* I-II, q. 100, a. 10, ad 2; *De virtutibus*, q. 2, a. 11, ad 3; II Sent., dist. 40, q. 1, a. 5, and ad 6.

148. *De malo*, q. 2, a. 5, ad 10; II Sent., dist. 40, q. 1, a. 5, and ad 6.

c. Finally, others explain it so that acts of charity and all works which proceed from habitual charity, or from the habit of charity, which is always conjoined with sanctifying grace, are meritorious. Therefore these require for merit no peculiar intention or preceding act of charity by which works are ordered to God from charity, but teach that for merit the state of grace suffices, which embraces charity by an indissoluble bond, and that objective or natural ordering to God which the works of a just man have of themselves and by their nature, provided that they are good in themselves and placed through the influence of supernatural grace. For through sanctifying grace man is ordered to God, the supernatural end, and becomes a son of God, whose good works by this very fact are works of a son of God; but the works of a son of God are of themselves worthy of the eternal inheritance.

104. The opinion to be preferred. a. The reasons which show that this third opinion is altogether to be preferred to the others can be compared among the dogmatic theologians. The principal ones are these: a. In Sacred Scripture not only acts which in some way proceed from actual charity, but also acts of other virtues, and these named simply, are promised and attributed eternal beatitude itself.[149] b. The Council of Trent, recounting all the conditions required for merit *de condigno*, with no mention made of an act of charity or of another good intention, declares all good works of the just which are done through grace to be meritorious.[150] Nor by the words "which have been done in God" does it signify anything other than works which are done in grace and through grace. That these words must be understood in this way is clear from the words placed in the canon (32): "which are done through the grace of God"; for these are equivalent to the former. Therefore from the mind of the Council of Trent, besides the state of grace and the influence of actual grace, nothing else is required for merit. c. And indeed all good and supernatural acts which are exercised by a just man are by their nature ordered to God the supernatural end, redound to the glory of God, and by this very fact are means proportioned to the ultimate end; therefore they have everything which can be required for merit *de condigno*. For through the habit of charity, which necessarily follows sanctifying grace, man is ordered to God the supernatural end, and since through the same grace and charity he is constituted son and friend of God, all his works are implicitly and habitually referred to God and consecrated to Him. Therefore for merit it is not required that also on the part of the one operating they be ordered to God the supreme good.

b. The first of the other opinions brings forward a gratuitous exaggeration and in its confirmatory argument contains a begging of the question: for this very thing is asked, whether the highest merit *de condigno* belongs only to the noblest virtue of charity, or also to others. The charity of which St. Paul speaks (1 Cor. 13) is not actual charity but habitual charity. Therefore the Apostle does not teach that good works, even heroic ones, are of no profit unless they are done from love of God, or unless they are referred to God through a good intention (through an act of charity), but he teaches that charisms, or graces gratuitously given, are of no profit for the merit of eternal life if they are severed from habitual charity and from sanctifying grace.[151] The second opinion, besides the fact that it demands for merit a condition which the Council of Trent does not require, is pressed by another difficulty not light. Let us imagine a child baptized in infancy, who, after he has come to the use of reason, does not advert to the obligation

---

Notes

149. Cf. Matt. 19:16 ff.; 25:34 ff.; 1 Tim. 6:17 ff.

150. Sess. 6, c. 16, these words are read: Nothing more is to be believed to be lacking to those justified themselves, by which they should be considered to have fully and truly merited by those works which have been done in God … eternal life to be obtained in its own time, provided nevertheless that they have departed in grace. And can. 32 has these words: If anyone shall say … that the justified man by good works which are done by him through the grace of God and the merit of Jesus Christ, of whom he is a living member, does not truly merit increase of grace, eternal life, and the attainment of that eternal life … and also increase of glory, let him be anathema.

151. Cf. Cornely (*Cursus scripturae sacrae*) on this place.

of eliciting an act of charity, and therefore for a notable time in the state of grace does good works without having elicited an act of charity; or an adult who, justified through attrition and the sacrament of penance, lives in grace without eliciting an act of charity, since the precept is not yet urging; or finally a just man who for a notable time from inadvertence omits renewing an act of charity when the precept already urges: that all these throughout this whole time can merit nothing, after the Council of Trent there will hardly be anyone who contends it.

Note. If this opinion were not certain, supernatural intentions, especially from the motive of charity, would have to be elicited frequently by a just man: for where there is question of conditions required for merit, the probability of an opinion does not help, but only the truth. But even if the truth of these opinions is not to be doubted, the faithful are to be induced by apt motives to operating from the most perfect intentions, especially of charity frequently renewed: for the more perfect the intention of the agent is, the greater is the merit of the action. Besides this, a good intention, especially a supernatural one, renewed more often, contributes much, indeed sometimes is necessary, for efficaciously strengthening the will in the purpose of resisting even more vehement temptations and of constantly fulfilling even the more difficult Christian laws.

Book Third

On Laws[152]

105. Law is called the remote external rule of moral actions, and conscience the proximate and internal rule of the same. For we have seen which actions are in general morally good and meritorious of eternal life; now which good and meritorious actions we must perform in order that we may attain the ultimate end is determined by the divine will, which is made known to us through divine law. Therefore divine law directs our actions to the ultimate end. But divine law cannot direct our actions unless it is made known to us through conscience and applied through it to individual actions. Therefore human actions must be conformed to divine law and conscience in order that they be apt for the end.

First Question

On The Nature Of Law

106. Definition. Law is defined by St. Thomas: an ordinance of reason for the common good, promulgated by him who has care of the community.[153] Whatever be the true etymology of the name, law manifestly contains the notion of obligation or of a bond by which the subject of the law is bound, and at the same time the notion of a norm and rule of acting. For law regulates operations by the fact that it induces obligation.

a. Law is called an ordinance, because it consists in a norm or disposition, and one obliging, by which actions are directed to the end. Therefore law is distinguished from counsel, which induces no obligation and need not necessarily proceed from a superior who has authority.

b. Of reason: by this word practical reason is signified, which comprises intellect and will. For although law consists essentially in an act of the will, insofar as it induces obligation, nevertheless the intellect also must concur in establishing it, since it belongs to the intellect to consider whether the law to be made conduces to the end.

Notes

152. St. Thomas, I-II, q. 90-108. St. Alphonsus, l. 1, n. 99-208. Suarez, *De legibus*, a classic work consisting of ten books. Laymann, *Theologia moralis*, l. 1, tr. 4. Reuter, *Theologia moralis*, pr. 1, n. 118-262. Sporer-Katzenberger, *Supplementum*, c. 1. Wernz, *Ius decretalium* (Rome: Typographia C. de Prop. Fide, 1898), I, n. 80-173. Wildmuller, *Uber das Sittengesetz* (Wurzburg: Woerl, 1878).

153. Cf. *Summa* I-II, q. 90, a. 4.

c. For the common good: for the end of law is the good of the whole community, which the law directly and immediately regards, and through the common good it is directed mediately to the good of individuals. This good is both spiritual and temporal, namely the whole good of the community.

d. By him who has care of the community: for to make law is an act of superiority and jurisdiction; therefore only he who has the power of ruling a community can impose upon the whole community a norm by which it is to be directed.

e. Promulgated, that is, so published or intimated that it can be known by the subjects. For the will of the subject can be induced only through knowledge to conform itself to the will of the legislator. Hence a law not promulgated, just as a law not known, cannot oblige.

They dispute whether promulgation is more truly said to belong to the essence of law or rather to be its necessary condition, without which it cannot have external efficacy. For the rest, this dispute is more speculative than practical: for each opinion concedes that a law which has not been promulgated does not oblige.

107. The distinction between law and precept. A twofold precept is distinguished, common and particular. Moreover, between law and a common precept, which by the ancients is called a statute, there is only this distinction: that law is a stable ordinance, while a common precept is transitory. For a common precept is from a prince for the whole community unto the common good, but for a time. But law and a particular precept differ from one another in several ways.

1. They differ by reason of the author: for public authority and the power of jurisdiction are required for establishing a law; for a precept private authority and dominative power suffice: that of a father, husband, master.

2. By reason of the subject: for law is a common ordinance which is given to a community, namely either to all its members or to those who are of the same condition in some community, whether they are many or few in number, as clerics, merchants, etc.; but a precept is given to a private person or to a family.

3. By reason of the end: for law is borne immediately toward the common good; but a precept immediately toward the good of a private person.

4. By reason of place: because law directly affects territory, but a precept directly affects the person; therefore a precept obliges even outside the territory of the one commanding, but law (ordinarily) does not oblige subjects who are outside the territory of the legislator.

5. By reason of duration: for law is a stable ordinance which is not made for a determinate time, but either always endures or at least endures so long until it is revoked; but a precept per se is made for a time.

a. Therefore a law is not extinguished together with the legislator, but endures beyond his death; but a precept per se ceases by the death of the one commanding. Per se, because it can happen that the legislator attributes special stability to the precept of a superior, as sometimes happens in religious orders.

b. Nevertheless the names law, precept, and statute are customarily used indiscriminately in law. Hence, to discern whether some ordinance is a law or a precept, attention must be given not so much to the name as rather to its conditions.

108. On the sanction of law. 1. The sanction of law considered actively is the decree of the legislator by which he proposes good things (rewards) to be obtained for the observance of the law, and evil things (punishments) to be undergone for its violation; considered passively, it signifies the good things themselves proposed for observance of the law and the evil things proposed for violation of the law. Sanction is the complement of law and obligation.

2. There is distinguished an internal sanction, which signifies good or evil things which from the nature of the thing follow the observance or violation of law (tranquillity and remorse of conscience, good or bad reputation, etc.); and an external sanction, which signifies good or evil things which are connected with the observance or violation of law from the disposition of the legislator.

3. Its end is threefold: a. that subjects be efficaciously moved to observance of the law; for the very knowledge of the law and consciousness of obligation (*Pflichtbewusstsein*) do not sufficiently induce man, as he now is, subject to the allurements of concupiscence, to keeping the law. b. That the moral order be completed by the retribution of reward and restored by the retribution of punishment; for the order of justice requires that reward be repaid to the merit of law observed, and punishment to the demerit of law violated. c. That subjects rebellious against the will of the legislator be subjected to his authority, by the fact that those who refused voluntarily to subject themselves to the law are forced against their will to undergo evil.

Note. Ethics and dogmatics teach of what kind the sanction of divine law is and must be in order that it be sufficient for obtaining the end, and whether it must be of eternal reward and eternal punishment.

109. On moral obligation, the effect of law. 1. Obligation taken broadly is the necessity by which created beings strive through their operations toward their proper ends. This necessity is essentially diverse in rational creatures and in creatures lacking reason: for the latter are led to their ends by determination of nature, but the former must lead themselves to their ends according to norms imposed upon them by law. The former necessity is called physical obligation, the latter moral obligation. Therefore moral obligation is a necessity imposed by law upon rational creatures of doing or omitting something. By this obligation rational creatures are truly bound, yet in such a way that they are not deprived of liberty, but the power is left to them even of departing from the obligation.

2. The supreme principle and source of every obligation which arises from law is God Himself, whence the force of a law truly obliging must proceed either immediately or mediately from God. For the will of a rational creature, independent from other creatures in the pursuit of its end, can be bound efficaciously only by God, the absolute lord of creatures. Therefore Sacred Scripture testifies that every legislative power is from God: "Let every soul be subject to higher powers; for there is no power except from God, and those that are, are ordained by God."[154] It testifies the same concerning individual legislators.[155]

110. The chief divisions of law. 1. By reason of state, law is divided into eternal law, which is from eternity in God the legislator alone, and temporal law, which in time is also outside God in creatures.

Law can be considered in a threefold state: in the legislator, in whom it exists through the act of the intellect by which he judges that an action is necessary or useful for the end, and through the act of the will by which he wills it to be observed by subjects; in the subjects, in whom it exists through the act of the intellect by which the command of the superior is received and proposed to the will; in a sign, of which kind are writing or the living voice by which law is exhibited.

2. By reason of the author, law is divided into divine and human law, according as it proceeds immediately from God or from a human legislator.

Notes

154. Rom. 13:1.

155. Cf. Matt. 16:19; Prov. 8:15; Eph. 6:1; Eph. 6:5.

a. Divine law is divided into natural and positive law; the former is necessarily made by God and promulgated by the light of reason; the latter is freely made by God and promulgated in diverse ways, though externally.

Positive divine law is divided into Mosaic, which God gave through Moses to the Israelite people, and evangelical, which Christ, author of the New Testament, made.

b. Human law is one kind ecclesiastical, another civil, according as it is made by an ecclesiastical legislator or by a secular legislator.

3. According to the diverse matter of the law, there is distinguished a commanding or affirmative law, if it is referred to a good act and to placing it; a prohibiting or negative law, if it is referred to an evil act and to omitting it; a permitting law, if it is referred to an act which is neither commanded nor prohibited but licit; and a penal law, if it sanctions a penalty.

a. Although the force of obliging of affirmative and negative law is the same, nevertheless they have diverse efficacy according to the celebrated axiom: affirmative law obliges always but not for always; but negative law always and for always. For the evil act which negative law prohibits must be omitted at any time; but the good act which affirmative law commands is indeed always commanded, yet it need not be exercised at any moment, but only at the appointed time.

b. It is clear that a permitting law is not properly a law, because it induces no obligation, which is required for the notion of law properly so called. But if it is said to oblige insofar as it prohibits anyone from impeding one who wishes to exercise an act permitted by law, it must be noted that in this sense it pertains to negative and prohibiting law.

4. By reason of obligation it is divided: a. into moral or preceptive law, which obliges only to its own observance; purely penal law, which obliges only to undergoing the penalty; and mixed law, which obliges to both; b. into personal law, which follows the person wandering outside the territory, and local law, which does not follow the person outside the territory.

It is clear that all laws of a particular superior are local, because he himself cannot exercise power outside the territory; therefore his laws cannot follow a subject outside the territory. On the contrary, all laws of a universal superior are personal in this sense, that they oblige subjects everywhere, unless by his will they have been promulgated only in certain places: for law does not oblige where it has not been promulgated.

5. Negative law by reason of effect is either simply prohibiting, which renders the act evil and illicit, or prohibiting and at the same time irritating, which renders the act not only illicit, but also invalid.

Second Question

On Divine Law

First Article

On Eternal And Natural Law[156]

111. What eternal law is. Eternal law is the divine will, which necessarily and from eternity wills that creatures to be created preserve the order constituted by divine wisdom, or that creatures to be created fittingly strive toward their proper ends.

Notes

156. Suarez, *De legibus*, l. 1, c. 1-4. Seydl, *Das ewige Gesetz* (*Theologische Studien der Leo-Gesellschaft*, Vienna: Mayer, 1902). Cathrein, *Moralphilosophie*, 4th ed., p. 332 ff. Meyer, *Institutiones iuris naturalis*, 2nd ed., n. 238 ff.

a. From eternity God by His wisdom saw all things to be created in time; likewise from eternity by His most free will He decreed to create the world in time for His own glory. By this act of the intellect God knew the universal end to be assigned to the world and the particular ends to be assigned to individual things; and at the same time He knew the operations by which the things to be created could attain both the universal and the particular end. But by the decree of the will He established that the things to be created should strive toward their ends by fitting operations. The operations by which the things to be created strive toward their ends constitute the order of the universe, the order of nature. But eternal law consists in that act of the divine will by which the operations of creatures are ordered to their ends.

b. Eternal law of itself is universal, so that its object is constituted not only by the moral order, or the operations by which rational beings strive toward the end, but also by the physical order, or the operations of beings lacking reason, indeed even by the supernatural order, or the operations by which man, elevated into a son of God, strives toward the end of eternal life. Therefore according to St. Thomas, eternal law is the reason of divine wisdom insofar as it is directive of all acts and motions.[157] Yet for the most part eternal law is customarily considered only in relation to the moral order, and that the natural order.

c. It is clear that eternal law as such differs from other laws in two ways: a. because it has no subjects whom it obliges, nor operations which it directs, since from eternity there are none capable of obligation and direction; b. because eternal law as such, or antecedently to natural law, produces no obligation in men, since it has not been promulgated to them.

112. What natural law is. 1. Natural law subjectively is the obligation necessarily imposed upon men of tending by fitting acts toward their proper end. Therefore it is eternal law itself imposed upon men by the command of the divine will.

a. The end to which man is ordered, together with the actions by which he can attain it, constitutes the moral order. Hence natural law can also be called the obligation imposed upon men of preserving the moral order.

b. Since acts fitting to the order are good, but acts unfitting to it are evil, natural law can be called the obligation imposed upon men of doing good and avoiding evil.

c. Once the decree of creating a rational creature has been supposed, God cannot but will those things which are good and necessary for preserving the order, and He cannot but not will those things which are evil. Therefore, once the existence of a rational creature has been supposed, God necessarily commands and prohibits those things which belong to natural law.

2. Natural law objectively is the moral order constituted by God, consisting in operations which, with consideration of man's relation to God, to himself, and to neighbors, must necessarily be done or omitted. These operations considered objectively are just so many norms by which all human activity is ruled.

Therefore the matter of natural law is constituted by all those things which by their nature are honorable and necessary for the end, and by those things which by their nature are evil. And since those things which by their nature are evil disturb the order of nature, but those things which by their nature are honorable conduce to preserving the order of nature, the law of nature is rightly defined by St. Augustine: the reason and will of God commanding that the natural order be preserved, forbidding that it be disturbed.[158]

Notes

157. *Summa* I-II, q. 93, a. 1.

158. St. Augustine, *Contra Faustum*, l. 22, c. 27.

3. God promulgated natural law through the light of reason. For God placed in human reason a power by which, with great facility, it can form moral ideas and moral principles, and by reasoning can deduce conclusions or first moral precepts from the supreme principles. Therefore St. Thomas most beautifully calls natural law a participation of eternal law in the rational creature.[159]

a. Therefore the act by which God promulgated the law of nature is creation itself, by which He placed the natural light of reason in men. For this reason an absolutely obliging law has been imposed upon all men by force of rational nature, which all can know by their reason, and which all are held to observe by their operations. Hence St. Paul: "For when the Gentiles, who do not have the law, naturally do those things which are of the law, such persons, not having the law, are a law to themselves. They show the work of the law written in their hearts, their conscience bearing witness to them."[160] The arguments of reason by which the existence of natural law is proved can be compared among the moral philosophers.[161]

b. Therefore natural law differs from eternal law as a law which is at once in the legislator and in the subjects differs from a law which is only in the mind of the legislator.

4. The subject of the law of nature is every man of all times and places: for the foundation of natural law is rational nature; besides this, it is itself the means by which man is ordered and directed to his end. But rational nature is the same in all, and all have been destined to the same end.

Therefore not even those who lack the use of reason, such as infants and the perpetually insane, are exempt from the obligation of natural law, since they too have rational nature. Nevertheless these are obliged by the law only in first act, and therefore in violating the law they sin only materially.

5. Natural law is the foundation of any positive law, and this in a twofold way: first, because the obligation of obeying a legitimate superior, whether God or man, is had from the law of nature; then, because a law which is contrary to the law of nature has no force. For that is not a law which contains what is unfitting to human nature and to the end to which man has been destined.

113. On the precepts of natural law. 1. The precepts of natural law by reason of knowledge are of three kinds:

a. To the first belong certain most universal principles of morals, such as: good is to be done, evil is to be fled; the supreme deity is to be worshiped; the highest good is to be loved; benefactors are to be honored; what you do not wish to be done to yourself, do not do to another, etc. These principles are not derived from others, but from them all and each of the precepts of the law are deduced by the discourse of reason.

b. To the second belong those precepts which are deduced from universal principles immediately and by an obvious and easy discourse, of this kind: honor father and mother; you shall not steal; and the rest which are contained in the Decalogue (except the determination of the Sabbath).

Therefore not only the supreme moral principles but also the precepts of the Decalogue, as universal norms of human actions, are known to all peoples, even uncultivated ones, of all times and places, as is established from ethnology.[162]

Notes

159. *Summa* I-II, q. 91, a. 2.

160. Rom. 2:14-15.

161. Cathrein, l.c. Meyer, l.c. Schindler, p. 144 ff.

162. V. Cathrein, *Moralphilosophie*, 4th ed., I, p. 344 ff. W. Schneider, *Allgemeinheit und Einheit des sittlichen Bewusstseins* (Paderborn: Schoningh, 1895).

c. To the third belong those precepts which are inferred only mediately and remotely from the first principles or from the precepts of the Decalogue, after diligent study has been premised and by a more subtle discourse, as: an injury inflicted on someone is not to be avenged by one's own authority; found things must be restored.

Even precepts of the third kind are necessarily commanded or prohibited; nevertheless, since they are often indeterminate and ambiguous, they furnish a foundation for positive laws, by which they are more accurately determined and firmly constituted.

2. Considered according to force and efficacy, the precepts of nature are of two kinds: some are called primary, which nature absolutely demands, because without them the moral order is rendered impossible; others secondary, to which nature indeed strongly inclines, because without them the moral order is less perfect, but which nevertheless it does not absolutely demand.

Thus nature absolutely demands the unity of marriage insofar as it excludes polyandry; but it does not absolutely demand the unity of marriage insofar as it excludes polygyny. Hence polyandry is absolutely prohibited by the law of nature, but polygyny, though less conformable to the same law, is not absolutely prohibited. The same must be said of the dissolution of marriage.

3. Considered according to the mode of obliging, some precepts of the law of nature are absolute, or independent of every condition, as: God is to be worshiped; others are conditioned, which suppose some fact on which they depend, as: a vow or oath is to be observed. From this arises the division of the law of nature into absolute and conditioned.

114. Whether the precepts of natural law can be invincibly unknown. Because the precepts of natural law are of three kinds, a distinction is needed in solving this question.

1. The first principles of natural law cannot be invincibly unknown by an adult who is fully self-possessed in reason: for the first moral principles are immediately evident to one who understands their terms; but truths of this kind cannot be unknown by one who uses reason sufficiently cultivated.

2. The second principles of natural law, which are contained in the Decalogue, cannot be invincibly unknown for a long time: for those things which are evidently deduced from known principles by an obvious and easy inference cannot long lie hidden from a man possessed of cultivated reason. If he does not know them clearly, he is at least incited through remorse of conscience to investigating the truth.

Therefore if some labor for a longer time under ignorance of these precepts, it must be called vincible and culpable, as having arisen not from defect of intellectual light, but from malice of the will. For with the Apostle as witness, because of depraved customs the law of nature can be erased from the hearts of men, who nevertheless are not excused from sin because of this ignorance.[163]

3. The more remote precepts of natural law, which are deduced from their principles only with great difficulty and after diligent study has been premised, can be invincibly unknown even for a long time by those who have never devoted themselves to studies, and often in fact are unknown. This is shown by the disagreement of theologians and even of the holy Fathers themselves concerning these precepts.[164]

All indeed concede that theoretically there is invincible ignorance of natural law; but the probabiliorists, tutiorists, and Jansenists denied that practically there can be ignorance of this kind and that the one oper-

---

Notes

163. Cf. Rom. 1:20 ff.

164. Cf. Ballerini-Palmieri I, n. 48.

ating is therefore excused from sin. But since this opinion has not only been proscribed by the Church,[165] but today is also obsolete, it is enough to have indicated it.[166]

115. Concerning ignorance of the Decalogue, for practice it must be noted what authors commonly teach after consulting experience.

a. The malice of internal acts, namely of depraved thoughts and desires, especially inefficacious ones, can be invincibly unknown.

b. The malice of external acts can also be invincibly unknown, especially by children and the uneducated, indeed also by others in extraordinary circumstances, as where human law tolerates what is morally evil. Thus it can happen that someone is ignorant of the malice of pollution; that he thinks it licit to lie in order to save his own life or another's, to steal from evil rich persons in order to succor good poor persons, to perjure himself in order to protect life. Indeed there are some who affirm that it can happen that even Christians think fornication licit in places where public prostitutes are permitted.[167]

c. Whether the malice of an internal act can invincibly be unknown even when the malice of the external act is known, and therefore whether someone can invincibly think that a serious will of sinning (stealing) is not sin if the external act (theft), which he knows to be evil, has not followed, is not one opinion among authors. For while some affirm this, St. Alphonsus with others denies it in these words: "I have never been able to judge this opinion probable."[168] In practice penitents in these cases will have to be prudently questioned as to whether they had some, at least confused, knowledge of the malice, and their assertion must be believed.

116. On the immutability of natural law. A twofold change of the law of nature is distinguished: internal, by which the law itself is abrogated or changed into another; and external, by which dispensation is made in the law through either human or divine power.

1. The law of nature cannot be changed intrinsically: for since the law of nature contains that which is fitting to human nature, with account taken of its religious, sensitive-rational, and social character, it cannot be changed unless human nature is changed.

2. Natural law cannot be changed extrinsically even by divine power. Nevertheless: a. in secondary precepts God can permit an exception for a time for obtaining a higher end; and b. in those actions which are not absolutely base, He can dispense improperly.

a. The law of nature, once creation has been supposed, is necessary and independent of the will of God; therefore it also necessarily endures unchanged so long as human nature remains the same. And indeed God must always will that man worship his creator, that he subject the sensitive appetite to reason, and that he observe charity and justice toward his neighbor.

b. Since the order of nature does not absolutely demand secondary precepts, but demands them only so that it may be perfect, nothing prevents God from permitting an exception for a time for obtaining a higher end. Thus God permitted the children of the first parents to take sisters as spouses in order to

---

Notes

165. "Although invincible ignorance of natural law may be granted, in the state of fallen nature this does not excuse the one operating from formal sin from it." Proposition 2 condemned by Alexander VIII (December 7, 1690).

166. Cf. Lacroix, l. 1, n. 720 ff. Thyrsus Gonzalez, *Fundamentum*, diss. 11, c. 5. St. Alphonsus, l. 1, n. 170-174.

167. Cf. Sporer-Bierbaum, *Theologia moralis sacramentalis* (Paderborn: Typographia Bonifaciana, 1901), III, pr. IV, n. 572.

168. Cf. St. Alphonsus, *De conscientia*, n. 9. Lacroix, l. 1, n. 35.

preserve the unity of the human race; thus also He permitted the dissolution of marriage and servitude to the Israelite people for a time.

c. A law is said to be changed properly if the obligation of the law ceases while the same matter of the law remains; but a law is said to be changed improperly if the obligation of the law ceases when the matter of the law has become another. In order to understand how it can happen that the matter of the law is changed, it must be noted that sometimes the matter of natural law is evil simply in itself; thus speech injurious to God is evil in itself and on account of itself. But sometimes it is evil in itself for this reason, that another's right is annexed to it. Now one who exercises dominion over that right, by taking away that right, can bring it about that an action which was formerly illicit now becomes licit. It is clear that the natural law which prohibits another's right from being injured is not changed in this case, but the matter of the law, with some circumstance removed from it, has been changed.[169]

Thus natural law prohibits killing oneself or an innocent person; likewise it prohibits taking another's thing. If, however, God, who is lord of life and death and of all things, permits or commands this, it can licitly be done.[170]

117. 3. A fortiori the Church cannot change the law of nature. Nevertheless she can infallibly declare and interpret it, indeed in those precepts whose particular obligation depends upon an act of the human will, she can improperly dispense. Thus in fact she dispenses in vows and oaths, in ratified marriage, and in religious profession.

In order that this may be explained, the following things must be noted:

1. Obligations of the law of nature are of two kinds: some affect individuals independently of an act of the human will, as God is to be worshiped, parents are to be honored, one must not lie, etc.; others affect individuals only dependently upon an act of the human will. Of this kind are obligations which arise from contracts, vows, and oaths.

2. In obligations of the first kind the supreme pontiff cannot dispense; in obligations of the second kind he does not properly dispense, because he does not relax the obligation of natural law (that a vow is to be fulfilled, that a promise is to be kept), but according to the power which he uses over the human will, he permits the act of the will by which the obligation of the law of nature was induced in a particular case to be changed or retracted. When this has been done, the obligation itself ceases in this individual. But because the obligation has been contracted toward God, the act of the human will inducing the obligation can be changed and retracted not at will, but only with God consenting (that is, with a just cause existing). Therefore when the supreme pontiff dispenses from a just cause, he himself declares that God consents to the change of the will.

3. From these things it is clear that the supreme pontiff has the power of dispensing in divine natural law signifies nothing other than that the supreme pontiff can declare when God consents to a change of the will from which the obligation of the law arose. But God willed that the supreme pontiff be furnished with this power because it is not only expedient for the faithful, but sometimes plainly necessary. For when the inconstancy of worldly things is considered on the one hand, and the imprudence and inconsideration of men on the other, it not rarely happens that obligations contracted from the human will are more harmful than useful to men.[171]

Notes

169. Cf. Lehmkuhl I, n. 190.

170. Cf. Gen. 22:2; Ex. 3:22; 11:2; 12:35.

171. Cf. Ballerini-Palmieri I, n. 406 ff.

Second Article

On Positive Divine Law

118. Notion. Positive divine law is a law freely made by God and promulgated by some immediate act. Hence positive divine law can be known by us only through revelation. Once the destination of man to a supernatural end has been supposed, God necessarily established a positive law by which man would be directed to the supernatural end of eternal beatitude. Positive divine law is distinguished as twofold: the ancient or Mosaic law, and the new or evangelical law. Passing over those things which are handed down concerning the old law, certain things concerning the new or evangelical law should be noted.

Just as the destination of man to a supernatural end does not destroy human nature and its natural end, but elevates and perfects them, so the revealed supernatural law does not take away the law of nature; so that positive law and natural law together constitute the integral moral law of man destined to the supernatural end of eternal life.

119. On the abrogation of the ancient law. 1. The ancient Mosaic law, which of itself obliged only the Jews, was abrogated at the death of Christ, or certainly on the day of Pentecost.

a. The apostolic council solemnly declares that the Mosaic law, and that whole law as to ceremonial, judicial, and moral precepts, was abrogated.[172] The Apostles communicate this declaration to the Antiochians in these words: "It has seemed good to the Holy Spirit and to us to impose no further burden upon you" (namely from the Mosaic law).[173]

b. It is certain that the Mosaic law did not cease before the death of Christ; but whether it was abrogated at the time of the death of Christ, as the Thomists will, or on the day of Pentecost, when the solemn promulgation of the new law was made, as the Scotists teach, cannot be affirmed with certainty. From the Apostle it is established that the old law did not cease before the death of Christ; from the same Apostle the opinion which holds that the old law was abrogated in the very death of Christ the Lord seems to be confirmed.[174]

2. Although the ancient law after the death of Christ was dead, that is, deprived of the force of obliging, nevertheless it did not immediately become death-bearing, but for a time could still be observed without sin; not indeed insofar as it signified Christ as going to come, but insofar as it prescribed the mode of worshiping God. And indeed the Apostles themselves sometimes observed the ceremonial things of the law.[175]

a. It is clear that these things hold of the ceremonial law, which to observe even now is mortal sin, since it is false and superstitious worship; for one who observes the ceremonies of the Mosaic law professes that the Messiah has not yet come, but is still going to come.[176] The judicial precepts, and more so the moral precepts, are not death-bearing, although they themselves have also lost the force of obliging which arose from the Mosaic law.

b. When the new law had been sufficiently promulgated through the Apostles, the ancient law could no longer licitly be observed, but began to become death-bearing, or false and illicit worship. But when

---

Notes

172. Cf. Acts 15:1 ff.

173. Acts 15:28.

174. Heb. 9:16-17; Eph. 2:15. Cf. Pesch V, n. 517 f.

175. Cf. Acts 10:14; 16:3; 18:18; 21:24; 1 Cor. 9:20 f.

176. Cf. Gal. 5:2, 4.

exactly this happened cannot indeed be accurately determined; nevertheless after the destruction of Jerusalem it certainly could no longer be observed.

c. Concerning this matter a celebrated controversy arose between St. Jerome and St. Augustine. The former contended that the Mosaic law after the death of Christ could never have been observed without sin; but that the Apostles observed it not seriously but by simulation. St. Augustine rightly contradicted him, contending that the Apostles, in observing the ancient law, acted seriously and could observe it without sin, because in the beginning it was indeed dead, but not yet death-bearing. Jerome at last yielded to the opinion of Augustine.[177]

120. On the existence of the new law. 1. Christ the Lord, by the legislative power which He possessed, established a new law obliging all, which is called supernatural law.

a. By the name of new law there is often understood improperly the new order of salvation which Christ instituted after the old law had been abrogated. Now this order of salvation contains law properly so called, or precepts made by Christ, who did not come to destroy (the law), but to fulfill.[178] And indeed: a. Christ announced very many precepts during His public life; therefore b. He commanded the Apostles and their successors to commend to men the observance of His commandments;[179] c. and the Council of Trent condemns those who deny that Christ gave new precepts.[180]

b. From a multiple title the law made by Christ must be called supernatural: both because it proceeds from God as author of the supernatural order, and because it is instituted for men elevated to the supernatural order and is observed by supernatural powers, and finally because it directs to a supernatural end.

2. The new or evangelical law contains precepts of three kinds: theological, moral, and sacramental. The theological are referred to the theological virtues;[181] the moral are contained in the Decalogue, for Christ did not abrogate the natural law, but explicitly renewed it, confirmed it, and added greater perfection to it;[182] the sacramental pertain to the sacraments and the oblation of the sacrifice.[183]

a. Because Christ confirmed the precepts of the Decalogue by His own authority, they oblige from a twofold title: by force of natural and positive law. Therefore Christians violating the precepts of the Decalogue do not indeed commit two sins diverse in species or number, yet they sin more gravely than unbelievers violating the same precepts.

b. Judicial precepts are not contained in the evangelical law, unless those precepts are called judicial which regard the constitution of the Church[184] and its authority.[185] Although judicial precepts are necessary for governing the faithful people gathered into a society, nevertheless Christ Himself did not will to establish them immediately, but only mediately through the Church, which He therefore furnished with legislative power. Precepts of this kind were afterward in fact established as occasions occurred, and they are contained in canon law.

Notes

177. Cf. Suarez, l. 9, c. 15 ff. Mohler, *Gesammelte Schriften und Aufsatze* (Regensburg: Manz, 1839), I, p. 1 ff.

178. Matt. 5:17.

179. Matt. 28:20.

180. Sess. 6, can. 19.

181. Mark 16:16; Matt. 22:37; Luke 10:27.

182. Matt. 5: "But I say to you," etc.

183. John 3:5; Luke 22:19; John 6:54 f.

184. Matt. 16:18 f.

185. Matt. 18:17 ff.

c. Besides moral precepts, the new law also contains several moral counsels, of which the principal ones are the three counsels which are commonly called evangelical, namely of poverty, chastity, and obedience.

121. Its obligation. The evangelical law obliges all men of all times and places. a. For it was imposed upon all by Christ,[186] because from the will of God all are to be led through Christ to sanctification and salvation. Therefore Christ expressly says: "All power has been given to Me in heaven and on earth. Going therefore, teach all nations. Teaching them to observe all things whatsoever I have commanded you."[187]

b. That the law of Christ obliges all men of all times, so that no other law will follow until the consummation of time, is clear: a. God in the Old Testament had promised a new covenant which would remain forever;[188] b. Christ foretold the immutable stability of His kingdom;[189] therefore the time of the new law is called the last time;[190] c. it would have to be abrogated so that a more perfect one might be introduced; but there cannot be a law more perfect than that whose precepts immediately join man with God, whose sacraments truly sanctify man, whose sacrifice is of infinite dignity.

The absolute perfection of the moral doctrine of Christ the Lord is also apparent from the doctrine itself. First, being accommodated neither to a determinate time nor to a certain nation, it fits all men of all times and places. Besides this, its foundation and end is God, the absolute and infinitely perfect good. Finally, the precept of divine charity raises man to the highest moral perfection and at the same time to perfect beatitude. The precept of love of self and of neighbor satisfies in the most perfect way all the needs of human nature, both individual and social.

c. Nevertheless the precepts of the new law do not oblige all men in an equal way: for the precept of receiving faith and entering the Church through the reception of baptism obliges all immediately; but the others only mediately, namely through entrance into the Church and through baptism received.

To the question when the new law began to oblige, some respond that objectively and in first act its obligation began at the death of Christ, or at least on the day of Pentecost: for they think that Christ established that together with the solemn promulgation of the law its obligation should begin.[191] But others teach that it began to oblige after its sufficient publication throughout the world; and that sufficient publication of it was made through the Apostles: for "their sound went forth into all the earth." Therefore in first act, at the time of the Apostles (forty years after the death of Christ, or certainly after the destruction of Jerusalem), all were obliged by the evangelical law. But in second act individuals are not obliged before knowledge of the law has reached them; for until this time unbelievers are excused from observance of the law because of ignorance.[192]

122. On the power of dispensing in positive divine law. a. It is certain that Christ, the author of the evangelical law, could have granted to the Church the power of dispensing in His law: for any legislator can confer upon another the power of dispensing in his laws. The question is whether this power has in fact been granted to the Church, and therefore whether the supreme pontiff can relax divine law from a just cause. But theologians commonly teach that power of this kind has not been granted to the Church, nor has the Church ever used this power.

Notes

186. Matt. 28:18 ff. Cf. Mark 16:15; Rom. 1:16.

187. Matt. 28:18 ff.

188. Jer. 31:31, 40.

189. Matt. 16:18; 28:19 f.

190. Acts 2:17; 1 John 2:18.

191. Cf. John 3:14 ff.

192. Cf. Suarez, l. 10, c. 4, n. 25.

The words of the Lord to Peter: "Whatever you shall loose upon earth shall be loosed in heaven,"[193] are not to be understood as altogether unlimited, but must be restricted to those things which are necessary so that the Church can perform her office, or to those things which are necessary for the good of the Church and the salvation of souls. But of this kind is not the power of dispensing in divine laws; for it is better if dispensation is not made in them. Namely, in order that the unity of the Church instituted by Christ might appear more clearly, it was altogether expedient that the principal institutes and precepts of Christ be uniform among all the faithful of all times, and therefore immutable.

b. Nevertheless the Church can declare and authentically interpret divine law, and this infallibly: for she is the infallible interpreter of the institutions and precepts of Christ. Therefore the supreme pontiff can not only declare what cause excuses from divine law, but can also determine the sense of the law and its obligation, and by interpreting can modify and limit the law itself.[194]

Third Article

On Counsels[195]

123. Notion. Counsels are good actions commanded by no law, yet better than their opposites, as virginity, which is better than marriage, fasting, which is better than temperance.

a. Besides actions commanded or prohibited by law, there are many others neither commanded nor prohibited but licit, among which are contained those which are commended to us as counsels. For God manifests His will to us in a twofold way, either by commanding or by persuading and commending. Commanded actions are necessary for obtaining the end; counsels are not necessary, but free and left to the choice of each one.

b. Not all actions commanded by no law pertain to counsels: for it belongs to the notion of counsel that it be an action better than its opposite. Therefore marriage, although it is not commanded, is not a matter of counsel, because it is not better than virginity.

c. Counsels differ from laws in several ways: a. laws oblige all; counsels oblige only those who have bound themselves to their observance; b. laws oblige by their own force from the divine will, counsels only dependently upon the human will; c. laws are means necessary for obtaining eternal life, counsels are free means which nevertheless conduce more securely and perfectly to eternal life. Because counsels are not necessary but free, their works are called works of supererogation (*Werke der Ubergebuhr*).

From these declarations are understood the qualities which belong to counsel, namely that it be: a. a free work not commanded; b. a better good; c. a work of supererogation.

124. Their existence. 1. Although from most ancient times several erred against Catholic doctrine concerning counsels, nevertheless Protestants and Rationalists deny and attack the counsels themselves on principle.

The heretics of ancient times (Apostolics, Encratites, Manichaeans, Pelagians, Helvidius, Jovinian, Vigilantius, etc.) erred in that they said determinate supererogatory actions were commanded or prohibited. Thus some said poverty was commanded (on the contrary, national economists of our time altogether condemn

---

Notes

193. Matt. 16:19.

194. Cf. Ferraris, *Bibliotheca* (Rome: Typographia C. de Prop. Fide, 1890), s.v. Papa, a. 2, n. 30.

195. St. Jerome, *Adversus Jovinianum*, l. 2. St. Thomas, I-II, q. 108, a. 4; II-II, q. 184, a. 3; q. 186, a. 7. Suarez, *De religione*, tract. 7, l. 1, c. 6-9. Bellarmine, *De monachis*, c. 7-13. Ballerini-Palmieri IV, n. 4-8. Gopfert, *Moraltheologie*, 6th ed. (Paderborn: Schoningh, 1908), I, n. 36-41. Simar, *Lehrbuch der Moraltheologie*, 3rd ed. (Freiburg: Herder, 1893), p. 45 ff. Schwane, *De operibus supererogatoriis et consiliis evangelicis* (Munster: Theissing, 1868). A. Weiss, *Apologie des Christentums*, 3rd ed. (Freiburg: Herder), vol. 5, p. 203 ff.

poverty spontaneously chosen for the sake of God); others affirmed that the use of meat and wine was illicit. But they did not deny the existence itself of counsels. Protestants and Rationalists, however, attack the counsels themselves: the former indeed from the doctrine of the enslaved will and of good works as superfluous, the latter from the moral principle of Kantian philosophy, by force of which man must strive toward the highest moral perfection by all apt means.

2. That besides precepts there are also counsels is gathered:

a. From the conversation of Christ with the young man asking about perfection: "If thou wilt enter into life, keep the commandments … If thou wilt be perfect, go, sell what thou hast, and give to the poor, and thou shalt have treasure in heaven, and come, follow Me."[196]

By these words Christ the Lord superadds something to the precepts, whose observance is said to be necessary for salvation; something which is better and more perfect and not necessary, but to be chosen at will, and He commends it for obtaining greater happiness. Therefore He speaks of a counsel.

b. From St. Paul: "But concerning virgins I have no commandment of the Lord; but I give counsel, as having obtained mercy from the Lord, that I may be faithful … Therefore he who joins his virgin in marriage does well; and he who does not join her does better."[197]

By these words the Apostle says that virginity is not commanded, and from divine inspiration he commends it not only as good, but as better than marriage. Therefore by these things he commends a counsel.

c. From the very nature of moral actions it is clear that there are very many good actions which are not commanded and at the same time are better than their opposites; but in species counsels can be referred to three heads:

d. To the motive from which precepts are observed: for that precepts be observed not from a motive of natural honesty, but from a supernatural motive, and especially from the motive of charity of God, pertains to counsels.

e. To abstinence from indifferent actions: for indifferent actions, especially those which are referred to delights, although under certain conditions they are not evil, nevertheless impede the tendency toward the ultimate end and bring it into danger; therefore to abstain from them, insofar as they are not necessary, is a matter of counsel.

f. To the exercise of virtues: for very many good actions and actions better than their opposites are either in no way commanded or at least not commanded at all times, as virginity, frequent reception of the sacraments, hearing Mass on weekdays, frequent prayer, etc.

125. Evangelical counsels. Among counsels the evangelical counsels stand out, namely poverty, chastity, and obedience rendered to man, which are called evangelical because they are promulgated by Christ the Lord in the Gospel and by word and example are commended in a special way as means of Christian perfection, so that at the same time there is promulgated the counsel of instituting a peculiar state of life in which obligation to the observance of these counsels exists.

a. The individual counsels are contained in Sacred Scripture:

b. The counsel of poverty: "If thou wilt be perfect, go, sell what thou hast, and give to the poor."[198]

Notes

196. Matt. 19:17 ff.

197. 1 Cor. 7:25-40.

198. Matt. 19:21.

c. The counsel of chastity: "Not all receive this word, but those to whom it has been given … There are eunuchs who have castrated themselves for the kingdom of heaven. He who can receive it, let him receive it."[199] By these words Christ the Lord signifies that virginity is a good more excellent than marriage, a good which He does not command, but commends to those who from the gift of grace can receive its worth.

d. The counsel of obedience: "If anyone wills to come after Me, let him deny himself and take up his cross daily and follow Me."[200] By these words there is contained not only commanded abnegation, but also abnegation not commanded, and especially that which consists in voluntary obedience rendered to man, since in the full sense it is denial of self, namely of one's own intellect and one's own will.

e. The Old Testament already commended certain counsels: a. sacrifices freely offered; thus peace-offerings were not commanded, but were offered freely; b. vows, which are commended in the law, but are not prescribed.[201] The chief of vows is the Nazirite vow, by which a man consecrated himself to God in a special way either for a time or forever.

126. Objections. 1. Heretics who attack counsels contend that all good actions which we can exercise are commanded. To demonstrate this they appeal to various testimonies of Sacred Scripture:

a. "Be you therefore perfect, as also your heavenly Father is perfect";[202] by these words, they say, every perfection, even the most excellent, by which we can become like God, is commanded. But in truth, by these words not every perfection is commanded to us, but that which consists in the love of enemies (v. 44). By the exercise of this we will be like the heavenly Father, who makes His sun rise upon the good and the evil.

b. "Thou shalt love the Lord thy God from thy whole heart … and in thy whole mind";[203] by these words, since perfect charity is commanded to us, whatever perfection we can attain is commanded to us. But in truth, by these words charity appreciatively perfect is commanded, which consists in this: that we avoid every sin, grave sin indeed under eternal punishment, but light sin under temporal punishment.

2. Modern cultivators of political economy attack the evangelical counsels, especially poverty and virginity, as contrary to the common good of society. But in truth, their difficulty arises from this: that, not thinking rightly concerning social good, they falsely place it solely in an accumulation of riches and in a great number of men.

Third Question

On Human Law

First Article

On The Author Of Human Law

127. Necessary power. 1. In a human legislator, two things are required for duly establishing law: a. jurisdiction, or the power of ruling as subjects those upon whom the law is imposed; b. power over that particular matter concerning which the law is concerned, which power they call competence. For a human

---

Notes

199. Matt. 19:11-12.
200. Luke 9:23.
201. Deut. 23:21 ff.
202. Matt. 5:48.
203. Matt. 22:37.

legislator, possessing legitimate authority, can command only those things which conduce to the end of the community over which he presides, provided that they are not opposed to higher laws.

a. Jurisdiction taken broadly signifies the power of governing. But this is either private (domestic) power of governing, or the power of governing a person or a family (an imperfect society), and is called dominative power; or it is public (political) power of governing, or the power of governing a state or commonwealth (a perfect society), and is called power of jurisdiction, or jurisdiction taken strictly.[204] Now for making laws dominative power does not suffice, but the power of jurisdiction is required, and indeed supreme jurisdiction: not only that which is found in a judge for declaring the law, but that which exists in a king and prince for governing the whole state.

b. Dominative power, which suffices for giving precepts but in no way for establishing laws, is twofold according to its diverse origin: social and simply dominative. For either it arises naturally from any society, however small. Since every society must necessarily be ruled, the reason of order requires that there be in it a superior and subjects who are subjected to him. Therefore everyone who is born in some society or is aggregated to it is, by this very fact, held to obey its social authority. This power is in a father with respect to his child, in a husband with respect to his wife, in a master with respect to a servant. Or it arises from the vow of obedience, by which the one vowing promises to submit himself to his superior. This dominative power is in a regular superior with respect to subjects. Hence it is clear that in a regular superior there is had both power, social and dominative, and therefore in him is found true power of commanding and of obliging in conscience independently of the vow of obedience.[205]

2. For the twofold perfect community of men, ecclesiastical and civil, a twofold legislative power must also be distinguished, ecclesiastical and civil. We chiefly treat of ecclesiastical law.

1. On Ecclesiastical Jurisdiction[206]

128. Notion and division. 1. Ecclesiastical jurisdiction is the power of ruling the faithful in order to eternal salvation, granted to someone by Christ or by the Church.

Ecclesiastical jurisdiction is distinguished from civil jurisdiction, which is the power of ruling citizens in order to the common temporal good. The latter is exercised only in the external forum; the former in the external and internal forum.

2. Jurisdiction is divided: a. into proper, which is exercised in one's own name, and vicarious, which is exercised in another's name.

Thus the supreme pontiff exercises proper jurisdiction when he makes laws, dispenses in laws made by himself, and excommunicates delinquent faithful; but he exercises vicarious jurisdiction when he dispenses in vows, oaths, and ratified marriage, because by a special commission of God he acts in the name of God. In like manner a bishop exercises proper jurisdiction if he makes law and dispenses in his own law; but he exercises vicarious jurisdiction if he dispenses in another's law, for example in a universal law of the Church.

b. Into ordinary, which belongs to someone by force of his proper office, and delegated, which belongs to someone from the special commission of one who has ordinary jurisdiction.

Notes

204. The word jurisdiction, which of itself signifies the whole power of ruling, sometimes in a stricter sense designates only judicial power. In this sense the name jurisdiction is used in the treatise on the judge and on penance.

205. Cf. Suarez, *De legibus*, l. 1, c. 8.

206. Cf. Wernz, *Ius decretalium* II, n. 2 ff., 551 ff.

c. Ordinary jurisdiction is of two kinds: one which flows from the office itself, another which is habitually annexed to the office. The former is called simply ordinary; the latter by some ordinary, but by others quasi-ordinary.

d. Ordinary jurisdiction is granted with the office itself; quasi-ordinary jurisdiction can be acquired in three ways: from man, that is, through concession of the supreme prince; from law or canon; from legitimately prescribed custom.

e. All delegated jurisdiction is vicarious, because it is exercised in another's name; but not all vicarious jurisdiction is delegated, nor is all ordinary jurisdiction proper. For all jurisdiction of the supreme pontiff is ordinary, since it flows from his office, but not all his jurisdiction is proper. Likewise ordinary jurisdiction of a bishop is proper, because it is exercised in his own name; but quasi-ordinary jurisdiction is vicarious, because it is exercised in another's name.

f. Into voluntary jurisdiction, which is exercised without judicial form and therefore always upon willing persons, as happens in absolution and dispensation; and contentious jurisdiction, which is exercised in judicial form and therefore even upon the unwilling, as if an accused person is called into court and punished.

Voluntary jurisdiction is exercised validly and for the most part also licitly even outside one's proper territory, because for its exercise the noise or process of a trial is not required; but contentious jurisdiction cannot be exercised outside one's proper territory without the consent of the judge of that place and of the contending parties.

d. Into jurisdiction of the internal forum, which primarily and directly regards private good and orders the moral relations of the faithful to God; and jurisdiction of the external forum, which primarily and directly is referred to the common good and orders the relations of the faithful to the Church, a visible society.

e. Jurisdiction of the internal forum is twofold: sacramental or penitential, which is exercised in the administration of the sacrament of penance; and extrasacramental or extrapenitential, which is exercised outside the sacrament of penance.

129. Principles. 1. One who has ordinary jurisdiction can per se delegate it to another; but one who has delegated jurisdiction cannot subdelegate it to another, except in a threefold case:

a. If he has been delegated without restriction by the supreme pontiff, and this by privilege of law granted because of the eminence of the supreme power.[207]

Therefore a bishop can delegate to others, both in a general way and for a particular case, faculties delegated to him for a time by the Apostolic See, without special concession.[208]

b. If he has been delegated for a universality of causes.

One is called delegated for a universality of causes who has received power not only of dispatching one or several particular causes, but either simply all causes or all causes in some certain genus, for example all matrimonial causes.

c. If he has received a special concession of subdelegating.

Notes

207. C. *Si pro debilitate* 3, *De officio iudicis delegati* (I, 29).

208. Holy Office, December 17, 1898.

2. In order that a delegate can validly use the delegation granted to him, he must know and accept it. There are indeed canonists who deny that knowledge and acceptance of delegation are necessary, especially if the one delegating is the superior of the delegate, or if the delegation has been granted by general statute. Nevertheless, authors commonly affirm that this is necessary in every case.

3. Delegated power does not expire by the death of the one delegating (or by loss of office, in whatever way this happens) if it is a grace granted, but it expires if it is a grace to be granted while the matter is still intact. This is established from the disposition of law[209] and from reason, because through a grace granted, either the thing itself or a right to the thing to be received by the delegate is acquired; but through a grace to be granted, no right is acquired.

a. The distinction between a grace granted and a grace to be granted is taken from the mode in which the grace is conceded. It is called a grace granted if it is conceded by the superior himself per se, whether by way of habit or by way of act, or indeed through another but as a necessary executor; and it is called a grace to be granted if it is conceded through another as a voluntary executor.

b. The matter is called intact if the delegate has not yet begun to use his power; and it is said not to be intact if he has already begun to use his power.

But if the committed power is completed by a single act, as in absolution from reserved cases, by the first absolution the delegate begins to use his power; if the committed power is completed by several acts, as in dispensation from an impediment of marriage, when the petitions must be verified, he begins to use his power by the first act pertaining to that dispensation (the citation of the spouses).

130. a. Grace or faculty can be delegated by a superior in two ways: by way of habit, if it is granted generally for all who need it or will seek it, such as the faculty of dispensing in some law, the faculty of hearing confessions, of absolving from reserved cases or censures; by way of act, if it is granted for one or another case with respect to a determinate person in his favor.

b. A superior can grant a grace conceded by way of act in three diverse ways:

c. Either he himself grants it per se to the petitioner (although sometimes it must be communicated through the ministry of another), as if he himself immediately dispenses with a subject, or if he grants to someone permission to receive orders (of course through the ministry of the ordaining bishop).

d. Or he grants the grace through another, to whom he commits it to be granted, and indeed in such a way that he commands execution to him (a necessary executor), as if the supreme pontiff writes back in this or a similar form: absolve the petitioner from reserved cases, dispense Titius from irregularity, from an impediment, from such a vow, etc.

e. Or he grants the grace through another, to whom he commits it to be granted, but in such a way that he commits the whole matter to his judgment (a voluntary executor), as if the supreme pontiff writes back in this or a similar form: dispense, absolve Titius, if you shall have judged it expedient; or if a bishop remits the petitions with necessary and opportune faculties.[210]

f. A grace granted by the superior himself per se, whether by way of habit or by way of act, is a grace granted to him to whom it is immediately granted by the superior; a grace granted through another as

---

Notes

209.

CC. *Si cui* 36, *De praebendis* (III, 4) in 6; *Si super* 9, *De officio iudicis delegati* (I, 14) in 6.

210. Cf. Suarez, *De legibus*, l. 8, c. 31. Pirhing, t. I, l. 1, tit. 29, sect. 7. D'Annibale, *Summula theologiae moralis*, 5th ed. (Rome: Desclee, 1908), I, n. 222.

necessary executor is a grace granted to him for whom it is granted. Thus power granted to a pastor of dispensing Titius is a grace granted to Titius.

2. On Human Legislators

131. In the Church, laws can be made by: 1. The Roman Pontiff for the universal Church, who receives power immediately from Christ: for Christ the Lord conferred upon blessed Peter and his legitimate successors the power of ruling the universal Church: "I will give thee the keys of the kingdom of heaven";[211] "Feed My sheep."[212]

The supreme pontiff exercises legislative power in a threefold way:

a. By issuing a constitution, by which a universal law is made and promulgated.

b. By making a particular law for some province or for a religious order.

c. By issuing decrees or laws through the Roman congregations, which he confirms by his supreme authority.

As regards the force of law and obligation, it makes no difference in what way the pontiff establishes the law, nor does it matter whether he commands something through a bull or through a brief or by another decree.

2. An ecumenical council for the whole Church, if it has been legitimately convoked, celebrated, and confirmed by the Roman Pontiff; a national or plenary council for the whole territory of some nation; a provincial council for an ecclesiastical province. Nevertheless, before the decrees of a national or provincial council are promulgated, they must be reviewed at Rome by the Sacred Congregation of the Council, so that they can be corrected if perhaps they contain something less fitting;[213] this recognition or revision does not give greater force and authority to synodal decrees.

To the question whether bishops legitimately gathered in a council, whether plenary or provincial, possess true legislative power, the Holy Office on September 30, 1896, responded affirmatively. Therefore their decrees have the force of law, even if they have not been inserted into diocesan statutes. Nevertheless bishops are inferior to a provincial council; therefore they per se are held to observe its laws and statutes. Likewise they cannot dispense in its laws or statutes by their own authority if dispensation was reserved, but dispensation must be sought from the Holy See. But when dispensation is not reserved (ordinarily it is not customarily reserved), the faculty is presumed given to the bishops of dispensing each for his own diocese.[214]

3. The bishop for his own diocese, whether in a diocesan synod or outside a synod, who receives legislative power from the supreme pontiff. Here also belong abbots or prelates nullius (namely, of no diocese), who have power over clergy and people, and the cathedral chapter when the see is vacant, or rather the capitular vicar, who can make and abrogate laws: for he succeeds to the jurisdiction of the bishop; but legislative power is annexed to this jurisdiction.

a. Decrees issued and promulgated by the bishop in synod have the character of true law; but statutes issued and promulgated outside a synod have the character of stable law only in a twofold case: a. if the

---

Notes

211. Matt. 16:19.

212. John 21:17.

213. Constitution *Immensa* of Sixtus V, January 22, 1588. Cf. Benedict XIV, *De synodo*, l. 13, c. 3, n. 1 ff.

214. Bonacina, *De legibus*, disp. 1, q. 2, punct. 1, n. 14.

bishop himself declares that he wishes to establish stable law; b. if the ordinance affects all subjects, both clerics and laity.[215]

b. Since bishops truly possess legislative power, they can by ecclesiastical law command whatever they have judged opportune for the good of souls and their right governance, provided that it is not opposed to common law. And since law, lest it be useless and ineffective, must be furnished with sanction, they can also add penalties to their laws.[216]

4. A general chapter or general congregation in religious orders, by force of jurisdiction granted by the supreme pontiff. The power which belongs to general superiors themselves is indeed diverse according to the statutes of the orders; but ordinarily they do not themselves have the power of making laws, but only of establishing ordinances or statutes either according to or besides the laws in force. Finally, local superiors by force of jurisdiction can command, and their precepts per se expire by the death or departure of the one commanding, unless special stability has been attributed to them through legislative power.[217]

a. Abbesses or superioresses in women's religious orders cannot make laws. The power of making laws for women religious, besides the supreme pontiff, belongs to the superiors of men's orders to which the women's order is annexed, or to the bishop in whose diocese the monastery is situated. Nevertheless superioresses can in particular cases and for particular persons command under grave or light obligation those things which pertain to the spiritual progress of the nuns or to regular discipline according to (not besides) the rules and constitutions of the order, not by force of jurisdiction, which they do not have and cannot receive, but by force of the vow of obedience which professed nuns emit, and by force of dominative power, which by natural law belongs to all superiors of any community. By force of this power they can also command novices who have not emitted the vow of obedience.

b. The distinction between a precept which is made by force of jurisdiction and a precept which is made by force of dominative power must be noted: one who violates the latter sins only against obedience; one who violates the former sins against the virtue to which the precept is referred. For dominative power regards only the subjection of the subject, whatever be the matter on which it is exercised; but jurisdiction regards the good to be obtained through observance of the precept in such a matter.[218]

132. On civil legislative power. 1. Just as civil society itself, so its supreme power is derived from the will of the author of nature: "There is no power except from God."[219] From its proper office it must care by its laws for the common good, or the temporal happiness of citizens, such as can be obtained in this life. In order that it may attain this end, it must establish laws of two kinds: laws by which vices are restrained and the exercise of moral virtues, especially justice, is commanded; for temporal beatitude is impossible without the exercise of moral virtues. And laws by which a sufficient abundance of external goods is procured; for a certain abundance of external goods is required for the exercise of virtues.

2. Who in civil society possesses legislative power depends upon the form of government, which today is diverse in diverse kingdoms: for in some, the supreme prince alone can make laws; in others, legislative power resides in the supreme prince and in the legislative body, which again is diverse according to the diverse constitutions of peoples.

Notes

215. Cf. Benedict XIV, *De synodo*, l. 13, c. 5, n. 1. Ballerini-Palmieri I, n. 238, note a.

216. Cf. S.C.C., September 20, 1878.

217. Lacroix, l. 1, n. 566.

218. Cf. *De praeceptis*, n. 280, 4.

219. Rom. 13:1.

Legislative power per se also belongs to a queen, an heir of the kingdom by succession: for in order that someone have legislative power it is required that he be capable of jurisdiction and that he exercise supreme power in some community; but a queen is capable of civil jurisdiction. A woman is not indeed capable of spiritual jurisdiction, because this jurisdiction requires a subject capable of order; but nothing prevents a woman from receiving civil jurisdiction.[220]

3. On The Authority Of The Roman Congregations

133. On the Roman congregations themselves. The congregations through which the supreme pontiff establishes laws and decrees and grants decisions and declarations for proposed doubts are the following seven:[221]

1. The Congregation of the Holy Office, whose president is the supreme pontiff himself, takes cognizance of causes which pertain to faith and judges concerning heresy and concerning crimes which arouse suspicion of heresy. Besides this, the whole matter concerning indulgences has been committed to it, both as to doctrine and as to use; and finally it treats those matters which concern the Pauline privilege and the impediments of disparity of cult and mixed religion.
2. The Congregation concerning the Discipline of the Sacraments treats all things which pertain to the discipline of the sacraments. Therefore dispensations of marriages for the external forum, likewise dispensations from a ratified non-consummated marriage, dispensations from irregularities, faculties of reserving the most holy sacrament, dispensations which regard Holy Communion or the sacrifice of the Mass, etc., are henceforth granted by this congregation.
3. The Congregation of the Council, to whose business belongs the whole discipline of the secular clergy and of the Christian people. For this reason it must take care that the precepts of the Church be observed, such as fasting, abstinence, and feast days, with the power of dispensing in these laws. To it belong those things which concern pious sodalities, pious legacies, stipends of Masses, benefices, and ecclesiastical goods. Finally it judges concerning all things which pertain to ecclesiastical immunity.
4. The Congregation of Religious (placed over the affairs of religious members), to which are referred those things which pertain to the governance of religious orders, both of solemn and of simple vows. It also settles controversies which arise both between bishops and regulars and between regulars themselves and religious families. Finally, it grants dispensations from common law to religious.
5. The Congregation for the Propagation of the Faith exercises jurisdiction in mission regions and has the right and power of treating all business of the missions. Nevertheless it must defer to other particular congregations those matters which touch either faith or marriages or sacred rites. Those things which pertain to religious as missionaries this congregation treats; but those things which pertain to them as religious are to be remitted to the Congregation of Religious.
6. The Congregation of the Index must watch lest anything be propagated among the faithful by published books which may harm faith and good morals. For this reason it must diligently examine books denounced to it and, if it is necessary, condemn them; it must inquire opportunely into writings of any kind to be condemned; and it must warn ordinaries that they themselves either condemn pernicious writings or denounce them to the Holy See according to the norm of the constitution *Officiorum* (January 25, 1897).

Notes

220. Cf. Holzmann, *Theologia moralis* I, n. 292.

221. Cf. Constitution *Sapienti consilio* of Pius X, June 29, 1908.

7. The Congregation of Sacred Rites decrees all those things which concern the sacred rites and ceremonies of the Latin Church. Therefore it watches that rites and ceremonies be diligently observed in offering the sacred rite, in administering the sacraments, in discharging the divine offices, etc. It grants opportune dispensations. Finally, it must execute all those things which are referred to the beatification and canonization of saints or to sacred relics.

To these must be added the Sacred Apostolic Penitentiary: for since this tribunal has power of resolving doubts which concern the forum of penance, its responses must often be cited in moral theology.

134. Declarations. a. In this place the discussion is not of doctrinal decrees, but only of disciplinary decrees, which in the matter of morals either establish a new law, or interpret a law already existing, or declare law in particular causes, or grant a grace.

b. Decrees of the Roman congregations are signified by various names and are called declarations, decisions, resolutions, responses, or decrees. Although in the strict sense decrees contain a new law, but declarations an interpretation of a law already constituted, and resolutions or decisions a judicial sentence in a particular cause, nevertheless these names are ordinarily used indiscriminately.[222]

c. The power which belongs to the sacred congregations has been granted to them by the supreme pontiff, who nevertheless has not conferred equal power upon all. For the Sacred Congregation of Rites has legislative power, so that even without a special mandate and approval of the supreme pontiff it can establish general decrees having the force of universal law.[223] But the other congregations do not have legislative power, not even the Congregation for the Propagation of the Faith for mission regions.

d. Since the other congregations besides the Sacred Congregation of Rites lack legislative power, their decrees do not have the force of universal law unless they have been issued by mandate of the supreme pontiff and confirmed by him with special approval. But each congregation can establish particular decrees concerning the object committed to it. Today these decrees are customarily approved by the supreme pontiff in common form; nevertheless they do not seem to need this approval in order to exercise their force, for the congregations have been instituted and furnished with the necessary power for dispatching certain business.

e. A twofold approval is distinguished: in specific form, by which decrees are absolutely confirmed after diligent examination; and in common form, by which decrees are not subjected to rigorous examination and are confirmed only conditionally (if they are not repugnant to the sacred canons).

This latter approval does not change the nature of the decrees, but leaves them in their own species, namely decrees which the congregation establishes in its own name and by its own authority; therefore it attributes only a certain external authority to it. The former changes the decree into a law of the supreme pontiff, which he establishes in his own name and by his own authority.

f. In order that decrees of the sacred congregations have the force of obliging, they must be authentic; but they are recognized as authentic by the fact that they have been formally issued, that is, subscribed by the prefect and secretary of the congregation and furnished with the seal of the congregation. The authenticity of decrees of the sacred congregations can be established for us either from authentic collections[224] or from the report of trustworthy writers.

Notes

222. Cf. Wernz, I, n. 143.

223. Sixtus V, establishing this congregation by the constitution *Immensa* of January 22, 1588, conferred legislative power upon it; the congregation itself declared that its decrees formally issued have the same authority as if they proceeded immediately from the supreme pontiff himself (May 23, 1846, n. 2916), which declaration Pius IX confirmed on July 17, 1846.

135. On the authority of congregations. 1. General decrees which are established for the universal Church and duly promulgated have the force of universal law: decrees indeed of the Sacred Congregation of Rites, even if they have not received special approval from the supreme pontiff; but decrees of other congregations, if they have been issued by mandate of the supreme pontiff and approved for the whole Church.

2. Particular decrees and responses certainly have the force of a particular precept for those to whom they are directed, and per se for them alone: for the sacred congregations have been furnished with a special faculty for establishing decrees of this kind. Nevertheless, because they are not directed to the universal Church, proximately and per se they cannot have the force of universal law, because the legislator does not intend to oblige all by them.

Therefore particular decrees and their obligatory force are not per se to be transferred to similar cases of other places or persons, especially because particular decrees regard the particular circumstances (of custom, of avoiding scandal, of a right acquired by a third party, etc.) of those to whom they are directed. Hence it happens that the decrees themselves sometimes seem to contradict one another. But if the adjuncts of places and persons are the same, particular decrees and decisions supply a probable norm for judging and acting safely even for others, since the questions proposed are resolved by theologians eminent in knowledge and prudence.

3. If, however, particular responses exhibit an interpretation of an already existing universal law independent of particular adjuncts, under certain conditions they can have the force of universal law.

a. That an absolute interpretation independent of particular adjuncts is exhibited is gathered both from the words of the decree and especially from this: that when the congregation has been asked repeatedly, it always returns the same response.

b. One must first note the distinction between comprehensive and extensive declarations. They are called comprehensive if the declared sense does not depart from the proper use and received signification of the words; they are called extensive if they contain something beyond that which the words, taken properly and according to common use, denote.[225] Extensive declarations establish new law; but comprehensive declarations declare what is already contained in the law.

c. Comprehensive declarations are of two kinds: either they explain a law clear enough in itself because of the doubts of particular persons; or they explain a law obscure and doubtful in itself, yet without departing from the proper sense of the words.

d. Comprehensive declarations have the force of universal law without further promulgation, provided that they are issued in authentic form.

e. This indeed holds of all congregations, but especially of the responses of those congregations which authentically interpret and declare ecclesiastical decrees pertaining to morals and discipline.

f. According to the opinion of many, these declarations do not need promulgation, because they do not contain a new law, but only interpret a law already existing and already promulgated; nevertheless some authors require promulgation even of decrees of this kind, if the decrees explain a law obscure and doubtful.

Notes

224. S.C.R., April 8, 1854 (n. 3023).

225. Cf. Schmalzgrueber, *Ius ecclesiasticum*, preliminary dissertation, n. 373.

g. Extensive declarations do not have the force of universal law (but only of particular law), unless they have been issued in authentic form and after the supreme pontiff has first been consulted (excepting decrees of the Sacred Congregation of Rites), and have been duly promulgated. For since these declarations contain a new law, they must proceed from legislative power and be duly promulgated.

Therefore particular decrees which do not contain a universal declaration can indeed be followed by all in similar adjuncts as a probable norm, whether they establish something as licit or illicit; but by those decrees the sacred congregations do not intend to settle controversies existing among authors concerning the sense of the law, nor to declare the opposite opinion improbable.

Second Article

On The Object Of Human Law

The object of law is whatever the law can command or prohibit; and since law is the means by which public power procures the end of the community, the object of law can be whatever is necessary or useful for obtaining the end of the community. From this general principle it follows that for the validity of a law it is required that its object be marked by these four properties: it must be honorable, just, possible, and useful.

136. Honorable: for every legislative power is from God; but God cannot give the power of obliging to that which is dishonorable.

a. From this it follows that a law which commands a dishonorable thing is not to be obeyed; but in doubt whether that which is commanded by law is good, generally it must be presumed to be honorable and licit.

b. Nevertheless even actions indifferent in themselves can be the matter of law: for even indifferent actions can be useful or harmful to the good of the community. Actions of this kind, by the fact that they are the matter of law, are ordered to the good of subjects and, because of the motive from which they are commanded or prohibited, become the object of some virtue; for example, to abstain from meats on a certain day becomes an exercise of mortification, to stand while praying an exercise of religion.

137. Just; law is called just from a threefold head: a. by reason of the end, because it is referred to the common good; b. by reason of the matter, because burdens are imposed upon subjects while the proportion of equality is preserved between the burdens and their faculties; c. but chiefly by reason of the author, because it does not exceed the power of the legislator. But if that is commanded which in some way is repugnant to justice, the subject per se is not held to obey.

Just and unjust law are ordinarily taken in a broader sense, so that both that law which exceeds the competence of the legislator and that law which does not exceed competence but commands what is illicit are called unjust. Therefore unjust laws are of two kinds: some which exceed the competence of the legislator, although that which is commanded is licit; others which command that which is illicit. A subject is sometimes held per accidens to obey laws of the former kind, namely when disobedience brings greater evils either to a particular person or to the community, as if political power establishes impediments of marriage or imposes unjust taxes. It is not licit to obey laws of the second kind. Concerning these are the words of Sacred Scripture: "It is necessary to obey God rather than men,"[226] and "it is better to die than to be defiled."[227]

138. Whether human law can command merely internal acts:

Notes

226. Acts 5:29.

227. 2 Macc. 7:2.

a. Merely internal acts are called both internal acts which have no external act joined to them, and internal acts which per accidens are joined with an external or rather mixed act. For mixed acts are of two kinds: some in which the internal act, either per se and by its nature or certainly by moral law, is required for the external act to be duly performed, for example the intention of invoking God as witness in an oath, of sorrow in confession, of attention in prayer; others in which the internal act is joined with the mixed act only per accidens, which would be duly done even without it, as a determinate intention in reciting prayer. Internal acts joined per accidens with external acts are to be referred to merely internal acts.

b. Internal acts which pertain to mixed acts either essentially or morally, not only per accidens, can be commanded in two ways: directly, if the internal act itself is commanded in itself; and indirectly, if only the external act is commanded in itself and the internal act because of its conjunction with the external act, which by another law must be duly done.

1. It is certain that human law (even civil law) can command mixed acts, namely internal acts which are so joined with external acts that the external acts would not be duly done without them. And indeed the Church commands worthy Paschal communion and fruitful reception of penance, and civil power commands an oath.

These internal acts necessarily joined with external acts are commanded, according to some, even by ecclesiastical law, only indirectly; but according to others, not only by ecclesiastical law but also by civil law, directly.

2. It is certain that civil power cannot command merely internal acts: for these directly contribute nothing to the end of civil society, since this can be sufficiently obtained even without them.

3. They dispute whether the Church can command merely internal acts. The opinion of many authors indeed teaches that merely internal acts cannot be commanded by human law, but that internal acts necessarily joined with external acts are commanded only indirectly. Nevertheless the affirmative opinion is altogether to be preferred, namely that the ecclesiastical legislator can directly command not only mixed acts, but even merely internal acts.

a. St. Thomas, Suarez, St. Alphonsus, to whom the negative is more probable (n. 100), and most others with them hold the negative opinion; Cardenas, Elbel (n. 332), Holzmann (n. 314), Ballerini-Palmieri (n. 308), Bouquillon (n. 114), to whom some others join themselves, defend the affirmative. Practically this question is not of great moment, because it rarely happens that it is expedient to command merely internal acts; but the Church, with all conceding, can command mixed acts at least indirectly. But if an ecclesiastical superior commands merely internal acts, even if his power is said to be doubtful, nevertheless one must presume for the validity of the precept and obey it. Hence if spiritual exercises are enjoined, the one upon whom they are enjoined cannot excuse himself from performing them integrally under the pretext that the superior cannot command merely internal acts.

b. Those who deny argue in this way: that cannot be commanded or prohibited by human law whose execution cannot be urged by human means and whose omission cannot be punished; for such a law would be imposed in vain. Besides this, the Church is a visible community; but the matter of laws by which a visible community is governed is only external and sensible acts. Finally, the Church never commands merely internal acts; but what the Church never does, she is judged unable to do. But those who affirm say thus: a. the Church can command whatever conduces to her end; but although the Church is a visible society, she is nevertheless also a spiritual society intending a supernatural end, to which merely internal acts are well consonant. b. Legislative power was granted to blessed Peter without limitation (“whatever you shall bind”); therefore it is not to be restricted to external acts unless this is proved by manifest arguments. c. The first argument of the prior opinion proves too much: for from it

would follow that neither mixed acts nor hidden external acts can be the matter of ecclesiastical law. Besides this, merely directive power and power both directive and coercive at the same time must be distinguished. But it is not necessary that the Church command merely internal acts by power directive and coercive (external) at the same time; it suffices that she command them by directive power, even if she cannot punish their transgression. For the rest, she can punish even merely internal acts, namely by a penalty to be incurred by the very fact. Finally, d. the Church not only exercises power concerning merely internal acts, as is clear from those things which are said soon (under c.), but in fact commands merely internal acts. For example, priests celebrating Mass are commanded, after the reception of the body of Christ, to rest somewhat in meditation on the most holy sacrament, and this meditation certainly is a merely internal act; and the supreme pontiff under penalty of suspension commands that clerics to be ordained at Rome perform spiritual exercises, which are composed of mixed acts and merely internal acts (meditations, examinations).[228] The same power of prescribing spiritual exercises to the clergy of his diocese belongs also to the bishop.[229]

c. In the following cases all concede this power:

d. A confessor in the sacramental forum can impose merely internal acts, for example pious meditation.

e. The Church can interpret natural and divine law, which is concerned with merely internal acts; thus she can determine how often an act of faith or charity is to be elicited; how often the sacrifice of the Mass is to be applied for the people by pastors of souls.

f. She can prescribe merely internal acts as a condition for obtaining a grace; thus she prescribes meditation on the mysteries of the life and passion of the Lord for gaining the indulgence of the Way of the Cross.

g. Regular superiors can enjoin internal acts upon their subjects by reason of the vow of obedience, by which they have subjected themselves to superiors also in relation to these acts, for example mental prayer, examination of conscience.

139. Possible, not only physically, but also morally: for no one is held to the impossible. Certainly, law must redound to the common good; but it would not redound to the common good if it were not morally possible. For a law which exceeds the ordinary powers of subjects is not observed by the greater part of the community; but a law which is not observed by most redounds rather to the detriment of the community. Therefore by common consent the principle is admitted: an affirmative law does not oblige with a proportionately grave inconvenience which per accidens is joined with the observance of the law.

a. That is called morally impossible which can be done only with great difficulty, namely one which in the judgment of prudent persons surpasses human powers. But since precepts, both divine and human, are of diverse necessity and gravity, the same difficulty does not excuse from observing a precept in all cases; rather, the graver the precept is, the greater must be the inconvenience to be undergone in its observance in order that one be excused from the precept.

b. The shame to be undergone in confessing one's own sin and one's own defamation to be incurred before the confessor from the accusation of sin are per se and intrinsically joined with confession of sin; therefore they do not excuse from confession. But defamation to be incurred before others because of the confession of sins is joined with confession per accidens and extrinsically; therefore it can excuse from confession.

Notes

228. Constitution *Apostolicae Sedis*, V, 7.

229. S.C.C., September 20, 1878. Cf. *Acta Sanctae Sedis* XII, p. 609 ff.

140. Whether law can command heroic acts, namely acts which are of extraordinary difficulty.

a. Positive divine law can command heroic acts: for on the one hand God is the absolute lord of men, and on the other He can increase the powers of men, by which the observance even of a most difficult law becomes morally possible. Nevertheless, since it is not to be presumed that God wills to oblige Himself to performing miracles in the moral order, positive divine law is not judged to command heroic acts; therefore in a case of great difficulty the law is rather said to cease.

b. Human law per se cannot command heroic acts, unless either the common good demands this, or acts of this kind are enjoined upon a determinate group, because it would command what is morally impossible and therefore would furnish occasion for innumerable transgressions.

Nevertheless sometimes even human law can command very difficult acts. a. If the law is imposed upon a determinate group of men, which each one freely enters; thus nuns are obliged to perpetual enclosure, priests to perfect chastity, some religious to the service of the sick who are infected with plague. b. If the common good demands this: for the common good prevails over private good; thus soldiers are commanded, even with danger of life, to attack the enemy and not desert their station, and pastors in time of contagious disease are commanded to remain in the parish. There are, however, those who say that in this case natural law rather than positive law commands the difficult act, namely the law that the common good is to be preferred to private good.

141. Useful to the community, which must be understood in such a way that not only the matter of the law, but also the mode in which the law is commanded (whether merely penal or preceptive, prohibiting or also invalidating, obliging under grave or under light obligation), must be useful to the community: for the power of making laws has been granted for the common good.

Hence a law which was not useful to the community or which redounded only to the utility of the prince or of a few would not be a valid law, since it regards only a private good. And therefore a law loses the force of obliging when it begins to become useless or harmful to the community.

Whether law extends itself to past acts.

This must be denied: for since law is the rule of things to be done, by its nature it regards future acts. Therefore the axiom arose: law does not look backward. Nevertheless, if a new law contained a (comprehensive) declaration of a prior law, it without doubt would affect all acts placed from the time when the prior law was issued.

Fourth Question

On The Subject Of Law

First Article

On The Subject Itself Of Law

142. The subject of law generally is only the subjects of the legislator: for to make law is an act of superiority and jurisdiction; but jurisdiction cannot be exercised except over subjects.

The subject of law can be obliged in two ways: either only habitually, or in first act; or habitually and at the same time actually, or in second act. Obligation in first act is called imperfect, but obligation in second act perfect. One who is actually obliged by law and does not observe it sins formally; one who is held by law only habitually and transgresses it sins materially.

143. The subject of law in species. 1. All men are held by natural law by this very fact, that they have rational nature, even if they have not attained the use of reason; for this law is referred to those things which per se and necessarily agree or disagree with rational nature.

Those who have attained the use of reason are held by the law of nature in second act; those who have not attained the use of reason, in first act. Therefore it is not licit to incite children or the perpetually insane to something which is prohibited by natural law, for example to blasphemy, impurity, etc.; for even children, acting against the law of nature, sin materially. But one who induces a child to violating the law of nature, as the principal cause of the violation, sins formally. As soon as children have the use of reason, in transgressing the law of nature they themselves sin formally.

2. By positive divine law which was given by Christ for all men, all are held; but by law which was made for the faithful, only the faithful are held, as soon as they have attained the use of reason. Therefore all are held to enter the Church and receive baptism; but none are held to confess and receive the Eucharist except the faithful.

Therefore if there are divine laws which already fit the age of children, children are held to observe them; thus children too who have committed mortal sin are held to confess, and in death all who have attained the use of reason are held to receive Viaticum.

3. By human law are held all and only subjects who have come to the use of reason, that is, have completed the seventh year and are still habitually self-possessed in reason. The reason for the first: only subjects can be bound by laws made by a superior. The reason for the second is that it belongs to positive law to direct the actions of subjects to the end of the community; but the actions of those who are not yet self-possessed in reason cannot be directed.

a. Unbelievers or the non-baptized are not held by the laws of the Church, because they are not subjects of the Church; therefore per se it is licit to enjoin servile works upon them on feast days.

b. Infants and the perpetually insane are not subject to the laws of the Church, because they do not use reason even habitually; therefore it is licit to provide meats to them on prohibited days.

c. The insane who have lucid intervals, the drunk, those delirious (for a brief time), are subject to the laws of the Church, because they use reason habitually; therefore it is not licit to provide meats to them on prohibited days. For although by eating meats they do not sin formally because of defect of knowledge, nevertheless they sin materially, because they are held by law, since they are habitually self-possessed in reason and only here and now lack its use.

144. Whether heretics are held by the laws of the Church. There is no doubt that heretics, schismatics, and apostates per se are held by the laws of the Church: for through baptism they have been made subjects of the Church. Nevertheless they are for the most part excused from sin, because most are ignorant that they are held by the laws of the Church.[230]

There are, however, authors who think that heretics who are born in a sect already established for a long time are not held by those laws which tend immediately to the sanctification of the soul, such as the law concerning sanctification of feasts and fasting; for they judge that the Church does not will to urge these laws, because this would redound more to destruction than to edification. But they are held by laws which

---

Notes

230. Greek Catholics are not bound by pontifical laws except in a threefold case: a. in the matter of dogmas; b. if they are implicitly extended to them, namely where the matter itself shows that they are comprehended, because there is question not of a merely ecclesiastical law, but natural and divine law is declared; c. if the laws are explicitly extended to them also.

intend the protection of public order, such as laws concerning impediments of marriage.[231] Nevertheless, from the fact that heretics are not held by these laws, it is not licit to infer that Catholics can advise or enjoin the violation of laws upon them, because the Church does not permit them to be induced by Catholics to acting against the law.

Now it is asked in what way the following are held by human laws: a. the legislator himself; b. children; c. clerics; d. regulars; e. travelers; f. vagi.

145. On the legislator.

a. First of all, a twofold force of law must be distinguished: preceptive or directive, which obliges only to observing the law and to incurring fault in conscience; and coercive, which also obliges to undergoing the penalty established for transgressors. Besides this, one preceptive force is called direct, if the obligation arises from the law itself and the will of the legislator; another indirect, if the law is only the occasion which, once posited, causes obligation to proceed from another source, for example from natural law. Now it is asked whether a legislator is held by laws made by himself.

b. The legislator is either a college of several persons, which alone can exercise legislative power, as in a republic the college of deputies, or a provincial synod, or a general chapter in certain religious orders; or he is a singular person, as the Pope, a bishop, an emperor, who alone can establish laws.

1. Those who compose a college marked with legislative power are held by laws made by themselves: for the individual members are truly subject to the college which possesses legislative power. Therefore the president of a republic is held by the laws of the republic, a metropolitan by the laws of a provincial synod, a regular prelate by the laws of a general chapter.

The singular relation by which the supreme pontiff is referred to an ecumenical council, namely that he is above the council, brings it about that he himself is not subject to laws made in an ecumenical council.

2. A legislator who alone can make laws is not held by his laws with regard to coercive force, but only with regard to preceptive force, yet only indirectly.

The reason for the first is that no one can oblige himself by coercive force, which all concede; therefore neither the Pope nor a bishop incurs censures made by himself. The reason for the second is that by natural law the legislator is held to conform himself to his subjects in the observance of laws which he himself has established: for the common good, which he is held to procure, is most greatly promoted by good example; besides this, it befits the head of the community to conform himself to the community over which he presides. The reason for the third is that only an inferior can be truly and directly obliged by his superior, but no one by himself, which is commonly conceded by authors.

3. But a legislator who without cause does not observe a law made by himself, with scandal excluded, does not sin gravely; and when a reasonable cause is present, he is altogether excused from the law, even if subjects violating it sin gravely. For he himself is obliged by another law and from another end, namely that he conform himself to the community over which he presides, which equity and fittingness demand.

146. On children.

It must be noted that those are called infants who have not yet completed the seventh year of age; after the seventh year has been completed, they are called impubescent: boys indeed until the completed fourteenth

---

Notes

231. G. Marc, *Institutiones morales Alphonsianae*, 10th ed. (Rome: Guggiani, 1906), I, n. 198. Genicot, *Casus conscientiae* (Louvain: Polleunis and Ceuterick, 1901), p. 22.

year, but girls until the completed twelfth year of age. When this age has been completed, they are called pubescent.

1. Children before the completed seventh year are not held by ecclesiastical laws, even if they have already attained the use of reason. For human laws do not oblige except those self-possessed in reason; but because human laws attend to things which commonly happen, and it does not commonly happen that children before the completed seventh year have the use of reason, therefore by ecclesiastical law they are not judged to be obliged before the completed seventh year, even if it is established that they already have the use of reason.

a. If it is certain that after the seventh year has been completed they have not yet come to the use of reason, they certainly are not held by laws; likewise, if it is doubtful whether they have arrived at it, they are not held.

b. Therefore children who before the completed seventh year eat meats on prohibited days or do not hear Mass on feast days do not sin, not even materially, even if they have already attained the use of reason. Parents, however, are to be admonished to accustom children even before the seventh year to observing the laws of the Church: for afterward, already accustomed, they will observe them more easily.

2. Children after the completed seventh year are held by ecclesiastical laws which fit their age: for at this age they are capable of obligation; therefore obligation affects them unless the Church determines otherwise. Therefore they are held to hear Mass, to abstain from meats, and to confess at least once in the year; but they are not held to fast, nor immediately after the completed seventh year to receive Paschal communion.

3. The impubescent do not incur ordinary ecclesiastical penalties: for although they can be punished by ecclesiastical penalties, nevertheless they are not yet judged subject to those which are *latae sententiae*, because at this age they do not yet understand ecclesiastical penalties and their reason. Therefore they do not incur censures, with one exception which is specially expressed in law.[232]

147. On clerics subject to civil laws.[233] 1. The supreme pontiff, even if he were not a secular prince, as the supreme head of the Church of Christ, which is a perfect society diffused through all the kingdoms of the earth, by divine law is immune from any jurisdiction of civil authority, unless he freely wills to subject himself to it for a time, just as the supreme pontiffs of the first centuries were subject to the Roman emperors in fact, not in law.

2. To the supreme pontiff belongs the right of exempting both bishops and clerics from civil jurisdiction. There are some who teach that bishops as princes of the Church are already exempt by that very fact from civil jurisdiction.

The Council of Trent teaches that the immunity of ecclesiastical persons has been constituted by the ordinance of God and by canonical sanctions.[234] For since the Church from divine institution is a perfect society and, by reason of its end, divine institution, and means, a much nobler society than civil society, it follows that ecclesiastical persons and things sacred to God must be immune from the power of civil princes.

Notes

232. The censure made against those violating the enclosure of nuns is signified. Cf. *De poenis ecclesiasticis*, n. 78. From incurring reserved cases the impubescent are not ordinarily exempted; nevertheless in this diocese of Brixen, from a special disposition of the ordinary, they do not incur reserved cases.

233. The things established here cohere with the doctrine of law concerning personal ecclesiastical immunity. Cf. Suarez, *De legibus*, l. 3, c. 34. Lehmkuhl I, n. 130 f.

234. Sess. 25, c. 20, *De reformatione.*

Therefore by divine law clerics are exempt from secular power and are subjected solely to ecclesiastical power. At the same time the power has been given to the Church of extending and determining the clerical order, who and in what matters ought actually to be immune from secular jurisdiction.[235]

3. Clerics are held to observe civil laws which are not opposed to the dignity of the clerical state, with regard to directive force.

a. All agree that clerics are held in conscience to the observance of civil laws, but not all derive the obligation from the same source: for some judge that it descends from the law of nature, others from the civil law itself, and finally others from the will of the Church. In our time Wernz (I, n. 108) defends the second opinion, Lehmkuhl (I, n. 140) the third.

b. Clerics are not held to observe laws which do not befit the clerical state, such as military laws: for the Church does not exact their subjection toward these laws, but rather rejects it; but against the will of the Church civil power cannot subject clerics to its laws. If nevertheless they are forced to observe even laws of this kind against the will of the Church, after a protest against the force inflicted has been premised, if it is judged necessary for preventing scandal, they must yield to force and observe the law.

4. Clerics are not held to observe civil laws with regard to coercive force: for by the privilege of the forum the Church has in fact constituted clerics immune from laws decreeing punishment. Since today, however, civil power no longer recognizes this exemption of clerics, but subjects clerics equally with laymen to all civil laws, it must be seen whether the Church permits or at least tolerates the subjection of clerics under certain penal laws, either expressly through concordats or tacitly through a certain agreement.

148. On regulars subject to the laws of the bishop. 1. Exempt regulars per se are not held by the laws of the ordinaries in whose dioceses they exist: for the privilege of exemption consists in this very thing, that regulars are exempted from the ordinary jurisdiction of bishops and are immediately subject only to the Roman Pontiff.

2. Nevertheless there are many cases in which exempt regulars are subjected to the jurisdiction of bishops, whether ordinary or delegated.[236]

Sometimes per accidens they must also subject themselves to bishops in those matters in which they are per se exempt, namely when subjection is necessary either for avoiding scandal or for promoting the common good.

3. Churches and monasteries of regulars can probably be considered as exempt places, so that non-exempt persons are not subject to diocesan laws so long as they remain in them.[237]

149. On travelers.

a. A traveler is called one who has a domicile or quasi-domicile somewhere, but is outside it with the intention of remaining there only for a brief time.

b. The principle from which the individual questions pertaining here are solved is this: in order that law oblige, besides knowledge of the law two things are required: a. that someone be a subject of the legislator; b. that he be in the territory which is affected by the law.[238]

Notes

235. Ballerini-Palmieri IV, n. 521.

236. Ballerini-Palmieri VII, n. 51 f., enumerates these cases.

237. Cf. St. Alphonsus, l. 1, n. 156. Ballerini-Palmieri I, n. 346 ff.

1. Travelers are not held by the particular laws of their domicile: for laws are territorial, that is, affixed to the territory in such a way that they do not extend themselves outside it; but the traveler is outside the territory which is affected by the law.[239]

a. One who on the day of a particular fast is outside his territory is not held to observe the fast. One who, leaving in the morning from a place where there is no fast, returns to the place of his domicile, where a fast must be observed, can there in the morning fully refresh himself with meats, even if he knows that at noon he will already be in the place of his domicile; nevertheless at home he must abstain from meats and observe the fast insofar as it can still be observed, namely as to abstinence. One who in the morning leaves his domicile, in which there is a fast, knowing certainly that in the evening he will be in a place in which there is no fast, can already in the morning fully refresh himself, because the fast is commanded as an undivided thing; but in his domicile he must abstain from meats, because abstinence prohibits individual meals.[240]

b. Nevertheless one who leaves the territory only after the time useful for fulfilling the law has elapsed, and has not satisfied the law, sins against the law; as if someone leaves a place in which a particular feast is celebrated after the time of the last Mass has elapsed, without having heard Mass. But one who leaves it in such a way that before the time of the last Mass he has arrived outside the place where the feast is celebrated does not sin if he hears no Mass; for if he had remained in the place where the precept obliged, he could have deferred fulfillment until that time, but when he arrives at another place, the obligation ceases.[241]

2. They do not enjoy the privileges of their domicile: for privileges are in like manner territorial, and therefore travelers lose them by departure from the place of domicile.

One who comes from the place of his domicile where on ember days it is licit to eat meats and stays in a place where this privilege does not exist cannot licitly eat meats.

3. They are not held by the particular laws of the place in which they are staying: for laws oblige only subjects; but only one who has domicile or quasi-domicile in the territory of the legislator is a subject. But if the same law is in force in each domicile, some, adhering more closely to the principles expounded above, declare travelers immune from the law; others, however, from a certain equity probably oblige them to observing the law.[242]

One who leaves the place of his domicile, in which there is a particular fast, and comes into a place where likewise there is a special fast, is not held to fast: not by reason of the precept of his domicile, because he is outside the territory; not by reason of the precept of this place, because he is not a subject of the legislator.

Notes

238. If ever elsewhere, certainly in this place it must be warned that moral theology, which by its office treats of licit and illicit things, does not primarily teach to what the spirit of the law moves and induces, but chiefly must determine that which the letter of the law strictly demands from us.

239. Laws and statutes of regular superiors oblige even outside the territory, because the jurisdiction of regular superiors affects subjects not by reason of territory, but by reason of the vow of obedience, by which they are personally subjected to superiors.

240. What is said of a traveler, namely that he stays outside the territory, holds also of one who is found in an exempt place: for an exempt place can be considered as a place positioned outside the territory of the legislator. Moreover, exempt places certainly are parishes or towns which are subject to another ordinary, and probably also churches and monasteries of regulars. Hence if a bishop under excommunication prohibited dice-playing to clerics, clerics playing in an exempt place would not incur the excommunication. Cf. *De praeceptis*, n. 663, n. 670.

241. St. Alphonsus, n. 157.

242. By precept of the Church, prayers (collects) commanded by the bishop of the place must be recited by absolutely all priests celebrating Mass in the diocese, both by regulars and by travelers. S.C.R., April 3, 1821, n. 2613; March 5, 1898, n. 3985.

4. Travelers enjoy the privileges of the place in which they are staying: for they would have to undergo too great an inconvenience if they themselves were held to observe laws which others in the same place do not observe.

One who during the time of Lent is staying in the diocese of Brixen can eat meats twice in a day on days on which the indult has been granted, even if this privilege does not exist in the place of his domicile.

5. Nevertheless travelers are held by common laws which are in force in the place where they are staying, even if in their own domicile they have been abrogated. Thus Germans at Rome must fast on the days of Holy Week according to the Roman manner: for the law affects the territory, and the traveler himself is subject to the common legislator. Besides this, they are held to observe: a. local laws which regard contracts, for concerning these the axiom holds: place (that is, local law) rules the act; b. local laws whose transgression would turn to the detriment of the place in which they are staying, as if it were prohibited to export goods, or, by reason of security, to carry weapons; c. laws which have been made specially for travelers.

For preventing damages and for warding off transgressions of universal laws, it is commanded that travelers produce testimony of their domicile and their state, and that traveling priests who wish to celebrate produce testimony of the state of priesthood and of immunity from irregularities and censures.

6. One who has already satisfied a common law in his own territory is not held to satisfy it again if he comes to a place where the same precept urges later, because there does not exist an obligation of fulfilling the same precept twice.

Thus an Italian who fasted at home on the vigil of St. Peter is not held to fast again in France on the following Saturday, to which the fast is there transferred. If, however, he would be a scandal to others because he does not observe the law from which he is immune, by reason of scandal he would be held to observe it.[243]

150. On vagi. A vagus is called one who has neither domicile nor quasi-domicile anywhere. a. There are some (Suarez, Sanchez, and others) who say that vagi are held to the laws of the place in which they are staying. But others (Lessius, Laymann, etc.) teach that they are not held to any particular laws of places, except in the threefold case of which above (5) it is said, but only to the universal laws of the Church. Since this opinion is probable, it is licit to follow it. b. All concede that vagi can be punished where they commit offenses, lest their crimes remain unpunished.

Note. A personal precept, likewise a personal privilege, follows the one to whom it has been given everywhere. Therefore everywhere he can use the dispensation, just as everywhere he is bound by the precept.

Notes

243. Case. In place S., the feast of the holy Apostles Peter and Paul has been transferred to the following Sunday, and on Saturday the fast of the vigil is to be observed; in place U., the feast of the princes of the Apostles is kept on the very day, June 29, and on the preceding day the fast is observed, which day in this year is supposed to fall on Wednesday. a. If a citizen of place S. is staying on Wednesday in place U., knowing certainly that on the next Saturday he will be in the place of his domicile, in rigor of law he must fast in U., because the obligation of the universal law urges. If, however, he had a just cause of fasting rather at home on the following Saturday, he can transfer the fast to this day, provided that he observes the universal law of the Church once. But if in place U. he is not legitimately excused from the fast, he is held to fast at home on Saturday. b. If a citizen of place U. is staying on Wednesday in S., and on Saturday, the day on which they fast in S., is again found at home, in rigor of law he must fast once: for no dispensation from the fast is granted, neither in place S. nor in place U.; therefore he cannot use the privilege of dispensation which is granted nowhere. Nevertheless, since in place S. there exists the privilege of deferring the fast to the following Saturday, he can use this privilege. But if by fasting on that day on which otherwise no one fasts he must undergo great inconvenience, per accidens in that year he is excused from the fast because of this inconvenience.

Article Second.

On Ecclesiastical Domicile.

151. Notions. 1. Someone becomes the subject of a particular legislator by the fact that he acquires domicile or quasi-domicile in his territory. Therefore in this place, as far as can be done, it must be accurately determined: a. how someone acquires and loses domicile in a parish; b. how he acquires and loses quasi-domicile in a parish.[244] Domicile in a diocese can be acquired only by means of domicile in some parish of the diocese.

2. Domicile is habitation in a parish with the intention of remaining there perpetually, if nothing calls one away from there; quasi-domicile is habitation in a parish with the intention of remaining there for the greater part of the year.

3. A twofold domicile is distinguished: voluntary domicile, which is acquired of itself, i.e. by one's own choice, and legal or necessary domicile, which is acquired through another or from the disposition of law.

It is clear that one must attend not to civil laws, but to the statutes of ecclesiastical law, where there is question of acquiring or losing ecclesiastical domicile. Therefore the place of domicile is the parish, not a city or town, and the conditions required for acquiring or losing domicile are to be sought from canon law, not from civil law, unless canon law adopts them.

152. How it is acquired or lost.

I. On acquiring domicile.

1. For acquiring voluntary domicile two things must concur at the same time: a. the fact of habitation, i.e. that someone actually begins to dwell in some place; and b. the intention of remaining there perpetually, unless some new reason calls him away.

a. Domicile is acquired from the day on which these two are present at the same time; it is not necessary that someone already have dwelt there for some time.

b. If the intention of remaining there perpetually is not established, it must be concluded from various indications which produce moral certitude. Indications of this kind are: constant habitation, the transfer of the greater part of one's goods, the acquisition of immovable goods, an assertion especially confirmed by oath.

c. By ecclesiastical law nothing prevents someone from having several domiciles; however, it is required that he dwell in those places in an almost equal manner, e.g. in wintertime in one place, in summertime in another.

2. The persons determined in law acquire legal domicile: a. a wife acquires the domicile of her husband and, if she has become a widow, retains it until she has acquired another; b. children have the domicile of their parents, so long as they are under their power; a son of the family who has become of age retains domicile in the paternal (maternal) house until, having left it, he has acquired another; c. wards have the domicile of their guardians.

a. Where minors and wards have domicile must be taken from civil law (provincial, not Roman), since canon law disposes nothing concerning this matter. Now by civil law minors and wards can acquire

---

Notes

244. Cf. Laurin, *Wesen und Bedeutung des Domizils* (*Archiv f. k. Kirchenrecht*: Bd. 26. S. 165).

quasi-domicile, but they have and retain the domicile of the father (and, he being deceased, of the mother) or of the guardian.[245]

b. The distinction between minor and adult children as regards domicile in the paternal house is this: minors have necessary domicile there, so that they cannot abandon it by their own will, whereas adults have free domicile, so that they can abandon it at will.

II. On losing domicile:

Domicile is lost if these two things concur at the same time: a. actual departure from the place of domicile; and b. the intention of not returning. Just as departure alone from the place of domicile does not suffice for losing domicile, so neither does the intention alone of no longer remaining in that place suffice.

Domicile is lost from the day on which these two things are present at the same time, nor is it necessary that domicile or quasi-domicile have been acquired elsewhere.

III. On acquiring quasi-domicile.

Quasi-domicile is acquired if these two things concur at the same time: a. the fact of habitation in some place; and b. the intention of remaining there for the greater part of the year, i.e. for six months.

a. Quasi-domicile also is acquired from the day on which these two things are present at the same time, nor is it required that someone already have dwelt there for some time.

b. Authors do not agree how long it is necessary, for acquiring quasi-domicile, that someone wish to remain in the place: for some say that it is required that he have the intention of remaining for the greater part of the year and therefore for six months; others judge it sufficient if he have the intention of remaining there for a notable part of the year and therefore for four or five months. Nevertheless, the more recent decrees of the sacred congregations require habitation for the greater part of the year.[246]

c. For acquiring quasi-domicile in some place, true and properly so-called habitation in that same place is required; it does not suffice that someone migrate in some region, after the manner of an itinerant, from place to place.

d. Therefore public officials, judges, professors, students, male servants, female servants, etc., who by reason of office, study, or business to be carried on stay in some place with the intention of remaining there for a longer time (six months), have quasi-domicile in that place. If the intention of remaining for a longer time in some place is not established, it must be presumed from various indications.

IV. On losing quasi-domicile.

Quasi-domicile is lost if these two things concur at the same time: a. actual departure from the place of quasi-domicile; and b. the intention of not returning.

Question Fifth.

On the Promulgation and Acceptance of Law.

153. The notion and necessity of promulgation. 1. Promulgation is defined as the external proposal of the law, solemnly made by the legislator to the community.

Notes

245. German Code § 8. 11.

246. S. Officium, 7 June 1863.

a. Promulgation must be made by the legislator, because law must have from the legislator all those things which are required for fully constituting it. It must be solemn, or made by a public act at the command of the legislator (by the voice of a herald, by affixing in a public place), so that it may be certain to subjects that the law is promulgated.

b. The promulgation of a law differs from the dissemination of the same law, by which, once promulgation has already been made, it is spread among subjects in different places, so that it may come to the knowledge of all. It is clear that dissemination is not necessary for the validity of the law. It also differs from notice or knowledge of the law: for notice of a law not yet promulgated does not introduce obligation; but once promulgation has been made, the law obliges (in first act) even those who still are ignorant of the law. Therefore he who has private notice of a law not yet promulgated does not sin if he acts against the law; but he who acts against a law already promulgated sins materially, even if he is ignorant of it.

c. Bishops are bound to obtain for themselves the authentic text of a promulgated law and to communicate it to their subjects and, if there is need, to explain it.

2. Promulgation is necessary for a law to obtain the force of obliging: for law cannot oblige subjects unless the will of the legislator to oblige the subjects has been intimated to them; but it is intimated through promulgation; wherefore law before promulgation does not oblige.

Those who affirm that promulgation is not only a necessary condition for inducing the obligation of a law, but a constitutive element of the law itself, argue thus: law formally is a public rule of morals issued by the prince as he is a public person; but a rule is constituted public by publication; therefore law is formally constituted law by publication.

154. The manner of promulgation. By the law of nature that manner of promulgation is required and suffices by which subjects can know the law as promulgated by the prince. Since diverse modes exist for obtaining this end, it belongs to the legislator to choose that one which seems suitable to him for the end; but the mode chosen by the legislator must be considered entirely sufficient.

a. Now for several centuries the Roman pontiffs have considered that promulgation sufficient by which ecclesiastical laws are affixed in public places at Rome, nor is it necessary that they be promulgated in individual provinces or dioceses, unless in a particular case the legislator himself has established otherwise. But from the beginning of the year 1909, only those ecclesiastical laws, decrees, and acts of the holy see are judged duly promulgated which have been inserted in the official commentary *Acta Apostolicae Sedis* and published to the public.[247]

By the will of the Council of Trent, the law concerning the clandestinity of marriages had to be promulgated in individual parishes in order to introduce obligation. Leo XIII willed that the constitution *Romanos pontifices* (8 May 1881) should not be obligatory except after promulgation made in England. Pius X willed that the decree *Ne temere* (2 August 1907) concerning betrothals and marriage should be promulgated through its transmission to ordinaries.

b. Episcopal laws are judged sufficiently promulgated if they are published in the episcopal city (because, for example, they are publicly read in the cathedral church or affixed to its doors), or if they are inserted in the diocesan paper.

c. The reason why several authors, and those not undistinguished, have thought that pontifical laws must be promulgated in individual provinces is this: Roman law establishes that new laws must be promul-

---

Notes

247. Constitution *Promulgandi*, 29 September 1908.

gated not only in the principal city, but also in individual provinces; but pontifical law has issued no particular statute concerning the manner of promulgation. Now from the canon commonly received in the doctrine of authors, where ecclesiastical law establishes nothing specifically about some matter, it is judged to accept the dispositions of Roman law. - But from the declaration of the Roman pontiffs this disposition of civil law is not to be accepted. Thus also both pontifical constitutions, *Apostolicae sedis* (12 October 1869) and *Officiorum ac munerum* (25 January 1897), by the will of the supreme pontiff obliged all the faithful after promulgation made at Rome,[248] and indeed by the explicit will of Pius X laws and decrees have the force of obliging by the fact that they have been published in the official commentary. From this doctrine it follows that the obligation of ecclesiastical laws cannot be impeded by the *placetum regium*, since their promulgation made at Rome suffices for them to obtain the force of obliging everywhere.

d. In fact, ecclesiastical laws promulgated at Rome are sometimes communicated, in order that knowledge of them may be disseminated, through the apostolic nuncio or through the archbishop to the bishops, by whom they are then made known throughout the diocese. To introduce obligation it is not necessary that bishops promulgate ecclesiastical laws, e.g. decrees and decisions of the Roman congregations, in their dioceses: for as soon as certain knowledge of some decree or decision, e.g. through trustworthy public journals, has come to us, we are obliged to observe it.

155. When law begins to oblige. Once promulgation has been made, a law to which no term has been prefixed for the beginning of obligation obliges all to whom knowledge of it comes; but after a two-month period has elapsed, this knowledge is judged to have come to all: for, in the judgment of prudent men, in the space of two months a law duly promulgated can be known by all. But if a term has been prefixed to the law from which it begins to have the force of obliging, just as before that term it obliges no one, so after the term has elapsed everyone is presumed to know the law.

a. Not only the laws of inferior prelates, but also pontifical laws of themselves oblige all immediately after promulgation, unless something else has been established by the legislator himself. Nevertheless, during the two-month period after promulgation, before it has yet elapsed, as regards a penal and invalidating law, in the external forum at least outside the Roman curia an excuse of ignorance is more easily admitted; but once the two-month period has elapsed, knowledge of the law is presumed.[249]

b. The probable opinion of St. Alphonsus is to be noted, by force of which pontifical (disciplinary) laws, during the two-month period after promulgation, before it has yet elapsed, oblige no one either in the external forum or in the internal forum, even if he has knowledge of the law. This opinion is strengthened by this argument: where a disposition of canon law is lacking, one must stand by Roman law; but in Roman law laws began to oblige two months after promulgation.[250] Wherefore it is lawful to wait for two months until the disciplinary decrees of the holy see are mandated for execution.

c. Nevertheless ecclesiastical laws which contain definitions of faith or declare divine law immediately oblige in conscience all who have received knowledge of the law in any way whatsoever: for laws of this kind, since they have already been promulgated, need, for inducing obligation, not promulgation, but knowledge alone.

156. On the acceptance of law.

Notes

248. Cf. Ballerini-Palmieri I. Appendix. II. De promulgatione legis pontificiae.

249. Cf. Wernz, I. n. 101.

250. St. Alphonsus n. 96. q. 2.

A law is said to be accepted by the fact that it begins to be observed by subjects; a promulgated and known law which is not observed by subjects is said not to be accepted.

1. The acceptance of the people is not required for a law to obtain the force of obliging: for a superior has the power and will of obliging subjects independently of the acceptance of the people, nor could true legislative power consist in the prince, if the value of laws depended upon the acceptance of the people.

a. This is so true concerning civil law that the contrary proposition was condemned;[251] but to affirm the contrary concerning ecclesiastical law would even savor of heresy: for it is certain by faith that the supreme pontiff has received legislative power, and indeed one altogether independent of the people, immediately from Christ.

b. Nevertheless it can happen that somewhere a law issued is not received by right, namely if a contrary custom is in force there, which is not removed through a derogatory clause added to the law.

2. If a law duly promulgated is not observed, a contrary custom can arise immediately. In this case those who in the beginning transgress the law generally sin; but when the contrary custom has been legitimately prescribed, subjects who do not observe the law no longer sin. It is clear that the effect of this contrary custom is the same as if the law had not been accepted.

3. If some disciplinary law seems to the people too difficult or less suitable to the circumstances of things, an appeal can be made to the legislator; meanwhile, however, the obligation of the law is suspended from the presumed consent of the legislator. But if thereafter the legislator does not urge the obligation, he is judged to revoke it.

a. Wherefore bishops of themselves are bound to accept pontifical laws and to promulgate them to their subjects; yet if they have judged some law less suitable or even harmful to their diocese, they can and must set forth their reasons to the holy see; meanwhile the supreme pontiff is judged not to wish to oblige; afterward, however, obedience must be given to his definition. But if nevertheless the law certainly seems harmful to his diocese to the bishop, he is not bound to urge its observance.

b. The common opinion of canonists that a law not received does not oblige[252] admits a twofold true sense: a. a law not received does not oblige when it has been abrogated by legitimate custom; b. a law not received because of excessive difficulty does not oblige.

Question Sixth.

On the Interpretation of Law and Epikeia.

157. Definition. Interpretation is defined as the genuine explanation of a law. Interpretation must be made according to the mind of the legislator and the words of the law: for the whole of interpretation tends to this, that the will of the legislator, which he had when he established the law, be sought and determined. But the mind of the legislator is sought which is contained in the words of the law (with their context, object, end, and other circumstances considered); therefore a mind of the legislator which is contained in the words of the law in no way is not to be attended to.

158. Division of interpretation. a. By reason of the author it is divided into authentic, which is made by the legislator himself or by another to whom the legislator has given the power of interpreting; into usual,

---

Notes

251. "The people does not sin, even if without any cause it does not receive a law promulgated by the prince." Proposition 28 condemned by Alexander VII.

252. In c. *Treugas* 1. *De treuga et pace* (I. 34).

which is made by subjects through the manner in which they observe the law; into doctrinal, which is made by learned men according to the rules of genuine interpretation. Because law is to be interpreted according to the manner in which it is observed, the adage has arisen: custom is the best interpreter of laws.

b. By reason of the mode, interpretation is divided into comprehensive or declarative, which explains the law from the proper and customary signification of the words, as if it is said that under the name of son even an illegitimate son is understood; and extensive, which extends the law beyond the customary sense of the words, as if it is said that under the name of son even a grandson is understood.[253] This is not properly an interpretation of law, but rather an extension of law and a new legislation; therefore this interpretation also needs a new promulgation.

Authors do not agree whether comprehensive interpretation, in order to obtain the value of law, needs a new promulgation. The disagreement seems to arise from this, that not all define comprehensive interpretation in the same manner. Some call that interpretation alone comprehensive which exhibits the sense of a sufficiently clear law; but others also comprehend under this interpretation that which declares a law that is obscure and plainly doubtful[254] (n. 135, 3).

c. Comprehensive interpretation is distinguished into strict, by which the sense of the law is restricted to the proper signification of the words alone, as if the word son is understood only of one begotten; and broad, by which the sense of the law is extended as much as is permitted by the words and end of the law, as if the word son is taken even of an adopted son.

For sometimes it happens that the words of a law can be understood in a twofold sense, each of which is a proper sense, but one is broader than the other. Thus the term clerics, if it is taken strictly, signifies only those who have been initiated by clerical tonsure; but if the same term is taken broadly, it designates all ecclesiastical persons. Likewise the term religious strictly signifies only regulars, broadly all who exist in some congregation even of simple vows, and indeed also novices.

159. On authentic and doctrinal interpretation. 1. Authentic interpretation has the force of law, because it proceeds from the same power as the law itself.

Of the Roman congregations only two have the power of interpreting laws authentically: the congregation of the council, which can interpret the disciplinary decrees of the Council of Trent, and the congregation of sacred rites, which can interpret liturgical laws authentically (n. 133).

2. Doctrinal interpretation does not have the force of law, because it does not proceed from legislative power, but it has that value which the weight of reasons and the authority of doctors procure for it; wherefore, where the consensus of doctors is had, the interpretation is morally certain; but where the doctors disagree concerning the sense of the law, the interpretation is held only as probable. Canonists hand down the rules of doctrinal interpretation.[255]

160. On epikeia. 1. Epikeia (equity) can be defined as a restrictive interpretation of law, by which it is judged that the law does not extend to some particular case on account of special circumstances, although it is clearly contained in the words of the law; as, if a law prohibits carrying arms at night, by epikeia he who is about to encounter an enemy seeking him for death can judge that it is licit for him to carry arms. The reason for admitting epikeia is that the legislator cannot foresee the most diverse circumstances in which

---

Notes

253. Cf. Schmalzgrueber, *Ius ecclesiast.* Dissert. prooem. n. 373.

254. Cf. Wernz I. n. 100.

255. Laymann, *De legibus* c. 18. Reuter, *De legibus* n. 252-258. Wernz I. n. 127-133.

men can be found, and if he did foresee them, he could not comprehend them by his law, which regards only things that happen commonly; and therefore he is rightly judged not to have wished to comprehend cases of this kind by his universal law.

Epikeia differs both from interpretation and from presumed dispensation from the law. For by interpretation it is declared that some case is not contained in the words of the law; and by presumed dispensation it is judged that a case is indeed contained in the law, but that the legislator would except it if he were asked; but through epikeia it is judged that this case, from the mind of the legislator, is not comprehended in the law; therefore by interpretation the words of the law are explained, but by epikeia the mind of the legislator is judged.

2. When it is lawful to use it. As often as on account of special circumstances it can prudently be judged that the legislator did not wish to comprehend some case by his law, it is lawful to employ epikeia; but specifically it is lawful to use it in a threefold case:

a. If observance of the law would be evil or pernicious, as if someone should leave a gravely sick person in order to hear Mass.

b. If observance of the law would be too difficult and burdensome, as if a sick person should fast.

c. If from the circumstances it can prudently be judged that the legislator in this case, in which the law is not too difficult, did not wish to oblige, even if he could have done so, because he is rightly presumed not to wish to oblige with all rigor and in every case in which he can.[256] Thus David, using epikeia, ate the loaves of proposition.[257]

The last case is that in which epikeia properly has place: for in the former cases the law ceases, because we judge that the legislator could not have comprehended them by his law; but in the last it ceases because from a certain equity we judge that the legislator did not wish to comprehend it, even if he could have done so. In the former cases it is lawful to use epikeia, even if the legislator is not asked, who could be approached, because it is established that he cannot oblige; but in the last case he must be asked, if he can be approached.

3. Although every human law of itself admits epikeia, nevertheless from the practice of the civil forum it is not always admitted in civil law. If, e.g., a parish priest, because of an urgent cause of death, joins two persons living in concubinage in marriage without a preceding civil marriage, where the law prescribes civil marriage, the parish priest, having used legitimate epikeia, acts rightly; nevertheless the civil judge would sometimes declare the parish priest guilty of having violated the civil law.

Question Seventh.

On the Obligation of Law.

Article First.

On the Obligation of Law in General.

161. Existence of obligation. 1. Any law whatever induces obligation in conscience or under sin: for the first and essential effect of law is the obligation of observing the law; wherefore a law which in no way obliges in conscience, not even to undergoing punishment, is not a law.

Notes

256. Cf. Suarez, *De legibus* l. 6. c. 7. n. 11.

257. 1 Reg. 21, 6.

Therefore it is established also that the civil legislator establishes laws obliging in conscience. This is clear a. from the nature of the power conferred by God Himself, in which there is the office of preserving the common good and warding off an anarchic condition from civil society; b. from Scripture: *There is no power except from God . . . Therefore he who resists the power resists the ordinance of God. Be subject not only because of wrath, but also because of conscience.*[258]

2. It depends upon the prudent will of the legislator what obligation he wishes to impose, whether to fault, or to fault and to punishment, or only to punishment.

This will of the legislator is discerned:

a. From the nature of the law: for civil laws in which the end intended by the legislator cannot be obtained short of obligation to fault are judged to oblige to fault; but those whose end can be obtained even short of obligation to fault are judged to oblige only to punishment.

b. From custom, which is the best interpreter of laws: namely if even subjects who are of timorous conscience practically hold the law as penal, it can be judged such.

c. From the declaration of the legislator himself, such as is had concerning the rules of certain religious orders.

d. From the words of the law itself: if the law prescribes only a punishment ("he who has done this, let him undergo this punishment"), it will be penal; if it commands and at the same time imposes a punishment, it will be mixed; likewise if it does not contain preceptive words, ordinarily it will be penal, but if it contains such words, ordinarily it will be preceptive. For although the lack of commanding words is not a certain sign of a penal law, nevertheless ordinarily, if a law is issued merely assertively, it is judged to be penal, and if it is issued by way of precept or prohibition, it is judged to be preceptive.

e. From the gravity of the punishment: for if to a civil law there is added a most grave temporal punishment which has no proportion with the transgression, it is established that the law is penal. Certainly the legislator is not judged to wish to oblige to both, to incurring fault and at the same time to incurring an exorbitant punishment, unless there is question of a law of very grave moment.

162. The quality of obligation. The obligation of a law can be grave or light; but what obligation is imposed in individual laws depends both upon the matter, and upon the circumstances and end of the law, and upon the will of the legislator.

a. A legislator can impose grave matter under light obligation: for obligation depends upon the will of the legislator, who can reasonably prescribe even grave matter under light obligation, namely where the end of the law is sufficiently obtained even by a light obligation.

Wherefore, in order that a law oblige under grave sin, two things are required: grave matter and the intention of the legislator wishing to oblige under grave sin. That the matter is grave is gathered from the nature of the thing, from the end of the law, and from the circumstances. That the obligation of grave matter is grave from the intention of the legislator is discerned especially: a. from the words of the law, which, if they have great force ("we strictly, rigorously prescribe; we command in virtue of holy obedience; we command under threat of divine judgment"), signify grave obligation; b. from the gravity of the matter: for in grave matter, namely that which contributes much to obtaining the end intended by the law, the legislator is judged to have wished to oblige under grave sin, unless the contrary is established; c. from the

---

Notes

258. Rom. 13, 1. 2. 5. Cf. 1 Pet. 2, 13.

gravity of the punishment: for if a grave spiritual punishment is added to the law, e.g. an excommunication *latae sententiae*, it is a sign that the law obliges under grave sin; nevertheless in civil law an extraordinarily great punishment generally signifies a penal law; d. from the interpretation of doctors; e. from custom or from the sense and practice of subjects.

Concerning the intention of the legislator, however, note these things: just as it is not necessary that the legislator explicitly intend to impose obligation in conscience in order that the law oblige in conscience, so it is not necessary that he explicitly intend to impose grave obligation in order that the law oblige under grave sin; for just as the intention of obliging is judged to be contained in the very use of legislative power, so in like manner the legislator is generally presumed to wish to enjoin grave matter also under grave obligation. Wherefore it must altogether be held that even an infidel legislator establishes laws obliging in conscience. Yet if it is established that an atheist legislator, making nothing of obligation before God and in conscience, acknowledges only an obligation to punishment to be inflicted on transgressors, it is rightly supposed that his laws are merely penal, unless they absolutely require obligation in conscience.

b. A legislator cannot enjoin light matter under grave obligation, because light matter is not capable of grave obligation: for an obligation which is not proportioned to the matter would be an intolerable burden, and therefore would fall rather to the detriment of subjects, because sins would be multiplied too much.

Hence if the matter is simply light, the transgression is not mortal, even if the legislator had wished to oblige under grave sin; and if a law obliging under grave sin is violated in light matter, the transgression likewise is only light. Yet if matter light in itself becomes grave from the end or from the circumstances, without doubt it can be imposed under grave sin: thus it is grave if a celebrant omits to pour a little water into the chalice.

163. To what a law obliges. The obligation which a law induces contains in itself several elements either explicitly or implicitly; it obliges:

1. To the observation of itself; this is the chief and essential efficacy of law, in which the other obligations are contained implicitly and virtually.

2. To knowledge of itself: for since law cannot be observed unless it is known, therefore, lest legislation become useless, it must first prescribe knowledge of itself. But by that very fact it also obliges to employing the ordinary means which conduce to knowing the law.

a. Hence voluntary or vincible ignorance of some precept obliging here and now is a sin against that very precept which is unknown, and indeed grave, if the ignorance has proceeded from grave negligence.

b. If somewhere statutes to be observed by clerics are promulgated and disseminated by the bishop in the diocesan paper, clerics are bound to buy the paper or at least sometimes to inquire from others who read it what has been established by the bishop: for this is the ordinary means of knowing the statutes of the bishop, which all are therefore bound to employ.

3. To employing the ordinary means which are proximately necessary for the observance of the law itself: for he who is bound to the end is by that very fact also bound to the means which are proximately necessary for obtaining the end. But to employing extraordinary and remote means the law does not oblige, because this obligation would be too burdensome and difficult.

He who is bound to recite the divine office is bound to procure and preserve for himself a breviary by which he can recite it; and he who foresees that on the very day of fasting he will not be able to have fasting foods is bound to procure them the day before, so that he can observe the fast.

4. To removing or forestalling impediments which render its observance proximately impossible, if this can be done without grave inconvenience: for he who is bound to the end is by that very fact also bound to removing or not placing impediments which proximately obstruct the obtaining of the end.

He who on the very day of fasting goes out hunting without just cause, foreseeing that because of fatigue he cannot fast on that day, sins against the precept of fasting; and he who on a feast day in the morning makes himself drunk, foreseeing that on that account he cannot be present at Mass, commits an offense not only against temperance but also against the precept of hearing Mass.

5. To avoiding the danger of sinning against the law: for the law which commands avoiding sin by that very fact commands also avoiding that which is morally joined with sin, namely the danger of sinning.

Therefore he who without just cause exposes himself to the danger of sinning sins against the same precept of whose violation he seeks the danger: for to will the danger of sinning is the same as to will the sin itself, which is greater the greater the danger is.

Article Second.

On the Obligation of Special Laws.

§ 1. On Penal Law.[259]

164. What it is. 1. A penal law is that which does not oblige in conscience to doing or omitting something, but only to undergoing punishment if, in a case of transgression, it has been inflicted. And this indeed is called a merely penal law, so that it may be distinguished from a mixed law, which is preceptive and at the same time penal (n. 110. 4).

Therefore penal laws do not strictly oblige to doing or avoiding what is established through the law, but only to accepting the punishment as just, if the action or omission intended by the law has not taken place. A merely penal law is not a law which in no way obliges in conscience, but is a law which induces no other obligation of conscience except to undergoing punishment.

2. That the legislator can establish merely penal laws is not doubtful: for a merely penal law has the character of true law, equally as a preceptive law does; but it depends upon the will of the legislator what kind of law he wishes to establish. Besides, the common good sometimes does not require any law other than a penal one, because subjects are sufficiently impelled to observe the law from fear of punishment alone.

a. There are indeed some scholastic doctors who deny that there can be a merely penal law. One or another of the more recent theologians accedes to them.[260] Their arguments are these: a. It belongs to the nature of law that it oblige in conscience; but a merely penal law is an arbitrary law (*ein blosses Willkurgesetz*), namely one whose existence is attributed to the choice of the prince and whose observance is permitted to the choice of subjects. b. Punishment supposes fault; but he who transgresses a penal law does not commit fault, since it does not oblige in conscience.

b. But the common opinion of doctors, that there can be merely penal laws, must altogether be held. Certainly every law intends some act either to be placed or to be omitted; now, in order that a law may attain that which it intends, either it commands the act itself and obliges to it in conscience, or it proposes the act and hypothetically commands the punishment, namely if the act is not done or is not omitted.

Notes

259. Suarez l. c. l. 5. c. 3 ss. Biederlack, *Die Lehre von den Poenalgesetzen* (*Zeitschr. f. k. Theol.* 1899. S. 155 ff.).

260. Cf. *Tubinger theol. Quartalschrift* 1898 S. 655 ff. 1900 S. 204 ff. 1902 S. 575 ff.

Therefore the proper object of a penal law is the punishment hypothetically to be undergone, which in this law is not the sanction of the law nor the vindication of fault, but the means by which the legislator urges subjects to the act proposed and intended by the law.

c. To the arguments of those who deny it, it must be noted: a. It does not belong to the nature of law that it oblige in conscience to the act which it intends, but it is enough that it oblige to punishment if the intended act is not done. b. Punishment supposes either moral or civil fault, but not always moral fault. Or better thus: punishment properly so called supposes fault, but not punishment broadly so called, which supposes only a just cause on account of which it is inflicted. For punishment broadly so called is any inconvenience whatever which is imposed by a superior from a just cause, which in this case is the omission of the act intended by the law.

165. Whether and what laws are penal. Therefore it is asked whether merely penal laws have in fact been established and exist.

1. Although the Church can issue merely penal laws, nevertheless in fact, if the rules and statutes of certain religious orders are excepted, scarcely any merely penal ecclesiastical laws exist;[261] but merely penal civil laws do exist.

2. Merely penal civil laws in general are all those whose end can be sufficiently obtained by the fact that subjects are compelled to their observance by fear of punishment alone, unless the legislator has declared otherwise. But specifically these are judged penal: a. statutes which refer to the external order of the community (*die Polizeiverordnungen*); b. laws concerning the cutting of wood, concerning hunting, fishing, grazing in the forests, pastures, or marshes of the community, where this is prohibited under punishment. Whether, besides these, there are other laws (laws of taxes and of military service) will be said in their places.

3. Universally, laws are preceptive whose end cannot be sufficiently obtained unless subjects are compelled to their observance also by fear of fault; of this kind are: a. laws which confirm the natural or positive divine law; b. laws which immediately contribute to the common good, such as laws which refer to contracts, to public offices, etc.; c. laws which define rights, such as a law which attributes to the father the usufruct of the goods of children, a law which from paternal goods attributes a legitimate portion to the children, etc.

This principle, that civil laws can be held as penal which by their nature do not require that they be preceptive, especially holds concerning laws which are established in great number by modern governments; a. because governments as they now are employ only external means for urging the observance of laws, but make little of the obligation of conscience, and therefore implicitly declare that they do not urge internal obligation; b. because the common persuasion of citizens, even of those who are of timorous conscience, has prevailed that these laws do not oblige in conscience.

§ 2. On Invalidating Law.

166. Notion. 1. An invalidating law is said to be that which renders invalid acts which, considered in themselves by the law of nature alone, would be valid.

a. Invalidations are chiefly concerned with contracts, marriage, vows, oaths, religious profession, elections, and benefices.

Notes

261. Cf. Wernz, *Ius decretalium* n. 112.

b. The reason for this law is that frauds, dangers, and other inconveniences may be warded off from society, and in this way the common good may be promoted.

c. From these things it is clear that an invalidating law of itself is not penal; but because the invalidation of an act falls to the burden of the agent, it can be imposed as a punishment for a delict.

2. A twofold invalidation must be distinguished:

a. Moral invalidation, by which an act is deprived of the natural value which it has by the law of nature in the forum of conscience, and civil invalidation, by which an act is deprived only of the positive value which it has from civil law in the external forum. An act civilly invalid produces no right which the political power acknowledges and protects; but in the forum of conscience it produces its right just as if the invalidation were not present.

b. Moral invalidation is either *lata*, if the effect is produced by the law itself, or *ferenda*, if the effect is produced through the sentence of a judge. An act of this kind has and retains its natural value unless it is invalidated through a sentence.

167. Division. Invalidating laws are divided: a. Into laws which render an act invalid by the fact itself, and into laws which make an act rescindable through the sentence of a judge.

b. Into laws which prohibit and at the same time invalidate an act, such as diriment impediments of marriage, and into laws which only invalidate an act and do not prohibit it, such as the formalities of wills.

The former oblige in conscience to omitting the act; but the latter of themselves do not oblige to omitting the act, but only to undergoing the effects of the invalidation either already before or at least after the sentence of the judge. Therefore it is not lawful, e.g., to enter marriage with a diriment impediment, but of itself it is lawful to make a will without legal form.

c. Into merely invalidating laws, which are established only for the common good, which postulates that certain acts be invalid, as the law invalidating marriages which are celebrated without the form having been observed; and into penal invalidating laws, which are established as a punishment of the agent, as the impediment of crime, which diriments marriage. The former suppose no fault in the agent.

168. Principles. 1. All concede that both ecclesiastical and civil legislators have the power of issuing invalidating laws, because this is useful, and sometimes even necessary, for the common good. Therefore they can establish invalidating laws, not indeed at will, but as the common good requires.

Nor should it be said that this doctrine supposes something that is false, namely that positive law prevails over natural law: for the law of nature itself requires that social power be furnished with this faculty for the common good. Wherefore natural laws of this kind, e.g. concerning the value of donations, are not absolute but conditioned, namely unless they are invalidated by positive law.

2. Ecclesiastical invalidating laws render the act itself invalid naturally and in conscience; but civil invalidating laws before the sentence of a judge of themselves render the act invalid only civilly and in the external forum, unless something else is certainly established either from the object or from the words of the law.

For where the end intended by the legislator can be obtained even if he does not touch the forum of conscience, he is judged to employ only external means for the end. And this indeed must be conceded the more readily because modern legislators rather often do not acknowledge obligation of conscience properly so called. But after the sentence of a judge the act must be held invalid even naturally and in conscience, because the sentence is founded upon the presumption of common danger.

3. A purely invalidating law obtains its effect even if it is invincibly unknown or the act is placed from grave fear: for it is required by the common good that the law should not cease on account of invincible ignorance or grave fear of the agent; therefore a marriage contracted in good faith with an invalidating impediment is null. A penal invalidating law, which joins the invalidation of the act as a punishment for the violated law, does not invalidate the act where ignorance or grave fear excuses from fault: for when fault, which is the cause of punishment, is lacking, the effect or punishment also is lacking.

If fault is committed, but the punishment of invalidation is unknown, some with Suarez[262] judge that the invalidation remains, because ignorance which does not excuse from fault also does not excuse from the punishment added to the fault, even if it is unknown; but others with Sanchez[263] teach that the invalidation does not remain: for delinquents indeed incur ordinary punishments proportioned to the delict, even if they are ignorant of them, but they do not incur extraordinary or exorbitant punishments if they are ignorant of them; but the invalidation of an act is an extraordinary and exorbitant punishment. Therefore they judge that crimes which otherwise diriment marriage do not induce a diriment impediment if the punishment of invalidation is unknown. This opinion indeed is probable.

4. An invalidating law indeed ceases in a case of common impossibility or of most grave common inconvenience, but it is not certainly established that it ceases also in a case of private impossibility or of most grave private inconvenience.[264]

§ 3. On Law Founded on Presumption.[265]

169. Preliminary notions. 1. Presumption is a prudent judgment in an uncertain matter from circumstances frequently connected with the thing or fact.

It is called presumption because, before all other proofs, something is taken as true from the circumstances.

2. Presumption is divided: a. into presumption of man, which is formed by a prudent man, without being found expressed in law; and into presumption of law, which is expressed in the law.

If Gaius at night, in the presence of Titius his enemy, is found killed, Titius is presumed to have killed him. Laws presume anyone to be good until he is proved bad, and one who is once bad always to be bad in the same kind of delict.

b. Into presumption of universal danger, e.g. of fraud, sins, etc., and into presumption of a particular fact, e.g. of fault, fraud, negligence, etc.

3. A law or precept is said to be founded on a presumption of common danger when the law forbids or prescribes something in order to forestall a danger which is found to be frequently connected with some action or omission; and it is said to be founded on a presumption of fact (of sin), when a law or precept is established from a supposed fact which is held as certain, because it usually happens thus.

The law which prohibits the reading of bad books is founded on a presumption of danger; the law which prohibits mixed marriages; the law which prescribes the proclamations of marriages. The law which holds the father of an infant to be him whom the marriage indicates is founded on a presumption of fact; the law which holds one born of Christian parents and raised among Christians to have been baptized; the sentence of a judge condemning someone to paying a fine.

Notes

262. Cf. *De legibus* l. 5. c. 22. n. 4.

263. Cf. *Opus morale in praecepta decal.* l. 1. c. 16. n. 15.

264. Cf. Ballerini-Palmieri I. n. 318 ss.

265. Cf. Reuter, *Theolog. moralis* p. I. n. 155 ss.

170. The force of this law. A law which is founded on a presumption of fact does not oblige in conscience if the fact does not in reality subsist; but a law which is founded on a presumption of danger always obliges in conscience, even if in the particular case the danger were not present.

a. The reason for the first is that in this case, since the presumption is false, the foundation of the law or precept is lacking, and therefore also the obligation; hence the axiom: presumption yields to truth. Hence if someone is condemned by the sentence of a judge to pay a fine because of damage inflicted by his animal, he is not bound to pay it if the damage was not inflicted; and if he is compelled to pay, he can use occult compensation.

b. The reason for the second is that a law does not cease unless the end of the law has adequately ceased: for otherwise the evils which the law intends to forestall would not be efficaciously impeded, because many would falsely persuade themselves that no danger is present. Hence even he to whom no danger threatens from the reading must abstain from the reading of a prohibited book. Likewise one condemned by the sentence of a judge is bound to repair damage caused by his animal, even without his own moral fault, because the law intends not only to punish moral fault but also juridical fault, and thus to render men more cautious for forestalling damages.

Article Third.

On the Manner of Fulfilling Obligation.

171. Principles. 1. A negative law is satisfied by the omission of the prohibited act without a contrary will: for a negative law prescribes nothing other than the omission of the act.

Therefore he who on a prohibited day does not eat meat because he does not have it fulfills the precept of abstinence, even if he does not even think of the precept, provided there is no contrary intention.

2. For satisfying an affirmative law, different things are required in different cases.

a. If the law prescribes a real performance, only the performance of the thing prescribed is required, which can also be done through another; the intention of performing the thing due is not required.

b. Laws of this kind, e.g. of paying a debt, of paying a tax, by their nature prescribe nothing except the performance of the thing; once this has been exhibited, even ignorantly, indeed even reluctantly, the law is fulfilled and the end of the law obtained, since the law intends nothing other than the external effect, which can be sufficiently obtained through a merely external action. Therefore even a drunk or coerced person satisfies a law of this kind. Nevertheless, in order that these laws be fulfilled formally and meritoriously, the intention of placing the prescribed work is required.[266]

c. Through another the thing due can be performed, because a thing can be transferred to another, provided that he to whom it is transferred, or for whom it is performed, consents in some way (tacitly or at least interpretatively), according to the adage: another's thing can become mine.

d. If the law prescribes a personal action, it is required and suffices that the prescribed work be placed in a human manner, i.e. with the intention of doing it, and indeed by the very one who is bound by the law.

e. Laws of this kind, as imposed upon men, require human acts, namely acts placed knowingly and voluntarily. But nothing else is required, because the end intended by the legislator can be obtained sufficiently

---

Notes

266. Cf. Struggl, *Theologia moral.* tract. 3. q. 2. n. 14. Schindler I. p. 226.

in this way. These laws cannot be fulfilled through another, because actions cannot be transferred to another: another's action cannot become mine.

f. As regards the observance of law, the axiom must be noted: a little is reckoned as nothing; for laws must be observed in a human manner; but in the moral estimation of men a law is not judged violated which is injured only moderately. Thus he who in reciting the office or in hearing Mass omits some slight thing does not violate the law. Nevertheless those laws must be excepted in which the physical manner of observing them is determined by nature or by law or by human will, as in the natural fast to be observed before communion, or in the age required for religious profession or for sacred orders.

g. The will to place the prescribed work is indeed required when the work itself, and not only the effect of the work, is prescribed; but the intention of satisfying the precept is not required, and much less the intention of obtaining the end intended by the legislator. Wherefore the axiom has prevailed: the end of the precept does not fall under the precept. The intention of satisfying the precept is not required, because laws do not tend to this, that subjects through their observance testify their subjection and obedience toward the law, but that through them the end of the common good may be promoted. But the end intended by the legislator is obtained through the prescribed acts themselves fulfilled by subjects, even if it is not intended by them.

h. Hence he who, sleeping or unwilling and only coerced, assists at Mass does not satisfy the precept of hearing Mass, because he does not act in a human manner; and he who goes to church while Mass is taking place there only in order to wait for a friend likewise does not satisfy the precept, because he does not have the intention of doing the prescribed work; but he who is present at Mass from fear satisfies the precept. - He who, ignorant that it is a feast day, assists at Mass satisfies the precept; and he who pays the work due from a vow or imposed for penance without the intention of fulfilling the obligation satisfies it, provided he does not apply the work to another end which cannot be combined with the end of the precept: for anyone is judged to have the intention of satisfying debts before placing supererogatory works. - He who observes the form of fasting satisfies the precept, even if he eats sumptuously and neither intends (and accidentally) nor obtains mortification of the body, because the end of the precept does not fall under the precept.

3. For satisfying a law it is not required that the law be fulfilled in the state of grace, unless the state of grace pertains to the substance of the work; indeed it can even be fulfilled through an act sinful from the circumstances, provided the sin does not impede the substance of the prescribed act: for the law prescribes only the substance of the act, and in no way its mode, unless it pertains to the substance of the act.

a. If the prescribed work is an external act, it suffices that it be placed in a human manner, e.g. the hearing of Mass with the intention of hearing it; and if the prescribed work is a mixed act, it is required that the whole moral substance of the prescribed act, i.e. the external act with the due internal act, be placed. Therefore through a sacrilegious confession or communion the precept of the Church is not satisfied.[267] But it is satisfied through an act sinful from the circumstances, as if someone assists at Mass in a determinate church so that there he may have an occasion of stealing. He who abstains from food satisfies the precept of fasting, even if he does it from avarice; likewise he who fasts or confesses from vainglory.

Notes

267. "He who makes a voluntarily null confession satisfies the precept of the Church." Prop. 14 of Alexander VII. "He satisfies the precept of annual communion through a sacrilegious eating of the Lord." Prop. 55 of Innocent XI.

b. He who notices that he did not recite the hours, did not fulfill the penance, did not assist at Mass with that devotion with which he had wished and ought, and therefore proposes to repeat the work in order to satisfy the precept, but afterward does not repeat it, satisfies the precept, even if he does not revoke the will of repeating the work, because he has already placed the prescribed work, although with a defect.

Whether one satisfies the precept who indeed places the prescribed work, but with the intention of not satisfying the precept.

It must be distinguished: if the obligation of the law depends upon the intention of the legislator, he satisfies it; therefore he who hears Mass with the intention of now satisfying devotion and afterward fulfilling the precept is not bound to hear another Mass: for he has already placed the whole of that which the legislator prescribed. But if the obligation depends upon the intention of the agent, as in a vow or promise, he does not satisfy it: for just as it depends upon the intention of the agent that the obligation exist, so it depends upon the same intention of the agent that it be extinguished or remain.

4. He who cannot fulfill the whole law is bound to nothing if the prescribed matter is indivisible, as a pious pilgrimage; but he is bound to a part if the matter is divisible and the reason of the precept is preserved in the part which can be fulfilled. The reason of the precept is judged to be preserved if the part which can be performed contributes something to the end of the precept.

a. He who cannot make the whole way for a pilgrimage to be undertaken from a vow is bound to nothing, because the prescribed matter is indivisible. - He who cannot recite the whole office, but can recite one or another hour, is bound to these parts; but in a few verses or even in one psalm the reason of the precept is not preserved, and therefore he is not bound to their recitation. - He who cannot fast in Lent is bound to abstain from meat, if he can.

b. If someone cannot fulfill the whole law, but doubts whether he can fulfill a part, he is generally excused also from fulfilling the part, as, e.g., a sick person who doubts whether he can recite part of the office: for otherwise occasion would be given to many scruples and anxieties.

172. 1. By the same act several precepts can be satisfied, unless it is established that the mind of the legislator was different: for by one act the whole work can be placed which is prescribed by diverse laws. But that the mind of the legislator is not contrary is rightly conjectured if the precepts which refer to the same matter are enjoined from the same motive.

He who must recite the office by reason of order and by reason of benefice satisfies by one recitation; he who receives viaticum in paschal time satisfies both precepts, of communicating at Easter and of communicating at death. But one to whom the giving of alms for pious causes was enjoined as penance does not satisfy if he gives it for alms due from a vow; and if hearing Mass was imposed on someone as penance, he cannot fulfill it on a feast day by at the same time hearing the Mass due from the precept of the Church, unless the confessor has expressly permitted it, because the motive of each precept is different.

Note. In these things there is contained a certain norm for rightly conjecturing concerning the mind of the legislator, unless something else is established from the circumstances. Thus the matter of justice is always to be excepted: for he who from several obligations owes another a hundred does not satisfy if he once gives a hundred, because in debts of justice the equality of thing to thing is attended to; but by one payment of a hundred the debt of several hundreds cannot be equalled; therefore in these matters the intention of the legislator is different. - Likewise he who has emitted a vow of communicating once in honor of some saint cannot by one communion satisfy the obligation of the vow and of annual communion, although the motive of each is the same, because the intention of the one vowing is judged to have been different, apart from the fact that he had intended to oblige himself to paschal communion by a new bond of religion. -

On the contrary, Mass on 2 November, which is to be said for the departed from the precept of the Church (from the motive of religion and mercy), can also be said for an accepted stipend (from justice), because it is established that the legislator permits this.

173. 2. At the same time several precepts can be satisfied: a. unless the prescribed works impede one another; b. unless the legislator intended the works to be placed at a different time.

a. Hence at the same time someone can hear the prescribed Mass and recite the hours or fulfill an enjoined penance.

b. One to whom two or three Masses have been imposed as penance can absolutely hear them at the same time, while they are celebrated simultaneously at several altars, because he can attend to several at once; nevertheless ordinarily the mind of the confessor will be that the penitent hear the Masses successively, not at the same time.

174. When it must be fulfilled. 1. If a determinate time has been set for a law to be fulfilled, it must certainly be observed; but if the law has not been observed at the prescribed time, the obligation ceases if the time was determined for ending the obligation, but it does not cease if it was determined for urging the obligation. Whether the time was determined for ending the obligation or rather for urging it depends upon the intention of the legislator, which is drawn from the end or from the words of the law or from custom.

He who did not fast on the day of the vigil is not bound to fast on another day; he who did not hear Mass on Sunday is not bound to hear it on the following day, because the determination of time was added for ending the obligation. But he who in paschal time did not receive holy communion is bound to receive it afterward; he who did not pay a debt on the appointed day is bound to pay it afterward, because the determination of time was not added for ending the obligation.

2. At the time when the precept urges, a. it can be observed at any time, e.g. holy communion can be received throughout the whole paschal time; b. but he who, when the law is already urging, foresees an impediment to fulfilling it afterward, must satisfy the law earlier, unless he foresees that while the obligation is still enduring he will be exempt from the law; c. finally, he who, when the law is not yet urging, foresees an impediment to fulfilling it, is not bound to anticipate the time of the law, even if he can fulfill it.

Therefore he who in paschal time cannot receive holy communion later is bound to do so earlier; but he who cannot during paschal time is not bound to communicate before paschal time. - He who cannot recite the hours later is bound to do so earlier; but he is not bound to anticipate, even if he foresees that on the following day he cannot recite the office. - He who on a feast day after the sixth hour cannot be present at Mass is bound to hear it before the sixth hour, provided occasion is offered. - He who on the day on which a particular feast is celebrated has come, before the time suitable for hearing Mass, into a place where the feast is not celebrated, is not bound to hear Mass beforehand.

3. A precept cannot be fulfilled at the time when it itself does not urge, unless the precept is of such a kind that a little before the obligation the whole prescribed work can be placed.

He who hears Mass on Saturday cannot fulfill the Sunday precept, because Mass is prescribed to be heard on Sunday. - He who in the morning before ordination recites the office to which he is bound only after ordination satisfies the obligation, because the office is prescribed to be recited on that day. Likewise he who hears Mass in a place where no feast is celebrated and afterward goes to a place in which a universal feast of precept is celebrated is not bound there to hear Mass again, because he has already satisfied the

obligation of hearing Mass on that day.[268]

Question Eighth.

On the Cessation of Obligation.

The obligation of a law, while the common law itself remains, can cease in a particular case in three ways: a. through causes de-obliging from the law; b. through dispensation; c. through privilege.

Article First.

On Causes De-obliging from Law.

175. Notions. Causes de-obliging from law are some exempting, others excusing or impeding. Those are called exempting through which someone ceases to be the subject of the law, as if someone betakes himself outside the territory which is affected by the law, or if through a privilege he is exempted from the law; therefore exempting causes render one altogether immune from the obligation of the law. Those are called excusing or impeding causes on account of which someone, although he remains the subject of the law, nevertheless is not bound to observe it, as if someone is excused from fasting because of infirmity or because of arduous labor. A twofold question must be treated here: a. concerning causes excusing from law, and b. concerning the placing of causes de-obliging from law.

176. On causes excusing from law. The causes excusing from the observance of law are ignorance and impotence, both physical and moral. That invincible ignorance and physical impotence excuse from the obligation of law is manifest: for no one is bound to the impossible. Indeed from the nature of law it is established that moral impotence also, or grave damage or inconvenience which is accidentally joined with the observance of the law, excuses from its obligation (n. 139). But since laws are of diverse species, it is now asked whether in any law grave fear or grave damage or inconvenience excuses from its observance.

1. From the negative law of nature not even danger of death excuses: for this law prohibits what is evil in itself and intrinsically; but it is not lawful, even for avoiding death, to do what is evil in itself, such as to blaspheme, to perjure oneself, to lie.

2. From an affirmative law, whether divine or human, not even danger of death excuses if its violation would fall a. to common damage; b. to the extreme spiritual damage of a particular man; c. to hatred of God or religion or to contempt of the Church.

The reason for the first is that the common good is to be preferred to the good of the life of a private man; therefore a parish priest in time of plague is bound, even with danger to life, to be present to his parishioners.

The reason for the second is that ordered charity requires that the supreme spiritual good of one's neighbor be preferred to one's own temporal good of life; therefore we are bound, with danger to life, to confer baptism on a dying child not yet baptized.

The reason for the third is that he who does what is demanded in hatred of God and religion or in contempt of the Church by that very fact consents to the intention of the one commanding and contemns God or the Church, which is evil in itself. Therefore it is not lawful to eat meat on a prohibited day if this is demanded in contempt of the Church, even under threat of death.[269]

Notes

268. Cf. Lugo, *De euchar.* disp. 16. sect. 2. n. 39 s. Tamburini, *De communione* c. 5. § 2. n. 4 ss.

269. Cf. 2 Mach. 6, 18 ss.

3. With these cases removed, proportionally grave damage or inconvenience excuses from a law, whether natural affirmative, positive divine, or human.

The reason for the first is that since these laws are not absolutely necessary in individual cases, God is not judged to wish to oblige with most grave inconvenience. Therefore we are not bound, with danger of life or of grave evil, to preserve a deposit, to fulfill a vow, to succor a neighbor suffering extreme bodily necessity, or to restore a thing unjustly taken away.

The reason for the second is that since the matter of these laws is not necessary for preserving order, God is not judged to require their observance with such great rigor, although He could require it. Therefore Christ Himself excuses David, who in danger of grave evil ate the loaves of proposition prohibited to laymen by divine law.[270] Likewise we are not bound with most grave external inconvenience to confess integrally.

The reason for the third is that a human law morally impossible does not oblige; indeed it does not even belong to a human legislator to have the power of issuing laws of this kind that are too difficult (n. 139).

But in individual precepts it must be determined how great the damage or inconvenience must be for someone to be excused from their observance, because diverse precepts are of diverse gravity and diverse rigor. In general it can be affirmed that negative laws oblige more gravely than affirmative laws, divine laws more gravely than human laws.

177. On the placing of causes de-obliging from law. Notions. a. Causes de-obliging from law are said to be placed directly if they are placed solely or at least principally with that intention, that someone de-oblige himself from the observance of the law; and they are said to be placed indirectly if they are placed for another end, although the impossibility of fulfilling the law is foreseen.

b. Besides, a cause is called proximately impeding if the law already actually urges or will urge after a short time, and it is called remotely impeding if it urges only after a notable time. But when a cause must be judged proximately impeding and when remotely impeding must be determined not by a general rule but rather from the judgment of prudent men and from the practice of those of timorous conscience, with account taken of the gravity of the law and the frequency of the obligation.

He who on Saturday evening or on a feast day already begun places an impediment to hearing Mass places a proximately impeding cause; he who does this on Friday places a remotely impeding cause. An impediment which precedes the obligation of a law by the space of several days is ordinarily judged remotely impeding.

178. Principles. 1. It is lawful to place exempting causes even directly and proximately against a law: for the law indeed obliges to the observance of itself so long as we are its subjects, but it does not oblige that we remain subjects of the law.

Therefore anyone can transfer himself into that state or place in which the law does not oblige, except in the single case in which this is expressly prohibited, as regards the reservation of sins. Therefore each one can licitly go from a place where there is fasting into a place where there is no fasting, lest he be obliged to fast.

2. It is not lawful to place against a law directly an impeding cause, whether proximate or remote: for he who directly places an impeding cause against a law explicitly intends to violate the law; but an express will of violating the law is never licit so long as one is subject to the law.

Notes

270. Matth. 12, 3. 4. coll. with 1 Reg. 21.

3. It is always lawful to place against a law indirectly a remotely impeding cause, because the legislator is not judged to wish that subjects already long before the obligation of the law be bound to foresee and omit everything which would impede the observance of the law: for this would be an inconvenience too grave. Wherefore no special reason is required for someone to be able to undertake a journey, e.g. on Thursday or Friday, even if he foresees that he cannot hear Mass on the following Sunday.

4. Without a just cause it is not lawful to place against a law indirectly a proximately impeding cause: for he who is bound to the law is also bound to beware of proximately impeding impediments. But from a proportionately grave cause it is lawful to place against a law indirectly a proximately impeding cause: for he who does this does not violate the law, but permits its violation; but this is lawful from a just cause. It is said: from a proportionately grave cause; therefore:

a. The graver the law is, or the more rarely its obligation returns, the sooner the obligation begins of not rendering the future observance of the law impossible. Thus someone can on Saturday morning, but not on Saturday evening, much less in the very early morning of the feast day, undertake a journey for recreation's sake or go out hunting, if he foresees that for this reason he cannot hear Mass.

b. The graver the law is and the nearer it urges, the graver must be the cause on account of which an impediment can licitly be placed against its observance. Thus it is not lawful on the very day of fasting to hunt for recreation's sake and thus render oneself unable to fast; but it is lawful to do this from a graver cause; yet on the day before a day of fasting it is lawful even for recreation's sake to engage in hunting with the foresight that on the following day the fast will be impossible.

c. A much graver cause is required for someone frequently or continuously to render himself unable to observe the law than for this to happen only once or rarely. Hence it is certainly not lawful throughout the whole autumn season to go out hunting on Saturday morning with the foresight that on the following day the hearing of Mass will be impossible, although this may be lawful once or again.

Article Second.

On Dispensation from Law.[271]

179. Notion. 1. Dispensation is defined as the relaxation of a law in a particular case made by legitimate authority. Therefore through dispensation, while the obligation of the law remains as regards the rest, by the will of the superior its obligation is removed as regards certain particular persons.

a. Dispensation is an act of jurisdiction which is exercised by an act of the will; wherefore a superior cannot grant a dispensation unless knowingly and willingly. But a dispensation extorted by fear is valid, provided the superior had the will of dispensing, because fear does not take away the voluntary, nor does positive law declare a dispensation of this kind invalid.

b. It differs from permission, by which the law is not relaxed but rather fulfilled: for permission has place when the law prohibits some matter not absolutely, but only under a condition, namely that it not be done without the consent of the superior. Thus if a law prohibits a religious from leaving the house without the superior's permission, he who asks permission does not ask for the relaxation of the law, but observes the law. It differs from a declaration, by which it is judged that some particular case is to be excepted from the law. A declaration can be made by any private person without any power; thus a physician can declare that someone is excused from fasting, if he rightly judges that fasting can harm

---

Notes

271. Stiegler, *Dispensation, Dispensationswesen und Dispensationsrecht im Kirchenrecht* (Mainz. Kirchheim. 1901).

him on account of weakness. It differs from a privilege, which of itself is perpetual and is not always against the law; dispensation, on the contrary, of itself is granted for a time and always is against the law.

c. The distinction between dispensation and permission is especially perceived in this, that presumed dispensation is never valid, but presumed permission is valid. Suarez assigns this reason for the matter. Where something is prohibited from being done without permission, the action is not simply prohibited, but only prohibited from being done without the consent of the superior, which consent can also be presumed from common usage. But where dispensation is required, the action itself is prohibited and therefore evil; wherefore through an act of the will of the superior himself the prohibition and malice must be removed.[272]

2. Dispensation of itself obtains its effect at the moment at which it is granted to the petitioner; nevertheless, in order that he may licitly use the dispensation, it must be notified to him either by letters or through an intermediary, lest, presuming that a dispensation has been made, he expose himself to the danger of breaking the law if perhaps it had not been granted.

180. Division. Of the many divisions of dispensation, only one must be noted, since others, e.g. due and not due, valid and invalid, are understood from the terms themselves, namely that by which it is divided into obreptitious, if in the petition something false is asserted, and into subreptitious, if something is kept silent which had to be manifested. But often these words are used indiscriminately.

No necessity exists in a petition of alleging a dispensation previously denied by the same superior or by another superior, predecessor or inferior. Whether the petition is subreptitious if a dispensation denied by the supreme pontiff is not alleged in a petition directed to the bishop is indeed disputed; but it must be denied, unless the supreme pontiff expressly restricts the faculty of the bishop in some case: for of itself delegated power is not restricted from the fact that the superior, from whatever cause, was unwilling to give a dispensation.[273]

§ 1. On the Power of Dispensing.

181. Who can dispense. 1. A legislator by proper power can dispense in his own law and in the law of his predecessors: for just as the obligation of a law is induced through the will of the legislator, so through the same will it is also removed.

2. An inferior cannot dispense in the law of a superior unless he has received vicarious power from him. But the superior is judged to communicate this power only on this condition, that the dispensation be made for just causes.

3. The power of dispensing, since it is a favor, is to be interpreted broadly; but a dispensation, at least a particular one, since it is odious, is of strict interpretation; nevertheless, a dispensation granted to an entire community is sometimes judged favorable and therefore of broad interpretation.

He who has received the power of dispensing from fasting can also dispense from abstinence, because fasting accepted in the full sense comprehends both; but he who has been dispensed from fasting has not likewise been dispensed from abstinence, because this is not necessarily contained in that.

182. In what laws one can dispense. 1. The supreme pontiff can dispense: a. by proper power in all ecclesiastical laws, both general and particular, whether they were issued by a council or by another pontiff or by the apostles; b. by vicarious power in certain divine laws, namely in those in which the obligation of

---

Notes

272. Cf. *De legibus* l. 6. c. 13. n. 20.

273. Cf. Lehmkuhl, *Casus consc.* I. n. 125.

divine law depends upon the human will, as in vows, in oaths, in a ratified but non-consummated marriage, and in religious profession. But in other divine laws he can only interpret or declare the will of the supreme legislator.

2. A bishop by proper power can dispense in all laws and statutes of his diocese; by ordinary vicarious power also in certain universal laws of the Church, but only in a particular case, therefore neither with the whole community nor without limit in perpetuity; finally by delegated vicarious power in those matters for which he has received a special faculty from the supreme pontiff.

a. By ordinary power he can dispense in the following cases:

b. In doubts whether the matter needs dispensation: for in these he can either dispense as a precaution or declare that the law does not oblige; for properly a dispensation is not required, since the use of a probable opinion is licit.

c. In frequently occurring cases, as in fasting, abstinence, canonical hours, feasts, and indeed also in vows and non-reserved oaths: for it would be too hard for the faithful if in such frequent cases they always had to recur to the holy see; custom confirms this power.

d. In cases of urgent necessity, when there is danger in delay, as in impediments of marriage, in irregularities, in reserved vows: for the common good requires this.

e. If in the law it is said indefinitely that dispensation can be given: for thus the faculty of dispensing is implicitly handed over.

f. If in the law the faculty of dispensing is expressly conceded, as in the proclamation of banns and in occult irregularities (except homicide).[274]

g. Besides these ordinary faculties bishops generally have other extraordinary faculties delegated from the special concession of the supreme pontiff for three, for five, for ten, or for more years.

Bishops can delegate their ordinary faculties to others; the same seems to be said concerning extraordinary faculties, unless this power has been taken away from them in the indults, both because they are delegates of the supreme pontiff, and because they are delegated for a universality of causes.

3. A parish priest by ordinary vicarious power can dispense in the lighter and frequently occurring universal laws of the Church, as in fasting, in abstinence, and in works prohibited on a feast day, even if recourse to the bishop would be easy, but only in particular cases. Nevertheless, since this power of dispensing is derived from custom, for determining its extent in individual regions attention must be given to the usage of the diocese.

Parish priests can also delegate this power of theirs, as ordinary, to others; therefore, e.g., a chaplain can be delegated to grant a dispensation from abstinence, from servile works, etc.

4. Regular prelates by ordinary vicarious power can dispense with their subjects in some universal laws of the Church: of reciting the office, of fasting, of abstinence, of servile works, of prohibited books, and of irregularities, but only in particular cases,[275] because they have quasi-episcopal power over their subjects.

Notes

274. Cf. Council of Trent, sess. 24. c. 1. 6.

275. S. C. C. 17 December 1725.

a. Those are called regular prelates who exercise jurisdiction in an exempt order; of this kind are the superiors of an entire order, of individual provinces, and of individual houses (local superiors): priors, guardians, rectors.

b. Because they have quasi-episcopal power over their subjects, they can generally exercise over them that power which bishops exercise over their own diocesans by ordinary right (not likewise by force of special faculties). Generally: because in some cases they have a broader power, in others a stricter power, than bishops, as will be indicated where there is discussion of individual precepts.

5. Confessors cannot dispense unless they have received delegated power for this. But where a sufficient cause exists, they can doctrinally declare that penitents in their peculiar circumstances are not bound to observe the law.

If the delegated faculty of dispensing is conceded to a confessor to be chosen by the petitioner, nothing prevents the petitioner from being able to change and, once one has already been chosen, to choose another, who may either confirm or correct the disposition of the first. For this is judged to be the intention of the sacred Penitentiary granting the faculty, because power granted for the forum of conscience follows the nature of this forum, in which the penitent can freely approach another confessor.[276]

183. Whom bishops can dispense. Since dispensation is an act of jurisdiction, it is clear that no one can be dispensed by them except a subject. But specifically these things must be noted:

1. A bishop can dispense: a. with his own subjects, even if they are staying outside the diocese; b. with those who have quasi-domicile in the diocese; c. with vagi, so long as they are staying in the diocese; d. with pilgrims, who in a case of necessity cannot recur to their own bishop, and this from the tacit consent of the proper bishop of the pilgrims.

a. Pilgrims of themselves cannot be dispensed in common laws, in vows, or in oaths by the bishop of the place in which they are staying, because they are not his subjects, over whom he therefore cannot exercise jurisdiction; therefore, if they are validly dispensed, this can be done only from delegation of the proper bishop of the pilgrims. But he is not judged to delegate the power of dispensing as he delegates the power of absolving, except in the case in which recourse cannot be had to the proper bishop, because the presence of the penitent is required for absolving, but an absent person can also be dispensed. Wherefore in a case of necessity, namely where they need a dispensation but cannot recur to their own bishop, he is judged tacitly to consent.

b. Parish priests also can exercise the power of dispensing with pilgrims, i.e. with the faithful who are not their own parishioners, in those things in which they themselves enjoy the right of dispensing, as in abstinence and fasting.

2. Bishops cannot properly dispense with exempt religious, since they are not their subjects; nevertheless, with the consent of superiors, religious can use episcopal dispensations, e.g. in abstinence or fasting.

3. A dispensation can be granted to an absent person, and indeed also to one who is ignorant of it and, absolutely speaking, even to one unwilling; but ordinarily for a valid dispensation the consent or acceptance of him with whom dispensation is made is required: for grace and benefit is not granted except to one willing, which especially holds concerning matrimonial dispensations. Anyone is judged to accept a dispensation asked for, unless the contrary will is established.

Notes

276. Cf. Schmalzgrueber, Titl. XVI. n. 243. Sanchez, *De matrimonio* l. 8. disp. 27. n. 40.

a. A confessor having the power of dispensing can also dispense with pilgrims, whether he has the power from the supreme pontiff or from the bishop: for neither is judged to delegate power restricted to certain persons, but power which extends to all whom the delegators themselves can dispense.

b. A faculty of dispensing which is granted to someone as confessor is valid only for those over whom he has jurisdiction; and a power which is granted to someone as missionary is valid for the whole time during which he has been destined for giving missions, even if he is not actually occupied in giving a mission.

184. Whether one having the power of dispensing with others can dispense with himself. He who has a general power (not for a particular case), whether ordinary or delegated, of dispensing with others can also dispense with himself, and this directly: for dispensation is not an act of contentious jurisdiction nor of voluntary jurisdiction by which an obligation is enjoined, but of voluntary jurisdiction by which a grace is granted; but for acts of this jurisdiction a distinct person is not required.

He who has a general faculty of dispensing, by the consensus of all, can also dispense with himself. Yet not all explain this dispensation in the same manner. Some judge that the superior can dispense with himself only indirectly, and this in a twofold manner. For either he dispenses with the whole community; but if the whole community is released from the law, equity postulates that the head of it also be released from it. Or the superior grants to someone the faculty of dispensing, and then he himself asks dispensation from him. They are led to embracing this opinion by this argument: dispensation is an act of jurisdiction; but no one can exercise jurisdiction upon himself, because the exercise of jurisdiction requires a subject and therefore a distinct person. Nevertheless others more rightly contend that a superior can dispense with himself directly, because for conferring a grace a distinct person is not required.

§ 2. On the Causes of Dispensation.

185. Necessity of a cause. If a dispensation is sought, the causes of the dispensation must be alleged. These causes must be proportionate to the gravity of the law; but which causes are sufficient must be left to the prudent judgment of the one dispensing. Nevertheless they must not be so grave that of themselves they excuse from the law: for in this case there would be no need of dispensation.

It can happen that a law, on account of some impeding cause, either certainly or probably no longer obliges; not only in the first case, but also in this second case, there is no need of dispensation, since the obligation of the law ceases without dispensation. But if impeding causes stand in the way of the law which indeed of themselves do not excuse from the obligation of the law, but which nevertheless certainly or at least probably suffice for the superior to be able to dispense, there is need of dispensation.

Whether a superior, when a just cause exists, ought to dispense.

1. Dispensation, when a just cause exists, is sometimes due either from precept or from justice.

The cases in which dispensation is due are usually enumerated as these: a. if common law or a particular precept requires that dispensation be given on account of that cause; b. if it is necessary for the common good, in which case (legal) justice requires that dispensation be given; thus on account of the necessity of the Church, dispensation from interstices can be due; c. if it is necessary for the spiritual good of the petitioner, for which cause dispensation in vows can be due; d. if it is necessary for averting grave damage or public scandal; thus dispensation from the proclamations of marriage can be due.

2. Once dispensation has been denied, even if this was done unjustly, it is not lawful to act against the law. But if it has been denied by an inferior, recourse to the superior is clearly open; and if the superior also has denied it, the law must be observed, unless the difficulty of observation is so great that it excuses of itself from observing the law.

186. Distinction of causes. 1. The causes of dispensation are some internal, which arise from the difficulty of observing the law itself, as if persons are dispensed from fasting on account of weakness;[277] others external, which arise from circumstances of the person to be dispensed or of the person dispensing, or from the common good.

Some laws, as e.g. the law of integrity in confession, are so constituted that by their nature they have great difficulty; this difficulty in a particular case does not excuse from the observance of the law. Other laws, as e.g. the law of fasting, likewise by their nature have some difficulty, but not so great. But if in a particular case this difficulty is great, it is joined accidentally with the observance of the law, even if it is internal, and therefore it excuses from the observance of the law (n. 139).

a. External causes of dispensing are the dignity of the petitioner or of the superior, common or private utility, the payment of money for the utility of the Church. And certainly dispensation is customarily granted to reward the merit of some person, so that a person may be bound to the Church, to provide for the necessity or utility of a person, to show liberality or benignity on the part of the legislator, etc.

b. But if sometimes a dispensation is said to be granted without cause, this must be understood without an internal cause, or without another external cause besides the payment of money. Namely, where another external cause of dispensing seems to be lacking, for the dispensation an alms is imposed to be spent on a pious work, by which the good of the Church is promoted. In this case the utility of the Church is the cause of dispensing.

2. The causes of dispensation are some motive (final), which of themselves suffice for granting a dispensation, others impulsive, which of themselves do not suffice for granting a dispensation, but nevertheless help the motive causes, so that the dispensation may be granted more easily. Therefore if the former did not exist, the superior would not have dispensed; but if the latter did not exist, he nevertheless would have dispensed.

187. Principles. 1. He who dispenses by proper power can validly dispense even without a cause, because the obligation of the law depends altogether upon his will; but he who dispenses by vicarious power cannot validly dispense without a cause: for the superior is not judged to concede to an inferior the faculty of dispensing without a just cause (n. 181).

2. For dispensing licitly, a cause certainly or at least probably sufficient is always required. He who dispenses by proper power without cause commits the vice of acceptance of persons, and therefore does not sin gravely unless perhaps by reason of scandal or damage to others; but he who dispenses by vicarious power without cause can sin gravely in grave matter, because he abuses the power conceded to him. In doubt whether the cause suffices, not only the legislator himself but also the legislator's inferior grants the dispensation both validly and licitly; otherwise too great a burden would be imposed on the superior.

If an inferior dispensing in the law of a superior through error thinks that the cause is sufficient, the dispensation is valid: for in doubtful cases concerning the sufficiency of a cause the power of dispensing validly has been conceded, even if the cause in reality is not sufficient, lest scruples concerning the value of dispensations be able to arise. But if through error he thinks that a cause is present when in reality none is present, the dispensation is invalid.

Notes

277. Cf. St. Alphonsus n. 195.

3. In order that a dispensation be valid, it is required that at least one motive cause be true, and indeed at the time at which the dispensation is granted; for the dispensation is granted on this condition: if the prayers rest upon truth, because the superior is not judged to wish to dispense without cause, even if of himself he could do so. Nevertheless, the exaggeration of a cause otherwise true does not render the dispensation invalid.

a. It suffices that the cause be true at the time at which the dispensation is granted, even if it is not true at the time at which it is sought: for the prayers rest upon truth when the dispensation is granted. Whether it must also be true at the time at which the action is placed, for the licit placing of which the dispensation was obtained, depends both upon the law itself and upon the intention of the one dispensing, as will be clear from what is to be said below.

b. A dispensation is invalid if the cause is indeed true at the time at which it is sought, but not at the time at which the dispensation is granted, because the prayers do not rest upon truth. It makes no difference whether falsehood has crept into the petition in good or bad faith.

c. Likewise a dispensation is invalid if the cause is not true at the time at which it is sought and granted, but is true at the time at which the dispensation is communicated: for what does not subsist from the beginning is not strengthened by the passage of time.

4. Not only he who dispenses without cause, but also he who seeks dispensation without cause, acts illicitly, because he induces the one dispensing to an illicit thing; nevertheless he who uses a valid dispensation illicitly sought does not sin: for he who has been validly dispensed is not bound to observe the law. In doubt whether the cause suffices, it is lawful to seek dispensation; otherwise too great a burden would be imposed on subjects, since doubts of this kind, which cannot be solved, frequently occur.

§ 3. On the Cessation of Dispensation.

A dispensation already granted can cease: a. by revocation of the one dispensing; b. by cessation of the cause; c. by renunciation of the one dispensed; d. by the death of the one granting.

188. By revocation of the one dispensing. a. He who has dispensed by proper power can validly revoke the dispensation even without a just cause: for the obligation which he removed by dispensing he can always again validly impose.

A dispensation by which, by a single act, an incapacity or impediment, e.g. an irregularity or an impediment of marriage, is wholly removed, if once granted absolutely, cannot be revoked.

He who has dispensed by vicarious power can revoke the dispensation from a just cause; without a just cause the revocation is invalid: for he who dispenses by vicarious power, just as he can grant dispensation only according to the will of the superior, so also can revoke dispensation only according to the will of the same; but revocation without a just cause is judged to be against his will.

A dispensation in a vow once absolutely granted can validly be revoked by no superior.

b. For licitly revoking a dispensation a just cause is always required; nevertheless a revocation made without a just cause does not exceed venial fault.

189. By cessation of the cause. A twofold case must be distinguished:

1. If the motive cause ceases totally before the concession of the dispensation, the dispensation is not valid.

2. If the motive cause ceases totally after the concession but before at least the complete use of the dispensation, a distinction must be made. If the superior intends to dispense absolutely, the dispensation does not cease; but if the superior intends to dispense under the condition: if the cause endures, the

dispensation ceases. To discern whether the superior dispensed absolutely or under condition, authors hand down this rule.[278]

Let Bertha be an example in this question, who seeks dispensation from a vow of chastity for contracting marriage from a twofold cause: that conceived offspring may be legitimized, and that Bertha's aged mother may be more easily supported. Now imagine that either the mother or the offspring, or both, have died before the marriage has been contracted. - A cleric who has received dispensation from the title of ordination on account of poverty remains dispensed, even if before ordination a rich inheritance comes to him. - Gaius has been dispensed on account of illness from the recitation of the office and from the Lenten fast; now imagine that the illness has entirely ceased during Lent.

It is required, however, that the cause certainly have ceased; therefore he who has been dispensed from abstinence or from the divine office on account of infirmity can use the dispensation until he has perfectly recovered.

a. If a dispensation has a successive effect, as in the law of abstinence, in the law of reciting the divine office, when the cause ceases the dispensation ceases, since the superior cannot be supposed to wish to dispense without cause.

b. If a dispensation has an effect wholly at once, as in irregularities, in impediments of marriage, when the cause ceases the dispensation does not cease, because the law once removed through dispensation cannot revive except through the will of the legislator; but no indication of this will can be assigned.

c. There are some who except this case: if someone obtained dispensation from a vow of chastity so that he could enter marriage for legitimizing offspring, and the offspring dies before the marriage; for if the legitimation of offspring is the sole cause of the dispensation, marriage cannot licitly be entered unless dependently upon that cause existing at the time of the marriage.[279] But others judge that the dispensation is valid even in this case: for even if the offspring dies after the dispensation has been made, nevertheless the impediment or obligation of the vow once removed does not revive.[280]

d. If the cause and the use of the dispensation cease at the same time, e.g. if someone was dispensed from a vow of chastity so that he could enter marriage for legitimizing offspring, and a little after the marriage has been entered the other party dies, he can enter another marriage, unless the dispensation was given for one marriage only: for if the dispensation was made without limit, through it the obligation of the vow is simply removed, and with that removed nothing stands in the way of a further marriage.

190. By renunciation of the one dispensed. a. Anyone can renounce a dispensation made, unless the renunciation falls to the damage of others; but in order that the dispensation granted may cease through renunciation, it must become known to the superior and be accepted by him: for the obligation removed through the will of the superior cannot arise anew except through the will of the same superior. b. Non-use of a dispensation of itself is not a sign of renunciation: for non-use can exist together with the will of using the dispensation afterward; therefore he who has been dispensed from fasting or from the divine office can use the dispensation, even if after the dispensation has already been obtained he has for some time recited the office or fasted.

Notes

278. Cf. Suarez, *De leg.* l. 6. c. 20. n. 18.

279. Lehmkuhl II. n. 173.

280. Laymann l. 1. tr. 4. c. 22. n. 15.

Nor is a contrary act of itself a sign of renunciation; thus if someone dispensed for entering marriage with Bertha marries Sempronia, by this very fact he does not renounce the accepted dispensation.

191. By the death of the one dispensing a dispensation then alone ceases if it was granted with this or a similar clause: *at our discretion* or *until it shall please us*, because by the death of the one granting every good pleasure and discretion of his ceases; but it does not cease if it was given absolutely or with this or a similar clause: *until it is revoked*, because it is a grace made; but a grace made does not expire by the death of the one granting, even if it has not yet been mandated for execution, unless something else is established from the terms of the concession.

Concerning the formula *at our good pleasure*, however, it must be noted that it is often employed as equivalent to the formula *until revocation*, and in this sense the S. C. of Bishops and Regulars, 19 June 1866, decided in a particular case that faculties given under this formula did not cease by the death of the bishop granting them.[281]

Whether it is lawful to use a dispensation outside the diocese. It is not lawful to use a dispensation which has been granted in a common law by a general indult for the whole diocese: for this, equally as a common precept, is territorial. But a particular dispensation which has been granted to an individual person from a special cause can be used everywhere on earth, because it inheres in the person to whom it has been granted and accompanies him.

Article Third.

On Privilege.

192. Definition. 1. Privilege considered objectively is a private law conceding a special favor against or beyond common law.

a. Privilege has the character of law, because it is a norm according to which someone, from the concession of a superior, can operate permanently against or beyond common law, and especially because the whole community is bound to acknowledge the privilege and not to impede the privileged person from using it.

b. It is called a private law because it is not conceded to the whole community, but either to one person or to a part of the community which is bound by the law itself.

2. Privilege considered subjectively is a special and permanent faculty conceded by a superior in favor, against or beyond common law.

a. It is called permanent because it is not given for a passing act or for a short time, as dispensation or faculty generally accepted is, but because by its nature it has a certain stability, even if it is not always perpetual. It is said to be conceded by a superior because a private person cannot concede privileges, but can only give permissions, and not against the law.

b. Privilege differs from dispensation: a. dispensation is only against the law; privilege can also be beyond the law; b. dispensation is generally conceded for a passing act, but privilege is a stable and permanent faculty; c. dispensation can be conceded either to an entire community or to an individual person, whether physical or moral; privilege is conceded only to an individual person, whether physical or moral. Therefore a dispensation granted to an individual person generally does not differ from a privilege against the law.

Notes

281. Cf. Ballerini-Palmieri V. n. 355.

193. Division. Privileges are divided: 1. By reason of the matter: a. into privileges against the law, if through them some law is derogated, as is exemption from paying taxes; and beyond the law, if through them no law is derogated, as is the power of dispensing; b. into favorable privilege, which brings advantage to the privileged person but inconvenience to no one, as the privilege of saying Mass in a private oratory; and odious privilege, which brings advantage to one but inconvenience to another, as exemption from paying taxes, from the jurisdiction of the ordinary.

2. By reason of the subject to whom it is conceded, into personal and real privilege. A personal privilege is conferred directly and immediately on some person by reason of himself, on account of knowledge, dignity, etc. This follows the person and expires with him, as the power of absolving from censures. A real privilege is directly and immediately conferred not on the person but on a thing, from which it redounds to the person. This privilege adheres to the thing, passes with it to the person to whom the thing pertains, and also expires with the thing.

By the name of thing is understood not only a corporeal thing, as a church or monastery, but also an incorporeal thing, as a moral person (college, community), office, dignity, state, a quality separable from the person, as a doctorate, etc. To this class belong, e.g., indulgences annexed to a church, altar, cross, rosary, etc.; besides these, privileges conceded to various communities (religious orders, confraternities) or diverse states (clerics, bishops, etc.).

3. By reason of the cause on account of which it is conferred, into gracious privilege, which is conceded from mere grace; remunerative privilege, which is conceded in consideration of some merit or service performed by the privileged person or by others, e.g. parents; and onerous privilege, which is conceded through the intervention of some pact for obtaining services.

4. By reason of the mode in which it is conceded, into a privilege given *motu proprio*, which is conceded without petition, and one given at instance, to conceding which the superior is induced by the prayers of the supplicant.

5. By reason of the end on account of which it is conceded, into common privilege, which is conceded to a community first and of itself for the good of the community, so that its use falls to the good of the community, as the privilege of the canon, which has been conceded to clerics, or of exemption, which has been conceded to religious orders; and into private privilege, which is conceded to a private person or even to a community, but for the good of individuals.

194. On the concession of privilege. 1. Only the legislator, or his successor, or the superior of both, can concede a privilege, whether it is a privilege against the law or beyond the law. For if it is against the law, only the legislator can exempt a subject from the law; and if it is beyond the law, only the legislator can impose on the community the obligation of not impeding the privileged person in the use of the privilege.

2. Privilege can be conceded either directly by a legitimate superior, or indirectly through communication of privileges, namely when a privilege conceded to one is also extended to another; thus communication of privileges exists among certain religious orders.

3. A privilege against the law can be conceded only to a subject, because this concession is an act of jurisdiction, which can be exercised only upon subjects; but a privilege beyond the law can also be conceded to others who are not subjects, provided the matter is subject to the legislator conferring the privilege, because this concession has the character of a donation, of which even one who is not a subject is capable.

4. In order that a privilege be valid, a just cause for conceding it is not required, because it depends merely upon the will of the legislator whether he wishes someone to be exempt from the common law; but in

order that a privilege be licit, a just cause is required. For a privilege against the law conceded without a just cause injures legal and distributive justice; and a privilege beyond the law conceded without a just cause is an act of prodigality, which is illicit.

195. On the use of privilege. 1. Everyone is bound to use a common privilege, namely one which has been conceded principally for the common good, nor can he renounce it, because it is not lawful to do anything against the common good; of this kind are the common privileges of clerics, bishops, regulars, etc.

2. A private privilege which has been conceded to a private person for private good of itself binds no one to use it, just as no one is bound to use his own right, because a privilege is given as a favor, not as a burden; nevertheless, accidentally the privileged person is bound to use it if non-use would fall to the damage of another, as if someone were unwilling to use the faculty of absolving from reserved cases.

If a sick priest, who cannot leave the house to celebrate, has received the privilege of establishing a private oratory, he is not bound to establish it so that he can celebrate on Sundays and feast days: if he has erected the oratory, in strictness he is not bound to celebrate on days of precept, but is excused from hearing and celebrating Mass.[282]

3. A private privilege which has been given to a community for the good of individuals cannot be renounced by individuals, but the community alone can renounce it; but individuals of themselves are not bound to use it, although accidentally they can be bound to this, both if a legitimate superior enjoins the use of the privilege on individuals, and by reason of conformity with others.

196. On the interpretation of privilege. 1. A favorable privilege is to be interpreted broadly; yet it is never lawful to interpret it so broadly that the interpretation becomes unjust or, on account of similarity of reason, is extended to persons or causes in no way comprehended in the privilege.

2. An odious privilege, insofar as it is odious, is to be interpreted strictly; nevertheless the restriction must not be so great that the privilege is rendered useless.

Yet an odious privilege is to be interpreted broadly: a. if it was conceded by the superior *motu proprio*; b. if it was given in favor of divine worship; c. if it was given to some order or religious community. The reason for this last is that such a privilege is judged to be remunerative for services performed and therefore most favorable.

3. In the interpretation of any privilege whatever the propriety of the words must always be preserved, even if they are to be taken now according to a broader, now according to a stricter signification: for privileges do not operate more than the words signify.

197. On the cessation of privilege. Privilege, equally as dispensation, ceases when the cause on account of which it was given ceases. Besides:

1. A privilege ceases by the fact itself: a. by the destruction of the person to whom a personal privilege has been conceded, or by the destruction of the thing to which a real privilege has been attached; but it is required that the thing be wholly destroyed: for if a church or altar or confraternity is transferred to another place, the privilege also is transferred. b. By the lapse of time, if the privilege was given for a time, and by the cessation of the condition, if the privilege had been given under a condition.

2. A privilege which is opposed to the right of others ceases by non-use or contrary use, and indeed by the space of time which suffices for prescription. For those things which have been established by

---

Notes

282. Cf. Lehmkuhl, *Casus consc.* I. n. 128 ss.

law concerning the loss of right by means of prescription are valid also concerning privileges which are a burden to others. But other privileges, which confer favor only on the privileged person without redounding to the burden of others, as the privilege of celebrating before dawn, do not cease even through non-use of the longest time.

Privilege is lost also through abuse. He is said to abuse a privilege who takes from it an occasion of sinning. Yet by abuse a privilege is not lost of itself and by the fact itself, but generally only insofar as a just cause is provided to the one granting for revoking it.

3. By free and express renunciation on the part of the privileged person.

a. In order that renunciation be valid, it is required that he be able to renounce the privilege. But anyone can renounce a privilege which has been conceded only in his favor; but a particular person cannot renounce a privilege which has been conceded principally in favor of the Church or of some community. Therefore a cleric cannot renounce the privilege of the canon, not even for himself.

b. Renunciation is either tacit or express. The former is made by non-use or contrary use. In order that express renunciation be valid, it must be known to the one granting and approved by him: for since only the legislator can impose a law, the privileged person otherwise would not again be affected by the obligation of the law.

4. By express or tacit revocation of the one granting, or of his successor, or of his superior.

a. Express revocation is made through revocatory clauses inserted in a law, in which manner the revocation of many privileges was made by the Council of Trent.

Derogatory clauses are of two kinds, general: *notwithstanding privileges*, and special: *notwithstanding any privileges whatever*, *notwithstanding privileges even worthy of special mention*, and the like. By a general clause these are not revoked: a. remunerative privileges, such as the privileges of religious are judged to be; b. privileges conceded with a clause that they not be revoked unless special mention of them is made; c. privileges conceded by a general council. But by a special clause even these are judged revoked.

b. Tacit revocation is made through a new law, by which all contrary privileges contained in common law are revoked, even without a revocatory clause.

In order that a privilege be revoked by a new law, the legislator must be presumed to know the privilege; now he is judged to know privileges which are contained in common law; but he is judged to be ignorant of special privileges which are not contained in common law. Therefore privileges contained in common law are revoked through a new law, but special privileges are not revoked unless special mention of them is made.

5. Privilege does not cease by the death of the one granting: for by the general rule a grace made is not extinguished by the death of the one granting. Therefore by the death of the one granting a privilege ceases in a twofold case: a. if it was granted for the time of the life of the one granting or with the clause *at our good pleasure*; b. if it contains a grace to be made and the matter is still intact.

Question Ninth.

On the Cessation of Law.

The law itself can cease in three ways: a. through abrogation or derogation; b. through cessation of the end; c. through contrary custom.

198. On abrogation. 1. Abrogation is the total removal of a law made by the legislator himself; derogation is the partial removal of a law.

2. No one can altogether abrogate a law or derogate from it in part except the legislator himself, or his successor, or his superior: for just as the existence of the law depends upon the will of the legislator, so also its cessation.

3. A law can be abrogated either by declaring that some law already lacks the force of obliging, or by issuing a new law which is entirely contrary to a preexisting law.

199. On the cessation of the end. 1. Declarations. a. The end or motive cause of a law can cease adequately if the whole reason which moved the legislator to issue the law ceases, or inadequately if only one reason ceases while another remains.

b. The adequate end of a law can cease universally or for the greater part of the community, or particularly, or for an individual person only.

c. The end of a law is said to cease contrarily when its observance is harmful or too difficult or altogether useless; and it is said to cease negatively if the end of the law does not exist in a particular case, but nevertheless the observance of the law is neither harmful nor impossible nor altogether useless (for the community).

If, e.g., the prohibition of reading a bad book cannot be observed without detriment to faith, because faith cannot be defended unless the book is read, the end of the law ceases contrarily; it ceases negatively if the reading brings no damage only to the reader.

2. Principles. a. When the motive cause ceases adequately and universally, the law itself ceases: for if the end of the law ceases, the law becomes useless and therefore null; when the motive cause ceases inadequately, the law does not cease, because the law is not yet useless.

b. If the end of the law ceases contrarily in a particular case, the law ceases; but if the end of the law ceases only negatively, the law does not cease.

The reason is: if the end of the law ceases contrarily, in reality we can use epikeia; but if the end of the law ceases only negatively, the common good requires that a law which has been issued for the common good be observed by all: for unless it must be observed by all, it soon loses efficacy, because many, thinking that the end of the law has ceased for them, would not observe the law and by their example would seduce many others. Besides, if it is permitted to the judgment of individuals whether in a particular case the danger of damage ceases, laws of this kind would be useless for most people on account of the danger of hallucination.

The opinion which holds that a law ceases when its end ceases merely negatively, and which some authors (Tamburini) hold as probable, is not brought into practice, because it seems to lack probability. Thus the proclamation of marriage is never omitted, even if there is no danger of an invalid marriage; likewise the reading of a prohibited book is not permitted where no danger of perversion is feared for the particular person.[283] The reason of that opinion is this. Just as a law ceases universally if the end of the law ceases for the whole community, because the law has become useless, so the law ought to cease particularly where the end of the law ceases for a particular person, because the observance of the law is useless for this person. But this reason lacks probability, because the observance of a law which is useless for a particular person is useful, indeed even necessary, for the community; therefore the legislator is judged to urge the law whose end ceases only negatively.

Notes

283. Cf. St. Alphonsus n. 199.

Question Tenth.

On Custom.

200. Definition. The word custom is taken in two ways: a. causally, for acts frequently repeated by a community; b. formally, for the right which, with the consent of the legislator acceding, arises from those acts. Hence custom formally can be defined as a certain right or law introduced by long-standing use of a community, with the approval of him who has care of that community.

The distinction which intervenes between (derogatory) custom and prescription of right, with which custom is sometimes confused, must be carefully noted: for some principles govern custom, others govern prescription; wherefore the same conditions are not required in both. Especially, however: a. good faith is required for prescription; it is not required for custom; b. for prescription the consent of him against whom prescription is made is not required, but for custom the consent of the legislator is required; c. for prescription a time, sometimes longer, sometimes shorter, determined by law is required; for introducing custom, time is indeed ordinarily required, but to be determined by the judgment of prudent men, which nevertheless is not extended beyond ten years.

201. Division. 1. By reason of extension, custom is divided into universal or most general, which is in force in the whole Church; into general (in itself it is particular), which is in force in some whole province; into special, which is in force in smaller societies, but nevertheless perfect ones, i.e. societies capable of laws; and into most special, which is observed by private persons and imperfect societies, namely those which are not capable of law. It is clear that this last does not have the character of law, but after the manner of a privilege is only a faculty of doing or omitting something.[284]

2. By reason of relation to law, custom is divided into custom against law, which removes an existing law either altogether or at least in part; custom beyond law, which introduces a new law; custom according to law, which confirms or interprets an existing law by use itself.

a. From this division it is clear that the effect of custom is threefold: a. of interpreting law; b. of introducing a new law; c. of abrogating an existing law.

b. Only a twofold custom must be treated here: a. derogatory custom or custom against law, and b. obligatory custom or custom beyond law.

Article First.

On Derogatory Custom.

202. Its derogatory force. 1. That ecclesiastical custom, concerning which alone there is question here, has the force of abrogating law is established from canon law, which expressly attributes this efficacy to custom.[285] And indeed the force of custom and of law is the same; but a later law can abrogate an earlier one; therefore custom also can do this, provided it is clothed with the due conditions.

2. Custom cannot abrogate natural law, because this is immutable, nor positive divine law, because the force of custom is derived from human authority, namely from the consent of the human legislator; but human authority can do nothing against divine law. Rather, custom can abrogate only ecclesiastical law.

Notes

284. Cf. Wernz I. n. 187.

285. C. *Quum tanto* (11) fin. *De consuetud.* (I. 4), whose final words are these: "although the authority of even long-standing custom is not worthless, nevertheless it will not be valid to such an extent that it ought to generate prejudice even against positive law, unless it has been reasonable and legitimately prescribed."

Although custom does not have the force of abrogating divine law, it can nevertheless interpret it, i.e. indicate how the law, according to the mind of the legislator, is to be understood and observed. Yet this custom, interpreter of divine law, must be governed by the infallible judgment of the Church, which alone is the authentic interpreter of the institutions and commands of Christ.

3. There is no ecclesiastical law which cannot be abrogated by contrary custom; for the texts of law proving custom are altogether universal.

Therefore legitimate custom can abrogate even:

a. A law expressly prohibiting contrary custom.

Indeed while the same circumstances remain on account of which the custom was prohibited, this custom cannot obtain force, since it would then be unreasonable; but once these circumstances have changed, nothing prevents the contrary custom from receiving the force of law, because it can be reasonable and can be approved through the consent of the legislator.[286]

b. An invalidating law: for an invalidating law can be abrogated by another law; therefore also by custom, which is of the same authority. Therefore even the invalidating impediments of marriage of human right can be abrogated by legitimate contrary custom.

c. Some existing custom.

Therefore universal custom can abrogate universal custom, and particular custom can abrogate particular custom; but a particular custom can derogate in part from universal custom, namely in that place in which the particular custom has prevailed.

203. Conditions which are required in order that custom abrogate law:

1. The consent of the legislator; but legal consent suffices.

a. For law cannot be introduced except by legitimate authority, which indeed cannot be the will of the people exercising the custom, but only the will of the legislator himself.

From this it is clear that the consent of the legislator is the true efficient cause of custom which has legitimate value.

b. In order that custom obtain the force of law, personal consent is not required, but legal consent suffices: for nothing prevents the legislator from establishing by a universal law that custom endowed with due qualities have the force of law; but if the legislator has done this, custom receives the force of law without further consent; and this has been established by the law itself.[287]

c. Consent can be personal, by which the superior himself approves the custom, or legal, by which the right or universal law approves it. Personal consent supposes knowledge of the custom; legal consent does not require it. Personal consent is express if the legislator gives permission of introducing the custom, and it is tacit if the legislator, conscious of the custom, does not resist it, although he could easily resist. Wherefore a custom which the legislator merely tolerates with prudent silence cannot obtain the force of law through personal consent.

Notes

286. The doctrine of a few theologians, that against the disciplinary decrees of the Council of Trent no custom is admitted, cannot be demonstrated by sufficient arguments. Cf. Biederlack, *Die Gewohnheiten gegen die Disciplinardekrete des Trienter Konzils* (*Zeitschrift f. kath. Theol.* VI (1882) S. 438 ff. Wernz I. n. 194.

287. C. *Quum tanto* (11) fin. *De consuetud.* (I. 4).

d. Legal consent is customarily defined as a previous approbation made through a universal will expressed in law, of approving any custom whatsoever clothed with due conditions.

e. If personal consent is had for custom, even only tacit consent, legitimate time for introducing the custom is not required, but the obligation of the law immediately ceases.

2. On the part of the matter, that the custom be reasonable.

In order that it be reasonable, it is not required that it be begun without sin: for those who introduce a custom contrary to law generally sin in the beginning. Nor is it required that it be positively reasonable, i.e. that it be commended by a special reason or that it be better and more perfect than the contrary law, but it suffices that it be negatively reasonable, i.e. that for no reason (neither by natural right nor by divine right) it be reproved, nor offer license and occasion of sinning, nor contain corruption of morals, and therefore in some way contribute to the common good.

3. On the part of the community: a. that the custom be introduced by a community on which a law can be imposed, such as a kingdom, province, city, diocese (but not a parish, family, or private person), a religious order, and probably also a province of a religious order; b. that it be exercised by the greater part of the community: for custom is introduced by the community from the consent of the prince; but only the greater part morally represents the community.

4. On the part of the acts: a. that they be free, i.e. that they proceed neither from fear nor from error or ignorance: for without the consent of the people a law cannot be established through custom; but this consent is lacking if the acts are not free; b. prescribed for the legitimate time: for the law itself requires a certain duration of custom in order that it have legal value: *unless it has been legitimately prescribed*; c. made with the intention of de-obliging oneself from the law. For this it is not required that the community know the law at least in the beginning and nevertheless not observe it, but it suffices that with the opinion that the law does not exist, it in good faith does not observe it. Wherefore that which the faithful omit from lack of consideration or levity can never obtain the force of legitimate custom.

a. How much time is required for introducing custom is nowhere found defined. In order that obligatory custom obtain the force of law, ten years is required and suffices; but in order that derogatory custom have value, forty years are required, although several of the more recent theologians think that ten years suffices.[288]

b. Supposing a positive doubt concerning custom, so that on the one side it is truly probable that all things are had which are required for introducing legitimate custom, and in like manner on the other side it is probable that something of those things is lacking which are required for legitimate custom, the following distinction must be made: a. in doubt concerning custom beyond law, the custom does not yet oblige: for it is doubtful whether the custom has obtained the force of law; but a doubtful law does not oblige; b. in doubt concerning custom against law, the law no longer obliges: for by the fact that the contrary custom probably de-obliges from the law, the law itself has become doubtful; but a doubtful law does not oblige.

Notes

288. Cf. Benedict XIV, *De synodo* l. 13. c. 5. n. 4. Wernz I. n. 190. IV.

Article Second.

On Obligatory Custom.

204. Its force of obliging. 1. That custom has the force of introducing law is established by the fact that from the law cited above, reasonable and legitimately prescribed custom has the force of law.

A law introduced through custom is called unwritten law, so that it may be distinguished from written law, which is constituted and promulgated by the express ordinance of the legislator.

2. Custom can impose any law whatever: preceptive, invalidating, indeed even merely penal; for custom can effect what law itself effects; but law can impose any obligation whatever.

It is established that the law obliging all clerics constituted in sacred orders to the recitation of the office, and some diriment impediments of marriage, as the impediment of disparity of cult, were introduced by custom.

205. Required conditions. In order that obligatory custom receive the force of law, the same conditions are required which are required for abrogating law through custom:

a. the consent of the legislator, at least legal consent, without which obligation cannot be imposed;

b. reasonable matter, namely matter which contributes to the common good and therefore can be prescribed by the legislator in an enacted law;

c. a community capable of having a law imposed upon it;

d. acts freely exercised by the community, i.e. neither from fear nor from error or ignorance, but with knowledge that no law exists concerning this matter;

e. acts exercised with the intention of obliging oneself; wherefore those things which are exercised by the faithful from mere devotion, as the triple Angelic Salutation, cannot obtain the force of obligatory custom.

Nevertheless even acts of mere devotion can acquire the force of law through custom, provided the faithful, knowing that there is no obligation of it, have the intention of obliging themselves to that act. This intention must be gathered from the circumstances, e.g. if it is constantly observed even with some inconvenience, if transgressors are punished, if pious men commonly judge so.[289]

f. acts legitimately prescribed.

Whether a new law removes contrary customs in force.

Clauses by which contrary customs are reprobated are customarily added to pontifical constitutions; but concerning these clauses it must be noted: a. A universal law removes a contrary universal custom, but it does not remove particular customs unless a clause is added which reprobates a contrary custom in force. b. This clause: *notwithstanding any custom whatever* removes all customs except immemorial customs,[290] but it does not impede the origin of a new contrary custom. c. The clause: *notwithstanding any custom whatever, even immemorial*, removes altogether all contrary customs, but neither does it impede the origin of a new contrary custom. d. The clause added to a law: *with any contrary custom whatsoever excluded for the future*

Notes

289. St. Alphonsus l. 1. n. 107. IV.

290. An immemorial custom is one of whose beginning there exists no memory. It is not said: one of whose beginning there exists no knowledge; therefore a custom can be immemorial even if its beginnings are quite well known from history, provided its existence transcends the memory of men now living (about one hundred years).

indeed renders more difficult a custom contrary to the new law, but it does not altogether impede its origin: for this clause itself is a disciplinary law; but it belongs to the nature of a disciplinary law that it admit contrary custom.[291]

Question Eleventh.

On the Collision of Duties and Rights.

205*. Notions. To duties on one side correspond rights on the other side, and indeed in such a way that the right of one extends as broadly as the duty of the other.

1. Duties, according to the diversity of laws from which they arise, are:

a. affirmative duties, which arise from precepts, and negative duties, which arise from prohibitions;

b. absolute duties, which oblige simply and without exception, and hypothetical duties, which oblige only under certain suppositions;

c. natural duties, which are founded in the law of nature, and positive duties, which are founded in positive law, whether divine or human;

d. higher and lower duties, according as they refer to preserving greater or lesser goods, to averting greater or lesser evils;

e. duties of justice, from whose violation an obligation of restitution of itself arises, and duties of charity, from whose violation an obligation of restitution does not arise.

2. Since rights cohere with duties, they are distinguished in the same manner as duties; specifically these are to be noted:

a. connate rights, which are founded in the law of nature, and acquired rights, which are founded in positive law or in contracts.

b. inalienable rights, which can in no way be renounced, and alienable rights, which can be renounced: for what is necessary for man either for attaining the ultimate end or for fulfilling a moral obligation cannot be abdicated.

3. Collision of duties is the concurrence of several obligations which cannot be fulfilled at the same time.

Thus in the case of an unjust aggressor, two obligations collide: preserving one's own life and preserving the life of another. Since the obligation of preserving one's own life is more excellent, the other obligation loses its force.

a. So many and various are the relations of man, whether toward God or toward himself or toward other men, and consequently so manifold are the obligations which arise from them, that not rarely duties which are opposed to one another urge at the same time. But the collision of duties is only apparent, because of the colliding obligations only one in reality exists and requires that it be fulfilled; the rest lose their force or are suspended as long as the collision lasts: for their fulfillment is impossible; but no one is bound to the impossible. Certainly the supreme reason of all obligations is the will of God; but God, whose will is wisdom, cannot wish that at the same time we place actions of which one excludes the other.

Notes

291. Cf. Aichner, *Compendium iuris eccles.* (Brixinae. Weger. 1900) p. 81 ss.

b. Wherefore in a case in which duties collide, this is chiefly at issue: that the collision be solved, or that it be determined which obligation among the colliding ones, while the others cease, requires that it be fulfilled. Several rules are established for determining this.

205. Rules for solving collision.** The supreme principle in this matter is this: a higher obligation is to be preferred to a lower; but that obligation is judged higher which arises from a law which is of greater moment. Hence the following rules are inferred.

a. Precepts of the law of nature are to be preferred to precepts of positive divine law, these to precepts of positive human law; among these latter, precepts of ecclesiastical law prevail over precepts of civil law, which is drawn from the diverse end of these laws, one of which is nobler than the other.

The law which requires that we aid a needy neighbor is higher than the law of abstaining from servile works; the law of preserving health is to be preferred to the law of fasting or abstinence.

b. Negative precepts prevail over positive precepts; therefore in general the obligation of avoiding prohibited things is greater than that of doing prescribed things: for that which is prohibited is evil and pernicious in itself; but that which is prescribed is simply fitting and useful.

It is not lawful to lie nor to exercise a shameful business in order to aid one in need.

c. Precepts of justice in general prevail over precepts of charity.

If at the same time the obligation of paying a debt and of giving alms concur, the former, which is of justice, prevails over the latter obligation, which is of charity. Nevertheless, if someone must pay a debt by which, once paid, the debtor casts himself into grave necessity, he can defer payment, although it is an obligation of justice.

d. Precepts (negative and positive) which protect greater goods prevail over laws which protect lesser ones; therefore precepts which refer to spiritual goods, internal goods, common goods, are to be preferred to precepts which refer to bodily, external, private goods.

Thus a citizen is bound to serve as a soldier, even if his own life or his own family suffers damage. - A priest or physician is bound to help the sick, even if his own health or his own family is endangered. - It is not lawful to defect from the faith in order to preserve life; nor to deny the faith in order to avoid persecution. - A servant for whom service is an occasion of sin which can be removed by no means is bound to leave the service, even if the temporal damages would be most grave. - It is not lawful to expose life to danger on account of some slight temporal good.

e. But if in a case of colliding duties, after diligent examination, it cannot be determined which obligation prevails, and at the same time the necessity of acting urges, the choice can be made at will. An error which perhaps is committed in this case is involuntary and is not imputed to the agent.

Notes

292. St. Thomas I-II q. 19. St. Alphonsus l. 1. 1. tr. 1. n. 1-89. Sporer-Bierbaum, *Theologia mor. decalog.* (Paderbornae. Typographia bonifac. 1897) I. tr. 1. n. 1-109. Reuter, *Theolog. mor.* pr. 1, tr. 2. n. 59 ss. Bouquillon l. c. pr. 2. n. 243 ss. Lehmkuhl I. n. 41 ss. Ballerini-Palmieri, *Opus theolog. mor.* (Prati. Giachetti. 1898) I. n. 130-235. Simar, *Das Gewissen und die Gewissensfreiheit* (Freiburg. Herder. 1902). Cathrein, *Das Gewissen und die Gewissensfreiheit* (Freiburg. Herder. 1906).

Book Fourth.

On Conscience.[292]

Question First.

On the Nature of Conscience.

Article First.

On Conscience in General.

206. Conscience. 1. The existence of moral conscience is a universal fact: for all men, cultivated as well as barbarians, perceive the voice of conscience within themselves.

The authors cited above have diligently collected testimonies of this matter, especially Cathrein. Sacred Scripture everywhere supposes conscience, since it everywhere describes its various activities. Cf. Schindler p. 195.

2. By the name of moral conscience (*synteresis*) is signified first of all the habit of the first moral principles, which the Greeks call synteresis. Therefore synteresis is a certain property of the intellect by which it knows with great facility and evidence the most universal moral principles or supreme principles of the natural law. Then, however, synteresis also signifies these principles themselves.

a. Principles of this kind are, e.g.: good is to be done, evil is to be avoided; what you do not wish to be done to you, do not do to another; the supreme deity is to be worshiped; promises are to be kept; precepts are to be fulfilled; and other supreme principles of the natural law. From these universal principles moral science deduces the truths which it itself teaches, e.g. good is to be done; but to aid the wretched is good; therefore the wretched are to be aided; evil is to be avoided; adultery is evil; therefore adultery is to be avoided.

b. There is in man an innate disposition for leading a moral life (*eine sittliche Anlage*), which disposition comprises two things: a disposition of the intellect for knowing the moral law, and a natural propensity of the will for following the moral laws proposed by the intellect as the norm of free activity. Since each disposition is signified by the name conscience (synteresis), it is clear that conscience in this sense designates the whole moral life insofar as it proceeds from intellect and will, as when we call a man religious or lacking religion (*gewissenhaft, gewissenlos*).

c. Conscience, since it is a disposition and habitual quality of the intellect and will, can and ought to be cultivated and perfected: as regards the intellect, by the fact that by learning the laws to be observed we acquire moral science for ourselves; as regards the will, by the fact that we promptly obey moral laws. The same conscience, although it can never be entirely extinguished, can nevertheless by negligence, and especially by vices and pleasures, be obscured, weakened, indeed even vitiated. Hence we speak equally of an enlightened and vigilant conscience, and of a cauterized and sleeping conscience.

207. Conscience (*syneidesis*). Moral conscience in the other sense is a judgment of the mind concerning the morality of an action, proximately practical, which judgment is customarily called a dictate (of conscience).

a. Conscience puts itself forth in a twofold manner: before an action it manifests that the action is good and to be done, or evil and to be omitted; after an action (or omission), if following the voice of conscience we have done good and omitted evil, it praises and approves, from which joy and tranquility of heart follow; but if we have acted against conscience, it censures us, whence anguish and pain of heart follow.

b. A judgment of the mind which has as its object the morality of a human action is one thing if remotely practical or speculative, which regards actions in the abstract and in general, as that theft is to be avoided, that one in need is to be assisted; another if proximately practical or simply practical, which is referred to moral actions in the concrete and in particular, to be placed here and now, together with all the circumstances in which they are found, and immediately directs the will of the agent, e.g. that this thing is not to be taken away by me as belonging to another, that this man in need is now to be aided by me. Not the former, but the latter, is called conscience.

c. Judgments concerning the goodness and malice of actions in general are either most universal, namely truths which constitute synteresis or the first moral principles, or less universal, which are so many conclusions deduced from the first principles: evil is to be avoided; theft is evil. These deduced truths constitute moral science. For deducing these judgments the intellect can acquire a habit, which is likewise called moral science. In forming the principles of synteresis the intellect does not err; in forming the principles of moral science it can err and sometimes does err.

d. The truths both of synteresis and of moral science are universal; conscience, on the contrary, is concerned with a singular action now to be placed, and therefore its dictates are particular, yet deduced immediately from the truths of moral science, mediately from the truths of synteresis. Therefore the dictate of conscience is always the conclusion of some syllogism, whose major contains the moral law, whose minor contains the action to be placed here and now, to which the law is applied, and whose conclusion exhibits the agreement or disagreement of the action with the law, e.g. theft is illicit; this action is theft; therefore this action is illicit.

208. The force of conscience. 1. Conscience is the proximate and internal norm of moral actions: for the will, since it is a blind power, needs suitable direction; but the will can receive direction only from conscience: for that power upon which the will naturally depends in its operations is reason; but reason which in a particular case dictates that this is to be done because it is good, that is to be omitted because it is evil, is conscience. It is called the proximate rule because it is nearer to the will than law is, and it is called the subjective and internal rule, so that it may be distinguished from law, which is the objective and external norm.

Therefore, and this must be carefully noted, human actions do not take their moral (formal) goodness or malice from the norm of morality or from law as it is in itself, but from law as proposed to the will through the dictate of conscience, or from conscience; wherefore those are distressed without reason over past actions placed in good faith who afterward hear that they were sinful.

2. The force of obliging truly belongs to conscience: for the force of obliging belongs to law truly and properly so called; therefore also to conscience, which is nothing other than law applied to individual human actions. Therefore the obligatory force of conscience is the same as that of law; and since every obligation of law must be derived from the will of God, conscience is commonly and not unsuitably called both the will of God and the voice of God.

But since God manifests His will to us through our reason, which can be deceived, the dictate of conscience can be erroneous; hence it can happen that we are bound to follow a conscience commanding evil.

209. Division. Conscience is divided in many ways:

1. By reason of the acts to which it is referred, into antecedent and consequent, according as the acts are either soon to be placed or already placed; the former judges what is good or evil, what is to be done or omitted, but the latter approves or accuses the past, or even, if this can be done, excuses it.

Antecedent conscience is given to us by God as guide and moderator of our moral life, which we are bound to follow in order that we may arrive at the end of eternal life; consequent conscience acts as judge of our actions, praising and approving if they are good, admonishing, reproving, censuring, terrifying, and chastising if they are evil. The approving judgment is called the testimony of a good conscience; the accusing and reproving judgment, remorse or the worm of conscience. The testimony of a good conscience brings consolation and reward, the gift of internal peace; the remorse of conscience brings anguish and punishment: *There is no peace for the impious.*[293] Hence conscience greatly helps man to attain his end.

Note. Antecedent conscience is the proximate rule of morals, concerning which alone we speak here, and to which therefore the divisions that follow pertain.

2. By reason of the obligation which it manifests, into prescribing, prohibiting, and permitting conscience.

3. By reason of assent, into certain and doubtful conscience. Certain conscience is that by which the mind firmly judges, without fear of erring, that an action is good and licit or evil and illicit; doubtful conscience is that by which the mind suspends judgment concerning the honesty of an action, or indeed forms it, but with fear of erring.

4. By reason of conformity with the object, into true and erroneous conscience.

a. True (right) conscience is that which dictates the matter as it is in itself; erroneous conscience is that which dictates otherwise than the matter is in itself.

Properly speaking, a distinction intervenes between true and right conscience. Ordinarily, indeed, right conscience will also be true. For that is called true which is consonant with the objective order of things, and therefore says good of that which in reality is good, and evil of that which in reality is evil. But the dictate of conscience is, as it were, the conclusion of a syllogism, whose major proposition is a moral principle, and whose minor proposition is a human action to which that principle is applied, so that from this it can be concluded that the action is licit or illicit. Further, conscience is called right when it has been duly deduced according to logical laws from a moral principle. Now it can happen that the reasoning proceeds from a false moral principle; whence it can happen that the conclusion or conscience is indeed right, but false.

b. Erroneous conscience is either invincible and inculpable, whose error cannot morally be overcome; or vincible and culpable, whose error can be laid aside by employing moral diligence, but through carelessness is not laid aside.

Erroneous conscience can be invincible in two ways: either because not even a suspicion or doubt concerning the error comes into the mind of the agent, or because a doubt concerning the error has indeed arisen, but not even by employing moral diligence can the error be laid aside and the truth found. Thus he also errs invincibly who, doubting whether on such a day there is abstinence, after employing moral diligence is ignorant that abstinence is in reality prescribed. Nevertheless, the principle which follows is valid only concerning the former mode of invincibly erroneous conscience; concerning the other mode there will be discussion below.

5. Erroneous conscience is divided into lax and narrow conscience.

a. Lax conscience is called that which for a slighter cause either denies or diminishes the character of sin. To lax conscience is also reduced cauterized conscience (*das abgestumpfte Gewissen*), which, arising from a

---

Notes

293. Is. 57, 21. Printed as "Is. 22, 57"; corrected as a clear printer's error.

long-standing habit of sinning, makes light even of grave sins, and pharisaical conscience, which makes little of great precepts, but much of small and external observances.

b. Narrow conscience is called that which for a slighter cause affirms or increases the character of sin. To narrow conscience is reduced scrupulous conscience, which increases the character of sin too much, and perplexed conscience, which apprehends sin on both sides.

Article Second.

On the Obligation of Following Conscience.

210. Principles. 1. We are bound to follow a certain conscience where it prescribes or prohibits.

For certain conscience is the law itself certainly known by us and applied to a particular action, if conscience is supposed true; but we are bound to follow law certainly known; therefore we are bound to follow certain conscience, at least if it is also true.

2. We are bound to follow a certain conscience where it prescribes or prohibits, even if it is invincibly erroneous, and we can follow the same without sin where it permits something.

The reason for the first is that the will, since it is a blind faculty, in order to act rightly is bound to follow the guidance of the intellect certainly prescribing or prohibiting; therefore it is bound to follow true conscience equally as conscience invincibly erring, provided it is certain. The reason for the second is that one following a permitting conscience wills an action which he judges licit, which cannot be sin.

It is asked whence erroneous conscience receives the force of obliging; for since it obliges insofar as it announces the divine law, erroneous conscience, inasmuch as it does not in reality announce divine law, seems unable to oblige. It must be said that erroneous conscience draws the force of obliging from the universal principle of law: good is to be done, evil is to be avoided, as far as can be done, i.e. as it is manifested to us through conscience; whence we are bound always and in every case to obey certain conscience. Therefore erroneous conscience does not oblige by force of the particular precept which it announces, but by force of the universal precept by which we are bound to do good and avoid evil insofar as we can.

a. The affirmation supposes that he who acts with invincibly erroneous conscience preserves freedom. For in those things which cannot be avoided, sin cannot be committed from erroneous conscience, because the action or omission is altogether involuntary. He who thinks that dishonest or blasphemous thoughts already are sins does not sin, even if he has thoughts of this kind, because he cannot bring it about that they do not enter the mind. Likewise an imprisoned person who erroneously thinks that he sins because he omits Mass does not in reality sin.

b. "Hence if conscience dictates to someone that he is bound to lie in order to aid a neighbor in danger, he sins against charity if he does not lie." - "He who thinks there is a fast when there is not, because of erroneous conscience sins if he does not fast."[294]

c. He who places a work evil in itself, which from erroneous conscience he thinks to be good, not only does not sin, but according to the opinion of many exercises a good work and, with the suppositions to be supposed, also merits through it.

d. Sin committed from erroneous conscience is of the same gravity and species as if it had been committed from true conscience. He who, erroneously thinking that Mass must be heard, omits it, sins gravely

---

Notes

294. Gury, *Compendium theologiae mor.* I. n. 38.

against the precept of the Church, and in confession it suffices to say: I omitted Mass. He who strikes a man, erroneously thinking that he is a priest, commits sacrilege just as if in reality he had struck a priest. Yet if the confessor notices that the penitent has sinned from erroneous conscience, let him ask him whether he really judged that he was sinning gravely, and let him instruct him concerning the truth of the matter.[295]

e. If, therefore, conscience dictates that it is licit to steal in order to aid a poor man, theft from invincibly erroneous conscience would not be a sin.

3. A vincibly erroneous conscience, whether it prescribes or permits, may neither be followed nor acted against; rather, we are bound to lay aside the error before the action: for one acting thus would expose himself to the danger of sinning. Yet if there were question of a good act which someone thinks to be prescribed, he could follow a vincibly erroneous conscience and would not be bound to lay aside the error.

"He who thinks, but with doubt, that he must steal from a rich man in order to aid one in need, sins whether he steals with a conscience of this kind or does not steal. Therefore before the action, if it can be done, he must lay aside the error by inquiring into the truth."[296] - But he who with doubt thinks that today he must hear Mass and goes to hear Mass is not bound, by inquiring into the truth, to lay aside the error.

Note. In order that a confessor may discern whether conscience was invincibly or vincibly erroneous, let him ask the penitent: a. whether he noticed some indecency in the act or at least doubted concerning its liceity; b. whether conscience dictated to him that someone should be asked about that matter. But if he denies each, the error was invincible; if he affirms either one, the error was vincible and culpable, and indeed gravely culpable if he apprehended the matter under discussion as a matter of great moment.

211. On lax conscience. Lax conscience sometimes denotes a habit, namely that disposition of soul which tends to extending moral liberty more than is right; if it signifies an act, it is a judgment which from a slighter motive judges that to be licit which is illicit, or that to be a light sin which is grave. And consequent lax conscience is a judgment which from a slight motive judges that there was not grave sin where in reality grave sin was committed.

Principles. a. Ordinarily those who, knowing that they have a lax conscience, transgress a precept in a grave matter, sin gravely: for either they have a confused knowledge of grave sin, or if they do not have this, those who in a grave matter knowingly follow a lax conscience knowingly expose themselves to the danger of violating a grave precept. Nor does the error by which they judge that there is no sin excuse them, because the error is voluntary in its cause.

Those who do not know that they are of lax conscience and do not notice the malice of the action even confusedly are excused from sin because of ignorance. Indeed even he who knows that he is of lax conscience can be immune from mortal sin, namely where he notices neither the malice of the action nor the obligation of investigating its malice more accurately, not even confusedly.

b. In doubt concerning full consent to sin, it must be presumed that they fully consented, just as those who are of timorous conscience, in doubt, are presumed not to have consented: for from things ordinarily occurring a conclusion is rightly made with moral certitude to a particular fact.

Notes

295. Cf. Lugo, *De poenit.* disp. 16. n. 499 ss.

296. Gury, l. c. n. 38.

c. He who labors under lax conscience is bound under grave obligation to lay it aside, because he is bound to lay aside the habitual danger in which he is situated of sinning gravely.

212. On perplexed conscience. The rules to be observed by him who has a perplexed conscience, from St. Alphonsus (n. 10), are these:

a. If without grave damage he can defer the action, he is bound to defer it until he has consulted wise men, e.g. a confessor: for anyone is bound to avoid what he thinks is sin.

b. If he cannot defer the action, he is bound to choose that which seems to him the lesser evil: for he ought rather to avoid a greater evil than a lesser, e.g. transgression of the natural law than of positive law, if he cannot avoid each.

c. If he cannot discern the lesser evil, whatever he chooses, he does not sin; and this indeed even if through error he thinks that he sins, because the act which he places is not voluntary.

Let the example be a man who on a feast day, assisting a sick person, thinks that he sins if he remains, and likewise that he sins if he goes to church; or a priest who, making the sacrifice, thinks that he will sin if he repeats the form of consecration, and likewise that he will sin if he does not repeat it; or a confessor who fears that he will sin by denying absolution, because he wholly frightens the penitent away from the sacraments, and that he will sin by granting absolution, because he administers the sacrament to an unworthy person. Let him do what he wills: for no necessity of sinning exists.

Article Third.

On Scrupulous Conscience.[297]

213. Notions. 1. A scruple is fear concerning sin arising from an empty apprehension. Therefore a scruple by its nature is not a judgment of a sound mind, but is fear concerning sin arising from an empty apprehension of a disturbed mind.

Scrupulous conscience sometimes signifies a habitual disposition of soul prone to empty apprehensions of this kind, sometimes an act. In this sense scrupulous conscience is an apprehension which from an empty reason, whether before or after the fact, fears that sin is present where it is not.

Scrupulous conscience differs a. from tender conscience, which also knows even the smallest defects as such and makes much of them from reverence toward the divine majesty, while nevertheless carefully retaining the distinction between mortal and venial sin. It differs b. from erroneous conscience, which is a judgment of the mind, although false.

2. A scruple can exist together with a certain conscience concerning the honesty of an action: for since it has arisen from an empty motive, it does not take away certain persuasion. Therefore it is lawful to act with a scrupulous conscience, or it is lawful to act against scruples, provided the agent knows that he has scruples and that they are to be contemned.

a. It is not indeed lawful to act against conscience; but scrupulous conscience, since it is an empty apprehension and vain doubt, is not conscience in the proper sense.

b. It is not lawful to act with a practical doubt; but a doubt arisen from scruples is not a practical doubt but a vain fear, which is to be spurned.

Notes

297. St. Alphonsus l. 1. n. 11-18. Reuter, *Neoconfessarius* n. 255 ss. Stoz, *Tribunal poenit.* l. 1. pr. 5. n. 171 ss. Laymann, *Theologia moral.* l. 1. tract. 1. c. 6. Lacroix, *Theologia moral.* l. 1. n. 519 ss. Scaramelli, *Director. ascet.* l. 2. n. 421 ss. St. Ignatius, *Exercitia spiritualia*, Rules on scruples.

214. Causes of scruples are various, some internal, others external.

a. Natural disposition either of soul or of body: a melancholic disposition, a disposition prone to fears and suspicions, weakness of the head especially in women, and badly affected functions of organic life easily produce scruples. Scruples which arise from this source are accustomed to last for a long time and to manifest themselves in various ways; besides, they show themselves not only in moral matters, but also in other actions of human life.

b. God permits scruples by the counsel of wise providence for obtaining a determinate end: for God intends either a. that men be preserved from sin, or b. that the soul be purged from sins, or c. that it conceive fear of sin, or d. that it be prepared for performing great things for the glory of God. Scruples which are permitted by God cease after some time, procure horror of sin, and join the soul more intimately with God.

God cannot properly and directly be called the author of scruples, since they contain error and constitute an evil of the soul. Directly they proceed either from human nature vitiated by sin or from the evil demon, but God admits them and by His wisdom so moderates and directs them that they produce a good effect of the spiritual life.

c. The evil demon, God permitting, excites scruples in order to harm man, but especially in order to turn him away from divine things, from prayer, and from the use of the sacraments. Scruples which come from the demon do not manifest themselves in the same way; they draw man back from virtue and cast him into tepidity and desperation.

d. The reading of books that are too rigid, and the instructions and counsels of confessors and preachers who are prone to exaggerations and rigor, can produce scruples.

In young men and girls of timorous conscience, scruples concerning the matter of the sixth precept not rarely come from mere ignorance. Scrupulous persons of this kind are frequently healed of the disease by prudent instruction concerning those things which it is necessary for them to know.

215. Signs of scrupulous conscience: a. If someone thinks that he sins in those matters in which pious men and men of timorous conscience find no sin. b. If someone does not acquiesce in the judgment of the confessor, repeatedly seeks counsel concerning the same matter, and nevertheless does not obey, consults several and acquiesces in none. c. If someone exceeds measure in examining his actions, attends to the most minute circumstances, not only to those which were present, but also to those which could have been present, and therefore in confession explains even the least things. d. If someone always tries to repeat confessions anew. e. If someone pays prayers anxiously, continually begins anew and repeats them rather often. f. If someone uses inopportune external signs for repelling temptations.

216. Remedies for scruples. a. To consider scruples as a disease of the soul, which they truly are, and to conceive a firm proposal of laying them aside and employing remedies by which they may be removed. b. To commend oneself by prayers to God for obtaining this threefold grace: of attaining the end on account of which God sends scruples or permits them to be sent; of patiently bearing the cross of scruples, which consists in fears and internal anxieties; of obtaining liberation from this evil, if it shall please God. c. To contemn scruples, to act against them, i.e. not to do or omit what the scruple suggests; not to foster them by thought. d. To acquiesce in the judgment of the confessor and promptly obey his admonitions; obedience is the chief remedy of this infirmity. e. Before an action, not to judge that something is sin unless without deliberation one certainly and evidently knows it to be sin; after an action, not to judge that one has committed sin unless without examination one certainly and evidently knows that he has consented. f. Never to judge that an obligation rests upon oneself unless one perceives it certainly and evidently. g.

Never to be idle, but always to be occupied with labor, especially external labor; not to be solitary, so that the mind may be distracted from thoughts which foster scruples; not to use austerities which weaken the powers of the body, but in all things to preserve temperance.

217. The manner of acting of the confessor. a. Scrupulous persons are to be treated with great charity and patience: for they are sick persons worthy of commiseration, who cannot consult for themselves. Yet from excessive benignity that which increases scruples must not be conceded to them; indeed with a certain constant rigor there must be required from them what seems opportune for lessening or curing the disease.

b. Let him strive to know whether the penitent truly is scrupulous, what the origin of the scruples is, whether he is scrupulous in one matter only or in several. It belongs to the confessor to judge whether the penitent is scrupulous; scrupulous persons themselves almost always think that their fears are not empty.

c. In handing down counsels and responses let him be brief; let him speak not ambiguously and doubtfully, but definitely and determinately; let him furnish general rules (not particular ones) according to which scrupulous persons may direct themselves in particular cases; nor let him render to them the reason for those things which he prescribes.

d. Scruples are concerned chiefly with these three things: a. Scrupulous persons fear lest they have given assent to evil thoughts, especially against faith or chastity. In this case scrupulous persons are to be taught that not the thought or sense, but only the consent, is sin, and that thoughts and senses are to be contemned; besides, they are to be admonished not to accuse evil thoughts in confession unless they know so certainly that they have consented that they can swear concerning the consent. b. They fear lest past confessions have been either invalid or sacrilegious, whether because of a defect of integrity or because of a defect of sorrow. In this case let the scrupulous person be permitted once to make a general confession, if he has not made one before; but once a general confession has been made, let him not be permitted to say a word concerning past things which happened before the last confession, unless he knows most certainly that he committed grave sin and never said it; indeed sometimes it must be absolutely forbidden that he accuse anything concerning past things. c. In every action they fear sin or the danger of sin. In this case scrupulous persons must be enjoined to contemn scruples and fears, to act freely, indeed to operate against scruples, unless they evidently know sin in the action. But in confession it is not to be permitted that they explain at length, especially if there is question of shameful things, what they thought, what they did, how often they acted against conscience: for it is preferable that they accuse themselves concerning these things only in general, unless sin is plainly established.

e. Finally, let the confessor attend to the two things which are called the privileges of the scrupulous: a. namely, that scrupulous persons are not bound to that diligence in the examination of conscience which others must employ, because a more accurate examination does them no good but disturbs them more; b. that scrupulous persons are not bound to the confession of those things which they themselves think they have committed, whether from past life or from the last confession, but only to the confession of those things which by an obvious examination are evidently known to be grave sins, even if for this reason the integrity of confession sometimes is lacking, because they are excused from integrity on account of excessive inconvenience.

Whether there is an obligation of acting against a scrupulous conscience. Sometimes there is an obligation of acting against a scrupulous conscience: for scruples are diseases of the soul which bring damage to life both bodily and spiritual; therefore if grave damage threatens from them, there exists an obligation of fighting against scruples. Although this obligation of itself can be grave, nevertheless it is never grave as

regards individual acts; indeed the scrupulous themselves are almost always excused from grave fault on account of the infirmity under which they labor.[298]

Article Fourth.

On Certain and Doubtful Conscience.

§ 1. On Certain Conscience.

218. Notion and division. Certain conscience is that by which the mind firmly judges, without fear of erring, that an action is good and licit or evil and illicit.

a. By reason of the motive, strict or perfect certitude is distinguished, which wholly excludes every doubt and every fear of erring, even an imprudent fear; and broad or imperfect certitude, which excludes only every prudent doubt, yet rests upon motives of such a kind as truly merit assent excluding prudent fear of erring.

Broad or imperfect certitude is customarily called moral certitude. This must suffice for us in many matters even of the highest moment, because in these matters we cannot have a greater and more perfect certitude, e.g. concerning the validity of baptism or priestly ordination. Nevertheless it must not be confused with moral certitude which is improperly called by this name and signifies nothing other than a certain greater degree of probability, which nevertheless does not exceed the limits of probability.

b. By reason of the object, speculative certitude is distinguished, which is concerned with abstract truths or with the liceity of an action in general, e.g. to plow is a servile work, or servile works are prohibited on a feast day; and practical certitude, which is concerned with the liceity of an action to be placed here and now, e.g. today, even if it is a feast day, it is lawful for me to paint.

c. By reason of the mode in which it is acquired, direct and indirect or reflex certitude is distinguished. Direct certitude is called that which arises from the internal principles of reason, which demonstrate the truth of the matter itself and the honesty of the action; indirect certitude is called that which arises from external (reflex) principles, which do not demonstrate the truth of the matter itself and the honesty of the action, but from which nevertheless the honesty of the action is certainly gathered.

Let the example be a judge who must condemn the guilty and absolve the innocent. Now if from the judicial acts the accused is demonstrated guilty, the judge has direct certitude of the crime committed and forms a directly certain dictate of conscience: this accused person must be condemned by me. But if from the judicial acts grave reasons show the accused guilty, but other grave reasons show him innocent, he does not acquire direct certitude concerning the committed crime and a directly certain dictate concerning the accused to be condemned or absolved; but by applying this reflex principle: in doubt favor is to be shown to the accused, he forms an indirectly certain dictate: this accused person must be absolved by me.

219. Principles. 1. Certain conscience alone is the right norm of our actions: for from the Apostle, everything which is not from faith, i.e. which is not from certain persuasion that the thing which is done is honest and licit, is sin.[299] Certainly, he who operates with a conscience which is not certain voluntarily exposes himself to the danger of transgressing the divine will; but one acting thus virtually consents to the transgression of the precept, and therefore sins formally. Wherefore it is never lawful to act without certain conscience concerning the honesty of the action.

Notes

298. Cf. Stoz, *Tribunal poenit.* l. 1. pr. 5. n. 182.

299. Rom. 14, 23.

2. In order that we may follow conscience, it suffices that it be morally certain with imperfect certitude: for in our moral actions that certitude must suffice, of which the very nature of things does not admit a greater; but moral matters for the most part admit no certitude other than moral or broad certitude. Besides, for operating licitly a truly certain persuasion concerning the honesty of the action suffices; but morally certain conscience is truly certain.

A negative doubt does not impede the certitude of conscience, because it is founded either upon no reason or only upon a lighter and empty reason and is known as such by the agent. Therefore he who acts with a doubt of this kind nevertheless has a practically certain conscience. From this it is clear that negative doubt is to be spurned and only positive doubt in a moral matter is to be attended to.

3. For operating licitly any practically certain conscience suffices, even indirect conscience; for in order to operate licitly nothing else is required except certain persuasion that the action to be placed here and now is honest; but any practically certain conscience supplies this persuasion, whether by direct or reflex certitude.

§ 2. On Doubtful Conscience.

220. Notion. Doubtful conscience is that by which the mind suspends judgment concerning the honesty of an action, or indeed forms it, but with fear of erring.

a. Doubt accepted in general is a state of the mind concerning some proposition, by which the mind lacks certitude: for one is called doubtful who is not certain, whether he suspends judgment, or inclines to one side, or assents to one side with fear concerning the opposite. Therefore doubt accepted in this sense is opposed to certitude alone.

b. A twofold doubt must be distinguished, strict and broad: for the mind which does not possess a firm judgment concerning the honesty of an action can have itself in two ways; for either it assents to neither side, neither for liceity nor against liceity, but suspends assent (strict doubt), or it assents to one side rather than the other, but with fear of erring (broad doubt).

c. Doubt properly and strictly so called, since it is suspension of judgment or suspension of assent concerning some proposition, is opposed to all states of the mind by which the mind in some way assents to a proposition: suspicion, opinion, and certitude. For in suspicion the mind inclines to one side without nevertheless assenting to it; in opinion the mind assents to one side, but with fear; finally, in certitude it assents without fear.

d. Doubt properly and strictly taken can happen from a twofold reason: either because on each side there are either no reasons or only slight reasons, or because on each side equal or almost equal reasons militate. Therefore in doubt strictly accepted the mind is as the tongue of a balance which, placed in equilibrium, bends neither to one side nor to the other. But where on each side probable reasons are present, the will can move the mind to assent to one or the other.

221. Division. 1. By reason of the motive, doubt is called negative if either no reasons or only slight reasons of assenting occur; and it is called positive if a grave reason of assenting is present, which nevertheless does not exclude prudent fear of erring.

Positive doubt can happen in two ways: for either on each side there is a grave reason of assenting, or on one side only, while on the other no reason of assenting appears. The same must be said of negative doubt: for either on each side a reason of assenting is lacking, or on one side only, while on the other a reason of more or less firmly assenting is present, as if a priest doubts whether he consecrated duly, because reflexively he does not remember the consecration having been made.

2. By reason of the object, one doubt is speculative, which is concerned with the truth of a matter or proposition, e.g. whether painting is a servile work, or with the liceity of an action in general, e.g. whether it is lawful to paint on a feast day; another is practical, which is concerned with the liceity of an action now to be placed, e.g. whether it is lawful for me to paint today.

Therefore that doubt which is concerned with the liceity of an action in general is not customarily called practical doubt, but that which is concerned with the liceity of an action to be placed here and now.

3. Speculative doubt is either doubt of fact, which is concerned with a particular matter, e.g. whether I recited the hours, whether the child has been baptized, whether this food is meat; or doubt of law, which is immediately concerned with the law, or with a faculty of doing something, or with the value of an act, e.g. whether it is prohibited to hunt on a feast day, whether a parish priest can dispense from fasting, whether such a baptism is valid.

Practical doubt always supposes speculative doubt, whether of law or of fact, and arises from speculative doubt: for I would not doubt whether it is lawful for me to paint today unless I doubted whether painting is a servile work, nor would I doubt that I can baptize this child unless I doubted whether he has already been baptized. It is clear that it can happen that, while speculative doubt remains, a practically certain conscience can be had, namely indirectly.

222. Principles. 1. It is never lawful to operate with a practically doubtful conscience: for he who operates in this way, willing the action even if it were evil, consents to evil and therefore sins: for everything which is not from faith, i.e. from certain persuasion of liceity, is sin.[300]

a. The sin which one acting with practical doubt commits is of the same species and gravity as a sin committed with certain conscience. Therefore he who doubts whether that which he is about to do is a grave sin and nevertheless acts, sins gravely; and he who in doubt whether today one must abstain from meat nevertheless eats, sins against the precept of abstinence. Wherefore in confession it suffices to say: on a prohibited day I ate meat.

b. Nevertheless they are foolish who after the fact begin to be distressed and to inquire in books or from a confessor whether they have sinned; likewise those who act in doubt and afterward, knowing that the action placed was not evil, are no longer distressed: for the whole morality of the action depends upon the dictate of conscience antecedent to and concomitant with the action itself; subsequent doubt or knowledge cannot change the morality of the action placed.

2. He who doubts concerning the liceity of an action to be placed, before he acts, must lay aside the doubt and form for himself a practically certain conscience. But there exists a twofold way and method of laying aside doubt and forming for oneself a practically certain conscience, direct and indirect.

a. He attempts to lay aside practical doubt directly who inquires into the truth of the matter or the liceity of the action concerning which speculative doubt is concerned, by investigating internal reasons, consulting books or doctors, etc. Practical doubt is laid aside indirectly or reflexively by means of some reflex principle: for by means of these one can arrive at a practically certain conclusion that this or that is licit, while speculative doubt remains (n. 218).

b. If the doubt is concerned with a law or precept which obliges here and now, the direct mode of laying aside a doubtful conscience must be employed in the first place, namely by inquiring with moral diligence into the truth of the matter or the liceity of the action: for every law first obliges to knowledge

---

Notes

300. Rom. 14, 23.

of itself. Wherefore he who from negligence in the inquiry of truth exposes himself to the danger of transgressing the law, by this very fact sins. But in this investigation of truth the highest diligence must not be employed, namely by using all means which can be employed: for this would be an intolerable burden; rather, it suffices that moral diligence be employed, which alone is accommodated to human nature (n. 49). He who, after employing moral diligence, cannot arrive at knowledge of the matter is situated in invincible ignorance of that matter (n. 209).

3. But if a doubtful conscience can be laid aside neither directly nor indirectly, the action must be deferred, or, if the necessity of acting urges, the safer part must be chosen: for unless in this case the safer part were chosen, the action would be made with a practically doubtful conscience, which is always sin; but he who embraces the safer part certainly observes the law, even if perhaps he would not be bound.

The safer part is that which stands for the observation of the law and which therefore excludes every danger of sinning by one's action. Therefore in doubt whether it is lawful to place an action which can licitly be omitted, the action must be omitted; in doubt whether it is lawful to omit an action which can licitly be placed, the action must be placed.

Article Fifth.

On Probable Opinion.

223. Declaration. 1. The name opinion is used properly subjectively, improperly objectively. Opinion considered subjectively is a judgment by which the mind adheres to a proposition because of persuasive motives, but with fear concerning the opposite; and opinion considered objectively is the matter itself or proposition to which the mind adheres, because of persuasive motives, with fear concerning the opposite. In this objective sense we speak of probable opinion.

From these definitions it is clear: a. that opinion considered subjectively and probable conscience do not in reality differ: for probable conscience properly is a judgment by which the mind judges that some action is licit or illicit, but with fear of erring; b. that positive doubt accepted in a broad sense and opinion considered subjectively likewise do not differ: for any positive doubt is an opinion.

2. The probability of some opinion (or sentence) is that property of the same by which, on account of the motives by which it is supported, it merits the assent of a prudent man, although with fear concerning the opposite. Therefore the reasons by which it can be persuaded and proved constitute the probability of some sentence.

By its nature greater or lesser probability belongs to an opinion according to the diversity of the reasons upon which it rests. Therefore manifold divisions of probability are said equally of opinion: for we speak of an opinion as speculatively or practically, internally or externally, solidly or tenuously, certainly or doubtfully, absolutely or comparatively probable.

224. Division. Probability is divided in many ways:

1. Into speculative and practical: the former belongs to an opinion considered in itself and in the abstract; the latter belongs to an opinion considered in the concrete with the circumstances which affect it in particular cases.

From these things it is understood that it can happen that an opinion speculatively probable is not practically probable on account of scandal or the danger of sinning which would have to be feared in the concrete if someone acted according to that opinion. Thus this sentence, that a woman oppressed by force can hold herself passively on account of fear of death, is said to be speculatively, but not practically, probable, because

on account of the very great propensity of fallen man into venereal matters there threatens a danger of consenting to shameful delight.[301]

2. Into internal and external: the former is founded on reasons taken from the very nature of the matter; the latter is proximately founded on the authority of doctors. External probability of itself supposes internal probability, namely that the doctors were determined to embrace the truth from internal reasons.

a. According as the weight of the reasons or of the authority by which some sentence is supported is greater or lesser, so also the degree of probability, whether internal or external, is greater or lesser. b. But external probability must be estimated not so much from the number of authors as from their doctrine and prudence, and also from the study and diligence which they used in investigating the truth.

3. Into solid and tenuous: the former is constituted by a fallible but nevertheless grave and firm motive, which truly merits the assent of a prudent man; the latter rests upon a slight and empty motive, so that he who gave assent to it would be imprudent.

Therefore an opinion tenuously probable, being destitute of true probability, is in reality not probable. Yet there are authors who by the name of tenuous probability signify some slight but nevertheless true probability.

4. Into certain and doubtful, according as a grave and solid foundation, which suffices for constituting true probability, belongs to the opinion certainly or doubtfully or only probably.

5. Into absolute and comparative or relative: the former is had when the motives of the opinion are considered in themselves independently of the opposite opinion; the latter is had when the motives of the opinion are considered together with the opposite opinion and its motives.

To these must be added solitary probability, which is had when there are no opposed reasons, although nevertheless it does not attain certitude. Wherefore an opinion uniquely or solitarily probable is called that whose opposite opinion can be supported by no reason, although nevertheless it itself is not certain. Thus where an upright man, whose faithfulness or unfaithfulness has not hitherto been proved by experience, seriously promises something, his promise is a grave motive of trust, which does not furnish certitude, yet is weakened by no contrary reason. In moral theology, opinions uniquely probable are rare; but if there are any, by the very fact that no reason appears on the opposite side, their probability is greatly increased, so that it almost approaches moral certitude.

225. On opinions considered comparatively. 1. If opinions are compared with one another by reason of security from sinning where someone follows them, these distinctions must be noted:

a. That opinion is called safe which excludes the danger of formally sinning; b. that is called safer which more excludes sin; c. that is called less safe which less excludes sin. Therefore in the concurrence of opinions, of which one stands for the law, the other for liberty, the safer is that which stands for obligation, because it simply excludes the danger of sinning; the less safe is that which stands for liberty, because it does not exclude every danger of sinning.

b. That is called safe which is removed from evil and its danger; since in the present question there is question of sin, that is called safe which removes sin and its danger. The opinion for law alone is not simply safe, but both the opinion for law and the opinion for liberty can be safe.

Notes

301. Cf. Lehmkuhl I. n. 72.

c. Although of itself the opinion for law is safer, nevertheless from another source it can happen accidentally that the opinion for law is not safer: for on account of the difficulty of observing the law, an opinion safer in itself frequently practically induces the danger of sin.

d. A less safe opinion does not cease to be simply safe, although the opposite is safer; just as the less probable does not cease to be probable, although the opposite is more probable.

e. It is clear that it can happen that the more probable sentence at the same time is less safe, and that the safer sentence is less probable, because it can happen, and in reality sometimes does happen, that an opinion which stands for liberty is supported by graver motives than an opinion which stands for law.

2. If opinions are compared with one another by reason of probability, these distinctions are had:

a. Equiprobable opinions are called those which are supported by reasons equally or almost equally grave: for the moderate excess by which one is supported more than another does not prevent them from being called equally probable.

b. That opinion is called more probable which rests upon graver motives than its opposite, which is called simply probable or less probable.

Note. 1. In St. Alphonsus there also occurs: a. a most probable opinion, which rests upon very grave foundations; its opposite, on account of weak motives, is tenuously or doubtfully probable; b. certainly and notably more probable, whose foundations are certainly and without any hesitation much graver; its opposite is tenuously or doubtfully probable.

2. Since a notably more probable opinion and a most probable opinion are little distant from one another, they are practically equated.

3. Although a most probable opinion is not in itself morally certain, but only occupies the highest degree of probability, nevertheless practically it is equivalent to a sentence morally certain in the broad sense.

Question Second.

On the Moral System.[302]

Article First.

On the Various Systems.

226. For what it serves. The moral system must perform its office whenever there is a doubt concerning the obligation of a law which cannot be solved directly. Namely, when a founded doubt concerning the liceity of his action or omission and concerning the existence of a law, whether prescribing or prohibiting, arises for the agent, first of all he is bound seriously to inquire into its existence. But if he has arrived at certain knowledge of the law, he must observe it holily (n. 143). Yet innumerable are the circumstances of human life in which doubt concerning the obligation of a law and therefore concerning the liceity of an action arises, without its certain knowledge being able to be reached. Here the question offers itself: in what way, in circumstances of this kind, ought man to conduct himself according to the will of God? Namely, it is asked whether, from the will of God, the supreme legislator, even doubtful laws, concerning whose obligation it is not established with certitude, must be observed, or whether from the will of the

---

Notes

302. Cf. Fr. Mannhart, *De ingenua indole probabilismi* (Augustae Vindel. 1759). Leimbach, *Untersuchungen uber die verschiedenen Moralsysteme* (Fulda. Aktiendruckerei. 1894). Ludwigs, *Zur Frage uber das Moralsystem* (*Zeitschrift f. k. Theol.* 1878 S. 1 ff.). *Der Katholik*, 1874, Probabilismus und probabilistische Systeme. *Kirchenlexikon*, Moralsysteme. Schindler S. 213 ff.

same it suffices that laws be observed of whose existence we have certain knowledge. And if it is established that from the will of God it is not necessary that even doubtful laws be observed, it is further asked by what reason, while doubt concerning the obligation of the law remains, one can arrive at a practically certain conscience. For from doubt concerning the obligation of a law there immediately arises a practically doubtful conscience; but it is not lawful to act with a practically doubtful conscience. Therefore any moral system proposes to itself a twofold question to be solved: concerning the obligation of a doubtful law and concerning the way and method of arriving at a practically certain conscience when there exists doubt concerning the liceity of an action in general.

227. What it is. By the name of moral system is understood a complex of principles by the help of which, from speculative doubt concerning the obligation of a law, one can arrive at a practically certain conscience.

It is called a moral system: a. because it contains several principles cohering among themselves by a logical connection, by whose help the chief question of moral theology is solved; b. because it exercises a very great influence on the whole of moral theology and its character, since the principle of the system is a most fertile principle of moral theology, which supplies a norm of judging concerning the existence of a precept and therefore a norm of acting in very many questions.

228. How many there are. Moral systems are numbered as altogether six, which solve the proposed questions in a diverse way: absolute tutiorism, mitigated tutiorism, probabiliorism, equiprobabilism, probabilism, and laxism. In order that the formula by which each system is exhibited may be understood, this must be noted: whenever the existence or obligation of a law is doubtful, two opinions more or less probable are opposed to one another, of which one stands for the obligation of the law, the other for liberty from the law. The formulas of the individual systems are called their principles, which are customarily exhibited in this way:

1. Absolute tutiorism teaches: we must follow the safer opinion (for the law), even if the contrary opinion for liberty is most probable.
2. Mitigated tutiorism teaches: we must follow the safer opinion, unless the contrary opinion for liberty is most probable.
3. Probabiliorism teaches: we can follow the less safe opinion for liberty if it is more probable than the contrary opinion for the law.
4. Equiprobabilism teaches: we can follow the less safe opinion for liberty if it is equally probable as the opposite opinion for the law.
5. Probabilism teaches: we can follow the less safe opinion for liberty if it is truly probable, even if the opposite opinion for the law is more probable.
6. Laxism teaches: we can follow the less safe opinion for liberty even if it is only tenuously or doubtfully probable.

If we compare the principles of these systems with one another, these things are manifest:

a. All the systems can be referred to two classes, of which one contains tutioristic or antiprobabilistic systems, namely the two former, and the other probabilistic systems, namely the four latter. The former favor law more, the latter liberty more; the former are systems of the Jansenists, the latter systems of Catholics.

b. These two kinds of systems differ from one another especially in this, that tutioristic systems admit only a directly certain conscience and therefore reject the use of probable opinion and of reflex principles;

but probabilistic systems admit an indirectly certain conscience and therefore also declare licit the use of probable opinion and reflex principles for forming an indirectly certain conscience.

c. Two of these systems, absolute tutiorism and laxism, are illicit, as being reprobated by the Church; but the other four are indeed licit, since they are not reprobated by the Church, yet only one can be true, because they mutually exclude one another.

§ 1. On Absolute Tutiorism.

229. Absolute tutiorism teaches: it is never lawful to follow the opinion for liberty, even if it is most probable.

1. This doctrine, rigoristic beyond measure, was defended by Sinnichius (d. 1666), a doctor of Louvain, and the Jansenists maintain it. For since the Jansenists taught that there are precepts which are impossible for men, and that grace is not given by which they would become possible, they tried to increase the burdens and precepts imposed on the faithful in order to protect this doctrine.

2. Their arguments are these: a. It is a received axiom: in doubt the safer part is to be chosen; but the safer part stands for the law; therefore we are always bound to observe the law, unless it is certain that the law never existed or has already ceased. b. It is not lawful by one's action to expose oneself to the danger of sinning; but even he who follows a most probable opinion exposes himself by operating to the danger of sinning: for even a most probable opinion can be false.

3. Refutation. a. This doctrine has been reprobated by the Church: for by Alexander VIII this proposition (3) was condemned: it is not lawful to follow an opinion even the most probable among the probable. b. He who simply teaches that in doubt that must be done which is safer falsely affirms that what is of counsel is a precept: for God does not oblige to that which is safer, but to that which is simply safe. c. He who affirms that even doubtful laws must be observed imposes against the will of God an intolerable yoke on the faithful and makes divine precepts impossible for them; but it is lawful for no one to impose obligations from which God wills the faithful to be immune, lest precepts be rendered impossible for them. d. What the tutiorists add, that it is lawful for no one by acting to expose himself to the danger of sinning, is true if there is question of the danger of formally sinning; but it is not necessary that even the danger of materially sinning always be excluded, as will be clear below.

§ 2. On Mitigated Tutiorism.

230. Mitigated tutiorism teaches: it is not lawful to follow the opinion for liberty unless it is most probable.

1. This system, which likewise involves exaggerated rigorism, was maintained in the 17th and 18th century by the doctors of Louvain, more devoted than was right to Jansenius: Opstraet (d. 1720), Steyaert (d. 1701), Henry of St. Ignatius (d. 1719), etc. They indeed tried to soften the harshness of the Jansenian doctrine in this way, by admitting a most probable opinion for liberty. Moreover, they defend their doctrine by the same arguments as the Jansenists. In recent time Cardinal Gerdil (1802) acceded to this opinion, which now no one any longer holds.[303]

There are several probabiliorists (Antoine, Gazzaniga, Patuzzi, L. Habert, etc.) who exaggerate the greater probability which they require for acting licitly against the law to such an extent that the more probable opinion becomes most probable and their probabiliorism degenerates into tutiorism.[304]

Notes

303. Gerdil, *Opere edite ed inedite* (Firenze. Gelli. 1850). Vol. VII. c. 3. et 4.

304. Cf. Bouquillon l. c. p. 544. note 3.

2. It is refuted by the same arguments as absolute tutiorism; besides, it must be noted that mitigated tutiorism has not indeed been proscribed by the Church, but necessarily falls back into proscribed doctrine unless it wishes to affirm that it is lawful to act with a practically doubtful conscience: for the most probable opinion which it is lawful to follow against the law either produces a certain conscience or it does not; if the first, we fall into condemned tutiorism; if the second, it is lawful to act with a practically doubtful conscience, which is false.

§ 3. On Probabiliorism.

231. Probabiliorism teaches: it is lawful to follow the opinion for liberty if it is more probable than the opposite for the law.

As regards the degree of greater probability which the more probable opinion must carry before itself in order that it be lawful to follow it, probabiliorists do not agree: for some require that it be notably more probable and therefore almost morally certain; others require that it be more probable to such an extent that the mind can assent to it. Besides, some assume a reflex principle for informing conscience; others admit none, contending that in order to operate honestly conscience need not be practically certain.

1. This doctrine was little known among moralists until the middle of the 17th century. From that time theologians of the Order of Preachers defended probabiliorism with such agreement that up to the beginning of the last century hardly a Dominican theologian could be found who was not a probabiliorist. To these several other theologians, both secular priests and regulars of other orders, joined themselves.

Among the Dominicans are eminent: Mercorus, Gonet, J. Martinez, Vincent Baronius, Contenson, Natalis Alexander, Concina, Billuart, and Patuzzi, whom St. Alphonsus had as a most keen adversary. At this same time other theologians also of every order, both seculars and regulars, acceded to this doctrine, from whom these are to be named: Prosper Fagnanus, Collet, Cabassutius. Of the theologians of the Society of Jesus, those devoted to probabiliorism are: Blancus, Thyrsus Gonzalez, Camargo, Estrix, Gibert, Elizalde, Malatra, and Antoine. At the present time, especially after the ecclesiastical approval which the moral books of St. Alphonsus obtained, there will scarcely be a theologian who defends probabiliorism.

2. Their argument is: just as in doubt concerning truth we are bound to embrace that sentence which approaches more to the truth and excludes more the danger of erring, so in doubt concerning honesty we are bound to follow the sentence which approaches more to the truth and excludes more the danger of sinning; but the more probable opinion approaches more to the truth and removes more from sin.

3. Refutation. a. Either they admit reflex principles for forming a certain conscience or they do not admit them; if the first, by logical necessity they arrive at probabilism; if the second, they necessarily at last fall into absolute tutiorism, since it is not lawful to act with a practically doubtful conscience.

Those who admit a reflex principle form a practically certain conscience in this way: he who does what he prudently judges to be licit does not sin; but he who follows the more probable opinion does what he prudently judges to be licit; therefore he who follows the more probable does not sin. - Now they cannot effectively prove the minor in another way except by an argument taken from invincible ignorance of the law; but this argument consequently leads to probabilism: for the law is invincibly unknown whether the opinion against the law is more probable or probable.

b. A moral system cannot be true which not only imposes an intolerable burden on the faithful, but besides brings this inconvenience, that its use is impossible both for confessors and for the faithful; but probabiliorism is of this kind. For for the licit use of some opinion it would be necessary to inquire which opinion is more probable; but this is impossible for most. Besides, it casts all who are of timorous conscience into innumerable scruples and perplexities, especially because that which to one is certainly more probable

seems to another at most probable, and that which to the same man today appears probable, tomorrow seems to be more probable.

c. Their argument, which has deceived many, contains two things which are false. a. It is false that the more probable opinion approaches nearer to the truth: for in order that this could be affirmed, the truth would have to be known. It must be said: the more probable opinion has a greater appearance and likeness of truth and is more often joined with truth than with falsity, but nevertheless it can be just as false as the opposite probable opinion. Therefore neither of contradictory sentences, of which one must be true, approaches truth more or less than the other: for each either coincides with truth or is contradictorily opposed to it. b. The order of knowledge is confused with the order of operation: if in doubt concerning truth there is question of consent to be given to one opinion or the other, we must assent to that which appears more probable on account of graver reasons; nevertheless at the same time we know that the law is uncertain; but now we are not bound to follow an uncertain law.

On a similar confusion rests the example sung again and again by probabiliorists and equiprobabilists. If two ways offer themselves to one seeking Rome, of which one more probably leads to Rome, only this one can prudently be chosen. - Indeed he would be mad who chose the other, which less probably leads to Rome. But cases of this kind, in which there is question of a means necessary for attaining an end and of damage necessarily to be avoided, are solved not by the probabilistic principle but by the tutioristic principle. But where there is question of a doubtful law, he who follows the less probable certainly avoids the only damage to be feared from the fact that he perhaps does not observe an existing law, namely formal sin.

§ 4. On Laxism.

232*. Lax probabilism or laxism teaches: it is lawful to follow the opinion for liberty, even if it is only doubtfully or tenuously probable.

1. No one has taught lax probabilism in these terms or as a principle and moral system: for those who affirm that even slight probability suffices say that it is nevertheless one which merits prudent assent. Nevertheless there are authors who are called laxists, such as Sancius (John Sanchez), Leander, Diana, Bauny, Moya, and especially Caramuel, whom St. Alphonsus calls the prince of laxists.

2. Therefore they are called laxists not because they defend a system too benign, but a. some because they exhibit the principle of probabilism in such a way that it can be taken in the more benign part: for they say that it is lawful to follow the less probable, without excluding the doubtfully or tenuously probable; b. others because they do not restrict the principle of probabilism sufficiently to its proper matter, but extend it also to other matters in which it cannot licitly be employed; c. finally, others because in reality in particular questions they admit opinions as licit which, as being only doubtfully or tenuously probable, are too benign.

3. Refutation. a. The principle of laxism has been condemned by the Church in proposition 3 of Innocent XI: "Generally, while trusting in probability whether intrinsic or extrinsic, however tenuous, provided one does not go beyond the limits of probability, we always act prudently." b. A law whose obligation is not truly doubtful must be observed; but doubtful or tenuous probability which is against the law does not render this law truly doubtful. c. If the opinion for liberty rests upon a tenuous or doubtful reason, the law is judged morally certain, if not with direct certitude, at least with indirect certitude: for it is certain that man cannot follow doubtful, slight, and improbable reasons.

An opinion tenuously probable is not simply improbable, which is in no way contained within the limits of probability, but is an opinion resting not upon a grave and solid foundation but only upon a slight and apparent one, so that it is contained within the limits of tenuous and doubtful probability, not true and

certain probability.[305]

§ 3. On the System of Probabilism.

233. Probabilism teaches: where there is question of the honesty alone of an action, it is lawful to follow an opinion truly and certainly probable, even if the opposite opinion for the law is more probable. This principle the more recent authors now commonly hold, such as Gury, Ballerini, Lehmkuhl, Sabetti, Bucceroni, Bouquillon, Delama, Rappenhoner, Gopfert, Van der Velden, Raphael a St. Joseph, Waffelaert, Haine, Genicot, Schindler, and others.

Where there is question of the licit or illicit alone. By these words the ambit of probabilism is determined.

1. There are actions or omissions in which there is question of their honesty or liceity alone, and there are actions or omissions in which there is question not only of their liceity, but besides this of an end or effect necessarily to be obtained through them, or of an evil necessarily to be avoided. Therefore doubts concerning actions to be placed or omitted are of two kinds: some regard actions in which there is question of the liceity of the action alone; others regard actions in which there is also question of an effect necessarily to be obtained through them, or of an evil necessarily to be avoided.

If it is doubtful whether that food is meat, and therefore whether on a prohibited day it is lawful to eat it, there is question of the liceity alone of this action. If it is doubtful whether this matter is water, and therefore whether it is lawful to baptize in it, there is question not only of the liceity of this action, but at the same time it is asked whether it can produce the effect which must necessarily be obtained through baptism, and whether through it the evil which must necessarily be avoided is guarded against, namely damage to the soul which arises from the frustration of the sacrament. If you do not know whether that which lies hidden in a thicket is a man or a beast, and therefore whether it is lawful to fire at it, there is question not of the liceity alone of this action, but at the same time it is asked whether through it the evil necessarily to be avoided, namely the killing of a man, is guarded against. In doubts of the latter kind, it is not so much asked whether the action is licit, but rather whether the action is a suitable means of obtaining a necessary effect, whether by its placing the evil necessarily to be avoided is sufficiently guarded against.

2. The principle of probabilism can be employed in doubts concerning actions of the first kind, but not in doubts concerning actions of the latter kind: for in the former the law or obligation is doubtful; but in the latter the law or obligation is not doubtful, but altogether certain, and therefore the action or omission is certainly illicit or certainly prescribed. Therefore only in those doubts in which there is question of the honesty of the action is it lawful to follow a probable opinion, because in these alone the law and obligation are doubtful. Since in other doubts the obligation is certain, they wander outside the ambit of probabilism, which by its own nature is concerned with doubtful laws. Therefore in all doubts in which there is question of an end necessarily to be obtained, the safer part is to be chosen, so that the necessary end may certainly be obtained.

Thus in the examples given, certainly it is not lawful to baptize so long as it is doubtful whether the matter is water, because baptism must be certainly valid; and certainly it is not lawful to fire so long as it is doubtful whether the shot falls upon a man, because it is not lawful to introduce the danger of killing. And certainly: he who is bound to the end is also bound to employ means through which the end is certainly obtained, and he who must absolutely guard against an evil must also guard against the action by which the danger of the evil is introduced.

Notes

305. Cf. Viva, *Damnatae theses*, in prop. 3 condemned by Innocent XI.

234. When the safer part is to be chosen. In a twofold case one must act according to the principle: in doubt the safer part is to be chosen: a. in practical doubt, if someone cannot form for himself a certain conscience concerning an action to be placed here and now (n. 222, 3); b. in all those cases in which the law, beyond the honesty of the action, enjoins the obligation of obtaining some effect or avoiding some evil. But the cases in which there is question of an end absolutely to be obtained or of an evil necessarily to be avoided can be reduced to three heads:

a. Where there is question of a means necessary for salvation: for by the precept of charity eternal salvation must necessarily be obtained, eternal damnation necessarily avoided; therefore where there is question of a condition upon which eternal salvation depends, that condition must be employed in such a way that eternal salvation is not brought into danger.

b. Where there is question of the value of a sacrament: for from the virtue of religion and charity, and indeed also of justice, the minister must administer the sacraments validly, lest injury be inflicted on God or damage on man; therefore where there is question of a thing upon which the value of a sacrament depends, a certain means must be chosen, unless necessity is present, or unless the Church supplies the defect; concerning this twofold exception it will be said in the treatise on the sacraments.

c. Where there is question of the certain right of another: for from justice the right of one's neighbor must be preserved unharmed; therefore any action by which the certain right of one's neighbor is brought into danger must be omitted. Wherefore a physician is bound to employ safer and more certain means, so long as they can be had, both so that the effect necessarily to be obtained may be obtained and so that the evil necessarily to be avoided may be guarded against. The same must be said in similar cases, as concerning a hunter, to whom it is not lawful to fire where he judges only probably that a beast and not a man will be killed.

There are some who less aptly call these cases, in which the safer part must be chosen, exceptions from the principle of probabilism: for the principle does not suffer exceptions; and in reality they are not exceptions, since they do not pertain to the proper matter of probabilism, but are placed altogether outside its ambit. Certainly the principle of probabilism is referred to those cases in which a doubtful law occurs; but where there is question of an end necessarily to be obtained, the doubt is concerned with the efficacy of the means for obtaining the end, and in no way with obligation.

235. Declaration of the principle. 1. In order that someone may follow a probable opinion with a safe conscience, it is required: a. that it be truly and solidly probable, and indeed for the very one who follows it: for otherwise the law is not truly doubtful and uncertain for him; b. that the opinion be certainly probable: for doubtful probability is not true probability; besides, an opinion which is not certainly probable cannot serve for forming a practically certain conscience concerning the honesty of the action.

Therefore by the fact that the opinion must be truly probable, the use of an opinion tenuously probable is excluded; by the fact that it must be certainly probable, the use of an opinion doubtfully probable is excluded.

2. In order that some opinion can be called truly and solidly probable, these three things are required: a. that it rest upon a truly grave motive of reason or authority; b. that neither a definition of the Church nor certain reason is opposed to it; c. that it be relatively probable, i.e. that its motives, compared with the motives of the opposite sentence, retain their probability; but it is not required that the degree of probability of one be compared with the degree of probability of the other.

Whether an opinion probably probable must be held as truly and solidly probable depends upon the sense which is subjected to the term probably probable: for if an opinion is called probably probable which is

affirmed on account of a reason truly grave and prudent, it is certainly truly and solidly probable; but if that opinion is called probably probable which is affirmed on account of a reason which is not certainly, but only doubtfully and probably, truly grave and prudent, it cannot be called truly (certainly) and solidly probable.[306]

3. Even if the opposite is truly more probable: for the more probable opinion for the law can be neglected so long as it itself is within the bounds of true probability and is not morally certain.

a. I have thought one must abstain from the affirmation "even if the opposite is certainly more probable," because some authors equate an opinion certainly more probable with an opinion notably more probable, whose opposite is not truly and certainly probable, although the term certainly more probable by its force in no way signifies an opinion notably more probable. Wherefore to an opinion certainly more probable for the law, of itself there can be opposed an opinion truly and certainly probable for liberty. Indeed, from the rules of logic, of itself nothing prevents even an opinion much or notably more probable from being opposed on the other side by an opinion truly and certainly probable; nevertheless in moral matters it can scarcely happen that an opinion is known as truly and certainly probable whose opposite is certainly demonstrated to be much or notably more probable.

b. Against this affirmation the probabiliorists object: the greater probability of one opinion eliminates or destroys the lesser probability of the opposite; therefore the less probable in the concurrence of the more probable is not probable. - Greater probability eliminates the lesser can signify two things: either the greater force of arguments on one side by that very fact brings it about that the force of the arguments of the other part becomes lesser; or the greater force of arguments on one side altogether destroys the probability of the other part. Now if the probability of each opinion is taken from the same principle, the increase of one by that very fact depresses the probability of the other; but if the probability is taken from diverse principles, the greater probability of one does not by that very fact diminish the lesser of the other, but the latter retains its force, even if the opposite is greater, because it deduces its arguments from other principles, "just as," says St. Alphonsus, "a weight of ten pounds by no means brings it about that a weight of eight pounds placed in the other pan ceases to be, and to be truly called, heavy."[307] But indeed in either case, whether probability is taken from the same or from diverse principles, the greater probability destroys the opposite if its excess is so notable that it approaches closely to moral certitude: for then the opposite becomes doubtfully or tenuously probable.

236. On external probability. There is no doubt that external probability can constitute an opinion truly and certainly probable: for if several authors, and those grave, say that an opinion is probable, ordinarily it cannot happen that it is not supported by probable internal reasons. Therefore of itself it is lawful to follow external probability which truly militates for some opinion, even if its internal motives are not known.

a. Not only a sentence which is called probable by most theologians, but also a sentence which five or six theologians distinguished for probity, science, and prudence hold as true or probable must be judged truly and certainly probable, unless their authority is weakened either by a declaration of the Church or by manifest reason.

b. One author ordinarily does not suffice to constitute a sentence truly probable against the authority of others; therefore proposition 27 was condemned by Alexander VII.[308] Nevertheless it cannot be denied that it can happen that even one author renders an opinion truly probable: namely, if an author grave and

---

Notes

306. Cf. Ballerini-Palmieri I. n. 190.

307. Scholastic-moral dissertation for the moderate use of probable opinion in concurrence with the more probable, from the year 1755. n. 13.

of great name treats some question seriously and diligently ex professo, confirms his sentence by grave reasons which others have not brought forward, and sufficiently solves the contrary reasons of others, his authority suffices for procuring true probability for the sentence. Today this can be affirmed with the more confidence because the holy see expressly declared that a confessor who follows the doctrine of St. Alphonsus only on account of his authority is not to be disturbed, even if he has not weighed his reasons.

c. Since external probability is essentially founded upon internal probability, it is not lawful to appeal to external probability when the sentence is known to be false and therefore destitute of probable reason, even if authors of great name hold that sentence. External probability with precision from internal probability can be invoked only when there is question of an obscure matter entangled with difficulties which has not yet been sufficiently explained by authors.

d. Concerning internal probability, only learned men and those very versed in moral matters can judge; to these that is probable which, after all things have been diligently considered, appears to rest upon grave reasons. Concerning external probability, learned and unlearned can judge. To the latter that is probable, indeed practically certain, which is said to them by a learned and upright man (parish priest, confessor), if there is no serious reason for doubting his authority. But if there is reason for doubting, they are bound to inquire further. From these things it now follows: a. if a theologian furnished with sufficient doctrine diligently and without disordered affection considers a sentence and finds it resting upon a grave reason, he can follow it as probable for himself; b. an uneducated man can stand by the sentence of a confessor or parish priest whom he knows to be upright and prudent; c. a confessor or parish priest in practical questions can follow the authority of approved theologians, indeed even of one truly grave and approved doctor, especially St. Alphonsus.

237. The principle is demonstrated. 1. From reason:

a. A doubtful law does not oblige; but a law against which true and solid probability is had is truly doubtful; therefore a law against which true probability is had does not oblige.

To the major. Only a known law can induce obligation: for law cannot oblige the will immediately and of itself, but in order that the will remain obligated, the law must be exhibited and applied to it through knowledge; therefore only a known law can oblige the will, which St. Thomas teaches in these words: no one is bound by some precept except through knowledge of that precept;[309] but so long as the intellect doubts concerning the existence of the law, it does not know the law: for only certain knowledge is true knowledge; he who doubts concerning some truth knows the doubt concerning it and the obligation of inquiring into its existence, but he does not know the truth itself; therefore a doubtful law cannot oblige the will.

To the minor. Certitude and an opposed probability concerning the same truth mutually exclude one another; therefore so long as the opinion for liberty is probable, the opinion for the law cannot be certain. But it makes no difference whether this opinion is less, equally, or more probable, provided the opinion for liberty is probable.

Notes

308. "If a book is by some younger and modern author, the opinion ought to be judged probable, provided it is not established that it has been rejected by the apostolic see as improbable." This proposition is false, because it affirms that for the probability of an opinion it suffices that it be called probable by a modern author and has not been rejected by the Church.

309. *De verit.* q. 17. a. 3.

Others demonstrate the major proposition in this way: a law which is not sufficiently promulgated does not oblige; for promulgation is necessary so that a law may obtain the force of obliging; but a doubtful law is not sufficiently promulgated. But it is better to take the argument from knowledge of the law, so that it may be effective from every side.

b. An uncertain law cannot induce true obligation; but a law against which a truly and solidly probable opinion militates is truly uncertain; therefore a law against which a probable opinion militates cannot impose certain obligation.

To the major. The right of liberty, and indeed certain and innate liberty, precedes the right of law and its obligation. Certainly, if the rights of law and the rights of human liberty are compared with one another, it must be said that according to the order of nature the right of liberty precedes and the right of law and obligation follows, even if not in time, at least in nature and reason: for obligation supposes a free will which is bound; but a certain right cannot be restricted except by a certain obligation: for the effect cannot be greater than its cause; therefore an uncertain law cannot produce certain obligation.

a. This argument is taken from the relation which exists between liberty and law. As regards positive law, both divine and human, liberty is anterior to law in time, since those things which are prohibited by positive law are licit of themselves and become illicit only through a law enacted in time. But where there is question of the law of nature, which is eternal law, liberty is anterior to law by reason. And certainly by the very fact that man has been created by God, according to his whole essence he depends on God and is subject to Him. From this dependence follows the debt of contracting obligations which God shall have willed to enjoin upon him, and the obligation of investigating and knowing laws if He is going to give any to him. In this sense man is not born free but subject to God: for this debt of subjecting oneself to all divine laws precedes liberty or rather coexists with liberty. But if there is question of a determinate law to which a particular rational creature is subject, liberty precedes law by reason. For God by reason first conceives the essence of the creature and its liberty, and by reason afterward the law to which it is subject: since law by its own nature is a means by which the creature is directed to its proper end, first of all the nature must be known, so that the law suitable to it, by which it is directed to the end, can be determined. Therefore sacred Scripture says: *God from the beginning constituted man and left him in the hand of his own counsel; He added His commandments and precepts*;[310] and St. Thomas says: that is called licit which is prohibited by no law.[311]

b. From these arguments it is established that of itself only certain knowledge of law obliges the human will; yet if the opinion for the law is most probable or notably more probable than the opposite, we are bound to observe the law. For although an opinion of this kind does not attain true certitude, nevertheless practically it is equivalent to a certain sentence, because its opposite is not truly and certainly but only doubtfully or tenuously probable, and therefore cannot supply a norm of acting, since it does not suffice for informing a practically certain conscience. Hence it happens that an opinion of this kind is called quasi morally certain or practically certain.

238. 2. From authority. A moral system cannot be false which in any time whatever is explained, vindicated, and employed in particular questions as a rule of morals by the greater part of theologians; of this kind is the probabilistic system.

Notes

310. Eccli. 15, 14. 15.

311. In 4. dist. 15, q. 2. a. 4. ad 2.

To the major St. Alphonsus notes: if the principle of probabilism were false, so many doctors would not have admitted it, nor would the Church have tolerated it: for the Church can tolerate by prudent silence particular erroneous opinions, but not others "which contain a general doctrine, as is the benign sentence, which imports the direction of all consciences concerning all particular cases; whence, if it were false, the deception of the whole Christian people would have been brought in."[312]

The minor will be confirmed by the following historical survey. a. In the first centuries of the Church this question is not explicitly proposed, namely by what reason doubts concerning the obligation of a law are to be solved; therefore neither is any principle conceived in a determinate formula found, by which the question is resolved. Nevertheless in the practice of the Church several indications of the probabilistic principle are had: for in particular questions doubts are resolved according to the probabilistic principle.[313]

b. In the Middle Ages not only does the use of this principle occur in particular questions, but the principle itself occurs implicitly and virtually: for truths are handed down from which the principle of probabilism is deduced by necessary inference; indeed formulas occur which exhibit it equivalently. Yet it is not denied that at the same time formulas are also found which rather favor probabiliorism and tutiorism.

c. Bartholomew Medina was the first of all to propose explicitly and demonstrate by arguments the principle of probabilism (1577). This principle so pleased theologians of every order that by common consent they accepted it and for almost an entire century, with scarcely anyone protesting, explained it in published books and applied it to particular cases.

d. Around the middle of the 17th century the attacks against probabilism began. Besides one or another theologian, the Jansenists rose against it with more bitter anger; in attacking the system, the Dominicans by common consent joined them (1656). Thence it happened that theologians, as regards the moral system, were split into two parts: some from any school defended probabiliorism; others likewise from any order held and vindicated probabilism. With great contention and keen zeal the battle was fought on each side; nevertheless the greater part of doctors always adhered to probabilism.

Three principal reasons can be assigned on account of which several authors, having left probabilism, embraced probabiliorism: a. The license of opining of many authors, who, led by a slight reason, sold opinions scarcely probable as probable and practically licit. Now they thought they could remedy this evil effectively only by leaving the system of probabilism itself. b. The attacks of the Jansenists, who, carried away by hatred against the Society of Jesus, were denouncing the moral system to which most theologians of the Society were devoted as the source of laxism and the corruption of morals. c. The condemnation of proposition 3 of Innocent XI (n. 231); for several theologians thought that by this proposition not only the use of a tenuously probable sentence, but the system itself of probabilism as the source of laxism, was condemned.

e. In the midst of these disturbances, by the wonderful counsel of providence, God sent St. Alphonsus to His Church, who by his works brought it about that disputes were ended and Jansenian rigor and the system of probabiliorism went into exile from the borders of the Church.[314]

239. 3. From the approval of the Church. a. The Church has indeed never explicitly approved probabilism; but implicitly it clearly and indubitably manifests its mind by that peculiar approval by which it marked

---

Notes

312. St. Alphonsus, Scholastic-moral dissertation for the moderate use of probable opinion in concurrence with the more probable, year 1755, apud Ballerini-Palmieri I. p. 194.

313. Cf. Christianus Lupus, *De antiquitate et legitimo usu sententiae probabilis.*

314. Cf. Bouquillon, *Theolog. mor. fundam.* n. 304 ss. *Kirchenlexikon*, Moralsysteme.

the moral works of St. Alphonsus, namely by which his opinions are declared practically safe. But it is impossible to approve the opinions which are contained in the works of the holy doctor without indirectly and implicitly approving the moral system by whose use and application the individual sentences were deduced and established; but the system which St. Alphonsus used in writing moral theology is simple probabilism.

It cannot be denied that the (negative) approval of the Church is referred to all the writings of the holy doctor and therefore also to the dissertations in which he first maintains probabilism and then either truly or apparently equiprobabilism. But likewise it cannot be denied that the positive and peculiar approval by which his writings are celebrated with great praises, because he fortified for moderators of souls a safe way between laxer and more rigid sentences,[315] is attributed especially to his moral theology. For he did not bring it about by his dissertations concerning the moral system that he paved a middle way between laxism and rigorism, but chiefly by the solution of particular questions, whereby by prudent judgment among lax and rigid opinions he chose safe ones. But in choosing opinions, employing the principle of probabilism, he investigates this one thing: whether the opinion is probable; and the opinion which he judges still probable, he proposes and commends to the reader as a norm of acting.

b. The equiprobabilists contend that the Church has openly turned away from the system of probabilism and has tried to extinguish it. To prove this they call the principal document the decree of Innocent XI or of the Holy Office, 26 June 1680, whose first part is directed to Fr. Thyrsus Gonzalez, the other to the general of the Society of Jesus, Fr. Oliva. The authentic form of the decree is this:

When the relation had been made by Father Laurea concerning the contents in the letters of Fr. Thyrsus Gonzalez, S.J., directed to Our Most Holy Lord, the most eminent lords said that it should be written by the secretary of state to the apostolic nuncio of Spain, that he signify to the said Thyrsus that His Holiness, his letters having been benignly accepted and read not without praise, commanded that he himself freely and intrepidly preach, teach, and defend with the pen the more probable opinion, and also manfully attack the sentence of those who assert that in the concurrence of the less probable opinion with the more probable so known and judged, it is lawful to follow the less probable, and that he make him certain that whatever he shall have done and written in favor of the more probable opinion will be pleasing to His Holiness.

Let it be enjoined upon the Father General of the Society of Jesus by order of His Holiness, that he not only permit the Fathers of the Society to write for the more probable opinion and to attack the sentence of those asserting that in the concurrence of the less probable opinion with the more probable so known and judged, it is lawful to follow the less probable; but also that he write to all the universities of the Society that the mind of His Holiness is that anyone, as it shall please him, freely write for the more probable opinion and attack the aforesaid contrary one, and that he command them to submit altogether to the mandate of His Holiness.

a. Thyrsus Gonzalez, then professor at Salamanca, had given repeated letters to the supreme pontiff and at the same time had sent a little work against probabilism, in which he sets forth that all theologians of the Society are devoted to probabilism and that no one dares to attack that doctrine and defend the opposite, lest he incur the offense of superiors. In these few things the occasion of the decree is contained.

b. Innocent XI turned away from probabilism and desired that it be extinguished, but by his supreme authority he neither extinguished it nor did anything else against it. But from the fact that the supreme

---

Notes

315. Pius IX in apostolic letters concerning the confirmation of the title of doctor, 7 July 1871.

pontiff in his private sentence turned away from probabilism, the system is shown to be neither false nor damnable.

c. Therefore it is wrongly asserted by adversaries that this decree is a solemn and authentic testimony of supreme ecclesiastical authority against probabilism: for the decree is not doctrinal but disciplinary, and that particular, from which nothing against the system of probabilism can be drawn. Indeed from the fact that it is lawful for theologians of the Society to defend it, far from being rejected, it is admitted by the holy see equally as probabiliorism is.

240. On the use of probable opinion. 1. In order that it be lawful to follow a truly probable opinion, it is required above all that a practically certain conscience concerning the honesty of the action be formed explicitly or at least implicitly; this indeed can be done in this way: that action against the law is certainly licit for which a truly probable opinion militates: for a doubtful law does not oblige; but for this action a truly probable opinion certainly militates; therefore this action is certainly licit.

From this argumentation two things are rendered manifest which we hinted above (n. 235): a. that the opinion which someone follows must be certainly probable: for if it were not certainly probable, the conclusion of the syllogism and therefore the dictate of conscience, from the rules of logic, would not be certain; and b. that the opinion must be probable for that very one who follows it: for there is question of informing the conscience of the one operating himself.

2. It is lawful to follow a probable opinion against any law whatever, whether natural, divine, or human: for concerning all laws the principle is equally valid: A doubtful law does not oblige, since it is demonstrated from the very nature of obligation.

There are some who have denied this affirmation as regards the law of nature, judging that concerning the law of nature an insoluble doubt or invincible ignorance cannot be admitted. But although invincible ignorance is not had concerning first principles and proximate conclusions, nevertheless concerning deduced truths, especially the more remote, insoluble doubt can have place (n. 114).

3. It is lawful to follow a truly probable opinion for liberty in all cases of doubtful law, whether the opposite for the law is less, equally, or more probable: for since the arguments by which the principle is demonstrated, A doubtful law does not oblige, are taken from the very nature of obligation, it follows spontaneously that neither probable nor more probable knowledge, but only certain (broadly, morally) knowledge of the law can oblige the human will, and therefore that the use of probable opinion is lawful where the law is truly doubtful.

a. Therefore the probabilistic principle, altogether universal, extends not only to doubt concerning the existence of a law but also to doubt concerning a law ceasing. For doubt concerning a law can be concerned either a. with the existence of the law, namely if it is doubted whether a law was issued or promulgated, whether the time of obligation has already arrived, whether it extends to this case or to these persons; or b. with the cessation of the law, namely if the existence of the law was certain and it is doubted whether it has ceased, either because it has been abrogated, or because someone is excused or dispensed from its observance, or because he has already fulfilled the law, etc. But in each case the principle of probabilism can be employed. Therefore neither he who probably judges that he did not emit a vow, nor he who certainly emitted a vow but probably judges that he has already satisfied it, is held to anything by strict obligation: for by the very fact that the law has probably ceased, the existence of the law becomes doubtful; but a doubtful law does not oblige.

b. Therefore in doubt concerning the cessation of a law, the principle of probabilism can licitly be employed even in the matter of justice, unless the debtor's culpable negligence is the cause why doubt concerning

the payment made exists, and unless the doubt is merely negative, i.e. unless there is no reason or only a slight reason for doubting concerning the payment made. They indeed object that justice differs from other virtues in this, that it must preserve equality; hence, so long as the matter is doubtful, restitution must be made at least in proportion to the doubt. But justice requires that equality be preserved by the fact that each one is rendered his own right when the right of the other is certainly established; when the right of the other is doubtful, justice does not require that one rather than another, especially since he is a possessor in good faith, be despoiled of his own thing.[316] Besides, perfect equality in this case on account of invincible ignorance of the payment made cannot be restored, even if payment is made anew: for if the payment has already been made, the other has more than is owed to him; but since equality cannot certainly be restored, there is no reason why in doubt the creditor should receive more rather than the debtor, unless fault of the debtor is the cause on account of which equality cannot be restored.

241. Whether it is lawful for the same person concerning the same matter to follow now one, now another of two probable opinions.

a. Nothing prevents someone in diverse cases concerning the same matter from using at will now one, now another probable opinion: for each renders conscience equally safe. Thus the same person can for one testament use the opinion by which a testament lacking the formalities of law is valid, and for another testament the contrary opinion.

b. But in the same case he cannot concerning the same matter follow one probable opinion insofar as it brings advantage, and then another contrary one insofar as this brings advantage. Thus it is not lawful to hold the same testament lacking the formalities of law as valid, so that the inheritance can be entered upon, and as invalid, lest the legacies which are contained in it must be paid, because it cannot at the same time be valid and invalid.[317]

It is not lawful voluntarily to introduce a state of insoluble doubt concerning a law, although afterward it is lawful to use a probable opinion against the law. Thus if someone doubts whether the twelfth hour of night has already elapsed or not, it is not lawful for him to drink, lest he expose himself to the danger of at least materially violating the law of the Church. But if nevertheless he had drunk, he can celebrate or communicate, because it is not established that he broke the fast; yet by drinking he sinned (venially), unless a reasonable cause, e.g. great thirst and the impossibility of ascertaining the hour of night, excused him. Likewise it is not lawful for a priest to consume a doubtfully consecrated host before the reception of the precious blood, lest he deliberately induce a state of doubt concerning the natural fast with danger of violating the law. To expose oneself often in this way voluntarily to the danger of materially violating the law would be mortal.[318]

242. Very many difficulties by which probabilism is customarily attacked are solved without difficulty from the theory set forth above; others will have to be untangled below; therefore in this place these few things will suffice.

1. From the law of nature we must sincerely tend toward agreement with objective morality or with the objective ordination of the eternal law; but he who follows the less probable opinion against the law does not sincerely tend toward agreement with objective morality; therefore he who follows the less probable opinion against the law offends against the eternal law and therefore places a morally evil action.[319]

Notes

316. Cf. Bucceroni, *Casus conscient.* (Typogr. augustin. 1903) n. 12, 5.

317. Cf. Lugo, *De eucharist.* disp. 15. n. 47 ss., where several examples of this kind are brought forward and judged.

318. Cf. Bucceroni l. c. n. 13.

This difficulty can be turned back upon equiprobabilism. For if the sanctity and necessity of agreement between human actions and the eternal law is so great that man must tend toward it as much as he can according to his knowledge, he must establish that agreement not only where he judges the law to exist more probably, but also where he judges the law to exist probably. But if God permits an exception from the necessity of establishing that agreement in favor of liberty, there is no reason for failing from agreement when the opinion for liberty is equally probable, but not likewise when it is simply probable.

To the major. This principle contains two things which are very true. Namely, on account of our essential and absolute dependence on God the creator, we are bound habitually to bear a sincere will of observing all particular laws which God is going to give us; and since we cannot observe laws unknown to us, we are bound with the same sincere will to tend toward knowledge of laws issued by God and actually to observe those that are known. Whether our dependence on God and the habitual obligation resulting from it of tending toward agreement with objective morality obliges us only to observing particular laws sufficiently known, or also to observing those whose knowledge we cannot acquire and which probably objectively do not exist, is a question controverted among theologians, which probabilists demonstrate by invincible arguments must be resolved in the negative part. Therefore those who contend that by force of this principle we must observe opinions which in our judgment agree more probably with the objective ordination of the eternal law than they disagree affirm the very thing which is to be proved and which from the arguments of the probabilists is shown to be false. But if thereafter they contend that the law which in our judgment more probably exists is known, they again affirm what is false. If finally they concede that the obligation of a law more probably existing does not arise directly from the law itself more probably existing, as being not sufficiently known nor sufficiently promulgated, but indirectly from this higher principle: we must tend toward agreement with objective morality, they commit the same begging of the question. For antecedently to a known law there exists no other obligation except that of inquiring with moral diligence into the existence of the law, which, if it is not sufficiently known, leaves to the will its natural liberty.

The minor must be altogether denied: for that a sincere tendency of the will toward agreement with the eternal law always strictly requires (not only sometimes counsels and inclines, which all concede) that in a conflict of opinions the more probable opinion be chosen, is an invention which is demonstrated by no reason. Therefore he who affirms that by force of the aforesaid principle we are bound not only to investigating the existence of the law and to observing laws sufficiently known, but also to observing laws more probably or more plausibly existing, commits a begging of the question and besides affirms what is false. Hence he who follows the less probable for liberty, far from placing a morally evil action, rather directs his actions according to the principle of probabilism, uniquely true and demonstrated by certain arguments.

2. He who follows probabilism exposes himself to the danger of sinning. - The danger of formally sinning is excluded by the fact that he who follows probabilism acts with a practically certain conscience, namely with certain persuasion that the action which he places is licit. But the danger of materially sinning is present, because the law against which probability militates can in reality exist, since probable reasons can be false; yet it is not necessary that this danger be avoided. For if it is established that the use of probable opinion against the law is lawful, by that very fact it is established that God does not impose upon us the obligation of avoiding this danger of materially sinning: for an intolerable burden would be imposed upon us if, for avoiding this danger of materially sinning, we were bound to observe all uncertain laws; for very often we would have to observe a law which does not exist.

Notes

319. Cf. *Der kath. Seelsorger* (Paderborn, Schoningh. 1900) S. 495 ff. Lehmkuhl, *Probabilismus vindicatus* (Friburgi. Herder. 1907).

3. Probabilism in practice leads to a lax life. - The fear of laxism is empty where a certain and unshaken moral principle is applied for directing morals: for truth cannot beget a lax life. Moreover, in this matter two things must be distinguished, namely what must be done for fulfilling the strict law, and what must be done for attaining Christian perfection. If a Christian man in the service of God did nothing other than what strict law postulates from the principles of probabilism, he would certainly live a life little worthy of a Christian man; but the practice of probabilists is this: where there is question of imposing obligation and of judging sins, they are benign for avoiding the dangers of formally sinning; but where there is question of attaining perfection and of the exercise of virtues, they strive toward the highest things, measuring the service owed to God not from the obligation of law, but from love and gratitude toward the divine majesty.

§ 6. On equiprobabilism.[320]

243. 1. Equiprobabilism teaches: in doubt concerning the existence of a law it is lawful to follow an opinion equally or almost equally probable for liberty, but not a less probable one in the concurrence of one certainly more probable.

a. There are two points in which equiprobabilism theoretically differs from probabilism: the one indeed refers to the very principle of the system, the other to its use. For it contends a. that a probable opinion which stands for liberty is lawful to follow only when it is equally or almost equally probable as that which stands for the law; therefore if the opinion favoring the law is, in comparison with the opposite, certainly or certainly and notably more probable, the law must be observed; it contends b. that the system can be applied only if the doubt turns about the existence of a law, but not if the doubt concerns the cessation of a law; in this case the law must always be observed.

b. Practically the equiprobabilists differ from the probabilists in this, that they do not apply their system in doubts concerning the cessation of a law. They therefore oblige him who positively doubts whether he has fulfilled a vow certainly emitted to fulfill it again, and him who positively doubts whether he has already confessed a sin certainly committed to confess it again. But in the selection of opinions they scarcely differ from the probabilists: for above all they embrace all opinions which St. Alphonsus calls probable, even if they are less probable; but if there is question of a new question which St. Alphonsus did not treat, they follow in practice the opinion for liberty when they understand it to be supported by a solid reason. Indeed even in the manner of speaking they do not depart from the probabilists: for the opinions which we can licitly follow they scarcely ever call equally probable, but, after the example of St. Alphonsus, simply probable.

2. Equiprobabilism is defended especially by the theologians of the Congregation of the Most Holy Redeemer, Haringer, Marc, Aertnys, Konings, *Vindiciae alphonsianae*, etc., being persuaded that St. Alphonsus was an equiprobabilist. In this question several other theologians follow them: Gousset, Del Vecchio, Ninzati, Scavini, Pruner, E. Muller, Simar, P. Hilarius, etc.

Nevertheless, not all defend equiprobabilism in the same sense; and that this may be well understood, it must be noted that there are two formulas which equiprobabilism excludes: a. it is lawful to follow a probable opinion, even if the opposite is certainly more probable, and b. it is lawful to follow a probable opinion,

---

Notes

320. Gaude, C. SS. R., *De morali systemate s. Alphonsi* etc. (Romae. Cuggiani. 1894). Ter Haar, C. SS. R., *De systemate morali antiquorum probabilistarum* (Paderbornae. Schoningh. 1894). Aertnys, C. SS. R., *Probabilismus oder Aequiprobabilismus?* (Paderborn. Schoningh. 1896). Hippert, *Probabilismus oder Aequiprobabilismus?* (*Zeitschrift f. k. Theol.* 1895) S. 467 ff. Noldin, *Aequiprobabilistische Beweisführung.* (*Zeitschrift f. k. Theol.* 1896) S. 670 ff. De Caigny, *De genuino probabilismo licito* (Brugis. Desclee. 1901. Idem, *De genuino morali systemate s. Alphonsi* (Brugis. Desclee 1901).

even if the opposite is certainly and notably more probable. Equiprobabilists who understand their system so that they exclude only the second formula differ from probabilists only in words; those who understand equiprobabilism so that they exclude both formulas differ from probabilism not only in words, but in the matter itself.

244. The arguments by which equiprobabilists demonstrate the system in general are the very same arguments of the probabilists; then the arguments by which they demonstrate that part in which they differ from probabilists are these:

1. The law which is sufficiently promulgated must be observed; but the law to which an opinion certainly or certainly and notably more probable is favorable is sufficiently promulgated; therefore the law to which an opinion certainly or certainly and notably more probable is favorable must be observed.

a. Some demonstrate the minor proposition in one way, others in another: for some affirm that the law for which an opinion certainly, or certainly and notably, more probable militates is sufficiently promulgated, because an opinion certainly, or certainly and notably, more probable is morally or quasi-morally certain. Others, however, contend that an opinion certainly more probable does not exceed the limits of probability, and nevertheless that the law to which an opinion of this kind is favorable is sufficiently promulgated and to be followed: for an opinion certainly more probable approaches more closely to the truth; but we are bound to embrace, by assent and as the norm of acting, the opinion which approaches more closely to the truth.[321]

b. To these things it must be observed: a. an opinion certainly and notably more probable practically is equivalent to a morally certain opinion: for if the excess of probability of one opinion is notable, and this is known certainly, the opposite opinion will be only doubtfully probable; but it is not lawful to follow a doubtfully probable opinion. But an opinion certainly more probable of itself neither theoretically nor practically is equivalent to a morally certain opinion, but is an opinion simply, although more, probable. b. It indeed cannot be affirmed that the more probable opinion approaches more closely to the truth, but nevertheless the more probable opinion has a greater likeness and appearance of truth than the opposite; therefore it is conceded that, as regards the assent of the mind, it must be preferred; but it must be denied that it constitutes a norm of acting which must necessarily be followed: for he who adheres by assent to the more probable with fear of erring knows that the law is uncertain; but we are not bound to observe a law unless its existence is certain (broadly, morally).

2. For acting licitly moral certainty concerning the honesty of the action is required; but such certainty cannot be had if the opinion for liberty is certainly less probable: for an opinion certainly less probable is not truly and certainly probable.

To this affirmation, that an opinion certainly less probable cannot be truly probable, this must be answered: it is not lawful to follow an opinion which is not truly and certainly probable; therefore if an opinion whose opposite is certainly more probable is no longer truly and certainly probable, it is not lawful to follow it; but whether an opinion whose opposite is certainly more probable can still be truly and certainly probable is not a moral question, but a logical question; and logicians teach that an opinion can be truly probable whose opposite is not morally certain. But if it is conceded that the less probable opinion is truly probable, from the principle: a doubtful law does not oblige, it is lawful to follow it.

Notes

321. Very recently in time the equiprobabilists do indeed bring forth diverse other arguments (cf. Commer, *Jahrbuch* XVII, S. 106 ff.), which nevertheless, more accurately inspected, are only variations of this argument invented by the ancient probabiliorists (n. 230, 2).

3. A law does not oblige if it is truly doubtful; but it is truly doubtful only when concerning it there is a strict doubt, i.e. if the mind suspends assent because of equal reasons from either side; therefore the law does not oblige only if from either side, for the law and for liberty, there are equal or almost equal reasons.

A law does not oblige if it is truly doubtful; but from the arguments by which the probabilistic principle is demonstrated, it is clear that a law is truly doubtful if it is simply uncertain, whether the doubt existing about it is strict or broad; therefore a law does not oblige whenever it is simply uncertain, whether the reasons for the law are equally or more probable.

245. Refutation of the system itself. 1. Equiprobabilists, in order to establish their system, use no other arguments than probabilists, namely: a doubtful law does not oblige and an uncertain law cannot induce a certain obligation; but from these arguments not equiprobabilism, but by necessary inference the formula of probabilism follows; therefore equiprobabilists deduce not the whole, but only a halved conclusion from their own principles.

2. A moral system which for its use necessarily requires that on each side not only the force and moments but also the degrees of reasons be weighed, and that it be determined whether the opposed opinions are equally or less or more probable, is a system practically unfit: for almost always it is impossible to determine when on each side there stand reasons equally or almost equally probable; and authors who think that they can accomplish that without difficulty deceive themselves and others.

3. An opinion certainly more probable either is quasi-morally certain or is simply probable; if the first, it must be conceded that it is not lawful to follow the opposite, because this is not truly probable; if the second, by no right are we prohibited from following the opposite, since to a probable opinion there is opposed one likewise probable.

246. On the use of probabilism, where there is question of the cessation of a law.

1. Already long ago among theologians there was agitated the controversy whether the principle of probabilism can be extended also to doubt concerning the cessation of a law. Authors of great name, such as Suarez, de Lugo, Bonacina, the Salmanticenses, Lacroix, Billuart himself the probabiliorist, and others, employ probabilism also in doubt concerning the cessation of a law.

2. St. Alphonsus in the first periods likewise extended his probabilistic system even to questions in which there is question of the cessation of a law; afterward, however, he retracted this opinion and changed several particular questions of his moral theology according to this reformed doctrine.

But if nevertheless in the work of moral theology there occur resolutions which do not agree with this doctrine,[322] this must either be attributed to inadvertence, or it must be said that the holy doctor in certain particular questions did not wish to urge the reformed opinion.

3. Besides the authority of St. Alphonsus, they bring forward especially two arguments by which the equiprobabilists demonstrate this part of their system: a. In doubt the condition of the possessor is better; but in this case the law possesses; therefore the law must be observed. b. Since doubt concerning the cessation of a law very often arises from the fact that someone has probably already satisfied the law, they say: a certain obligation is not satisfied by a doubtful fulfillment; therefore it must be satisfied again.

Notes

322. Cf. l. 1. n. 99; l. 4. n. 150; l. 6. n. 505; l. 3. n. 290. n. 112.

4. But these two arguments do not prove the matter. Concerning the principle of possession there will be discussion below; concerning the other argument, thus: a certain obligation is not satisfied by a doubtful fulfillment, it must be distinguished: by a negatively doubtful fulfillment, I concede; but by a probable fulfillment it is not satisfied certainly, yet it is satisfied probably; but an obligation which has probably already been satisfied ceases to be certain, and an uncertain obligation is none.[323]

Note. These things having been set down beforehand, we can now settle the matter itself in this way: the opinion which extends the principle of probabilism also to cases of the cessation of a law is defended by many and approved authors, is validly confirmed by reasons taken from the nature of the matter itself, and the arguments of the contrary opinion are aptly solved; for which reason the principle of probabilism can safely be employed also in the case of the cessation of a law.

Article Second.

On Reflex Principles.

247. On universal principles. 1. Direct principles are called those truths from which the matter itself is proved and known certainly; but reflex principles are called certain general truths which indeed do not prove the matter whose truth is sought, yet serve for bringing about practical certitude.

They are called reflex principles because from their proper object they are, as it were, bent by reasoning toward another, so that through them a certain dictate concerning the honesty of an action can be obtained.

2. Reflex principles are of two kinds: some are universal, which can be employed in any doubt whatever for forming a practically certain conscience; others are particular, which can be employed only in negative doubt, whether of law or of fact, for the same end. The principle of possession indeed is employed for informing conscience in a negative doubt of law and of fact; but the other particular principles are employed only for solving negative doubts of fact.

3. Universal principles are counted as only two: a doubtful law does not oblige and an uncertain law cannot induce a certain obligation; these two principles are clear from the arguments by which the formula of probabilism is demonstrated. Since between these two principles there is scarcely any real distinction, in reality there is only one reflex principle, namely, a doubtful law does not oblige, which alone suffices for forming a practically certain conscience in all doubts. Particular principles are numbered as several, among which the chief is the principle of possession.

248. On the principle of possession.[324] 1. The principle of possession, which in law is set forth thus: in equal fault or case the condition of the possessor is stronger,[325] among moralists occurs in this formula: in doubt the condition of the possessor is better. This principle, which properly and immediately pertains to the matter of commutative justice, which concerns ownership of things, and indeed to the external forum, has this sense: if between two persons there exists a dispute concerning the property of some thing and each proves his right by an equal reason, the laws assign the thing to him who up to now possessed it, until the other sufficiently proves that the thing is his: for possession founds the presumption of ownership, and therefore grants the right of retaining the thing until the contrary is sufficiently established. No one denies that this principle, as regards the matter of justice, is valid not only in the judicial forum, but also in the internal forum.

Notes

323. Cf. Lugo, *De eucharistia* disp. 19. n. 249.

324. Bouquillon, *Theologia moralis fundamentalis*^3 (Brugis. Beyaert. 1903) n. 302 ss.

325. C. *In pari* 65 reg. iur. in 6°.

Therefore the principle of possession protects a certain stability of things, so that things, by force of possession, remain unchanged in the same state in which they up to now legitimately existed, until there supervenes a reason sufficient for changing the prior state.

2. There are some who, because of analogy, transfer this same principle also to other matters of other virtues and apply it for solving doubts concerning the obligation of a law: for they imagine liberty and law as two persons, of whom one has the right of acting as it pleases, but the other the right of limiting liberty; now in the conflict between liberty and law victory must be assigned to that one which is in possession. But if liberty and law are said to be possessed, possession is nothing other than the existence of liberty and of law. And rightly indeed, provided its use is restricted to negative doubts whether of law or of fact; nevertheless in negative doubts of fact other principles also are rightly applied, as is clear from what follows.

249. On particular principles. Since negative doubt is founded only in no reason or in a slight reason, it does not impede sufficient certitude of conscience, and therefore is not to be attended to. And indeed he would act imprudently who from no motive or a slight motive would determine himself to placing or omitting an act. Wherefore in practice one must act in such a way as if no doubt were present; and this is expressed by the principle of possession or by another particular reflex principle, as the examples which follow show.

a. If in a negative doubt of law no reason or a slight reason proves that a law has been enacted, that the law extends itself to this case, that the law commands under grave obligation, etc., liberty remains, or the condition of liberty possessing is better. Likewise if no reason or a slight reason proves that a law has been abrogated, that someone is excused from it, that dispensation has been given in it, etc., the law remains, or the condition of the law possessing is better.

b. If in a negative doubt of fact no reason or a slight reason proves some fact on which the obligation of the law depends, it is often difficult to understand which side possesses, wherefore other principles are rather employed.

Thus in negative doubt whether a boy of seven years has the use of reason, whether a man of timorous conscience has consented to temptation, etc., this principle is applied: in doubt one must judge from things commonly occurring.

In negative doubt whether someone has emitted a vow, committed a sin, inflicted damage; whether the time of beginning an obligation is present (Friday has begun), the time of ending an obligation is present (Friday has ceased); whether someone has recited the hours, committed this sin or confessed it, whether he has satisfied a vow, paid a debt, etc., this principle is applied: a fact is not presumed, but must be proved.

In a negative doubt of fact on which the value of an act depends, where no reason or a slight reason proves that I did not have the due intention or attention in Mass, in the sacraments, in the hours, that I do not justly possess this thing, that baptism conferred was not valid, that confession was not integral, etc., this principle is applied: in doubt one must stand for the value of the act, or: what has been done is judged to have been done rightly.

Article Third.

On the System of St. Alphonsus.[326]

Notes

326. Ballerini, *Dissertatio de genuina s. Alphonsi sententia circa usum opinionis probabilis.* (*Opus theol. morale*^3 I. Appendix I. p. 632 ss.) Arendt, *Crisis apologeticae dissertationis P. de Caigny C. SS. R.* (Friburgi. Herder. 1897). Noldin, *Die Briefe des hl. Alphons von Liguori*

250. Historical notes. 1. Some equiprobabilists claim that St. Alphonsus is the inventor of a new system, which supplies the uniquely right norm of acting; but this system is equiprobabilism itself. But how absurd this affirmation is, is evident: for from it there would follow that the uniquely right norm of acting had been unknown in the Church up to St. Alphonsus. For this reason it must be said either that St. Alphonsus is not the inventor of a new system, or that that system is not the only norm of acting rightly. Besides, from history it is established that there were some theologians (Amort, Rassler, Ant. Mayr) who already before St. Alphonsus set forth the system of probabilism in an equiprobabilistic formula. Finally St. Alphonsus himself declares in the *Apologia*: "Therefore I never wished, nor do I wish, to forge new systems."

2. In the first periods St. Alphonsus adhered to probabiliorism, which he had received from his teacher; soon, however, in hearing confessions and rightly understanding that a probabiliorist cannot fruitfully undertake the direction of souls, he passed over to probabilism, which he vigorously defended against the probabiliorists, and indeed to pure probabilism, which the more ancient moralists defended. To defend this probabilism he composed a double dissertation: *For the moderate use of a probable opinion in the concurrence of a more probable [opinion]*, one in the year 1749, the other in the year 1755, and according to the principles of this probabilism he composed his moral work, which had already been published five times before he himself changed the formula of the moral system.

3. From the year 1762 onward he changed the principle of probabilism into the formula which the equiprobabilists almost use: when the less safe opinion is equally or almost equally probable, someone can licitly follow it (n. 55); and: where the opinion for the law seems certainly more probable, we are held to follow it, otherwise, however, if it is of the same weight as the opinion for liberty (n. 67), more often asserting that he was not a follower of probabilism. Wherefore it must be conceded that the formula by which St. Alphonsus later sets forth his system differs from the common formula of probabilism.

a. To make this change he was induced especially by these reasons: a. because the formula by which at the beginning he had proposed probabilism: it is lawful to follow the less probable in the concurrence of the more probable, was ambiguous; b. because by the new formula he thought he could more effectively repel the attacks of adversaries and forestall the abuses of laxists; c. because only by this way could he avoid the prohibition of his books and the suppression of the congregation founded by him, which was to be feared on the part of the government.

b. They dispute whether the contradiction which in reality exists between the earlier and later writings of the holy doctor is true or only apparent. Not even the equiprobabilists are of the same opinion in this matter. The more recent ones (Marc, Gaude) think that the holy doctor later revoked the probabilism to which he had adhered at the beginning and taught equiprobabilism; but the older ones (Haringer, *Vindiciae alphons.*) think that St. Alphonsus never changed his opinion concerning the moral system, but always adhered to equiprobabilism, at the beginning indeed implicitly and doubtfully, but afterward explicitly and confidently. Most probabilists, with Ballerini leading the way, themselves judge that the holy doctor never changed his opinion concerning the moral system, but always adhered to simple probabilism, which in the earlier writings he lucidly sets forth and defends, and in the later writings only apparently retracts, because he proposes it by an equiprobabilistic formula.

Note. Concerning the genuine system of St. Alphonsus there will always be dispute, because in the later writings of the holy Doctor there occur several texts which supply arguments to each part. Whatever may be about this matter, two things are certain: that St. Alphonsus in the first periods adhered to simple

---

Notes

und dessen Moralsystem (*Zeitschrift fur kath. Theolog.* 1896) S. 73 ff. Meffert, *Der hl. Alphons von Liguori* (Mainz. Kirchheim. 1901) I: *Die moralth. Schriften des hl. Al. v. L.* S. 19-136.

probabilism, and that he composed his moral theology at that time when he was attached to probabilism; and therefore his moral theology is a probabilistic work. Since the system of probabilism is not founded on the authority of St. Alphonsus, the truth of probabilism is independent of the opinion of St. Alphonsus concerning the moral system.

Article Fourth.

On the Authority of St. Alphonsus.

251. His authority. 1. The moral works of the holy doctor are:

a. *Moral Theology*, which he himself published nine times, often corrected;[327] b. *The Apostolic Man*, a compendium of moral theology; c. *Practice of the Confessor for Receiving Confessions Well*; d. *Dissertations*, some of which were afterward inserted into the work of moral theology.

2. The internal authority of the moral doctrine of St. Alphonsus depends on the author's knowledge and prudence and on the arguments by which he fortified his doctrine. Now indeed it cannot be denied that there are moral theologians not inferior to St. Alphonsus in genius, keenness of mind, and abundance of doctrine; nevertheless his moral theology excels by these prerogatives: by the sureness by which he reduces the more difficult questions about morals to genuine principles and resolves them from these, by the prudent judgment by which, after weighing the moments of reasons on this side and that, he chooses opinions, and finally by the erudition by which he surveys the works of almost all authors and examines their arguments. To these is added the singular wisdom by which, teaching the middle way, he overcame on the one hand Jansenian rigorism, and on the other the contrary laxism.

3. External authority is established especially by the judgment which the Church has rendered concerning his moral doctrine. The public judgments of the Holy See which refer either to the works of St. Alphonsus generally or to moral theology in particular are these:

a. Declaration of the Sacred Congregation of Rites for the effect of canonization, 25 May 1802: Nothing worthy of censure was found.

b. Response of the Sacred Penitentiary to doubts proposed by the archbishop of Besancon, 5 July 1831:

1. "Whether a professor of sacred theology can safely follow and profess the opinions which Blessed Alphonsus a Ligorio professes in his moral theology.

2. Whether a confessor is to be disturbed who follows all the opinions of Blessed Alphonsus a Ligorio in the practice of the tribunal of sacred penance for this reason alone, that by the apostolic see nothing worthy of censure was found in his works.

The confessor about whom there is question in the doubt reads the works of the blessed doctor only in order to know his doctrine accurately, not weighing the moments or reasons by which the various opinions are supported, but judges that he acts safely by this very fact, that he can prudently judge a doctrine which contains nothing worthy of censure to be sound, safe, and in no way contrary to evangelical holiness.

To 1. In the affirmative, yet without those being judged reprehensible who follow opinions handed down by other approved authors.

To 2. In the negative, having regard to the mind of the Holy See concerning the approval of the writings of servants of God for the effect of canonization.

Notes

327. Cf. *Elenchus quaestionum reformatarum* at the end of the work; 99 reformed questions were added to the second, 25 to the sixth, 3 to the ninth edition.

c. Conferral of the title Doctor of the Church (1871), by which the saint, on account of his eminent doctrine, is declared "an outstanding teacher divinely given to the Church."

d. To these are added several encomia, which are found in letters given by the supreme pontiffs to various theologians who either published the works of the holy doctor or translated them into another language.[328] Worthy of mention is the response of the Sacred Penitentiary, 19 December 1855, to a certain professor who, when he obtained academic degrees, had bound himself by oath to defend probabiliorism, namely that he, notwithstanding the oath, could follow and publicly hand down the doctrine of St. Alphonsus and did not need dispensation from the oath.

252. Corollaries. From all these things, as regards the authority of St. Alphonsus in moral matters, the following are gathered:

a. The opinions of St. Alphonsus are not by these things all declared true, but nevertheless in general they can be had as probable, not indeed always internally, yet at least externally, and indeed on account of the authority alone of the holy doctor.

The judgment of the Church concerning the works of St. Alphonsus does not refer to the truth of the doctrine, but to the conditions required for canonization; but for obtaining this end the examination of works investigates only this: whether anything is contained in them which is opposed to right faith and good morals, or, what comes back to the same thing, whether anything is contained in them which is worthy of (theological) censure.

b. Therefore in practice any confessor can safely follow (with some exceptions) the opinions of St. Alphonsus, so that according to them he may direct his own and others' manner of acting, but not so that from them he may impose obligations on the penitent. Nevertheless no one is held to follow them, but to each one it is free to embrace the opinions of other authors, provided they are truly and solidly probable; wherefore the confessor cannot require from his penitents that they follow the opinions of the holy doctor.

Those opinions must be excepted which a. either before or after the published works of the holy doctor were reprobated by the Church, as concerning a Catholic sponsor in baptism conferred by a heretical minister; concerning the absolution of a dying person which a simple priest grants in the presence of an approved one; concerning a regular bishop, whom St. Alphonsus had thought not obliged either to vows emitted in religion or to the rule of his order;[329] which b. are opposed to custom legitimately introduced either before or after the times of the holy doctor, e.g. concerning fasting, concerning servile works; which c. suppose the circumstances of the time of St. Alphonsus, circumstances which afterward were changed, as the grave quantity in theft; which d. by evident or certain reason are demonstrated to be false: for it is impossible to form for oneself a practically certain conscience according to an opinion which is known to be false.

253. Whether a confessor ought to absolve a penitent who wishes to follow an opinion opposed to the opinion of the confessor.

a. If there is question of opinions which regard the administration of the sacrament, manifestly the confessor must proceed according to the opinions which he himself holds: for the opinions which he follows must be probable to the agent.

Notes

328. These are gathered in Clement Marc, *Institutiones morales Alphonsianae*^13 (Romae. Cuggiani. 1906) I. p. VII-XII.

329. Cf. resolution S. C. Ep. et Reg. 6 May 1864 and *Acta s. sed.* I. 449. ss.

b. If there is question of opinions which turn about the obligations of the penitent, the confessor is held to absolve the disposed penitent, however much he may wish to follow opinions opposed to those which the confessor holds, provided they are truly probable: for the penitent has the right of following truly probable opinions, but the confessor does not have the right of using an opinion only probable for imposing an obligation. Indeed even where an uneducated penitent does not know that he has the right of following the opposite opinion, it is not lawful for the confessor to impose upon him an obligation which is not imposed by God the legislator.

c. But if the confessor judges false the opinion which the penitent wishes to follow, a distinction must be made: if the opinion is such that theologians commonly hold it as probable and it appears false only to the confessor, the latter can counsel the penitent to abandon it and to follow his opinion; but he cannot compel him by denying absolution. But if the opinion which is approved by the penitent is such that theologians commonly reject it as false, the confessor must teach him and exhort him to abandon his opinion, and if he is unwilling to do this, he must deny him absolution, unless perhaps the penitent is in good faith and no fruit is hoped for from admonition.[330]

Book Fifth.

On Virtues.[331]

Question First.

On Virtues in General.

Article First.

On the Nature of Virtues.

254. Definition. 1. Virtue in general is defined as a habit perfecting a power for operating well.[332]

a. A twofold habit is distinguished: substantive, which inheres in the substance of the soul and gives to it a new mode of being, of which kind is sanctifying grace; and operative, which inheres in the powers of the soul and perfects them for acting, of which kind is virtue.

b. Virtue is an operative habit, which perfects a power for acting. But this perfection can be of two kinds: either it inclines a power, already complete for its operation, to acting, so that it can exercise its acts with a certain facility; or it elevates and completes a power incomplete and insufficient in itself for exercising an operation. Habits of the former kind give to a power that it can operate easily; habits of the latter kind give that it can operate simply.

c. Virtue, which is a good habit, cannot elicit anything except good acts, just as vice, which is a bad habit, cannot elicit anything except bad acts. Therefore virtue is customarily defined as a good quality of mind, by which one lives rightly, which no one uses badly.[333] Although virtue cannot be the principle (elicitive) of a bad act, nevertheless it can be the object of a bad act, as if someone hates virtue or is proud about

---

Notes

330. Cf. Lehmkuhl I. n. 116 ss.

331. St. Thomas I. II. q. 55-61. Suarez, *De virtutibus.* Lessius, *De iustitia et iure ceterisque virtutibus cardinalibus.* Greg. de Valentia, *Commentar. scholast.* II. disp. I. q. 5. A. Tanner, *Theologia scholast.* II. disp. 3. q. 2. ss. Mazzella, *De virtutibus infusis* (Romae. Forzani. 1894). Waffelaert, *De virtutibus cardinalibus* (Brugis. Beyaert, 1889). *Tractatus de virtutibus ad usum seminarii Mechliniensis* (Mechliniae. Dessain 1896). E. Muller, *Theologia moralis*^7 (Vindobonae. Mayr. 1894) I. § 104 ss. Hilarius a Sexten, *Compendium theologiae mor.* l. c. 4. I. B. Scaramelli, *Directorium asceticum* t. 3. *De virtutibus moral.* (Augustae Vindel. 1770). I. E. Pruner, *Katholische Moraltheologie*^4 (Freiburg, Herder. 1902) I. S. 117-175.

332. A habit is a quality inhering in a power in order to its act (St. Thomas).

333. St. Augustine, *De libero arbitrio* l. 2. c. 19.

it. But man can use other habits, which are distinguished from virtues, such as knowledge and art, for good and bad acts.

2. Three things must be considered in virtues: the efficient cause, the subject, and the object.

a. The efficient cause of a virtue is said to be that by which the virtue is produced. By reason of the efficient cause, virtues are divided into natural and supernatural, infused and acquired.

b. The subject of a virtue, and that the proximate subject, is said to be that power of the soul in which the virtue is present and from which the acts of a certain virtue are elicited. The remote subject is the very person having the virtue.

The powers in which virtues inhere are the intellect, the will, and the sensitive appetite; in this appetite namely there are those virtues which turn about moderating the passions, of which kind are temperance and fortitude.

c. The material object of a virtue is that about which the act of virtue turns; the formal object is the reason or motive on account of which it turns about its material object. Thus the material object of faith is the truths revealed by God; the formal object of faith is the authority of God revealing.

255. Division of virtues. a. According to the diverse subject in which virtue is present, virtues are divided into intellectual virtues, which perfect the intellect for knowing the true, and appetitive (moral) virtues, which perfect the will for pursuing the good. The intellectual virtues are numbered by the philosophers as five: understanding, wisdom, knowledge, art, and prudence, to which theological faith is added by the theologians; but the appetitive virtues are numbered as very many.

Of the intellectual virtues, three are speculative habits: understanding, wisdom, and knowledge; two are practical habits: art and prudence. Understanding perfects the mind for knowing the true which can be known immediately and of itself; wisdom for knowing the true which is known through discourse and is simply ultimate (the first cause); knowledge for knowing the true which is known through discourse and is ultimate in some determined genus.

b. By reason of effect, virtues are divided into moral virtues, which make a man good simply or morally, and intellectual virtues, which make a man good in a qualified respect, e.g. a good philosopher, a good craftsman. The former are present in the will and in other powers only insofar as they are ruled by the will; the latter are present in the intellect independently of the command of the will.

To the moral virtues accepted in this sense belong also the theological virtues and prudence; to the intellectual virtues accepted in this sense belong understanding, wisdom, knowledge, and art.

c. By reason of the efficient cause, they are divided into infused and acquired virtues: the former are produced immediately by God in the powers of the soul; the latter are obtained by man through acts more often repeated. Some infused virtues are called infused per se, others infused per accidens: the former can be had only from God infusing them, of which kind are all supernatural virtues; the latter can also be had by human effort, since they are of the natural order, but sometimes are infused by a special gift of God.

That virtues are acquired by repeated acts is established by experience; but by revelation we are taught that virtues are infused into us immediately by God (n. 28). Acquired and infused virtues agree in this, that they are habits by which we are disposed for operating well; but they differ both in origin and in effect (n. 254).

d. With the preceding division there almost coincides as regards the thing that by which virtues are divided into natural and supernatural: the former are acquired by natural powers through repeated acts and are

ordered to a natural end, namely natural beatitude; the latter are exercised by the help of supernatural grace and are ordered to a supernatural end or supernatural beatitude.

e. By reason of the object, they are divided into theological and moral virtues: the former have for their immediate object some divine perfection and therefore turn immediately about God; the latter have for their immediate object a created good, i.e. the honesty of actions. Thus the material object of mercy is the relief of the needy person, and the formal object is the moral honesty which shines forth in the relief of the needy person.

Therefore moral virtue is taken in two ways, according as it is opposed to theological virtue, and according as it is opposed to intellectual virtue.

f. By reason of perfection, they are divided into common and heroic: the former are exercised in a common or ordinary mode; the latter are exercised promptly, expeditiously, and above the common mode of operating.

g. By reason of the remote subject, namely the person having the virtue, they are divided into formed and unformed, according as the person having the virtue is in the state of grace or in the state of mortal sin; grace or charity is called the form of the other virtues.

256. On the mean of virtue. 1. The mean of virtue is called the measure by which excess and defect are excluded from it; thus liberality is in the mean between prodigality and avarice, fortitude is the mean between rashness and timidity, because it preserves the due mode between excess and defect.

a. The chief property of virtues is that by which they are said to be in the mean between excess and defect. For the acts of virtues, in order to be such, must be conformed to right reason; but they would not be conformed to right reason if either through excess or through defect they turned aside from the mean of right reason; therefore virtues consist in the mean in this, that their acts by reason of object and circumstances are conformed to right reason.

b. The mean of virtues can be considered on the part of the object about which it turns, and on the part of the subject, or by reason of the mode by which virtue is exercised. In the mode of exercising virtue one can turn aside from the mean if it is exercised rashly, inopportunely, with excessive effort, etc. Moreover all virtues have and require a mean on the part of the subject.

c. The mean of virtues on the part of the object is twofold: the mean of the thing and the mean of reason. The mean of the thing is the measure which is determined by nature itself and therefore is the same for all; the mean of reason is the measure which reason, by prudent estimation after considering the person and circumstances, determines, and therefore is not the same for all, but is diverse in diverse cases.

2. All moral virtues have a mean on the part of the object, and indeed justice has the mean of the thing, but the other moral virtues have the mean of reason.

What he ought to do who intends to observe justice strictly is not determined by prudent estimation, but has already been defined by nature: namely he must give as much as is owed. For justice requires that he who owes a hundred also pay a hundred, whoever he is, rich or poor, and whoever his creditor is. The mean of the other moral virtues is the mean of reason: for what matter in these is conformed to right reason must be determined by reason according to the quality of the person; for what is suitable for one in taking food can be too much or too little for another, and what is suitable for a man in undergoing danger is too much for a boy or a woman.

3. Theological virtues do not have a mean on the part of the object but only on the part of the subject or by reason of the mode: for since the object of these virtues is God himself, it is impossible to sin against

them by excess; and indeed we cannot believe and hope too much in God or love God too much. But in the mode by which these virtues are exercised, sin can occur even by excess.

257. On the connection of virtues. Those virtues are called connected of which one cannot exist without another.

1. Theological virtues are connected among themselves insofar as, in the order of generation, charity supposes hope and faith, and hope supposes faith, and all are infused together; but they are not connected insofar as one can be without another: for when charity has been lost, hope and faith remain, and when hope has been lost, faith can remain (n. 29, 5).[334]

2. Infused moral virtues are connected among themselves insofar as they are infused together with grace and charity, and when these have been lost the virtues are lost at the same time. But infused virtues are not necessarily connected with acquired moral virtues; for infused virtues can be without acquired virtues, as in baptized little ones, and acquired virtues can be without infused virtues, as in adult sinners: for when infused virtues have been lost through sin, acquired virtues are not also lost.

3. Acquired moral virtues are not necessarily connected as long as they are imperfect; but if they are perfect, they are necessarily connected with one another, so that he who perfectly possesses one likewise has all the others.

In order that a virtue can be called perfect, it is not necessary that it be exercised in a heroic degree, but this is required: that it be exercised easily, promptly, and constantly in every event, even in ordinary difficulties. Virtue can be imperfect in two ways: either a. because it has not yet come to the nature of a habit, but either is a certain natural and innate inclination to the good or is a certain disposition to the habit of virtue arisen from some imperfect acts; or b. because it indeed reaches the nature of a habit, but does not yet firmly inhere in the power nor dispose to exercising virtue constantly even in difficulties.

a. Imperfect acquired virtues are not connected among themselves: for by experience it is established that many, either from innate disposition or from some habituation, are prompt for works of mercy, who nevertheless are not prompt for works of chastity; likewise that some are prompt for exercising chastity who are not prompt for exercising liberality or humility.

b. Perfect acquired virtues are necessarily connected among themselves; therefore he who lacks one has none perfectly. The internal reason seems to be this: because there is no perfect virtue without perfect prudence; but where there is perfect prudence, there all the other virtues are more or less perfect: for that prudence is not perfect which at the same time is not just, temperate, and brave.

It is not required that all perfect virtues reach the same degree of perfection, but both in the same man and in diverse men one can be more perfect than another; hence it comes about that in one saint this virtue, in another that virtue, especially shines forth and is praised.

Article Second.

On the Distinction of Moral Virtues.

258. The specific distinction of moral virtues is taken from their formal object. For every moral virtue turns about an honorable good; therefore as many virtues specifically diverse will have to be distinguished

---

Notes

334. By what reason it can happen that, after sanctifying grace has been lost, faith and hope remain in the soul, although grace is the foundation and principle of these, cf. Suarez, *De gratia* l. 6. c. 13. Kleutgen, *Theologie d. Vorzeit* II. n. 200 ff. Mazzella, *De virtutibus infusis* n. 184 ss.

as there are special reasons of the honorable good about which virtue turns; but the special honesty which any virtue pursues is its formal object.

The diverse reasons of honesty or of the honorable good are found either in operations which are toward another, or in moderating the passions; therefore there are two great genera of moral virtues: virtues which turn about operations toward another, as justice and those which are annexed to it, and virtues which turn about the passions, as fortitude and temperance and those which are annexed to these.

259. Among moral virtues there are four which are called cardinal or principal: prudence, justice, fortitude, and temperance, to which all other virtues are reduced as parts annexed to them.

a. They are called cardinal because among the virtues they are chief and in the moral life of man very necessary and very commonly used, just as in a door the hinge is the chief thing, on which the door turns and on which its use depends.

St. Ambrose is said to be the author of this name (l. 5. in Luc. 6, 20). Sacred Scripture commemorates them where concerning divine wisdom it says: It teaches sobriety (temperance) and prudence, and justice and virtue (fortitude), than which nothing is more useful in life to men;[335] but wisdom (God) teaches these virtues by infusing them.

b. Their number is taken both from the fourfold object (honesty, honorable good) about which they turn, and from the fourfold subject in which they are principally present.

c. Object. In order that man may act in all things according to virtue or according to right reason, first he must judge rightly concerning the things which are to be done, which happens through prudence; then he must preserve the order of reason toward others, which happens through justice; then he must preserve the order of reason toward himself, both by overcoming difficulties which draw back from right reason, which happens through fortitude, and by moderating the passions which in the use of created things incite one to acting against the order of reason, which happens through temperance.[336]

Briefly, St. Thomas sets forth the object of the moral virtues in this way: prudence, which bears the light before the others, is in things to be chosen; justice in things to be distributed; fortitude in things to be endured; temperance in things to be used.[337]

b. Subject. Prudence is in the intellect, justice in the will, fortitude in the irascible sensitive appetite, temperance in the concupiscible sensitive appetite.

Nevertheless all moral virtues are also in the will as in a subject, because their acts are either elicited or commanded by the will. Hence some virtues (such as prudence, fortitude, temperance) are in a twofold power, and consequently a complete virtue consists of two habits, of which one is in the will, the other in the intellect or in the sensitive appetite; but each constitutes morally one virtue because of the relation by which one habit is ordered to the other.

260. Annexed parts of the cardinal virtues. According to St. Thomas, to each cardinal virtue there pertain three classes of moral virtues which are its annexed parts, as a whole has annexed parts: for some virtues are subjective parts of the cardinal virtues, others integral parts, others potential parts.

a. Subjective parts of a virtue are called those which are referred to it as species to a genus;

Notes

335. Wis. 8, 7.

336. *Summa* I. II. q. 61. a. 2.

337. *Summa* I. II. q. 61. a. 4.

b. integral parts are called those which are required so that virtue may be integral, or so that it can operate more easily and more perfectly;

c. potential parts are called those which indeed are akin to the cardinal virtue, but in some respect fall short of the perfect nature of that virtue. They are called potential parts as if not having the whole power of the principal virtue.

261. Diverse perfection of virtues. Virtues are not all of the same dignity and perfection; nevertheless their greater or lesser perfection cannot be determined absolutely: for under one respect this virtue, under another respect another, is of greater perfection.

a. If the object is regarded, theological virtues are more perfect than moral virtues, because the immediate object of the former, both material and formal, is God himself, the ultimate end; but the immediate object of the latter is not God, but a created good, not the ultimate end, but a means to the end.

b. Among the cardinal virtues, under some respect prudence is most perfect, both because it directs all the other virtues and is the leader of all, in that it assigns to each the mean which they must hold, and because it perfects the intellect, not the will; but according to St. Thomas the intellect is more perfect than the will.

Under another respect, however, justice occupies the first place among the cardinal virtues, both because its works fulfill obligations which are owed to God and neighbor, and because it perfects the will, since its subject is the will; on the contrary, fortitude and temperance perfect the lower appetite, since their subject is the sensitive appetite; besides, their works render what man owes to himself.

Under another respect finally, among moral virtues obedience stands out: for if that virtue is called more perfect which offers a greater good to God, obedience must be called the most perfect moral virtue, because through it man offers the noblest good which he possesses, his will.

c. Finally, among the virtues of justice those are more excellent whose remote and mediate object (the object to whom) is God, namely those which fulfill an obligation owed to God, of which kind are religion, which exhibits due worship to God; penance, which satisfies for an offense and injury inflicted upon God; obedience, which executes the will of God.[338]

Question Second.

On the Cardinal Virtues.

262. Cardinal virtues can be considered in three ways: a. As special virtues, distinct among themselves and from others, namely insofar as their object is restricted to a determined matter in which a special honesty shines forth.

b. As general virtues, or as four genera of virtues, which contain other moral virtues under themselves. Thus every virtue which brings it about that operations are directed according to reason is called prudence; every virtue which brings it about that operations are exact according to what is due is called justice; every virtue which restrains the passions is called temperance; every virtue which renders the soul firm against any difficulties whatever is called fortitude.

c. As general properties, which must in some way be present in every virtue: for every virtue must be prudent in operating, lest it err through lack of consideration; just, so that it renders what it owes to God, neighbor, and the one operating himself; brave, so that it persists constantly in good and yields to

---

Notes

338. Cf. St. Thomas I. II. q. 66. II. II. q. 141. a. 8. II. II. q. 161.

no difficulties; temperate, so that in all things it preserves moderation (the mean) and does not exceed the mode prescribed by reason.

Article First.

On Prudence.

263. Its nature. 1. Prudence is defined as right reason of things to be done, or it is the moral virtue dictating in any business whatever what, with the circumstances considered, must be done, so that the action may be fitting to right reason.

a. Prudence is a virtue of the practical intellect, which proximately directs all virtues, both moral and theological.

b. Prudence orders man both to himself and to another, because it directs all acts whatever, both those which are referred to himself and those which are referred to another.

2. The material object of prudence is constituted by all human actions in particular, concerning which it dictates how they are to be exercised here and now, so that the honorable may be done and evil avoided. The formal object is natural honesty, which shines forth in this, that all deliberate actions be done according to right reason.

a. Because prudence pertains to all human actions (for it must impress upon all, as it were, the mean of virtue as a form), it is easily understood that there can be no virtue without prudence. For this reason prudence is rightly called the charioteer and moderator of all virtues. Thus mercy inclines a man to assist the poor, but prudence dictates how much, where, when, and how it must be given to the poor man, so that the act of mercy may be fitting to right reason in every respect.

b. Prudence itself supposes that the will is well disposed concerning the particular ends of the moral virtues, lest prudent judgment be corrupted by disordered affections: for he who wishes to judge rightly must be free from disordered affections, since each one customarily judges according as he is affected.

3. The functions or acts of prudence are numbered as three: consultation, judgment, and command. For first it must inquire into the means which are necessary for the end, i.e. so that the work may be done honestly; then it judges what and how something must be done here and now, so that the work may be done according to virtue; and finally it commands that this or that action is to be done here and now.

264. On the opposed vices. 1. The vices opposed to prudence by defect are:

a. Precipitation, by which a work is undertaken immediately without prior deliberation.

b. Inconsideration, by which an attentive inspection of the matter about which judgment must be made and of its circumstances is omitted.

c. Inconstancy, by which the opinion reached is changed without any cause, or certainly without a just cause.

d. Negligence, by which a matter deliberated and determined is not committed to execution at the opportune time.

2. The vices opposed to prudence by excess are rather vices which have a certain false appearance and likeness of prudence:

a. Prudence of the flesh, which devises means for fulfilling the motions of corrupt nature.

b. Astuteness, which devises simulated and hidden ways for deceiving one's neighbor in order to attain some end, whether good or bad; if it is committed by words, it is called deceit, if by deeds, it is called fraud.

c. Solicitude for temporal things, which is an excessive occupation of the mind in acquiring and preserving temporal goods.

d. Solicitude for future things, which is an excessive occupation concerning those things which are in future time, especially those necessary for life.

265. On the parts of prudence. 1. The integral parts of prudence are numbered as eight:

a. memory of past things, b. understanding of present things, c. docility, which acquiesces in the opinions of elders, d. shrewdness in considering future events, e. reason comparing one thing with another and promptly gathering what follows from it, f. foresight considering the end, g. circumspection attending to the circumstances of the work, h. caution in avoiding impediments.

2. The subjective parts of prudence are two: a. monastic or private prudence, by which someone rules himself, b. ruling prudence, by which someone rules others or a multitude.

This is distinguished into economic prudence, by which the family is ruled, children are well educated, goods are preserved and increased, etc.; into political prudence, by which a society of men living under the same laws is ruled and its common good is sought; into military prudence, by which soldiers are directed to attack enemies or to repel them.

3. The potential parts of the virtue of prudence are numbered as three:

a. Eubulia is the habit of finding good counsel in ambiguous and perplexed matters.

b. Synesis is the habit of bearing right judgment concerning particular operations according to common laws.

c. Gnome is the habit of judging rightly in particulars in which, on account of particular adjuncts, an exception from the common law must be made. Gnome therefore directs epikeia.

Article Second.

On Justice.[339]

§ 1. On the Nature of Justice.

266. Notion of right. The notion of justice supposes the notion of right, which is its object. Right, in its proper and primary sense, signifies the inviolable moral power of a person to have, do, or exact something; in this sense we say: he uses his right, he transfers his right to another. Secondarily, it signifies that which is just, equal, or what is owed to another, namely the objects themselves about which that power turns; in this sense we say: to each one his own right must be given. These two significations of right are correlative; the one exhibits the thing owed, the other the title of the debt: for nothing would be owed to anyone unless he had the power of exacting or retaining it. Now right, insofar as it signifies that which is owed to another, constitutes the object of justice.[340]

a. The power is called moral, both because it is not physical and because it is according to right reason; it is called inviolable because each one is bound to observe it, so that it cannot be violated without fault.

Notes

339. St. Thomas, II-II, q. 57 ff.; q. 61. Molina, *De iustitia et iure*, tract. 1. Lessius, *De iustitia et iure*, l. 2, sect. 1, c. 1 ff. Lugo, *De iure et iustitia*, disp. 1, sect. 1. Holzmann, *Theologia moralis*, IV, n. 286-336. Vermeersch, *Quaestiones de iustitia* (Bruges: Beyaert, 1901), n. 1-76. Pottier, *De iure et iustitia* (Liege: Ancion, 1900). Victor Cathrein, *Die Cardinaltugend der Gerechtigkeit*, *Zeitschrift fur kath. Theologie* 1901, p. 635 ff.

340. Cf. what Lugo (*De iustitia*, disp. 1, n. 2 ff.), Vermeersch (loc. cit., n. 5 ff.), Cathrein (*Moralphilosophie*, I, p. 415 ff.), and others dispute concerning the nature and properties of right, subtly as well as ingeniously.

But the reason and foundation of this inviolability is the dignity and independence of the person, which consists in this, that man has the character of an end, not of a means, and that he ought to tend toward his end, not be driven to it. Since he cannot effect this unless he can order certain created goods to his good and end, he is furnished with this twofold and inviolable power: of ordering himself to his end, and of applying certain goods as means for obtaining his proper end and good.

b. Moral power or right is distinguished in two ways: improperly so called, which is founded in superiority and cannot be rendered to equality, of which kind is God's right to worship, a father's right to obedience; and properly so called, which is founded in personal independence and can be rendered to equality, of which kind is the laborer's right to wages.

c. A threefold debt is distinguished: a. moral debt, which arises only from the honesty of virtue, without there being in another the power of exacting it, as is the debt of charity, mercy, gratitude, truthfulness; therefore he who does not observe this debt does not injure the right of another, but only falls short of the honesty of the virtue which each one must observe in his actions. b. legal debt, which arises from right improperly so called, which another can therefore exact as owed to himself, but which nevertheless cannot be rendered to equality, as is the debt of religion, piety, obedience.[341] c. juridical debt, which arises from right properly so called, which another therefore exacts as owed to himself by his own right, and which also can and must be rendered to equality, as is the debt of justice.

d. Right, insofar as it signifies a power, is subjective right; insofar as it signifies a debt, it is objective right. To subjective right there corresponds on the other side a debt or juridical office, at least of not hindering another in the use of his right. Wherefore a juridical relation (*das Rechtsverhaltnis*) involves both: right and juridical debt.

267. Division of right. Right properly so called, insofar as it is a legitimate power, is distinguished in two ways: right in a thing and right to a thing.

a. Right in a thing is the legitimate power which someone has in a thing already his own, of which kind is the right in a thing bought. This right immediately affects the thing itself and therefore is called real right (*dingliches Recht*).

b. Therefore he who has right in a thing has the thing itself obligated and bound to himself; wherefore this right gives a personal and real action, namely, the one having right in a thing can pursue it in court against whomever possesses it, and take it wherever he has found it.

c. For acquiring right in a thing three conditions are required: a. a just title, as donation, purchase, right of inheritance; b. that the thing be determined as an individual; c. delivery of the thing, at least for the most part.

d. Right to a thing is the legitimate power which someone has that some thing may become his, of which kind is the right to a promised thing, the right to payment of a debt. This right does not immediately affect the thing itself but the person, that he deliver the thing owed, and therefore it is called personal right (*Forderungsrecht*).

e. Therefore he who has right to a thing has not the thing itself, but the person, bound and obligated to himself for delivering the thing to him; wherefore this right gives only a personal action against the debtor, but not an action against the thing itself or against a third person who perhaps possesses the thing owed.

Notes

341. Legal debt is so called because this debt can also be urged by human law.

f. For acquiring right to a thing, which is also called inchoative, nothing else is required except a just title, by force of which the thing can be exacted. Titles of this kind are the law which grants this right, the fact from which it arises, as death, from which arises inheritance by intestacy before acceptance, donation, sale before delivery of the thing. In some codes sale already before delivery of the thing produces right in the thing.

268. Notion of justice.[342] Justice is the moral virtue which inclines man to render to each one his own right, or what is owed to him, according to equality.

a. The name justice is taken in three ways:

b. In a broader and improper sense it denotes both the complex of all virtues together and any virtue whatever, since it is some part of that complex, some justice. In the former sense it is said: Blessed are they who hunger and thirst after justice.[343] Thus it befits us to fulfill all justice;[344] in the latter: Take heed that you do not do your justice, that is, your mercy, before men.[345]

c. In a stricter and improper sense it signifies some genus of virtues, namely those moral virtues which order man to another, whether God or man, and which are reduced to the cardinal virtue of justice as integral and potential parts.

d. Strictly and properly it signifies the moral and cardinal virtue which the proposed definition exhibits.

e. Three things belong to the nature of justice:

f. That it be toward another: for no one can properly be just or unjust toward himself. Therefore distinction of person is required between him who renders the debt and him to whom it is rendered, so that justice may have a place, whether the person is physical or moral.

g. That what is rendered to another be owed to him by his own right. That debt is called owed by one's own right which is founded in the personal dignity of the other and in his independence which results from it (266, b).

Since justice by its nature is toward another and is founded in individual independence, theologians asked whether a debt of justice intervenes between father and son, since the son is something of the father and what belongs to the son belongs to the father. The question is solved by making a distinction between father and son insofar as they are father and son, and insofar as they are men. Therefore in those obligations which exist only because the one is father and the other son, the nature of justice does not intervene between them; but in those obligations which exist because they are men, the nature of justice does intervene between them. Hence if a father does not nourish his son, and a son does not obey his father, as each is bound, they do not injure justice; but if a father detracts from his son, and a son steals from his father, each injures justice.[346]

Notes

342. The opinions of authors concerning justice and its species are various. Many attribute the nature of justice properly so called to commutative justice alone, which they distinguish from distributive and legal justice by the name of justice simply perfect or most perfect. Others, on the contrary, attribute the nature of justice properly so called both to commutative justice and to distributive and legal justice, and refer them as true species to justice generically accepted. This opinion, which among the older authors Tanner, Holzmann, Metzger, Coel. Mayr, and others defend, among recent authors P. Vermeersch learnedly champions (loc. cit., n. 1-70).

343. Matt. 5, 6.

344. Matt. 3, 15; cf. Matt. 1, 19; Luke 1, 6.

345. Matt. 6, 1.

346. Cf. St. Thomas II-II, q. 57, a. 4. Ballerini-Palmieri III, n. 4.

c. That the debt be rendered to another according to equality. He renders the debt according to equality who pays it adequately, or in such a way that he no longer owes anything further.

d. The material object of justice is everything which is owed to another by his own right; the formal object is the natural honesty which is discerned in this, that to each one there be rendered adequately what is owed to him: for justice intends this on account of the natural honesty intrinsic to it, that equality be established between the right of the one and the debt of the other.

269. There are three species of justice when account is taken of the relations which actually exist in civil society: commutative, distributive, and legal justice. For in the republic there is a threefold order in which to another his own right must be given: the order of part to part, citizen to citizen, which order commutative justice rules; the order of the whole to the parts, the community to the citizens, which distributive justice rules; the order of the parts to the whole, the citizens to the community, which legal justice rules.

a. In the common nature of justice all agree univocally, since the three elements required for the essence of justice are found in all; nevertheless each one participates in it in a specifically diverse mode. The three species of justice agree in this, that their object is right properly so called and therefore perfect, namely that which is founded in the dignity and independence of a person, whether physical or moral, and that they render this right according to equality. But they differ in this, that the nature of the right and of the debt which they regard is essentially diverse, and in like manner the equality which they establish between debt and what is received is specifically diverse.

b. There are three rights properly so called, but specifically diverse: a. the right of a private person toward a private person, or of a part toward a part of the same community, which commutative justice regards; b. the right of a private person, or part of society, toward society, which distributive justice regards; c. the right of society as such toward private persons, or parts of society, which legal justice regards. From the threefold diverse right there arises a threefold diverse debt consonant with the right, which the three virtues of justice pay: the debt of a private person or part to furnish that which a private person exacts by his right; the debt of the community as such to furnish that which a private person, a member or part of the same community, exacts by his right; the debt of a private person or part to furnish that which the community exacts by its right from its parts and members.

270. Commutative justice is that by which a private person gives to a private person what is owed to him by right.

a. It is called commutative because it turns especially about exchanges, purchases and sales, and other contracts. Citizens among whom exchanges are made constitute the subject of commutative justice.

b. The material object of commutative justice is the goods of each private person which belong exclusively to him. In exchanging these goods, to each one there must be rendered what is owed to him, or care must be taken that no one be deprived of his own thing. The formal object is the honesty of equality between the right of one private person and the juridical debt of another likewise private person, both of whom are members of the community.

c. It belongs to all species of justice to render to another the debt owed by right; but it is peculiar to commutative justice to render to another his own thing, either completely or at least inchoatively (n. 267, b), since its material object is things which have already in some way been made the proper things of another, as when the debt of wages is rendered to a laborer.

d. Since there is a manifest difference between the right which commutative justice regards and the right which distributive justice regards, nothing prevents the former from being able to be called strict right, the latter less strict right, although both are true right, properly so called and perfect, inasmuch as each

contains in itself the integral nature of right described above. For the right which commutative justice regards is a right of property, or right in a thing, or at least to a thing.

271. Distributive justice is that by which the community gives to citizens what is owed to them by right; for to citizens, by the very fact that they are parts of society, there belongs the right of exacting that they be assisted by society in the pursuit of their end, according as the nature of society bears; and conversely there rests upon society the office of caring that from common goods there be given to each what is owed to them.

a. The office of distributing common goods inheres in those who represent society, princes and their ministers: for these alone can act for society and in the name of society. Therefore these constitute the subject of distributive justice.

b. The material object of distributive justice is common goods, of which kind are the protection of rights, money for erecting public schools, subsidies for promoting the sciences and arts, for relieving the need of citizens, etc.; public offices, common burdens. The formal object is the honesty of equality between the less strict right of the private person, insofar as he is a part of the community, and the juridical debt of the community as such.

c. Distributive justice must render according to equality what is owed to citizens; nevertheless that equality is not of thing to thing, but of proportion of things to citizens, so that goods are proportioned to merits, subsidies to needs, burdens to the faculties of citizens.

d. The injury of distributive justice is called acceptance of persons. This properly consists in this, that in the distribution of common goods attention is paid not to the dignity of persons, but to other qualities, e.g. consanguinity, friendship.

272. Legal justice is that by which there is given to the community what is owed to it for procuring the common good.

a. The material object is constituted by certain acts of diverse virtues which the common good exacts: for society then has itself well if its members are well disposed and ordered in relation to God, to themselves, to other members of the same society, and to society itself. These acts, as owed to society, are commanded either by positive law or by natural law. The formal object is the honesty of equality between the right of the community as such and the juridical debt of the part as such.

b. As regards the subject of legal justice, this virtue is found both in the prince and in subjects, but it is exercised by them in diverse acts: the prince exercises it by prescribing those things which are necessary for procuring the common good; subjects by obeying and carrying out those things which have been prescribed for the common good.

c. Legal justice renders a debt according to equality insofar as it furnishes what is owed to the community, for example, pays tribute, performs military service, in such a way that the debt is now extinguished.

d. This justice is called legal, both because law determines the acts of virtues which are necessary for the common good, and because through it the citizen conforms himself to law; it is called general, not because it has no special object, but because its material object is the acts of all other virtues, insofar as they are owed to the community.

e. Those who in this time treat of the social question often speak of social justice, by which name they signify either legal justice, because its formal object is the common or social good of men living in civil society, or at the same time legal and distributive justice, insofar as the latter exacts that common advantages and burdens be distributed according to the norm of equality.

Note. Vindicative justice, which afflicts the guilty with a just punishment, is reduced by some to legal justice, insofar as the common good exacts that the superior punish crimes and the guilty man, by obeying the sentence of the judge, pay the penalty. By others it is reduced to distributive justice, insofar as it inflicts punishments congruous with the quantity of crimes. Finally, by others it is considered as a special virtue distinct from the rest, whose formal object is the natural honesty which is contained in this, that the moral order injured by a crime be in some measure repaired through punishment. Yet in no way can it be numbered as a fourth species among the subjective parts of justice, because the formal nature of justice does not belong to it. For justice properly so called regards a true right in him to whom the debt is rendered; but no one would say that the guilty man has a right to punishment. Therefore vindicative justice, if it is considered as a special virtue, is referred not to the subjective parts, but to the potential parts of justice, and is called vindication.

273. Parts of justice. 1. The subjective parts of justice are commutative, distributive, and legal justice.

For establishing an accurate division of the cardinal virtue of justice, justice generically accepted must immediately be divided into two species, namely general and particular justice, according as the good about which justice turns is owed to the community or to a private person. Then particular justice is again divided into two species, into distributive justice, which has society, a moral person, for its subject, and commutative justice, which has a private person for its subject.

2. The integral parts of justice are two: to do good and to decline from evil.[347]

The reason why, as integral parts of justice, two elements are posited which are found in all virtues must be taken from the peculiar nature of justice. For justice has this as proper to it, that it can and must be observed in a twofold mode, through a negative act, not taking what belongs to another, and through a positive act, rendering the debt, so that even he is truly called just who does not take what belongs to another. On the contrary, other virtues, e.g. temperance, can be observed in only one mode, namely through positive acts exact according to the norm of temperance; for he who does not eat is not called temperate. Now through negative acts of justice we decline from evil, but through positive acts we do good.

3. The potential parts of justice, which have some likeness with justice but nevertheless fall short of the perfect nature of justice, are all virtues which are toward another.

But they fall short of the perfect nature of justice:

a. some, because they do not regard debt: gratitude, vindication, truthfulness, friendship, liberality, equity;

b. others, because they do not regard juridical debt, and the legal debt which they do regard is so great that it cannot be rendered according to equality: religion, piety, observance, obedience.

§ 2. On the Obligation of Justice.

274. Principles. 1. Commutative justice obliges of itself under grave obligation and with the burden of restitution, if it has been injured.

a. The end which commutative justice regards is of great moment, namely both private and public good: for by preserving another's right uninjured, it provides both for mutual charity and conjunction among men, and for public peace and tranquillity. Hence St. Paul says: Do not err: neither fornicators … nor thieves

---

Notes

347. St. Thomas II-II, q. 79, a. 1.

348. 1 Cor. 6, 9.

… nor the rapacious shall possess the kingdom of God.[348] Yet it admits smallness of matter, because an injury of this justice in a slight thing does not gravely oppose its end.

b. Commutative justice exacts that to each one be given what is his; therefore if through an injury of commutative justice there is taken from another what is his, either by theft or by damage-infliction, justice itself exacts that what has been taken from another be rendered; but it is rendered through restitution; therefore it obliges to restitution.

2. Legal and distributive justice likewise oblige under grave obligation, because the injury of each of these forms of justice also can introduce grave disorder into society; nevertheless of themselves they do not oblige with the burden of restitution.

To explain why injury of commutative justice, but by no means injury of distributive justice, induces an obligation of restitution, these things are to be noted. Injury of commutative justice affects a good which already in some way, at least inchoatively, has been appropriated to one or to individuals, which therefore already belongs to one or to individuals by strict right, in a thing or at least to a thing. But injury of distributive justice affects a good which in no way, not even inchoatively, has been appropriated to one or to individuals, which therefore by strict right belongs not to individuals but to the community alone, and is only destined to be appropriated to individuals through distribution. The same must be said concerning the injury of legal justice through defrauding taxes.

3. Accidentally, injury of legal, vindicative, and especially distributive justice also obliges to restitution, namely when commutative justice is injured at the same time. For it often happens that by reason of a pact, either explicit or implicit, the obligations of the other species of justice must also be observed from commutative justice, and therefore their injuries likewise induce an injury of strict right.

a. With distributive justice, commutative justice is injured at the same time: a. in distributing goods, if the distributor confers offices and benefits on the unworthy, so that subjects suffer damage on account of bad administration, which a superior, both ecclesiastical and civil, is held by strict debt to avert; b. in distributing burdens, e.g. in imposing taxes, when a greater burden is imposed on subjects than the common good exacts according to the faculties of individuals. For subjects have a strict right not to be deprived of their goods unless the common good exacts this according to the measure of their powers.

b. With vindicative justice, commutative justice is injured at the same time, both if delinquents are not punished with damage to others, and if they are struck with a punishment more grave than is just. For the judge is held by strict obligation toward citizens to impede by just punishment that delinquents inflict damages, and toward delinquents not to punish them beyond what is condign. Therefore if the guilty man is punished with a punishment more grave than is just, through this excess of punishment commutative justice toward the guilty man is injured at the same time.

c. With legal justice, commutative justice is injured at the same time if the prince by unjust laws and statutes inflicts damage on subjects in their goods. For subjects have a strict right of exacting that damage in their goods not be inflicted on them.

Article Third.

On Fortitude.

275. Its nature. Fortitude is taken in a broader and in a stricter sense.

a. In the broader sense it is firmness of soul in pursuing the honorable good. In this sense fortitude is not a special virtue, but a condition of every perfect virtue. For any perfect virtue ought to effect this, that

the man who possesses it, with firm and constant purpose, persevere in exercising the acts of the virtue even in difficult circumstances.

b. In the stricter and proper sense it is defined as the moral virtue which firms man in difficult things, but especially in dangers of death to be endured or repelled.

According to the doctrine of St. Thomas, he cannot be called simply brave who indeed tolerates all the annoyances of this life, but is not prepared to endure death.

276. Object. 1. a. The material object is constituted by the passions of fear and daring in dangers and labors.

a. For in arduous and terrible matters there rises in the soul either great fear, which must be restrained lest it compel one to act against right reason, or vehement daring rises, which must be curbed lest it rush rashly into dangers.

b. Therefore fortitude moderates the irascible appetite and rules it according to the prescriptions of reason. Wherefore fortitude orders man to himself, not to another.

c. The formal object is natural honesty, which shines forth in the moderation of fear and daring: for it befits the dignity of man very greatly that he be neither depressed by excessive fear nor lifted up by excessive daring.

2. The proper act of this virtue is twofold: to endure grave things, which act requires that fears be repressed, and to attack dangers, which requires that daring be curbed. The former constitutes passive fortitude, the latter active fortitude; the former is more difficult and more excellent, the latter appears more splendid.

3. The dangers concerning which fortitude is observed must be such as can be honorably undertaken and endured; but if they are not such, there is not fortitude, but rashness or ferocity, etc.

a. Primary dangers are warlike dangers, not only common ones which are justly undertaken for defending fatherland and religion, but also private ones which are unjustly brought on by wicked men in a private attack.

b. Secondary dangers are other dangers, whether of death or of other evils, e.g. mutilation, exile, diseases, chains, etc.

277. Opposed vices. The vices opposed to fortitude by defect are fearlessness and cowardice; and the vices opposed to it by excess are timidity and rashness.

a. Fearlessness, or emptiness of fear, is the vice by which one falls short in fearing: for a man empty of just fear does not fear when fear is due, nor does he fear those things which are to be feared.

b. Cowardice is the vice by which one falls short in daring: for the cowardly man does not dare to attack dangers and difficulties as and when just reason dictates.

c. Timidity is the vice by which one exceeds in fearing: for the timid man fears what he ought not to fear, or when he ought not, or more than he ought.

d. Rashness or daring is the vice by which one exceeds in daring: for the daring man attacks dangers either when it is not expedient, or in a mode in which it is not expedient.

278. Parts of fortitude. 1. Fortitude strictly such does not have subjective parts: for its matter is evils or dangers; now in the order of nature dangers are indeed diverse, but in the genus of morals they are not diverse, although some are greater than others.

2. The integral parts of fortitude are four: magnanimity, magnificence, patience, and perseverance or constancy.

a. Magnanimity is the virtue inclining to great and heroic works in every genus of virtues. Opposed to it by defect is pusillanimity; by excess, presumption, ambition, and vain glory.

b. Magnificence turns about great and costly things according to the prescription of reason. Opposed to it is smallness in doing by defect, and excessive profusion by excess.

3. The same four virtues are at the same time potential parts of fortitude: for those virtues can also be considered in other less difficult matters; now in these matters they are called potential parts of fortitude, because they imitate fortitude without attaining its perfection.

On Martyrdom.

279. Nature. 1. By the name martyrdom, in ecclesiastical usage, is understood the real testimony given to the faith by death endured. By the same name is also understood the death itself endured in testimony of the faith, as when we say that someone underwent martyrdom.

a. In the treatise on baptism, martyrdom is considered insofar as it is the baptism of blood; in the treatise on true religion, insofar as it is an argument of the true religion; in the treatise on virtues, insofar as it is an act of fortitude.

b. Although martyrdom is properly an elicited act of fortitude, nevertheless for true martyrdom, theologically accepted, it is not required that the martyr undergo death from the motive itself of fortitude, or from the honesty of this act; but this can happen from the motive of any Christian virtue whatever, e.g. from charity, from obedience toward God, for imitating the example of Christ, for attaining eternal life, or even for exercising Christian fortitude.

2. A twofold martyrdom is distinguished: one of infants, which consists in death endured before the use of reason in hatred of the faith; the other of adults, which consists in the voluntary acceptance and endurance of death in testimony of the true faith.

a. That infants are capable of martyrdom the Church teaches us, since she venerates the innocents killed for Christ as true martyrs. For the martyrdom of infants no other condition is required except that violent death be inflicted on them in hatred of the faith. This martyrdom, from a special privilege of Christ, supplies baptism, but it is neither an act of virtue nor has any merit.

b. Therefore an adult who, without voluntary acceptance of death, is killed unexpectedly by enemies of the faith is not a martyr: for he can neither place an act of fortitude nor give testimony except by voluntary acceptance of death.

280. Conditions of true martyrdom are: a. death inflicted; b. death inflicted in hatred of the faith; c. death patiently endured. The Church requires this threefold condition in order to venerate someone as a martyr.[349]

1. Death inflicted: for martyrdom by its nature is testimony given by death endured. It is not required that death actually follow, but it suffices that a cause of death be inflicted from which death naturally ought to follow, unless it is divinely impeded.

a. Therefore a distinction is made between completed or perfect martyrdom and true martyrdom. St. John the Apostle underwent true martyrdom, but not completed martyrdom.

b. Death can be inflicted not only by torments or wounds, but also by poison, want, and other grave afflictions.

Notes

349. C. Benedict XIV, *De servorum Dei beatificatione*, l. 3, c. 11.

c. Those who die a natural death from a pious cause, e.g. in the service of those sick with pestilence, are not truly martyrs, even if they are customarily called martyrs of charity improperly. Neither the desire of martyrdom, however most ardent, nor torments of soul, even if most vehement, suffice for true martyrdom. Wherefore also the Blessed Virgin Mary is a martyr only by similitude.

2. Death inflicted in hatred of the faith: for martyrdom is testimony given to Christ by death endured; but death is not testimony given to Christ unless it is inflicted in hatred of Christ. Therefore St. Augustine says: not the punishment but the cause makes the martyr.[350]

But by the name faith there is understood not only the truth of faith to be believed, but also any virtue to be exercised, insofar as it is commanded and commended by God. Although it is required that death or torments be inflicted in hatred of the faith, nevertheless the nature of martyrdom is not taken away by the fact that the tyrant feigns another title, provided the cause of faith truly concurs.

a. From these things it is clear that he who does not have the true faith cannot be a martyr, nor he who dies for a philosophical truth, since it belongs to the nature of martyrdom that someone die for the true faith or for a Christian virtue. Wherefore if a heretic, whether formal or material, were to die for the defense of a true article which he believes, or for a true virtue, he would not be a martyr; for true martyrdom is an external testimony of the true faith, but he himself externally rather bears testimony against the true faith.

b. Therefore virgins killed on account of chastity are truly martyrs, just as St. John the Baptist, killed on account of his rebuke of adultery, is truly a martyr.

3. Death patiently endured without resistance: for he who resists the one inflicting death is not considered to die as a witness of Christ, but as a soldier conquered by an enemy. Moreover the martyr ought to imitate Christ, who by his passion and death was made the exemplar of martyrs; but Christ suffered without resistance.

Therefore soldiers fighting in a war of the faith, even from the purest intention, and falling, have never been regarded by the Church as martyrs, since indeed a martyr does not fight back.

281. The due disposition for obtaining the effect of martyrdom is the state of grace, or at least attrition for sins committed.

a. In him who is in the state of sin, that sorrow for sins committed is required for obtaining the effect of martyrdom is clear: for without sorrow forgiveness of sins is not granted, not even through the sacraments of baptism and penance, although they were instituted first and of themselves for destroying sins; much less, therefore, through martyrdom.

b. That perfect contrition is not required, but that attrition suffices, is gathered from this, that the effects of martyrdom are not had from the work of the one working, but from the work worked, just as in baptism; but that baptism produce justice, the disposition of attrition suffices; therefore it also suffices in martyrdom. Moreover, if attrition did not suffice, martyrdom itself would never destroy grave sin.

From this condition it seems to follow that the salvation of many martyrs can be doubted, which is contrary to the persuasion of the Church, which believes that all are saved. Yet besides the fact that it will most rarely happen that a martyr does not have at least implicit attrition, the Church venerates as a saint only the martyr whom she knows to have died holily.[351]

Notes

350. *Sermo* 2, in Ps. 34, n. 13.

351. Cf. Lessius, l. 3, c. 1, n. 50.

282. Effects of martyrdom. Martyrdom is a heroic act, to which by the will of Christ certain privileges are annexed.

a. The first and chief privilege is that of itself and as it were from the work worked it confers sanctifying grace on the one duly disposed and destroys every punishment: for with one voice the holy fathers teach that Christ willed martyrs to be washed white in their own blood, just as those who are baptized in water.[352] Therefore the Church does not pray for martyrs, but venerates and invokes them immediately after death, even if they were killed before baptism. To confirm this doctrine they appeal to the words of Christ: He who shall confess me before men, I also will confess him before my Father. And again: He who shall lose his soul for my sake shall find it.[353] He who hates his soul in this world keeps it unto eternal life.[354]

b. To the essential reward of eternal beatitude martyrdom adds an accidental reward, namely the aureole of martyrs, on account of the distinguished victory won over the world.

The aureole is granted on account of an excellent victory won over the enemy in this life; but there is a threefold enemy: the world, the flesh, and the devil; therefore there is a threefold excellent victory to which an aureole is given: of martyrs, who conquered the world; of virgins, who conquered the flesh; and of doctors, who conquered the devil.[355]

Article Fourth.

On Temperance.

283. Its nature. 1. Temperance, insofar as it is a cardinal virtue, is the virtue which moderates the appetite in the pleasures of taste and touch.

a. Temperance in general, or accepted in the broader sense, restrains and moderates the concupiscible appetite, even spiritual, in any matter whatever which entices against the prescriptions of reason, especially with regard to honors and pleasures; special temperance restrains the sensitive concupiscible appetite with regard to the sensible pleasures of taste and touch, which, since they are most vehement, need a special virtue moderating them.

b. Therefore temperance also orders man not to another, but to himself.

2. The proximate material object is the pleasures of taste and touch; the remote material object is foods and drinks and venereal acts, to which those pleasures are referred as to their object. The formal object is natural honesty, which consists in this, that those actions be exercised with that moderation which befits the dignity of rational nature.

Therefore special temperance turns about the pleasures which are perceived in those actions which by their nature are ordered to the conservation of the individual and of the species. Indeed God joined vehement pleasures to the necessary actions by which the human race is preserved and propagated, so that men would be invited and enticed to those actions. Therefore from the intention of the author of nature nothing prevents man, in placing those actions, from being moved by pleasure and intending it, provided that he exclude neither explicitly nor implicitly the primary end, which is the conservation and propagation of the species, and that in all things he allow himself to be ruled according to the prescriptions of reason.

Notes

352. Cf. St. Augustine, *De civitate Dei*, l. 13, c. 7; *Sermo* 159, c. 1.

353. Matt. 10, 32, 39.

354. John 12, 25.

355. St. Thomas, Suppl., q. 96, a. 1.

284. Opposed vices. The vices opposed to temperance in general are two: insensibility by defect and intemperance by excess.

a. Insensibility or stupor is the vice by which someone so flees honors and pleasures that he does not wish to use them when or where or as much as is fitting according to right reason. A most rare vice.

b. Intemperance is the vice by which someone, in seeking and enjoying honors and pleasures, exceeds the dictate of right reason.

285. Parts of temperance. 1. The integral parts of temperance are modest shame and honesty.

a. Modest shame (*Schamhaftigkeit*) is a certain disturbance of soul or fear rising from consideration of some deed bringing confusion or disgrace. Deeds of this kind are especially sins of intemperance.

b. Honesty (*Ehrbarheit*) is a moral perfection averting man from dishonest pleasures and inclining him to the decorum which shines forth in abstinence from illicit pleasures.

2. The subjective parts of temperance are abstinence, sobriety, and chastity, of which two temper taste, but the third tempers touch.

a. Abstinence is the virtue moderating the appetite and use of food and of non-inebriating drink; opposed to it is the vice of gluttony.

Abstinence accepted in this sense is more often called temperance than abstinence, and by the name abstinence (*Enthaltsamkeit*) there is rather designated a subtraction of foods which is greater than the nature of temperance of itself demands. This abstinence, from a motive of virtue, abstains from licit things.

Its act is fasting.

b. Sobriety is the virtue moderating the appetite and use of inebriating drink; opposed to it is drunkenness.

c. Chastity is the virtue moderating or excluding the appetite and use of venereal things; opposed to it is lust.

3. The potential parts of temperance are those virtues annexed to temperance which bring about moderation concerning matters which are not so difficult to moderate as the concupiscences of taste and touch. Virtues of this kind are four: continence, meekness, clemency, and modesty.

a. Continence is the virtue firming the will for resisting concupiscence which impels especially to the venereal pleasures of touch.

The name continence is also taken in another sense, in which it signifies the same as chastity, namely abstinence from every venereal pleasure.

b. Meekness is the virtue which moderates anger according to the prescription of right reason. Opposed to meekness by excess is irascibility; by defect, lenity or excessive indulgence.

c. Clemency is the virtue which moderates external vindication or punishment according to the norm of reason. Opposed to clemency by excess is cruelty; by defect, excessive lenity.

d. Modesty is the virtue by which someone preserves the mode fitting to himself in internal and external movements and in the whole arrangement of his things. There are four species of modesty: humility, studiousness, modesty of morals, and modesty of attire.

Book Sixth.

On Sins.[356]

Question First.

On the Nature and Division of Sin.

286. Notion. 1. Sin is a morally evil human act;[357] but every human act is a free act, and every evil act is against the rule of morals, which is the divine law; therefore sin is customarily defined as a free transgression of the law of God.

a. Free: that which occurs from previous knowledge of the intellect and with consent of the will; for what is not free can in no way be imputed as sin. Transgression signifies any injury of the law of God, whether it is done by commission or by omission, whether by heart, mouth, or work. Of the law of God: for sin supposes a law, and one obliging in conscience, whether it was passed immediately by God or by man; but since there is no power except from God, every obligation of law is derived ultimately from God. Therefore Sacred Scripture says: sin is iniquity, that is, lawlessness;[358] and it also calls sin prevarication[359] and disobedience.[360]

b. Sin differs from imperfection. Three genera of imperfections are customarily distinguished, the first of which contains negative imperfections, the two latter positive and moral imperfections. a. Imperfection is called the defect of a further perfection in human acts, e.g. love of God lacking that perfection which it could have: this imperfection inheres by its nature in all human acts and therefore is not sin. b. Imperfection is called an indeliberate transgression of a divine law of lesser moment, e.g. involuntary distraction in prayer, an indeliberate excess in laughter or jokes: this imperfection is a light material sin, since it is an action entirely involuntary. c. Imperfection is called an action or omission which is opposed to a counsel, e.g. not complying with a divine inspiration, violating the statutes of a community, not obeying the dictate of reason moving one to morally better things, omitting morning or evening prayers, etc. Imperfections of this kind, since they are not against the law of God, of themselves are not sins; nevertheless they displease God and merit reproof, and, if they are committed deliberately, by reason of the motive on account of which the counsel is omitted, they will rarely be without some sin of sensuality, negligence, curiosity, acedia, etc. For the law of nature forbids man to determine himself in his actions from an irrational motive; therefore if the motive on account of which the counsel is omitted is irrational, the omission is a sin.

2. Since offense consists in this, that something is done against the will of another, and injury in this, that something is done against the right of another, every sin, inasmuch as it is against the will of the supreme legislator, by its nature is an offense and injury inflicted upon God. Therefore every sin gives God a motive of displeasure and a right of punishing the agent.

287. Conditions required for sin. Therefore three things are necessarily required for every sin: a. an action which is against the law of God, and therefore an evil action; b. advertence of the mind to the malice

---

Notes

356. St. Thomas I-II, q. 71-89. St. Alphonsus, l. 5, n. 1-84. Suarez, *De peccatis*. Lugo, *De poenitentia*, disp. 16. Greg. de Valentia, *Commentar. scholast.*, II, disp. 6. A. Tanner, *Theologia schol.*, II, disp. 4. Billot, *Disquisitio de natura et ratione peccati personalis* (Rome: Typogr. de Prop. Fide, 1897). Schiesl, *Der objective Unterschied zwischen Tod- und lasslicher Sunde* (Augsburg: Wolff, 1891). Lehmkuhl I, n. 219-256. Kleutgen, *Theologie der Vorzeit^2* (Munster: Theissing, 1872), II, *Von der Sunde*, p. 404 ff. Chr. Pesch, *Praelectiones dogm.* (Freiburg: Herder, 1900), IX, n. 429-556. The same, *Theologische Zeitfragen* (Freiburg: Herder, 1901), *Das Wesen der Todsunde*, p. 47 ff. K. Frick, *Der objective Unterschied zwischen schwerer und lasslicher Sunde* (*Zeitschrift fur k. Theolog.*, 1889), p. 417 ff.

357. St. Thomas I-II, q. 71, a. 6.

358. 1 John 3, 4.

359. Rom. 5, 14.

360. Ibid. 5, 19.

of the action; and c. consent of the will. For true sin is a human action, which is not had without advertence of the mind and consent of the will.

1. Advertence to the malice of the action must be actual; interpretative advertence does not suffice, but imperfect and confused advertence does suffice. For sin is a free transgression of the divine law; but an actual free transgression cannot be had unless advertence is actually made to it in some way.

a. Nevertheless it is not required: a. That advertence last as long as the sinful action lasts, but it suffices that it be present when the evil action is begun. b. Nor is it required that it be clear and distinct, but confused advertence suffices, by which, either indistinctly or by doubting and suspecting, one knows the matter to be evil (n. 46). c. Nor is it required that it be reflex, by which the sinner is conscious to himself of advertence to the malice of the action, but direct advertence suffices, which arises from habitual and ready knowledge of sin. Thus a priest who sins against chastity, or a religious who commits theft at home, is not excused from the sin of sacrilege because he does not reflexly attend to his vow. d. Nor is explicit advertence to the offense of God required, but it is enough that the sinner know the matter to be evil or to be against conscience: for by the very fact that he knows this, he also adverts in some way that the matter is contrary to the will of the supreme legislator, which is manifested to us through the dictate of conscience; but this knowledge suffices for incurring an offense of God.

b. Interpretative advertence is called that which someone could and ought to have had, but in fact did not have from involuntary inconsideration. Therefore the doctrine of certain authors is altogether to be rejected, who judge that even those actions of which in fact there is no advertence can be imputed as fault, provided this advertence could and ought to have been present. Thus they affirm that a hunter is guilty of homicide who, as soon as he perceives something hidden among the bushes, with no investigation first made, invincibly thinking it to be a wild beast, fires and kills a man: for although, they say, he does not advert to the danger of killing a man, nevertheless he could and ought to have adverted to it. They teach that this happens especially when the man, even if adverting, would not have acted otherwise. Therefore they affirm that he sins in himself, not only in the cause, who, having a depraved custom of swearing falsely, from a sudden motion of soul, altogether inadvertently swears falsely.[361]

2. By equal reason an action cannot be sinful unless it is voluntary either in itself or at least in the cause; therefore there cannot be sin without consent of the will.

Therefore he who experiences motions of the flesh or the stimuli of his passions, of anger or concupiscence, without consenting, does not sin, since sense does not harm unless consent is present. From consent of the will, namely, there must be distinguished both temptation, by which someone is allured to sin, and the sense of pleasure, and the natural propensity of the sensitive appetite or of the will toward an evil thing, and finally the deliberation of the mind weighing on either side motives for sinning or not sinning, all of which precede the sinful consent itself. This is taught by the words of Sacred Scripture exhibiting the origin of sin: Each one is tempted, being drawn away and enticed by his own concupiscence. Then concupiscence, when it has conceived, brings forth sin; but sin, when it has been consummated, generates death.[362]

288. Therefore there is no philosophical sin which is not at the same time theological, i.e. in this order of things there is no morally evil action which is not an offense of God: because it is impossible that a man perfectly using reason be ignorant of God without fault, and in his actions not advert, not even confusedly, to God the supreme legislator.

Notes

361. The patrons of this sentence are Cajetan and especially the rigorists Concina, Collet, Antoine, etc., whom St. Alphonsus cites and refutes, n. 4.

362. Jas. 1, 14-15.

a. There were those who affirmed that morally evil actions could be given which are against right reason, because they are against the dictate of conscience, but which nevertheless are not offenses of God, because they are not known to be against the law of God, namely in those who either are ignorant of God or, while they sin, do not think of God and his law. Their doctrine was condemned by the Church as erroneous.[363]

b. Indeed, philosophical sin is called an action which is and is known to be against right reason; theological sin, however, is an action which is and is known to be against the will of God. But he who through the dictate of conscience knows that something is against right reason, by this very fact confusedly and implicitly, yet actually, knows also that it is against the will of God. Therefore there is no action which through the dictate of conscience is known to be against right reason without its at the same time being confusedly known to be against the will of God and thus an offense of God. For in this order of providence it cannot happen that someone invincibly be ignorant of God, or know some action to be morally evil, without at the same time at least confusedly knowing that it is against the law of God, because through conscience the supreme legislator manifests himself to man. Therefore in this order there is no morally evil action which is not an offense of God, which is manifestly gathered from the epistle of St. Paul to the Romans.[364]

289. Division of sin. Sin is divided in many ways.

1. Into original sin, which, committed by Adam's will, is poured into descendants through generation; and personal sin, which is committed by each man's own will.

2. Into actual sin, which is an action or omission against the law of God; and habitual sin, which is the effect left in the soul from actual sin and is customarily called the state of sin. The divisions which follow pertain to actual sin.

3. Into sin of commission, which is the placing of a prohibited action against a negative precept, as theft; and of omission, which is the omission of a prescribed action against an affirmative precept, as omission of Mass.

4. Into external sin, which is committed by word or by some exterior deed, and internal sin, which is committed by the mind and heart alone; whence sins are also distinguished into sins of the heart, which are completed interiorly, of the mouth, which are completed by word, and of work, which are completed by external action.

Therefore by St. Augustine sin is defined as something said, done, or desired against the eternal law of God.[365]

There are sins which are completed interiorly by the heart alone, as heresy, hatred. These sins are complete in their species, even if they are not manifested exteriorly. There are other sins which are not perfect in their species unless they are consummated exteriorly by work, as sacrilege, theft, homicide, fornication. In these the internal sin, e.g. the purpose of stealing, has itself toward the external as incomplete toward sin

---

Notes

363. This proposition (2) was condemned as erroneous by Alexander VII (August 24, 1690): "Philosophical sin, however grave, in him who either is ignorant of God or does not actually think of God, is a grave sin, but is not an offense of God nor worthy of eternal punishment ..." By these words there is not proscribed the sentence of those who hypothetically teach that, if someone in fact labored under invincible ignorance of God and, while performing an action which he nevertheless adverts to be unfitting to rational nature, invincibly did not even implicitly think of God, he would not commit an offense of God, because it is impossible for God to be offended unless he is known in some way. Cf. Viva on this proposition.

364. Cf. Rom. 1, 18 ff.; 2, 5 ff.

365. *Contra Faustum*, l. 22, c. 27.

complete in its species. In each case the internal and external sin pertain to the same objective species; but they are said to differ from one another in species, entitatively, because the mode of sinning only internally or also externally is essentially diverse and must be distinctly declared in confession.

5. Into sin against God, which is against virtues whose object is God himself, as blasphemy; against neighbor, which is against virtues which regard neighbor, as theft; against oneself, which is against virtues which moderate one's own passions, as drunkenness and lust.

6. Into sin of ignorance, which proceeds from culpable ignorance; of infirmity, which proceeds from passion soliciting the will; and of malice, which proceeds from full knowledge, with no passion drawing, and therefore from the perversity of the will alone.

Not only sins of malice, but also of infirmity and ignorance, can be grave sins. As regards the degree of subjective malice, indeed, these three genera of sins differ among themselves; but as regards essence, any one of them can be grave and mortal. And sins of ignorance in a grave matter are grave if the ignorance is gravely culpable; but sins of infirmity in a grave matter are grave, in a light matter light. Experience establishes that a great part of mortal sins are sins of infirmity.

7. Mortal or grave sin is called that which turns man away from God, the ultimate end, which brings death to the soul because it deprives it of sanctifying grace, which of itself is worthy of eternal punishment. Venial or light sin is called that which does not turn man away from God, which does not bring death to the soul, which merits not eternal punishment but only temporal.

8. Into material sin, which is an involuntary transgression of law and therefore not imputable as fault; and formal sin, which is a voluntary transgression of law and therefore imputable as fault.

Material sin, or sin taken objectively, is opposed only to law; formal sin, or sin taken subjectively, is opposed to law and conscience. In a twofold way it can happen that sin remains only material: either because the act is not human, as if one fully drunk does an evil thing, or because the act is indeed in itself human, but the agent is ignorant that it is against law, as if someone violates abstinence not knowing it is a day of abstinence.

9. Into carnal sin, which consists in disordered pleasure of the flesh, as gluttony, drunkenness, lust; and spiritual sin, which consists in disordered pleasure of the mind, as hatred, pride, envy, avarice.[366]

10. Into one's own sin, which is the act or omission of the sinner himself, and another's sin, which is the act or omission of another, but nevertheless is imputed to us by reason of scandal, inducement, cooperation.

This distinction is to be explained in such a way that one sin is called one's own only, another another's and one's own at the same time, because the sin which is committed by another becomes one's own for us by reason of scandal, etc.

290. On sin of omission. Sin of omission can be committed by omission of a commanded internal act, as if the precept of eliciting an act of faith or charity is not fulfilled; or by omission of a commanded external act, as if the precept of hearing Mass, giving alms, is not fulfilled. Here the discussion is about external omission.

1. The internal sin of an external omission is committed when the cause of the future omission is deliberately desired; the external omission then occurs when the time for fulfilling the precept is at hand.

Notes

366. St. Paul does not understand works of the flesh in the same sense, since he also counts idolatry, anger, enmities, etc. among the works of the flesh (Gal. 5, 19 ff.). By the name flesh he rather understands human nature corrupted by original sin and prone to sins. Cf. Gal. 5, 13. 16; 1 Cor. 3, 3.

If someone gives himself over to sleep, so that he foresees that on account of this he will not be able to hear a commanded Mass soon to be celebrated, he commits the internal sin of omission when he gives himself over to sleep; he is guilty of the external omission when the time of hearing Mass occurs, even if then he is not in possession of reason. Hence if, when the time of Mass occurs, he wakes and hears Mass, he is guilty of the internal sin of omission, but by no means of the external omission.

2. External omission in the cause of the will has the nature of sin, although it is not actually free, if he who placed the cause has not meanwhile retracted his will; but if he has retracted the will, the external omission is not a sin, but only the effect of a sin.

If someone commits himself to a journey, foreseeing that in this way he cannot hear Mass, and on the journey, before the time at which the precept can no longer be fulfilled, he revokes the evil will, because he would wish to hear Mass if he could, the omission is no longer a sin, because it is no longer voluntary either in itself or in the cause, which he would remove if he could.

3. The actions which are done at the time of the commanded act become evil if they are causes of the omission of the commanded act; but they do not become evil if they are not causes of the omission, but have themselves toward it merely concomitantly.

If someone determines to omit the commanded Mass in order to be free for study at home, the study becomes morally evil because it is the voluntary cause of the sinful omission; if someone determines to omit Mass from another undue cause and afterward, lest he be idle at home, is free for study at the time of Mass, the study is not morally evil.

4. The malice which an action contracts that is the cause of an omission is not distinct from the omission, but is the malice itself of the omission: for it contracts the malice of that sin of which it itself is the cause.

Therefore if the action which is the cause of the omission is evil in itself, two sins are committed; if it is indifferent or good, one sin is committed. Thus if someone omits Mass in order to read prohibited books, two sins are committed; if he omits Mass in order to occupy himself with licit studies, one sin is committed.

Question Second.

On the Distinction of Sins.

A threefold distinction of sins must be noted: theological, specific, and numerical. Sins differ theologically from a diverse relation to the ultimate end; specifically, from the moral object into which the human will is borne; numerically, from the moral multiplicity of acts and objects. But these things must now be explained more accurately.

Article First.

On the Theological Distinction of Sins.

291. What it is. The theological distinction is taken from the essentially diverse nature of sins; wherefore sins are theologically distinguished into grave or mortal sins and light or venial sins.

a. This distinction is called theological because it arises from consideration of sin by which sin is referred to God: for mortal sin turns man away from God, but venial sin does not turn him away from God. Wherefore these two sins differ from each other in the whole genus.

b. A sin is called mortal or venial from the effect which it produces in the order of grace; it is called grave or light from opposition to the moral order, which is violated notably by grave sins, but only lightly by light sins.

§ 1. On the Difference between Mortal and Venial Sin.

292. On the difference of each. Not all sins are mortal, but some by their nature are mortal, others venial.

1. The essential difference between mortal and venial sin was denied by: a. Jovinian, asserting that all sins are equal; b. the Pelagians, affirming that sanctifying grace is lost through any sin whatever; c. Wiclif, asserting that only the sins of the predestined are venial, because they are forgiven to them; d. the Protestants, asserting either with Luther that the sins of unbelievers are mortal, but the sins of believers are venial, except the sin of unbelief, or with Calvin that the sins of believers are venial, not because they do not merit death, but because they are not imputed to them; e. Baius, affirming that no sin is venial by its nature, but every sin merits eternal punishment.

2. The difference is proved: a. from Sacred Scripture. Some sins are compared to the lightest and smallest things, but others to the gravest and greatest things: to a gnat and a camel,[367] to a mote and a beam;[368] but by these comparisons it is signified that some sins by their nature are far smaller than others. Moreover, there are sins which exclude from the kingdom of God,[369] and sins which are committed even by the just, without their ceasing to be just: There is not a just man on earth who does good and does not sin;[370] if we say that we have no sin, we deceive ourselves and the truth is not in us;[371] for in many things we all offend.[372] But sins which exclude from the kingdom of God are mortal; but sins which do not exclude justice cannot be anything except venial.[373]

b. From the judgment of the Church. The Council of Trent condemned the doctrine of the Protestants;[374] moreover proposition 2 among the Baian propositions was condemned: No sin is venial by its nature, but every sin merits eternal punishment. This difference is implicitly handed down, on the one side, by the dogma concerning hell, an eternal punishment for mortal sins not expiated in life; on the other, by the dogma concerning purgatory, a temporal punishment for venial sins not destroyed.

c. From reason. Certain sins by their nature are so small that it is incredible that they notably injure the moral order, dissolve divine friendship, and merit eternal punishment, as some idle word or the theft of one small coin; therefore not all sins are mortal, but there are certain sins light from their object. Therefore St. Augustine says: "What can be said more absurdly, more insanely, than that he who at some time laughed rather immoderately, and he who rather savagely burned his fatherland, should be judged to have sinned equally? … Or if for this reason they are equal, because each is a fault, mice and elephants are equal, because both are animals; flies and eagles, because both are flying things."[375]

293. Criteria for discerning between grave and light sins. Although it is very important that it be determined which sins objectively are grave and which light, nevertheless to define this concerning all sins is not only difficult but also impossible. Therefore in this matter one must proceed cautiously; but grave sin must never be affirmed if it is not certainly established concerning it. Some criteria are external, others internal, taken from the very nature of the thing.

Notes

367. Matt. 23, 24.

368. Luke 6, 41 ff.

369. 1 Cor. 6, 9 ff.

370. Eccles. 7, 21.

371. 1 John 1, 8.

372. Jas. 3, 2.

373. For demonstrating this matter, the argument taken from Prov. 24, 16 is ineffective: *The just man shall fall seven times*; for the discussion is not about a fall into sin, but about a fall into misery, into which the just man will fall from the snares of the impious, from which nevertheless, with the help of God, he will always rise again.

374. Sess. 6, can. 27.

375. Epist. 104, c. 4, n. 130.

a. Sacred Scripture: sins which in the sacred letters are said to exclude from the kingdom of heaven, to be abominable, to be held in hatred by God, worthy of eternal punishment or death; likewise sins which have joined to them an explicit or implicit curse, woe!, are mortal.

Where there is question of positive laws, a grave punishment sanctioned by the Church against transgressors, as excommunication, privation of ecclesiastical burial, is a sign of a law obliging under grave obligation.

b. Definitions of Roman pontiffs or general councils.

c. Doctrine of the holy fathers and theologians: for what their common sentence declares to be mortal must be held as such.

d. The very nature of the thing. But if no external criterion exists from which the gravity of the sin can be determined, attention must be given to the object and end of the obligation. If there is question of a thing or of a good of great moment, which is notably injured by sin, the sin itself must be called grave; therefore sins are grave which yield a. to grave injury of God; b. to grave harm of the human race, of the Church, of the republic; c. to grave harm of neighbor, whether spiritual or corporal; d. to grave harm of one's own salvation, whether spiritual or corporal.

294. Corollary: Three classes of sins. When account is taken of the gravity of the object, sins are divided into three classes:

1. Sins grave from the whole genus are those which, with the object considered, are always grave. These do not admit smallness of matter and therefore can become light only from imperfection of the act.

There is no smallness of matter in those sins by which the divine perfection is directly injured, or a great and indivisible good. Therefore sins against the theological virtues, sins of blasphemy, simony of divine law, perjury, divination, do not admit smallness of matter, because they directly injure divine perfection. Likewise sins by which the life of man is destroyed, or a sacrament is rendered invalid, or the sacramental seal or the natural fast is injured, do not admit smallness of matter, because they injure the great and indivisible good of life, of the validity of the sacraments, of reverence owed to the sacraments.

2. Sins light from the whole genus are those which, with the object considered, as long as they remain within the same species, are always light. These cannot become grave except from an erroneous conscience or from a circumstance which changes the species.

Light from the whole genus are those sins which contain excess in an action good or indifferent of itself, as excess in food, in non-inebriating drink, in sleep, in laughter, etc., or an action indeed evil in itself, which nevertheless does not gravely injure the moral order nor notably impede a moral good, as an officious lie, a vain thought.

3. Sins grave from their genus are those which, with the object considered, are grave of themselves and light only in light matter. These admit smallness of matter and therefore, within their species, in grave matter they are grave, in light matter light.

a. Smallness of matter is given in those sins by which a finite divisible good is injured: for in these the matter can decrease to such a degree that it can no longer be judged grave, as in the theft of a small coin. Therefore sins against the worship owed to God admit smallness of matter, because the worship which we exhibit to God is a finite and divisible good, which can be greater and less according to the measure of the matter. Likewise sins of real and local sacrilege, because the sanctity of a thing or place is a finite and divisible good; it is greater or less according to the measure of the matter, etc.[376]

b. Great or small matter must be determined by prudent judgment; to form this judgment three things must be considered: a. the thing itself according to itself, whether it is something great or small; b. the thing in comparison to the whole which is commanded, whether it is notable or not; c. the thing in order to the end of the precept, whether it contributes much or little to promoting the end intended through the precept. In precepts which prescribe a determined matter under grave obligation, it can be established as a norm that the fourth part of the determined matter is notable, but a part less than the fourth is venial from smallness of matter, unless according to itself or by reason of the intended end it must be called notable.

§ 2. On Mortal Sin.

295. Essence of mortal sin. Mortal sin contains several notes in itself (n. 289). It is asked which of them constitutes its essence, from which the others are derived as from a common principle. Since sin can be considered subjectively and objectively, its essence must be determined in two ways.

It must be well noted that sin is a moral act which by its own nature contains a twofold element: an objective element, which is the sinful action considered in itself, namely an action repugnant to the moral law and therefore to the moral order; and a subjective element, which consists in the knowledge of the mind and the consent of the will.

1. Considered subjectively, it is an act of the will by which man turns away from God, the highest good and ultimate end, and chooses the creature, a created good, for himself as ultimate end; or, what comes to the same thing, it is an act of the will by which man withdraws love above all things from God, the highest good, and transfers it to a created good.

a. The primary and essential relation by which man is ordered to God consists in this, that he constitutes God, the highest good, as his ultimate end, subjects himself to him by his own will, places him before all created goods, and by this very fact loves him above all things. Hence the appreciatively supreme love by which man embraces God, the highest good and ultimate end, constitutes the essential relation of man to God. Mortal sin is formally opposed to the love of God above all things. In all mortal sins this happens: that a created good is presented to man, to the loving and choosing of which he is solicited; the mind understands that this is absolutely prohibited, so that it cannot stand together with the love of God and his friendship; and nevertheless, with the love of God spurned, the will voluntarily chooses the love of the creature. Therefore all mortal sins primarily and essentially are opposed to the love of God above all things and separate man from his ultimate end; and since sanctifying grace in the present order is inseparably connected with this love of God, when the love is rejected, grace itself also is necessarily destroyed.

b. Man can turn himself away from God, his end, in two ways: explicitly and formally, which happens in sins of hatred of God; implicitly and virtually, when indeed he explicitly turns himself only to the creature and would not wish, if it could be done, to be turned away from God; nevertheless by the very fact that he deliberately chooses sin, knowing that it is repugnant to divine love and conjunction with God, he also implicitly and virtually chooses aversion from God.

c. The creature in which he constitutes his ultimate end is the sinner himself, or the proper good of the sinner; for the particular creature which the sinner prefers to God is diverse, but the ultimate reason on account of which he prefers it to God is his proper good, so that the sinner substitutes love of himself above God for love of God above all things.

Notes

376. Sporer-Bierbaum, *Theologia mor. decal. et sacram.*, I, tract. 1, n. 272 ff.

2. Objectively, mortal sin is an action which gravely injures the moral order and the divine law; or it is an action which notably injures the moral good for the protection of which the moral order has been sanctioned by law by God.

a. The divine law tends to this, that the moral order be preserved. For obtaining this end, the law absolutely exacts those things without which the moral order could not be preserved, and absolutely prohibits those things through which that same order would be disturbed. Violation of the law which is necessary for preserving the order constitutes mortal sin.

b. Since the moral order is composed of those diverse relations by which man is referred to God, to himself, and to neighbors, the divine law necessarily prohibits those things which, if they were licit, would overturn man's essential relation to God, as heresy, blasphemy, perjury, sacrilege; or his essential relation to himself, as drunkenness, softness; or his essential relation to neighbors, as homicide, theft, adultery.

296. Effects of mortal sin. 1. Loss of sanctifying grace. The just man is habitually turned toward God, the supernatural end, through sanctifying grace; by the very fact, therefore, that he turns himself away from God, he loses sanctifying grace. This loss is followed by the loss of the infused virtues and gifts, which accompany sanctifying grace as ornaments. Since the privation of sanctifying grace is called a stain, it is clear that mortal sin induces the stain of sin into the soul.

Nevertheless the infused habits of faith and hope are not destroyed by every mortal sin, which is established from the Council of Trent,[377] as will be said in its own place.

2. Liability of fault. Since any sin whatever is an offense inflicted on God, through sin man becomes liable to undergoing the just indignation of God, which lasts so long as he has not furnished due satisfaction for the offense inflicted. Now the liability of fault consists in the necessity of bearing the just indignation of God.

3. Liability of punishment. Since any sin whatever is an injury inflicted on God, through sin man becomes liable to undergoing due punishment; now the liability of punishment consists in the necessity of undergoing due punishment. But the punishments inflicted or to be inflicted on account of sin are of a twofold genus: some pertain to the present life, others to the future life. The former proceed especially from the mercy of God and are all at the same time medicinal, because they all tend to this, that they either convert men from sins to God or deter them from sinning. The latter proceed from the justice of God and are all vindicative, because they tend solely to this, that the violation of order be vindicated.

a. Punishment is owed to fault: namely because man, by sinning and indulging his own will, acted against the will of God, he must suffer something against his own will from the will of God. Eternal punishment indeed is owed to mortal sin, but temporal punishment to venial sin.

b. The punishment of the future life is divided into punishment of loss and punishment of sense. The difference between the two consists in this, that the punishment of loss consists in mere privation and responds to sin insofar as it is aversion from the highest good; but the punishment of sense consists in positive pain and responds to sin insofar as it is conversion to a finite and created good. Because man, by sinning, has cast away the highest good and his beatitude with injury to God, God deprives him of this good in the other life; and because by sinning he inordinately sought pleasure in a created thing, God inflicts pains through a created thing in place of pleasure. Sacred Scripture indicates both punishments: Depart from me, the punishment of loss, into eternal fire, the punishment of sense.[378]

Notes

377. Sess. 6, can. 28. Cf. 1 Cor. 13, 2; Jas. 2, 14.

4. Loss of all merits, impossibility of acquiring new merits, and special unworthiness of obtaining actual graces.

§ 3. On Venial Sin.

297. Essence of venial sin. 1. Subjectively, venial sin is an act of the will by which man loves a created good against the will of God, without nevertheless preferring it to God and constituting it as ultimate end.

In every venial sin a created good is presented to man, to the loving of which he is solicited. He understands that he cannot love and choose it without acting against the will of God and displeasing him, but at the same time he understands that the love of that good does not turn him away from God and does not dissolve his friendship. But if he actually chooses it, nevertheless he is so disposed that he would never choose it if for that reason he would fall away from the ultimate end and from the love of God. Therefore he retains the essential and necessary relation to the ultimate end, since he preserves the love of God above all things.

2. Objectively, venial sin is an action which violates the moral order and the divine law only lightly; or it is an action which does not notably injure the moral good for the protection of which the moral order has been sanctioned by law by God.

a. God exacts that the moral order be preserved uninjured in every respect. Now an action which indeed does not disturb this order, yet is opposed to it in some measure, or an action which does not notably but nevertheless lightly impedes the good to be obtained through exact observance of the moral order, constitutes venial sin.

b. It can happen in two ways that some action injures the moral order somewhat, and yet does not essentially disturb it: a. from the object itself, which by its nature is of such a kind that it cannot overturn the order, as a non-harmful lie, voluntary distraction in prayer; b. from smallness of matter, when an action which indeed of itself would overturn the order nevertheless is not apt to overturn it, because it turns about a matter of small moment, as a slight theft.

c. Therefore it is truly said that there are two genera of venial sins by reason of matter: some which are venial from the object itself, and others which are venial from smallness of matter. To these there is added a third genus, namely those which are venial from imperfection of the act.

Note 1. They are called venial, not because they receive pardon, for this also belongs through the mercy of God to mortal sins, but because by their nature they can receive pardon and, if they remain alone, ought to receive pardon; mortal sins, on the contrary, considered in their nature, are not remissible. For mortal sins destroy grace; but venial sins do not destroy grace. Hence it happens that man can satisfy for these, but of himself cannot satisfy for those; moreover mortal sins are worthy of eternal punishment, venial sins only of temporal punishment; hence it happens that the punishment of the latter ought to have an end.

Note 2. It is the doctrine of St. Thomas that venial sin is not against, but beside the law of God.[379] To understand this rightly, it must be noted that sin can be against law in a twofold way: either only against some precept of the law, or against the precept and the end of the law. In the former sense both mortal and venial sin are against the law; but in the latter sense only mortal sin is against the law of God, because it alone extinguishes charity, which is the end of the law. But venial sin, since it does not extinguish charity, is said to be not against but beside the law of God.

Notes

378. Matt. 25, 41.

379. *De malo*, q. 7, a. 1, ad 1.

Note 3. St. Thomas affirms that mortal sin turns about the ultimate end, but venial sin about those things which are for the end.[380] These words cannot be understood in such a way that the proximate object of an act gravely sinful is always the ultimate end, the highest good, while the proximate object of an act lightly sinful is always some means to the ultimate end, namely a created good, since there are manifestly mortal sins which proximately turn about means to the end, as homicide, theft, and there are sins, at least venial from imperfection of the act, which proximately turn about God himself, as half-deliberate acts of unbelief, despair, hatred. Therefore the sense is this: that mortal sin is a disorder concerning the end, because it destroys the due order or conjunction with the ultimate end; venial sin is a disorder concerning means, because the will adheres too much to created things, without nevertheless withdrawing from the ultimate end.

298. Effects of venial sin can be considered negatively and positively.

1. Negatively. a. Venial sin does not extinguish sanctifying grace: for it does not take away the due union with God; moreover, if it could extinguish it, either the last venial sin would become mortal, or from many venial sins there would arise a mortal sin. Since these things contain repugnance, venial sin, however it increases in degree or number, cannot take away sanctifying grace.

b. Nor does it diminish it: for if venial sin had the power of diminishing sanctifying grace, with venial sins multiplied, grace would finally be entirely extinguished, which cannot happen through venial sins.

But since habitual charity, the infused virtues, and the gifts of the Holy Spirit cohere with sanctifying grace by an indissoluble bond, so that they are not only acquired and lost together with grace, but are also increased with it, it is clear that these also are in no way diminished through venial sin. Finally, venial sin in no way diminishes merits already acquired or the glory corresponding to them.

c. Nor does it induce a stain into the soul: for since the stain of sin consists in the privation of sanctifying grace, venial sin, which neither takes away nor diminishes grace, cannot cause a stain. Wherefore if even venial sin is called a stain of the soul and is compared to dust and filth which, sprinkled on the face of a man, disfigure its beauty, this must be understood not of a detriment of grace caused by venial sin, but either of liability of fault or of liability of punishment.

2. Positively. a. It diminishes the fervor of charity. By the fervor of charity is designated not only promptness and facility in eliciting fervent acts of charity, but also promptness and facility in exercising acts, more or less intense, of any virtue whatever: for through acts of virtues charity fervently lives in the just man. Now since venial sin impedes and diminishes the exercise of virtues, by that very fact it diminishes the fervor of charity; and since tepidity is opposed to fervor, venial sin is said to induce tepidity.

b. It induces liability of fault: for venial sin also furnishes God a just cause of displeasure and indignation, which nevertheless does not dissolve divine friendship.

c. It induces liability of punishment, not indeed the punishment of loss, which responds to sin insofar as it is aversion from God, but only the punishment of sense to be paid in purgatory and the delay of the vision of God.

d. It gradually disposes toward mortal sin, because it weakens acquired virtues, excites the motions of concupiscence more, and finally brings it about that God permits graver temptations and grants actual graces more rarely.

Notes

380. *Summa* II-II, q. 24, a. 10.

§ 4. On Habitual Sin.

299. On habitual mortal sin. Habitual sin is sin which remains in the soul from any mortal sin whatever until it is forgiven; but that which remains in the soul from the act of sin is: a. habitual aversion from God; b. liability of fault; c. voluntary privation of sanctifying grace; wherefore habitual sin consists in these.

1. That habitual sin, which remains in the soul after the act, must be distinguished from actual sin is clear:

a. A man is actually called a sinner even when the evil action was performed long ago; but from the act of sinning alone he could not be called a sinner unless something were left in the soul by the act.

b. The same thing is indicated in many places by Sacred Scripture: And you know that he appeared that he might take away our sins;[381] but not the evil act, because it has already passed, but the sin which inheres in the soul in the manner of a habit is afterward taken away. Cleanse me from my sin;[382] the prophet asks to be cleansed not from the act of sin already past, but from the sin still clinging in the soul. And forgive us our debts;[383] only habitual sins contracted from actual sins can be called debts.

2. The essence or formal nature of habitual sin consists in habitual aversion from God, the ultimate end, which remains after the act of sin: for man remains turned away from God until he returns to God through conversion. But the offense and injury inflicted on God also remains imputable to man until it is remitted; wherefore habitual sin is rightly said to consist in the liability of fault, by which, after sin, there rests upon man the necessity of having God offended and of bearing his indignation. Because in this supernatural order conversion to God, the ultimate end, consists in sanctifying grace, and therefore aversion from the ultimate end consists in voluntary privation of sanctifying grace, which voluntary privation remains until conversion, habitual sin is also said to consist in voluntary privation of sanctifying grace.

3. Mortal sin induces a stain into the soul: for Sacred Scripture often speaks of the stain by which the sinner is constituted unclean, defiled, filthy: Until the present day the stain of this crime remains in us.[384] The stain left in the soul by mortal sin in the present order consists in the voluntary privation of the brightness of grace, which is caused by actual sin.

300. On habitual venial sin. a. That there is habitual venial sin is established from the same reasons by which habitual mortal sin is demonstrated: for even the just call themselves sinners[385] and say that they are cleansed from every sin.[386]

b. It consists in past actual sin still remaining, until it is revoked and remitted. Through actual sin the will is deprived of due rectitude with the moral order, since it adheres too much to a created good; now this privation induced into the will through sin remains until it is retracted through penance and the sin is remitted.

Article Second.

On Specific Distinction.

Notes

381. 1 John 3, 5.

382. Ps. 50, 4.

383. Matt. 6, 12.

384. Josh. 22, 17. Cf. Jer. 2, 22; Eph. 5, 27; Tit. 1, 15.

385. 1 John 1, 8.

386. Ibid. 1, 7.

301. Declarations. 1. That there are sins specifically distinct is certain from the precept of Christ by which we are commanded to confess sins in their lowest species. From this precept at the same time the practical importance of this question is understood: for the whole question is directed to this, that the confessor may be able to help the penitent in making a confession of mortal sins according to species and number.

Sin can be considered in two ways: first, insofar as it is a human act; and then insofar as it is a morally evil human act, which consists in privation or lacks due form. But in whatever way it is considered, it is clear that there are sins specifically diverse. And indeed not only the objects of sins, but also the forms which evil acts lack, are essentially diverse: for the forms which sinful acts lack are the opposed virtues or relations of fittingness with the precepts which are injured. But since acts are specified by objects, and privations receive species from the forms to which they are opposed, it is clear that morally evil human acts, or sins, are specifically diverse.

2. Now it is asked what the norm is according to which sins are specifically distinguished. Not all assign the same norm.

a. St. Thomas takes specific distinction from the formally diverse objects of sins: those sins differ specifically which turn about formally diverse objects; for human acts receive their species from the object.[387]

b. Scotus takes it from the diverse virtues to which sins are opposed: those sins differ specifically which are opposed to diverse virtues; for privation receives its species from the opposed form, which in this case is virtue.[388]

c. Vasquez takes it from the diverse laws to which sins are opposed: those sins differ specifically which are opposed to morally diverse precepts; for sin consists in privation of fittingness with the precept which is violated through sin.[389]

These three norms for specifically distinguishing sins do not in fact differ from one another, but one explains and perfects another: for virtues are diverse according as their objects are diverse, and laws are diverse according as they regard diverse virtues. Therefore it can rightly be said: sins proximately receive specific distinction from the virtues or precepts to which they are opposed; remotely, from the objects to which they are referred. And indeed hatred of neighbor and theft are sins specifically distinct either because they turn about morally diverse objects, namely the person of the neighbor and the goods of the neighbor, or because they are opposed to essentially diverse virtues, namely charity and justice, or because they are contrary to formally diverse precepts, namely the precept of charity and the seventh precept of the decalogue.

302. The norm taken from virtues. But because of these norms the easier one is that which Scotus proposes, I shall explain it more fully.

For the rest, the following rules furnish only general norms for specifically distinguishing sins; but which sins in particular are opposed to virtues specifically diverse will have to be explained below, where the discussion is about precepts.

1. Those sins are specifically diverse which are opposed to diverse virtues.

a. Therefore heresy, despair, and hatred of God are sins diverse in objective species because they are against the three theological virtues diverse among themselves; perjury, theft, and lying are specifically diverse because they are opposed to diverse virtues, namely religion, justice, and truthfulness.

Notes

387. *Summa* I-II, q. 72, a. 1.

388. In II, dist. 37, q. 1, n. 9.

389. *Disputationes in I-II S. Thomae*, disp. 98, c. 2.

b. If one act is against several virtues diverse in species, it likewise contains in itself several sins diverse in species. Thus the killing of a priest contains two sins, one against justice, the other against religion; and the carnal sin of a priest with a married blood-relative contains four sins: against chastity, religion, justice, and piety.

2. Those sins are specifically diverse which are opposed to the same virtue in a morally diverse mode. For sometimes the object of a virtue is so universal that it contains in itself several objects diverse in moral estimation; therefore diverse precepts of the same virtue also exist. Thus the object of justice is morally diverse according as the goods of the neighbor are diverse, namely life, reputation, honor, or riches; therefore also diverse precepts, the fifth, eighth, and seventh, are referred to these goods. Likewise the object of temperance in the use of food is diverse according as it regards the quantity or quality of foods; wherefore a twofold precept also is had concerning this matter.

a. Therefore perjury, violation of a vow, and blasphemy are sins specifically diverse, because they are opposed to the virtue of religion in a morally diverse mode. Local, real, and personal sacrilege are sins specifically diverse, because a sacred thing, a sacred person, and a sacred place are objects diverse in moral estimation of the same virtue of religion. He who on feast days omits Mass and is occupied in servile works commits two sins, because he injures the virtue of religion in a morally diverse mode.

b. Sins of commission, which are contrary to a negative precept, and of omission, which are contrary to an affirmative precept, against the same virtue are sometimes not specifically diverse, namely if they are referred to the same moral object and precept, as theft and omission of restitution, i.e. taking away and retaining another's thing. But for the most part they are sins specifically diverse, because they regard objects and therefore precepts morally diverse. Therefore heresy and omission of an act of faith, despair and omission of an act of hope, hatred of God and omission of an act of charity, are sins diverse in objective species, because they regard diverse objects and precepts and therefore injure the same virtue in a morally diverse mode.

3. Those sins are specifically diverse which are opposed to the same virtue in a contrary mode, i.e. through excess and through defect: for any virtue has its own mean, and what is opposed to it on either side has a distinct malice and constitutes a sin specifically distinct.

Therefore prodigality and avarice are sins diverse in species, because the former is opposed to the virtue of liberality through excess, the latter through defect. Despair and presumption are diverse in species, because the former is opposed to the theological virtue of hope through defect, the latter through excess.

303. Whether a sin which is opposed to several precepts passed concerning the same matter contains several sins specifically diverse. A distinction must be made: a. If the precepts are formally diverse, i.e. if they were passed from a diverse motive, the sins opposed to them are specifically distinguished. Thus he who breaks a fast to which he is bound from a precept of the Church and from a vow commits two sins, because the precept of the Church obliges from the virtue of temperance and the vow from the virtue of religion.

b. But if the precepts are only materially diverse, i.e. if they were passed from the same motive, the sins opposed to them do not differ specifically, whether they were passed by the same or by diverse legislators.

Thus through theft one sin is committed, even if it is prohibited by natural, divine, and human law, because these laws were passed from the same motive of justice. The beneficed presbyter who does not recite the office commits one sin in species and number; likewise the religious priest who sins against chastity commits one sin against religion, because the obligation is imposed by the same legislator from the same motive of religion.

Article Third.

On Numerical Distinction.

304. State of the question. That several sins specifically distinct, e.g. blasphemy and theft, are also several in number is manifest; and if one sinful act injures several diverse virtues, by that very fact it also contains several malices which are equivalent to sins several in number. Indeed he who steals a sacred thing commits two sins distinct in species and virtually also in number, one against justice and the other against religion. But the question concerning the numerical distinction of sins consists in this: whether and when sins of the same species, e.g. several thefts, several desires of fornicating, are distinguished according to number.

The numerical distinction of sins is taken from a twofold source: a. from plurality of acts; b. from plurality of objects of the same act. Nevertheless there are not as many sins as there are numbered acts, nor does an act which turns about several objects in number contain as many sins as there are numbered objects of the same act. Rather: a. with respect to acts, there are as many sins distinct in number as there are acts morally distinct; b. with respect to objects, there are as many sins distinct in number as there are objects of the same act morally distinct. Therefore first it must be declared in how many ways it can happen that acts physically distinct are joined by moral union and must morally be considered as one act, and how several objects which are reached by one act are morally united; then the rules must be explained according to which one must discern concerning the numerical distinction of sins taken both from plurality of acts and from plurality of objects.

305. Several acts physically are morally united: 1. From the intention of the agent, by which several acts, whether internal or external, are ordered as means to one end: for various actions which are directed to the same act as to an end constitute one action according to moral estimation, even if there is a rather long interval of time between the individual acts.

a. He who proposes to kill an enemy and for this reason conceives acts of revenge, prepares weapons, takes the road, and finally kills him, commits one sin, even if for many days he sought the enemy and several times repeated the purpose of killing, because all these acts are morally united in the same end toward which they tend. Therefore in confession it suffices to say: I killed a man.

b. He who approaches a woman with the intention of fornicating, first places touches, kisses, and immodest conversations, and at last fornicates, commits one sin: for all those things are means for attaining the end and are morally united in the intended end. Indeed even touches, conversations, and things of this kind which are committed immediately after fornication without the intention of a new copula constitute one sin with the fornication itself (St. Alphonsus, n. 41). Therefore in confession he satisfies by saying: I committed fornication.

c. He who, from the intention of stealing one hundred florins, often renews the internal purpose and snatches them away in ten instances, commits one sin, because the individual acts are directed to the same end. Therefore he sufficiently accuses himself by saying: I stole one hundred florins.

d. If an external sin has been begun, but not consummated, whether because of retracted will or because of a supervening impediment, a distinction must be made thus: a. If the means applied for executing the purpose are indifferent, entering a house for fornicating, buying a sword for killing, it is not necessary that they be explained; for whatever evil is in them is already sufficiently declared in the purpose itself. b. If the means applied for executing the purpose are evil, prior touches for copula, blows, wounds, they certainly must be indicated; but it suffices if they are declared confusedly and indistinctly: I wished to fornicate and had already applied certain means, but I did not complete the act. For the individual acts do not lose the moral unity which they have on account of the intention of the agent because of the

interruption of the work; therefore it is not necessary that they be distinctly declared. The same holds concerning this example: if someone intending to kill Titius strikes him and then wounds him, but does not kill him.[390]

2. From the affection of the will, by which it happens that several sinful acts, both internal and external, which occur during the same impulse of passion, morally constitute one action, even if some interval intervenes between the individual acts.

He who from the same impulse of passion inflicts several wounds on an enemy, often blasphemes God, often curses a man, often dishonestly touches himself, several times falsely swears the same thing, morally commits one sin. He who remains for an hour in morose delectation concerning the same object, even if from time to time he thinks about another thing, commits only one sin morally. Therefore a brief interruption between one act and another does not prevent them from being judged morally one act.

3. From the work itself to be completed: namely, if the work either from its own nature or from human institution is so constituted that several distinct acts are required as integral parts for completing it, these acts in moral consideration constitute one action and therefore one sin.

a. The priest who proposes on one day to omit the whole office and in fact omits it commits one sin; nevertheless if he had first proposed to omit only Matins, but afterward also the remaining parts, he would have two sins.

b. He who in the same occasion distributes holy Communion to several persons in the state of sin commits one sin, according to some grave, according to others light, because the individual communions pertain to one ministry by which holy Communion is distributed to several persons, and because the individual communicants participate in the same banquet. Therefore in confession it suffices to say: I distributed Communion in the state of sin.

c. He who in the state of sin successively absolves several penitents likewise commits only one sin: for all absolutions which occur successively pertain morally to the same ministry of absolving, which by its nature is not restricted to one person but is extended to all who on the same occasion approach the sacred tribunal. Therefore in confession he satisfies by saying: once I heard confessions in the state of sin.

306. 1. Concerning the distinction of sins taken from plurality of acts, three rules must be established: a. concerning merely internal acts, which are consummated interiorly, as acts of hatred; b. concerning internal acts to be consummated exteriorly, which have annexed to them a purpose of placing an external action, as the will of stealing, of fornicating; c. concerning external acts or acts consummated exteriorly, as theft, fornication. For moral interruption does not occur in the same mode in all these acts.

2. Yet first it must be declared in how many ways acts which have moral unity from the intention or passion of the agent are interrupted, or lose moral unity. Now acts of the will can be interrupted in three ways: a. through voluntary revocation, as if someone truly repents of the sinful act and afterward nevertheless resumes the same act; b. through voluntary cessation from the act, as if someone deliberately ceases from the evil act, turns himself to other things, and then returns to the same act; c. through involuntary cessation from the act, e.g. on account of sleep, distraction, occupation, etc., lasting for a rather long time. But how great a delay of time must intervene between one act and another for the acts to be judged truly interrupted in this way must be estimated by the judgment of the prudent according to the diverse nature of the acts.

Notes

390. Ballerini-Palmieri I, n. 668.

307. 1. Merely internal acts concerning the same object, which have unity from the same affection of passion, are multiplied whenever they are interrupted through revocation, through voluntary cessation, and through involuntary cessation.

a. Merely internal acts of the will which turn about the same object and proceed from the same affection, even if they are several, are judged one continued act, which lasts so long as it is not interrupted. But acts of this kind are morally interrupted not only by revocation and voluntary cessation, but also by involuntary cessation: for the same affection of passion cannot last amid daily occupations and distractions except for a brief time, at most for two or three hours.

b. He who, seeing an enemy, interiorly imprecates evils upon him and after some time, seeing him again, imprecates upon him anew, commits two sins, because the imprecations have been morally interrupted. He who, thinking of base things with pleasure, exchanges a few words with a passer-by and immediately returns to thinking again about base things, commits one sin; but if he returned to thinking again about them after a longer conversation which had entirely drawn the mind away from these matters, he would have two sins, because the delectations in the latter case, but not in the former, are interrupted.

c. He who for a rather long time, e.g. for an entire day, fosters the same sinful act, commits more or fewer sins according to the diversity of circumstances. Therefore if a penitent does not know how to indicate the number of internal sins, he must be asked about the delay of time during which he persevered in the same sin; and with account taken of the matter, the character of the penitent, and the circumstances, especially the kind of daily occupation, the prudent confessor must judge from this rule the moral interruption of acts, and therefore the number of sins.[391]

308. 2. Internal acts to be completed exteriorly, which have unity from the passion and intention of the agent, are multiplied whenever they are interrupted through revocation or voluntary cessation.

a. These acts, which chiefly have moral unity from the intention of the agent, are interrupted through revocation or voluntary cessation, but not through involuntary cessation, unless the interval of time is long. And indeed an act which tends into an external work is judged to last virtually so long as the work has been placed, unless a notable delay is interposed between the purpose and its execution; and therefore internal acts often repeated are nothing other than a continuation of the first sinful act. But if the external work has already been begun, the depraved will in this exterior effect lasts virtually still more easily even for a longer time. For how much time the same act remains virtually must be determined by the judgment of the prudent according to the diversity of acts: for sometimes, e.g., the purpose of reading a bad book can persist without moral interruption for a few hours or at most for a day; on the contrary, the purpose of stealing for several days, indeed the purpose of revenge even for several weeks.

b. He who determines to commit theft commits one sin, even if for several days he thinks about the theft and often renews the purpose of stealing, until at an opportune time he finally executes the theft. But he who proposes to commit theft this night, and then, mindful of this purpose, remains at home, and tomorrow renews the same purpose, commits two sins, because through voluntary cessation from the iniquitous purpose the first will of stealing is interrupted.

c. He who for a long time does not restore, although he often remembers the obligation of restoring and renews the purpose of not restoring, commits one sin: for in the external effect, namely in the retention of another's thing, the depraved will virtually perseveres. Yet if he retracts the purpose of not restoring

---

Notes

391. Cf. Lugo, *De poenitentia*, disp. 16, n. 569.

and fosters the will of restoring for some time and afterward returns to the prior purpose, he commits a new sin.

309. 3. External acts are multiplied whenever they are complete in themselves and independent of one another, unless they are ordered as parts or means to one consummated act.

a. Therefore he who twice sacrilegiously communicates, who pollutes himself twice, even if he does this within a brief time, commits two sins. Likewise he makes several sins who omits a prescribed fast for several days: for any omission is something complete in itself, independent of another omission. He commits several sins who strikes an enemy several times at diverse times without the intention of killing him; likewise he who several times takes something from the same heap of wheat without a prior intention of stealing the whole.

b. He who for several days reads a prohibited book places several external acts physically distinct, which nevertheless are morally united both on account of the intention of the agent reading the whole book and on account of the nature of the acts, which constitute integral parts of one whole, namely the reading of the whole book.

Note. Acts which have disparate objects, or external acts which are in themselves plainly complete and independent of one another, cannot be gathered into moral unity either through the intention of the agent or through the affection of the will: for the nature of these acts prevents them from being morally united. He, for example, who, seeing a virgin, basely desires her and a little afterward, seeing another, desires this one too, commits two sins, even if the base desire proceeds from the same ardor of lust. He who within a brief time pollutes himself twice from the same libidinous affection commits two sins. Likewise a priest omitting the office sins as often as he omits the office, even if he should wish to unite the individual omissions through intention. Similarly a prostitute having the intention of sinning with all who come commits as many sins as copulas she completes.

310. Several objects physically are morally united. Whether several physically distinct objects have moral unity and constitute one moral and total object depends on the nature of the object and on the apprehension of the agent. Namely, if several objects either from their nature have moral unity, as a family, a city, and therefore are apprehended by the agent as one whole, or if they are apprehended by the agent in the manner of one object, as my rivals, even if by their nature they do not have unity, they constitute one moral object and are reached by the will as one thing. But if several objects neither have unity from themselves nor are apprehended by the agent as one, but are distinctly apprehended, they constitute not one object but several objects and are reached by several distinct acts of the will.

He who detracts from or curses a family composed of five heads commits one sin, because he apprehends the whole family in the manner of one and reaches it by one intention of harming; nevertheless if he were thinking of the individuals and distinctly wished to harm them, he would commit five sins. He who steals a purse belonging to three owners, whom he confusedly apprehends in the manner of one owner, commits one sin; but by the same act of stealing he commits three sins if he distinctly apprehends them and intends to harm each individually.

Note. Disparate or specifically diverse objects cannot make one moral object, whether they are reached by a merely internal act or by an external act. He, for example, who desires three women of diverse condition, one unmarried, another married, a third a nun, and apprehends them as such, commits three sins distinct in species and number, because they are not apprehended by one act in the manner of one, but by several acts distinctly, and are reached by the will, nor can they be gathered into one object. He who burns a barn in order to kill his enemy sleeping there, or who by one blow kills a horse and its rider, commits two sins: of damage-infliction and of homicide.

311. Concerning the distinction of sins taken from plurality of objects, a twofold rule must be established: a. concerning internal acts; b. concerning external acts.

1. An internal act, consisting in a simple affection or purpose of the will, which is referred to several objects distinct in themselves, always contains one sin, because those several objects constitute one moral or total object: for since there is one act of the will, the several objects are apprehended by the intellect and reached by the will in the manner of one.

a. Therefore he who by one act of the will morosely delights in three women, or desires three women of the same condition, commits one sin.

b. He who proposes to omit the office for a whole month or not to fast for the whole of Lent commits one sin; yet if afterward he executes this will, he has as many sins as he omits offices or fasts, because the individual omissions are united by no bond.

c. He who wishes diverse evils upon an enemy, e.g. infamy, poverty, death, commits one sin, because he apprehends and wishes them in the manner of one evil.

d. He who by one act hates several men or desires to kill several men commits one sin, because he reaches them under the confused concept of plurality.

312. 2. An external act which is referred to several objects distinct in themselves constitutes one sin only when the physically several objects constitute one moral and total object, or are apprehended by the mind and reached by the will in the manner of one. But if several objects are apprehended individually, there are also several sins, because the individual objects are also reached by distinct acts of the will.

a. He who by one explosion wounds or kills ten men commits one sin, and it is enough if in confession he says: I wounded or killed several, if by confused apprehension and intention he reached all in the manner of one; but he commits several sins if he distinctly apprehended the individual men and intended to kill them.

b. If someone by one speech detracts from a family, house, religious community, whether it is numerous or small, he has one sin, and it is enough if he says: I detracted from a family or community, or only, I detracted gravely. Indeed even he commits one sin who by one speech detracts from several, e.g. his enemies, whom he apprehends and intends in the manner of one; yet if he distinctly apprehends the individuals and intends to injure the reputation of each, he commits several sins.

c. Not only he who injures goods which belong to a monastery or to a chapter, but also he who takes away a deposit belonging to ten diverse persons, commits one sin if he reaches the ten owners with confused apprehension and intention.

Note 1. Although he who by one act killed three, or by one act desired to approach three women, satisfies the obligation of confessing integrally by saying: I committed homicide, or I had a desire of fornicating, nevertheless he must confess with a term by which at least confusedly several persons are signified: by one act I killed several, or I wished to approach several unmarried persons, namely lest he lead the confessor into error. For these words, "I committed homicide," signify "I killed one man," and they are taken by the confessor in this sense; wherefore the killing of several would implicitly be denied and the confessor would be deceived, which would be a lie committed in confession. Therefore where deception of the confessor and an implicit lie are not contained in the words, it is not necessary to indicate the plurality of objects. He, for example, who by one act inflicted damage on several or gave scandal to several, satisfies if he says: I inflicted grave damage or I gave grave scandal.

Note 2. The theory just explained concerning the total object belongs to Cardinal de Lugo (*De poenitentia*, disp. 16, n. 104 ff.), who followed Suarez (*De poenitentia*, disp. 22, sect. 5, n. 34). There are indeed several and grave authors, among whom is also St. Alphonsus (n. 45), who, following the stricter sentence, establish that the number of the total object must be explained in confession. For according to them, he who a. by one act kills three men, b. by one act detracts from several, likewise c. by one theft injures the rights of several, commits several sins in number. Yet since this sentence does not rise beyond probability, in order to confession it must be said that the number of the total object indeed constitutes an aggravating circumstance, but not several sins necessarily to be declared in confession. And indeed their reason is that nothing prevents one and the same act from containing several malices against the same virtue. But it is not denied that one act can virtually and indistinctly contain several malices in number; rather, the question is whether these malices must be declared distinctly in confession. Now, in order to satisfy the divine precept of accusing all and individual sins, it is not necessary that all malices which are virtually present in one act be declared distinctly, unless they are either specifically diverse or formally distinct.

Note 3. Penitents are bound to declare in confession only those circumstances changing the species which they apprehend, because they are guilty only of those. Now, for someone to contract the malice of a circumstance changing the species, confused knowledge of it indeed suffices; yet since they judge concerning these matters only from common moral estimation, they do not have even confused knowledge of many species which theologians accurately distinguish. The same must be noted concerning the numerical distinction of sins. That number of sins must be declared in confession which is apprehended by the penitent while he sins; but the common judgment of men does not distinguish all those malices which authors are accustomed to indicate.

Question Third.

On the Conditions of Sin.

It is asked what conditions are required so that formal sin, or sin considered subjectively, may be mortal, and what are required so that it may be venial: for since formal sin is a voluntary transgression of law, not every sin which objectively, with the matter considered, is grave or light can be imputed to the agent as a grave or light sin.

Article First.

Conditions of Mortal Sin.

313. What they are. Three things are required so that sin considered subjectively may be mortal: a. grave matter; b. full advertence; c. perfect consent. For since mortal sin produces such disastrous effects, it must be a perfectly human act concerning a grave obligation; and therefore for committing mortal sin, grave matter is required with advertence and perfect consent.

1. Grave matter, i.e. an obligation which is apprehended by the agent as grave, whether it is grave in itself or is held as grave by the agent from invincible ignorance.

Grave matter, which is altogether required for formal sin, must not be considered as it is in itself, but as it is perceived by the agent: for conscience is the proximate norm of actions. Therefore grave sin is committed when the agent apprehends the matter of his act to be grave, whether in itself it is prohibited gravely, lightly, or in no way.

314. 2. Full advertence to the grave malice of the act or to the law obliging under grave obligation. This knowledge must be full; half-full knowledge does not suffice. Yet it is not required that it be clear and distinct, but confused knowledge suffices (n. 46, 287).

From those things which were said in the treatise on the voluntary and its imputability (n. 70 ff.), it is established that, for committing sin, it suffices that the malice of the act be apprehended in the cause of the evil act: for an evil effect which is foreseen as going to follow from a voluntarily placed cause is voluntary in that cause and is imputed to the agent, even if afterward it is placed without actual advertence. Moreover, it can happen in three ways that an evil act is apprehended not in itself but only in the cause.

a. From voluntary negligence, whether in learning those things which someone is bound to know, or in applying the consideration which the matter to be done deserves: for all the defects which he commits are imputed rightly and deservedly to him who, adverting to the obligation of learning or of acting more considerately, nevertheless neglects his obligation.

b. From voluntary sin: for the evil effects which the agent foresees as going to follow from his sinful action, e.g. from drunkenness, are deservedly imputed to him.

c. From a voluntary depraved habit: for evil acts which are foreseen as going to arise from a depraved habit, e.g. of blaspheming, are deservedly imputed to him who does not try to correct the depraved habit (n. 86).

Signs of half-full advertence are:

a. If someone, occupied and distracted by another thing, only passingly and slightly apprehends the thing to be evil, or if he attends little to the sin.

b. If someone is half asleep, or half drunk, or half delirious, or not yet perfectly in possession of reason.

c. If someone is disturbed by vehement passion or by some mania.

d. If someone immediately after the deed scarcely remembers what he did.

e. If someone after the deed, weighing the matter, i.e. the habitual disposition of his soul, judges that he would not have done it if he had fully adverted.

He who indeed knows that he acts badly, but thinks nothing at all about whether the matter is grave or light, sins only venially: for a. he does not sin gravely, because he apprehends a grave obligation in no way; b. by the very fact that he does not apprehend the matter as grave, he is judged to stop at light matter, unless the matter is so certainly grave that its grave malice cannot be hidden from him.

He who doubts whether something is grave or light and, with the doubt not yet laid aside, acts, sins gravely, because he deliberately exposes himself to the danger of gravely offending God: for he knows that his action perhaps gravely offends God and nevertheless does not abstain from it.

315. 3. Full consent, which is always had whenever the will, after full advertence, adheres to a matter prohibited by law.

Consent follows advertence, so that it is full when advertence is full, and half-full when advertence is half-full. Wherefore diverse passions, especially grave fear, impede full consent and therefore mortal sin only when they impede the perfect use of reason.

Signs of half-full consent:

a. He who habitually abhors grave sin, indeed has a firm purpose rather to die than to sin mortally, is to be presumed not to have consented fully.

b. He who could easily have executed the sin exteriorly and nevertheless abstained from the sin is to be judged not to have fully consented interiorly.

c. He who, reflecting on what he did, is immediately distressed and saddened and turns himself away from depraved thoughts and desires, likewise did not give full consent.

d. He who doubts whether he consented is to be presumed not to have consented, if he is of a timorous conscience.

What sort of sin does he commit who deliberates about committing a sin, and nevertheless does not consent?

a. If the deliberation is only a certain hesitation or omission of resistance against temptation from negligence or torpor, the sin is venial. b. If the deliberation is true and full, i.e. if one, with the grave malice of the action known, seriously weighs whether he wishes to perpetrate the gravely evil matter or not, he sins gravely. For hesitating whether to prefer God or the creature, he compares God with the creature. The sin is of the same gravity and species as that about which he deliberates.[392]

Note. From the signs of full and half-full consent it is gathered what the confessor ought to ask in order to know whether, in a doubt concerning consent, grave sin was committed. Not rarely the confessor will not be able to form a certain judgment concerning the gravity of the sin committed by the penitent, so that the matter must be left to the judgment of God.

316. A sin grave from its genus can in the individual become light. A sin grave from its genus is ordinarily also mortal in the individual; but sometimes, from defect of a required condition, a sin mortal from its genus becomes light in the individual accidentally:

1. From imperfection of the act: for since full advertence and full consent are required for mortal sin, if one of these is lacking and only imperfect advertence or imperfect consent is had, the sin will be venial.
2. From smallness of matter: namely, where a precept grave of itself is violated only in a light matter, the sin cannot be grave, because grave sin of itself necessarily also demands grave matter.
3. From an excusing cause: namely, if the excusing cause indeed does not suffice to exempt altogether from sin, nevertheless it is such as at least excuses from mortal sin. Thus grave inconvenience altogether excuses from hearing Mass or from fasting, but inconvenience not so grave can at least excuse from mortal sin and makes the transgression venial.
4. From erroneous conscience, which invincibly judges something to be venial sin which in reality is mortal: for just as an invincibly erroneous conscience excuses from every sin, so also it excuses from grave sin.

Article Second.

Conditions of Venial Sin.

317. What they are. Also for venial sin considered subjectively three things are required:

1. Light matter, i.e. an obligation which is apprehended by the agent as light, whether it is light in itself or is held as light from invincible ignorance.
2. At least half-full advertence to the malice of the action.
3. At least half-full consent to the evil thing.

a. But if the matter is light in itself, advertence and consent can be a perfectly human act, yet the sin is nothing except venial. If advertence is half-full, whatever the matter may be, the sin will be venial.

b. Sins which are committed with half-full advertence and half-full consent are customarily called half-deliberate sins, which therefore even in grave matter are venial from imperfection of the act.

Notes

392. Croix, l. 5, n. 229.

c. Indeliberate sins, if this word is taken strictly, cannot be true sins. But if nevertheless the nature of sin is attributed to them, they must be conceived in such a way "that the action itself, which is denominated sin, was done in itself with no advertence, as distraction in prayer, but proceeded from some preceding negligence," so that the action is a sin not in itself but in the cause.[393]

318. A sin light from its genus can in the individual become grave:

1. By reason of an erroneous conscience, by which someone holds a light sin for grave: for then he freely consents to a thing which he apprehends as gravely evil. Therefore children who hold every lie or theft, even of a light thing, as a grave sin not rarely sin gravely from an erroneous conscience.
2. By reason of a gravely evil end. Thus theft of a light thing perpetrated for committing homicide is a grave sin, not indeed on account of an injury in goods of fortune, but on account of the intention of committing homicide: for the means participates in the malice of the end; but the end is gravely evil.

He who, from the intention of gradually arriving at a grave quantity, in repeated instances steals some small amount, or who, from the intention of violating the fast, often eats some small amount, sins gravely in the individual acts: for the intended end is gravely evil; but the means which are applied to the end participate in the malice of the end; therefore the individual acts have grave malice. Nevertheless the individual acts, by reason of the intention from which they proceed and by which they are informed, are gathered into moral unity and morally constitute one sin, unless they are acts plainly independent of one another.

3. By reason of grave scandal which is foreseen as going to arise from a venial sin. Thus the venial levities of a priest before seculars, and the venially evil words of parents before children, can become grave sin on account of scandal.
4. By reason of formal contempt, whether of law or of the legislator: for he who transgresses a law from formal contempt contemns the legislative power itself; but he who contemns this, although in only a light matter, inflicts grave injury upon God and his ordination.

A twofold contempt of law or of the legislator must be distinguished: formal, by which the law or legislator as such, namely his authority, is contemned; and material, by which the matter of the law, e.g. as of light moment, as inept for the end, as unjust, or the legislator as man, e.g. as imprudent or wicked, is contemned. Therefore he sins from formal contempt who transgresses the law because he does not wish to be subject to the law or to the legislator, or precisely because it is commanded. To violate the law from material contempt of the precept or of the human one prescribing is ordinarily a light sin; but to violate the law from material contempt of divine law or of the divine legislator is a grave sin.

5. By reason of proximate danger of falling into grave sin, if by sinning lightly someone exposes himself to such danger: for by the same obligation by which we are held to avoid sin, we are also held to avoid its proximate danger. Thus he who seeks lightly prohibited conversation with companions, in which for the most part he sins gravely, by exposing himself to the danger of grave sin sins gravely.
6. By reason of excessive affection toward some thing, as if someone is so affected toward a game that he is actually prepared rather to offend God gravely, e.g. to omit Mass on a feast day, than to abstain from the game. Not the vehemence of the passion by which he adheres to the game is a grave sin, but the evil disposition by which he is prepared to prefer the creature to God, if indeed that disposition has passed into act.

Notes

393. Lehmkuhl I, n. 221.

7. By reason of matter coalescing with the matter of other venial sins, concerning which matter there is the following question.

Note. From the objective gravity of sin must be distinguished the subjective gravity of sin. For judging this gravity, namely, not only objective elements but also subjective ones must be considered, such as ignorance, infirmity, fear, contempt, etc., which in a determined subject can increase or diminish the malice of sin. It not rarely happens that the subjective gravity of sin is far distant from its objective gravity. In the practice of confession, attention must especially be paid to those circumstances which make a sin grave in itself light. Ordinarily, indeed, sins grave in themselves are also grave subjectively; but sometimes those which are grave in themselves and objectively become light subjectively, or at least do not have the same degree of malice in the subject which they have in themselves, because they are committed from ignorance, from infirmity, from fear, from shame, etc., all of which diminish moral malice.

319. Whether several venial sins constitute mortal sin.

1. Venial sins by multiplication alone, however great, never constitute mortal sin unless their matter coalesces: for number alone does not change the essence of sin; but between mortal and venial sin there is an essential difference.

a. Therefore a priest who in recitation of the office daily omits one psalm, even if in the course of the year the omissions are many, sins only venially; and if at the beginning of the year he proposes daily to omit a psalm, this purpose does not exceed venial sin: for the purpose does not have greater malice than the acts intended through the purpose, which individually are venial and are not united with one another.

b. Therefore a master who on a feast day enjoins thirty servants to the labor of one hour sins only venially: for the acts of the individuals do not morally coalesce.

c. Therefore he who proposes to avoid only mortal sins, not caring about venial sins, indeed he who proposes to commit all venial sins which occur, by this will of itself does not exceed venial fault: for the malice of this purpose of itself is taken from the object; but its object is constituted by venial sins alone. It is said of itself because accidentally there can be joined with this purpose of the will a danger of sinning gravely; but to will this danger, known as such, would be a grave sin.

2. Venial sins multiplied by reason of coalescing matter or by reason of an effect caused can constitute mortal sin, with advertence nevertheless supposed to grave matter or to an effect prohibited under grave obligation.

He who, without the intention of gathering a grave quantity, in repeated instances steals some small amount, sins gravely when, with advertence to the grave effect, he steals the quantity which completes grave matter: for although the matter of that theft, considered in itself and absolutely, is light, nevertheless together with the preceding things with which it coalesces it completes and constitutes grave matter. But the thief, before the last theft, adverting as supposed to grave matter and grave damage, by that small theft consents to grave sin. By equal reason a priest who in different hours of the same office omits some small amount sins mortally by that omission which completes grave matter, if he adverts to the gravity of the matter.

Question Fourth.

On the Gravity of Sin.

320. On the diverse gravity of sins. The gravity of sin is the quantity of malice which belongs to a sin from its object. Now it is asked whether grave sins, considered objectively, are of the same or of diverse gravity.

1. Not all sins are of the same gravity, but some are graver than others. Thus sins against religion are graver than sins against justice.

a. This is gathered from Sacred Scripture: He who delivered me to thee has the greater sin.[394] Yet for Tyre and Sidon it shall be more tolerable on the day of judgment than for you.[395] Everyone who is angry with his brother shall be liable to judgment; but he who says to his brother, raca, shall be liable to the council; and he who says, fool, shall be liable to the hell of fire.[396] It can be disputed what the Lord wished to signify by the name of judgment, council, hell of fire; nevertheless this is certain, that to the diverse degrees of punishment which are signified by those words there correspond diverse degrees of fault.

b. The same is clear from reason. Sin is a transgression of the divine law; but laws are not all of the same moment and perfection, but some are more excellent than others and more necessary in relation to the ultimate end, according as the good is greater for the preservation of which they were established.

The Stoic philosophers, and in the Christian age Jovinian the monk, whom St. Jerome refutes, contended that all grave sins are equal. Their argument is this: the formal nature of mortal sin consists in aversion from the ultimate end; but there cannot be greater or lesser aversion from the ultimate end, since aversion consists in something indivisible. But it is clear that aversion from the ultimate end cannot be greater and lesser insofar as it is the negation of conversion; but it can be greater and lesser insofar as it signifies positive opposition to the ultimate end, or conversion to creatures.

2. For bearing judgment concerning the diverse gravity of sins, P. Lehmkuhl (n. 1224) establishes the following rules:

a. A sin is graver in proportion as the virtue to which it is opposed is nobler and higher; but within the range of the same virtue, other things being equal, sins against a prohibiting law are graver than sins against a prescribing law.

b. A sin is graver in proportion as the person against whom the sin is directed is nobler. Thus, of themselves, sins which are directed directly against God are graver than sins which are directed against man.[397]

c. A sin is graver in proportion as the good which is injured by the sin is greater. This rule indeed must be attended to in the first place in sins against neighbor.

3. With these things premised, sins, as regards gravity, follow one another in about this order.

a. Sins which are committed directly against God, or the internal divine goods: hatred of God, infidelity, despair.

b. Sins which are committed against God's external goods: blasphemy, idolatry, superstition, perjury, and tempting God. In this place are to be inserted sins which are committed against the humanity of Christ and the most holy sacrament of the Eucharist.

c. Sins which are committed against God indirectly, or against things consecrated to God, namely diverse sacrileges, as simony, profanation of sacred things, unworthy reception and administration of the sacraments, violation of a vow, etc.

Notes

394. John 19, 11.

395. Matt. 11, 22.

396. Matt. 5, 22.

397. Cf. St. Thomas III, q. 80, a. 5.

d. Sins by which human persons are injured, and indeed in this order: sins which a man commits against himself, against those joined to him, as parents or superiors, and against strangers.

e. Sins by which human goods, of life, honor, reputation, fortune, are injured: homicide, lust, calumny, detraction, theft; drunkenness follows after these.

Question Fifth.

On the Origin of Sin.

321. Genesis of sin. 1. Sin, which is a deliberate act of the will, is completed by these, as it were, grades.

a. First there is the proposal of an evil thing, in that by the work of some power, sense, phantasy, or intellect, some object is offered to the will which it cannot embrace without violation of law.

b. Then there arises in the appetite, sensitive and rational, or in the rational alone according to the nature of the object, an inclination toward the proposed object with a certain pleasure: for by natural necessity the appetite is borne toward its object and is delighted in possession of it.

Since motions of concupiscence arise by their nature in man when an object, good or evil, has been proposed, it follows that any man experiences motions of this kind, and that they are more or less frequent and vehement according to the diversity of temperament and circumstances.

c. Afterward the intellect adverts both to the object toward which the will is inclined and to its moral malice, i.e. to the law prohibiting the volition of it, and therefore to the obligation of repelling the temptation.

If the will adheres to the object toward which it is inclined before the intellect adverts to its malice, that adherence cannot be sin.

d. Finally the will freely determines itself to the act, and indeed either turns itself away from the object offered, resisting the temptation, or does not turn itself away from it. But if it does not turn itself away, voluntary adherence to the evil thing now begins on account of the temptation not rejected, which adherence is consummated through positive consent.

Sacred Scripture graphically describes the origin of sin with these words: Each one is tempted, drawn away and enticed by his own concupiscence. Then concupiscence, when it has conceived, brings forth sin; but sin, when it has been consummated, generates death.[398] That is, concupiscence, offering the object of sin, entices the will to consent; but if the will, not repelling the temptation, begins to adhere to the evil thing, from this, as it were, marriage between concupiscence and the will, positive consent, sin, is generated as fruit, whose effect is the spiritual death of the soul.

2. The efficient cause of sin is the human will alone, freely determining itself to an act prohibited by law; nevertheless it can be allured and incited to sin in diverse ways. That which allures the will to sin is either temptation to sin or is at the same time an occasion of sin; but each contains a danger of sinning.

Article First.

On Temptation to Sin.

322. Notions. 1. Temptation is the attempt to draw the will over to sin. Temptation arises from this, that an object, some good, prohibited by law is proposed to the will: for this attempts to move the will to consent.

Notes

398. Jas. 1, 14 ff.

a. Temptation is called grave if the will is vehemently incited by an object prohibited under grave obligation to embrace it; and it is called light if the will is incited to embrace it by an object prohibited under light obligation, or by an object prohibited under grave obligation but only lightly.

b. Temptation is called internal if, once an evil object has been proposed, the appetite is inclined to embrace it; it is called external if only the evil object is proposed, without the appetite being excited to embrace it.

2. The frequency of temptations varies according to diverse internal and external circumstances of persons; nevertheless no one is altogether immune from them, because no one can escape the causes of temptations unless he goes out of this world. Christ the Lord must be excepted, in whom internal temptation was impossible, and the Blessed Virgin Mary, whom the grace of God preserved immune from internal temptation. The ascetics show at length that temptation in itself is not evil, but a good of great moment for the spiritual life.[399]

323. The causes of temptations are numbered as three, of which the first, concupiscence, is internal, and the other two, the world and the devil, are external.

1. Concupiscence. a. By the name concupiscence here is understood the sensitive appetite insofar as it is borne also toward sensible goods which are contrary to the moral order.

a. Having arisen from original sin, it remains even in the justified and consists in a positive inclination toward evil. It is not sin; nevertheless it is the most abundant source of sins, because it allures the will to sin. Therefore it is called the fomes of sin by the Council of Trent.[400]

b. Acts of concupiscence allure the will to sin in two ways: indirectly, through influence on the intellect, whose judgment concerning the malice of a good so pleasant to the senses is disturbed; directly, through influence on the will, which on account of the connection of the powers is drawn to willing the same thing toward which the sensitive appetite is borne.

c. The force and vehemence of temptation, and therefore the gravity of the danger of sinning, depends on the nature of the thing toward which concupiscence is borne, on the greater or lesser clarity and vivacity with which it is represented, on the greater or lesser intensity of the act of concupiscence, and finally on the weakness of the will, which can be greatly increased in the concrete by natural character and the habit of sinning.

d. Concupiscence is the primary and principal source of temptations: Each one is tempted, drawn away and enticed by his own concupiscence.[401] The goods prohibited by law toward which concupiscence is borne are of a threefold genus, and according as it is borne toward these goods, there is distinguished in it a threefold respect, which Sacred Scripture indicates: All that is in the world is concupiscence of the flesh and concupiscence of the eyes and pride of life.[402]

2. The world. a. Insofar as the world designates the complex of corporeal things, it tempts in this, that it represents sensible goods to the appetite by means of the senses and allures it to embrace them, even if they are prohibited by law.

Notes

399. Hense, *Die Versuchungen*^3 (Freiburg: Herder, 1902). Scaramelli-Winkler, *Geistlicher Fuhrer* (Regensburg: Verlagsanstalt, 1901). Monsabre-Drammer, *Die Versuchung* (Mainz: Kirchheim, 1892).

400. Sess. 5, can. 5.

401. Jas. 1, 14.

402. 1 John 2, 16.

b. Insofar as the world signifies men alien from God, who profess perverse principles and, indulging their passions, live in sins, it tempts: a. by its principles contrary to the doctrine of Christ, which are disseminated among men both by voice and by writings; b. by its perverse works, by which, as also by conversations, it is a scandal, and excites others to follow evil examples.

3. The devil. a. That the devil incites men to sin is a most certain fact from Sacred Scripture: for he tempted to sin not only the first parents,[403] but also Job,[404] Ananias and Sapphira,[405] the apostles,[406] and especially Judas,[407] indeed even the divine Savior;[408] whence the apostles solicitously admonish us to beware of the temptations of the demon.[409]

b. Since the devil cannot act directly and immediately on the human will and draw it to sin, he tempts in this: a. he excites representations in the senses, whether external or internal, alluring toward prohibited goods; b. he imbues the mind with illusions, that death is still remote, passions impose necessity, sins are easily remitted, virtue is too arduous, man cannot be without the pleasures of life, etc.; c. he disturbs the soul with scruples, thoughts of hatred, lust, despair, human respect, etc.

c. Although, as Scripture witnesses, every sin took its beginning from the devil,[410] all sins of men proceed from him in some way, he is named the prince of this world,[411] and sins are called his works,[412] nevertheless the intervention of the devil is necessary neither for every sin nor for all temptations; for concupiscence and the free will of man also suffice for effecting these. In fact, however, the devil is rather often the author of temptations, especially of those which are more troublesome and arise without another cause that is known, e.g. during prayer. The power of tempting in the devil is not absolute, but subordinated to divine providence. Therefore he cannot tempt except when God, by permitting, wills, and as much as he wills.

Note. Although in the Sacred Scriptures God is said to tempt men,[413] nevertheless he himself must not be numbered among the causes of temptations, because he incites no one to sin nor can he incite.[414] The temptations of which God is author are temptations of proving, not of seduction:[415] for he does not himself send these temptations, but only permits them, nor does he permit them beyond strength, and with the temptation he will also make the outcome.[416]

324. On the resistance to be opposed to temptations.[417]

Notes

403. Gen. 3, 1-6; 2 Cor. 11, 3.
404. Job 1, 12.
405. Acts 5, 3.
406. Luke 22, 31.
407. John 13, 2.
408. Matt. 4, 3 ff.
409. 1 Cor. 7, 5; Eph. 5, 11 ff.; 1 Pet. 5, 8 ff.
410. 1 John 3, 8.
411. John 12, 31.
412. 1 John 3, 8.
413. Gen. 22, 1.
414. Jas. 1, 13.
415. 2 Cor. 12, 7 ff.; Gen. 22, 1 ff.; Job 1, 12; Tob. 2, 12.
416. 1 Cor. 10, 13.
417. Cf. Ballerini-Palmieri I, n. 595 ff.

a. It is clear that neither the world nor the devil can tempt man unless they excite motions of concupiscence through the senses; wherefore the only source of temptations properly is concupiscence. Now it is asked how the will ought to have itself concerning motions of concupiscence after the mind has fully adverted to them.

b. If consent is prescinded from, the will can have itself toward these motions in a threefold way: a. it is said to have itself negatively or passively or indifferently if it does not consent, but neither applies any means to repress them; b. it is said to resist positively, but indirectly, if it applies means to suppress them, but does not elicit a contrary act; c. it is said to resist directly if it elicits contrary acts. Now it is asked whether there is an obligation of positively resisting depraved motions, whether therefore sin is committed not only through consent to the depraved motion but also through omission of positive resistance.

1. It is not licit to have oneself merely passively toward these motions unless there is a just cause; rather, positive resistance must be opposed to them. a. For motions of this kind cast one into danger of consenting to them, which danger is increased the more the longer they are deliberately admitted; hence the greater the danger of consenting to depraved motions, the graver is the obligation of repressing them. b. If a reasonable cause for omitting resistance is present, the help of grace, by which consent may be prevented, can deservedly be hoped for, provided the firm purpose of the will not to consent to sin is retained.

a. A just cause for having oneself merely passively is present: a. where the motions arise from an honorable and useful action; b. where it is deservedly feared that from positive resistance they may become more vehement, and on the contrary experience establishes that they are more easily removed by being despised; c. where long positive resistance would be too troublesome. Therefore in temptations which last for a long time, it certainly suffices to resist them from time to time. In these cases, therefore, motions of concupiscence are rather to be despised than positively attacked. Nevertheless, especially in the first case, it is preferable to oppose to them an act of displeasure or a purpose not to sin.

b. One must assent to the authors who contend that the obligation of repressing these motions does not arise already from the fact that they are disordered, but from the danger of consent: for the obligation of the will of ruling the powers subject to it indeed requires that it guard against consent to evil, but it does not require that it prevent or repress indeliberate motions arisen from nature.[418]

2. To omit resistance and to have oneself merely passively where the motions of concupiscence are great and vehement is a grave sin; to omit it where the motions of concupiscence are light does not exceed venial sin, even if they turn about an object prohibited under grave obligation. For vehement motions induce a great or proximate danger of consenting, but light motions induce only a light danger; but we are held to remove proximate danger of consent under grave obligation, and light danger only under light obligation.

a. Hence pious penitents, who in temptations are rarely accustomed to consent, are not easily to be accused of grave sin if they have had themselves merely negatively; on the contrary, those who often fall in temptations can more easily be guilty of mortal sin, although in a particular case it is most difficult to bear a certain judgment concerning this matter.

b. It must be noted that if first-first motions, and evil ones, exist in the will, these after full advertence to them begin to become deliberately evil; wherefore they must always be driven away by positive

---

Notes

418. Castropalaus, *Opus morale*, tr. 2, disp. 2, p. 10, § 5. Tamburini, *Explic. decal.*, l. 10, c. 2. Lacroix, *Theologia moralis*, l. 5, n. 111 ff.

resistance or dissent. For he who has himself merely negatively toward motions of this kind gravely evil sins gravely.

3. Of itself there is no obligation of directly resisting depraved motions, but of itself it suffices to resist them positively, because this of itself suffices for obtaining the end. Accidentally, however, there can be an obligation of resisting directly if positive resistance does not sufficiently exclude the danger of consent.

a. There are temptations, e.g. against faith, against chastity, which are conquered more easily and effectively by indirect resistance, especially by the mind being seriously occupied with other things.

b. The modes of resisting positively according to St. Alphonsus are the following: a. to elicit an act of dissent or displeasure, which, even if it does not repress the motion, especially one joined with carnal pleasure, nevertheless guards against consent of the will; b. to think about the passion of the Lord or about the last things; c. by praying, to have recourse to God, the Blessed Virgin, or the saints; d. to elicit an act of love of God and of the purpose of dying rather than sinning; e. to turn the mind to other things.

Note. Concerning the occasion of sin, see *De sacramentis*, n. 412 ff.

Article Second.

On the Danger of Sin.

325. Notions. 1. The danger of sinning is constituted by everything which induces to sin, as temptation and an occasion of sin.

2. This danger is internal if it comes from an internal cause, as a base imagination; it is external if it comes from an external cause, as a thing alluring to sin.

3. This danger is called grave, or proximate, if it is morally certainly connected with sin; it is called light, or remote, if the connection with sin is not morally certain.

4. Grave danger is absolutely or of itself grave if it is such commonly for all; relatively or accidentally grave if it is such only for some on account of a peculiar disposition.

Note. If now it is asked whether and what sin he commits who exposes himself to the danger of sinning, the discussion is about sin considered objectively. Hence, for sin to be committed subjectively, it is required that he who exposes himself to the danger apprehend that this is prohibited by law.

326. Principles. 1. We are held under grave obligation to avoid grave or proximate danger of sinning gravely. And indeed by the same precept by which we are held to avoid mortal sin, we are also held to avoid its proximate danger: for he who does not avoid it when he can is convicted of loving the sin whose danger he loves.[419]

a. The sin which is committed by him who without necessity exposes himself to grave danger of sinning is of the same gravity and species as the sin itself whose danger he approaches.

b. He who exposes himself to the danger of sinning commits sin, even if he does not sin in the danger; yet he who afterward, placed in the danger, actually sins, commits only one sin: for the depraved consent by which he exposes himself to the danger and by which afterward he consents to the sin is the same.

Notes

419. Ecclus. 3, 27.

c. He also exposes himself to grave danger of sinning who approaches a danger which indeed at the beginning is light, yet in such a way that he foresees that it will afterward become grave, as is accustomed to happen in danger of sinning against chastity, because in the danger itself lust burns more.

2. From a just cause it is licit to expose oneself even to the proximate danger of sinning, provided that apt precautions are applied, by which the danger becomes remote. For he who from a just cause exposes himself to danger does not love the sin, but the good cause on account of which he undergoes the danger; therefore he can rightly and deservedly hope for the help of God, lest he fall in the danger.

a. The cause of necessity for undergoing the danger of sin ought to be greater in proportion as the sin about which there is question is greater, and in proportion as the danger of committing the sin itself is greater.

b. Apt precautions by which a fall into sin may be excluded are: to retain a firm purpose of not sinning; to pray to God; to foster a pious thought; if the danger lasts rather long, the use of the sacraments and the exercise of pious reading.

c. Without a just cause, even with the purpose of not sinning and of applying apt precautions, it is not licit to expose oneself to the danger of sinning, because we are proximately obliged to avoid the danger unless a just cause excuses. Therefore God does not aid by his help those who, by rashly exposing themselves to danger, fail in their obligation. But if someone is found in danger from a just cause, God does not desert him by his help.[420]

d. If it is certainly foreseen that sin will be committed in the danger, it is never licit to offer oneself to it spontaneously; for this to be licit, it is altogether required that there be a founded hope that the sin will be avoided with the help of God: for certain sin must be avoided absolutely.

3. We are held under light obligation to avoid light or remote danger of sinning gravely, and proximate danger of sinning lightly; wherefore it is licit to approach danger of this kind only from a reasonable cause. For some disorder against reason is had in this, that someone without cause places a useless action, with which moreover a danger of sinning is joined.

a. By light danger is understood a true danger of sinning, although small, which is founded in some special reason; a danger which morally is none and is equivalent to the mere possibility of sinning we are not held to avoid, because we cannot avoid danger of this kind, since it is found in almost every human action. Otherwise, as the Apostle says, we would have to go out of this world.[421]

b. Concerning both light danger of sinning gravely and grave danger of sinning venially, that must be noted which Lehmkuhl has (n. 486, IV): "If that from which the danger arises is an action honorable and useful in itself, from this goodness itself there is had a sufficient reason for acting, so that we ought not to attend to that slight danger, but rather fortify ourselves by applying remedies; for otherwise innumerable useful actions would be impeded by fear of sinning."

Note. The question is controverted whether it is a grave sin to expose oneself to probable danger, not morally certain danger, of sinning gravely. Very many authors indeed with St. Alphonsus[422] affirm that it is a grave sin; but it is scarcely credible that one offering himself to the danger of sinning gravely with a serious and reasonable hope that he will not fall sins gravely, since it cannot be affirmed that he wills the

---

Notes

420. Cf. St. Alphonsus, l. 5, n. 63.

421. 1 Cor. 5, 10.

422. Cf. l. 5, n. 63; l. 6, n. 453.

sin, since the sin is not necessarily joined with the danger to which he exposes himself. For the rest, several authors who are cited for the affirmative sentence seem to adhere to it more in words than in reality.[423]

Question Sixth.

On Internal Sins.

327. Notions. 1. Those sins are called internal which are completed solely by the internal powers of the soul, namely by the mind and the will. All are reduced to three classes: a. to desire, b. to joy, c. to morose delectation; and desire indeed is referred to a future action, joy, as it is taken here, to a past action, but delectation to a present action; in common speech, however, all these are comprehended under the name of an evil thought.

2. Joy and delectation do not differ specifically: for the difference consists only in this, that the object is represented in delectation as present, in joy as past; but this merely external difference does not suffice for constituting a specific distinction.

3. Delectation (joy) and desire differ specifically: it is indeed one thing to be delighted concerning an injury to one's neighbor, another thing to desire an injury to be inflicted on one's neighbor. For in desire the evil thing is exhibited as to be accomplished by deed; in delectation it is prescinded from the external deed.

Article First.

On Depraved Desires.

328. Notions. 1. A depraved desire is an act of the will by which someone deliberately intends to accomplish an evil thing.

2. It is called efficacious when someone absolutely proposes to execute the evil thing by deed, and inefficacious when someone intends to execute the evil thing conditionally, e.g. if I could, if it were licit. Therefore what is said of desire is valid by equal reason concerning purpose: for purpose is efficacious desire.

Even an inefficacious desire of itself tends toward the evil thing; wherefore of itself the same theological and specific malice is in it as in an efficacious desire; and therefore it is not necessary that it be declared in confession whether the desire was efficacious or inefficacious.

329. Principles. 1. The desire, efficacious and inefficacious, of an evil thing is a sin of the same gravity and species which the object, that is, the external act toward which it tends, has. The reason for the first is that desire receives malice from the object toward which it tends, and therefore in a grave matter it is grave, in a light matter light. The reason for the second is that desire tends toward the external thing itself as afterward to be accomplished, and therefore includes all the malices which are in the thing itself, provided they are apprehended.

Hence it is that Christ says: He who shall have looked at a woman to covet her has already committed adultery with her in his heart.[424] Therefore the desire of stealing a consecrated chalice contains the twofold malice of theft and sacrilege. The desire of sinning with a relative by blood or with one consecrated to God is mental incest or mental sacrilege. Wherefore desires gravely evil, both efficacious and inefficacious, must be declared in confession in such a way that circumstances changing the species also appear.

Notes

423. Cf. Lacroix, *Theologia moralis*, l. 5, n. 252 ff. Berardi, *De recidivis et occasionariis*^3 (Faenza: Novelli, 1897), II, pr. 4 ff., who defend the affirmative sentence, which Ballerini-Palmieri I, n. 692 ff., and Genicot II, n. 372, think must be abandoned.

424. Matt. 5, 28.

2. An inefficacious desire is not a sin if the condition attached removes the malice of the act: for in this case the will is borne toward an object which contains no malice, since the attached condition excludes it.

a. The attached condition, e.g. if it were licit, if it were not a sin, if God permitted, can exclude malice from the object: a. in those things which are prohibited only by positive law: I would wish to eat meat, unless it were a day of abstinence; I would take a wife if I were not a priest; b. in those things which indeed are prohibited by the law of nature, but nevertheless can sometimes be done licitly: I would kill an enemy, I would steal, if God permitted. Nevertheless desires of this kind are not only idle, but often also dangerous.

b. The attached condition cannot remove malice from the object: a. in those things in which the condition is impossible, because they are so intrinsically evil that they cannot be changed even by God, e.g. I would blaspheme, I would fornicate, if it were not a sin; b. if the attached condition is referred not to the malice of the act, but to another circumstance. Therefore these desires are sins: I would wish to take vengeance, if I were not a priest; I would fornicate, if there were no hell; I would steal, if it could be done secretly.

c. But if the conditioned desire of a thing intrinsically evil, I would fornicate, I would avenge myself, if it were licit, is not a true and deliberate desire, but rather the signification of a natural propensity by which the will or the sensitive appetite is borne toward an evil thing, it is not a sin, because this desire is explained in this way: nature indeed draws toward the evil thing, but I do not will it, because it is prohibited.

330. Whether it is licit to wish evil to one's neighbor for a good end. It is licit under these conditions: a. if it is not done from hatred and vengeance, but merely on account of a good end; b. if it is done with the order of charity preserved, i.e. if the good on account of which temporal evil is wished to one's neighbor surpasses or at least equals the evil which is wished to him.

a. It is licit to wish death to one's neighbor on account of one's own or another's spiritual good necessary for salvation; thus it is licit for a father to wish the death of a son whom he foresees will be seduced if he lives longer: for the order of charity is preserved, since a good of a greater order is preferred to a good of a lesser order.

b. It is licit to wish death to one's neighbor also on account of a temporal good, not only common but also private, provided this good is not of lesser moment than the life of the neighbor. Thus it is licit to wish the death of a tyrant, that peace and common happiness may return; likewise it is licit for a wife to wish the death of a husband by whom, beyond hope of amendment, she is treated most harshly: for the temporal safety of the wife is a greater, or at least an equal, good than the life of the husband. In the same way a wife in this case can licitly wish death to herself: for death is better than a bitter life.[425] The reason for these things is that also in this case the order of charity is preserved: for since anyone ought to love himself more than his neighbor, he licitly prefers his own good to a lesser or equal good of his neighbor.

c. It is not licit to wish death to one's neighbor on account of a temporal good of lesser moment than the life of the neighbor, because it is against the right order of charity. Therefore it is not licit for a mother to desire the death of a daughter whom, on account of deformity, she cannot place in marriage; nor is it licit for a son to desire the death of his father so that he may more quickly enter upon the inheritance. In the same way it is not licit, without sin, to wish death to oneself on account of the daily miseries of this life.

Notes

425. Eccli. 30, 17.

Note. In desires of this kind, however, one must take care lest the will tend directly and immediately toward the evil of the neighbor, but rather toward the good on account of which the evil is wished: otherwise the will would elicit an act evil in itself, by wishing the evil of the neighbor as it is his evil, not as it is the good of the one desiring or of another.

Article Second.

On Depraved Joys.

331. Notions. 1. Joy here is taken for deliberate complacency in an evil thing done either by oneself or by others; therefore it is referred to an evil work perpetrated, which pleases the will. Boasting concerning a committed sin is reduced to joy.

2. The object of joy can be: a. the evil work itself done; b. the mode in which the evil was done; c. the effect which followed from the evil work; d. the evil work on account of a good effect.

332. Principles. 1. Joy concerning the evil itself done is a sin of the same gravity and species as the evil itself done. The reason for the first is that the internal act of joy receives malice from the object, since it is an approval of an evil thing, which is always evil, whether it is evil in itself or only evil on account of prohibition, as to rejoice concerning blasphemy or concerning a meal taken on a fast day. Therefore joy is a grave or light sin according to the gravity of the matter. The reason for the second is that the will approves the evil thing as it was perpetrated; therefore it also induces all the malices which it knows to have been joined with the thing.

Note. Hence the penitent in confession ought to explain not only the object of desire and joy, but also the circumstances changing the species, provided they were known, e.g. in joy concerning the striking of a cleric, in the desire of fornicating with a relative by blood.

As joy concerning an evil done is a sin, so also sadness concerning a good done is a sin, and indeed:

a. sadness concerning a good done which was commanded under grave obligation is a grave sin;

b. sadness concerning a good done which was commanded under light obligation is a light sin;

c. sadness concerning a good done which was not commanded, e.g. concerning a vow made, concerning the priesthood received, does not exceed a light sin, provided the will of fulfilling the obligation undertaken is retained. Whether it is a light sin or no sin depends on the motive on account of which someone is saddened, namely whether it is reasonable or not; ordinarily, however, sadness of this kind lacks a reasonable motive.

d. sadness not concerning the good itself done, but concerning the adjuncts of the good action, e.g. concerning inconvenience and labor, is not a sin.

2. To rejoice not concerning the evil work, but concerning the mode in which the evil was perpetrated, is not a sin: for the act of the will in this case is borne toward an object good or indifferent.

It is licit to rejoice concerning obscene paintings or comedies on account of the art by which they were composed; concerning theft or fraud on account of singular and ingenious cleverness; concerning an impure narration on account of the witty manner of narrating; concerning a man's fall on account of the ridiculous things which occurred in the fall. Nevertheless joys of this kind are not without danger, because the passage from the mode to the work itself is easy.

3. Of itself it is licit to rejoice concerning the good effect of an evil work, whether this was materially or formally evil, because the act of the will is not borne toward the evil thing, but precisely toward the good effect, even if it supposes an evil work.

Therefore it is licit for a son to rejoice concerning an inheritance which he obtained on account of a homicide, whether voluntary or involuntary. It is licit to rejoice concerning nature relieved or concerning a temptation quieted, which followed from pollution, whether involuntary or even voluntary. But these things are dangerous, because joy can easily pass from the good effect to the evil work.

4. It is not licit to rejoice concerning the evil work itself which had a good effect, but it is licit to rejoice concerning an evil work on account of the good effect which followed from it, whether the work was materially or formally evil. The reason for the first is that it is not licit to approve evil on account of a good end, nor does an evil work therefore become good and worthy of approval because it can produce, or in fact has produced, a good effect.[426] The reason for the second is that the object of joy is not the evil itself, but precisely this circumstance of it, that it had a good effect. For an evil work can be considered according to itself and insofar as it is the cause of a good effect; if it is considered according to itself, it is not licit to rejoice concerning it; but if it is considered precisely as it is the cause of a good effect, it is licit to rejoice concerning it; but this is rather to rejoice concerning the good effect of an evil cause.

It is not licit to rejoice concerning perjury, even if only materially evil, which freed another from punishment, nor concerning the omission of a fast, even if it happened from inadvertence. It is not licit to rejoice concerning the killing of an enemy of the Church; but it is licit to rejoice that from it the peace of the Church followed. It is not licit to rejoice concerning the sin of Adam, even if a great good followed from it. But if the Church sings, O happy fault, this is not joy concerning the sin itself, but concerning the sin because and insofar as it had a good effect.

Note. What it is licit to desire, concerning that it is likewise licit to rejoice, and conversely; therefore it is licit to rejoice concerning the evil of one's neighbor, provided the order of charity is not injured; thus it is licit for a mother to rejoice concerning the death of a little son on account of his eternal happiness.

Article Third.

On Morose Delectation.

333. Notions. 1. Delectation, as it is taken here, is the complacency of the will in an apprehended good. Delectation receives morality from the object in which the will takes complacency for itself.

By reason of the object, delectation is distinguished: a. concerning a thing thought and represented to the will, e.g. concerning the killing of an enemy, concerning fornication; b. concerning the knowledge of a thing, namely if not the thing itself, but the knowledge of it pleases, e.g. the knowledge of homicide, of fornication. It is indeed one thing to be delighted concerning homicide exhibited through imagination, and another thing to be delighted concerning the knowledge of homicide.

2. Morose delectation is free complacency in an evil thing exhibited through thought or imagination as present, without desire of doing it. Therefore he who is morosely delighted feigns to himself an act of sin, e.g. theft, a base touch, and takes complacency for himself concerning that act so represented, as if someone were executing it, yet without a will to execute it. This delectation is called morose not from the duration of the complacency, but because the will tarries in it after advertence, even for a single instant; therefore morose delectation is the same as voluntary delectation.

Notes

426. There are those who demonstrate that this same thing is illicit from proposition 15 condemned by Innocent XI: It is licit for a son to rejoice concerning the parricide of a parent perpetrated by himself in drunkenness on account of the great riches obtained from the inheritance thence. But from this proposition that cannot rightly be inferred, because the proposition is false also from another reason, namely because the joy of the son is repugnant to the order of charity.

334. Principles. 1. Morose delectation concerning an evil thing is a sin of the same gravity and species as the evil thing itself represented through imagination or thought. The reason is that morose delectation receives both theological and specific morality from the object about which it is occupied. Wherefore morose delectation is grave or light according as the thing thought, in which the will is delighted, is gravely or lightly evil, and delectation concerning theft differs in species from delectation concerning homicide or concerning fornication.

And here again the distinction between delectation and thought concerning an evil thing appears: for delectation concerning prohibited carnal intercourse is always a grave sin, but not likewise thought and imagination concerning the same thing. For if this is done from an honorable end, e.g. for teaching, it is good, and if it is done from curiosity, it is a venial sin. But thoughts of this kind concerning obscene things are always dangerous, because they easily provoke the venereal sense; and if there is added delectation, that is, free complacency, concerning the venereal sense which is excited from the obscene thought or imagination, it is not spiritual morose delectation, concerning which the discussion here is, but venereal delectation, concerning which it is spoken elsewhere.

2. Morose delectation contains the malice which the thing thought, which pleases, has from circumstances, if the delectation is occupied about those circumstances themselves; wherefore delectation concerning the killing of a priest is mental sacrilegious homicide, and delectation concerning intercourse with a nun is mental sacrilegious fornication, if the will also is delighted concerning the circumstance of priesthood and consecration.

If therefore the will is not formally delighted concerning the circumstances which are found in the evil object thought, it does not contract the malice of the circumstances: for since there is no question of an evil thing already accomplished or to be accomplished by deed, but only of a thing thought, precision being made from its execution, the malice of the circumstances toward which the will is not explicitly borne is not contracted. Therefore he who, in the example posited above, is not delighted concerning the circumstance of the object does not contract it, and therefore in confession satisfies by saying: I was delighted concerning homicide; I was delighted concerning fornication.

Question Seventh.

On Certain Kinds of Sin.

Article First.

On Capital Sins.[427]

335. Notions. 1. Capital sins are not called capital or mortal because they would be the greatest sins or always mortal, but because, having arisen from original sin, they are as heads and sources from which many other sins arise. But they are sources of sins not as acts, but rather insofar as they are depraved passions or habitual propensions; therefore they are better called capital vices than capital sins.

According to the doctrine of St. Thomas, other sins arise from the capital vices as from a final cause. For since the object which the capital vices inordinately seek vehemently allures man, as riches, which avarice seeks, in order to attain that object frequently and abundantly he applies many and diverse illicit means, which are so many sins arisen from a capital vice.[428]

Notes

427. St. Thomas, *De malo*, q. 8 ff. Holzmann, *Theologia moralis*, l. 1, tr. 3, disp. 2, c. 5. Struggl, *Theologia moralis*, tr. 2, q. 3. Ballerini-Palmieri I, n. 697-745.

428. St. Thomas I-II, q. 84, a. 3.

2. After St. Gregory the Great[429] and St. Thomas,[430] the capital vices are commonly numbered as seven: pride, avarice, lust, envy, gluttony, anger, sloth. Concerning each one the treatment must be so made that they are considered both insofar as they are vices and insofar as they are sins.

a. The seven capital vices are not enumerated by all in the same way: for some, considering pride as the root of all vices, still number seven under it, of which the first is ambition; but others, numbering pride among the seven capital vices, place ambition in the first place among its daughters.

b. The seven vices are comprehended in the mnemonic word *Saligia*, whose individual letters signify the individual vices in order.

§ 1. On Pride.

336. 1. Pride is defined as an inordinate appetite of one's own excellence. Pride is opposed by excess to the virtue of humility.

a. Inordinate: for there is also an ordered love of one's own excellence, when someone does not esteem his own goods more than is fitting, and desires to be preferred to others because he judges that it will be useful for the glory of God and his own salvation or that of others.

b. Pride arises from this, that a man, considering his own excellence and not adverting that he has it from God, values it more than is fitting. This consideration brings it about that he conceives an excessive estimation of himself, is pleased with himself, prefers himself to others, despises others, desires to manifest his own excellence to others, to be honored and praised by them, and to be placed before them.

2. Complete pride is a sin mortal from its whole genus; incomplete pride is a sin venial from its whole genus.

a. Complete pride is that by which someone so wishes to excel and to be placed before others that he wishes to be subject to no one, neither to superiors nor to God himself; such is the pride of the devil. This contains direct, not only indirect and virtual, aversion from God, and on that account belongs to the gravest sins of all.

b. Incomplete pride is that by which someone, while retaining subjection toward God and superiors, values himself more than is fitting and desires to excel above others, whom he despises and contemns as inferiors. Incomplete pride is a venial sin: for the inordinate appetite of a thing indifferent of itself is venial. But accidentally it can be a grave sin, namely if it is joined with grave injury of others, or if it induces one to commit other grave sins.

3. Pride is not undeservedly called the mother of all sins, because inordinate love of one's own excellence can move one to any sins whatever; nevertheless there are certain sins which in a peculiar sense are called daughters of pride, insofar as pride induces to them almost by a natural necessity. These are the following:

a. Presumption, which is the appetite of undertaking something above one's powers. This of itself is venial, unless someone through his lack of skill exposes himself to grave danger of injury to be inflicted on God or neighbor, as if someone without sufficient skill desires to exercise the office of pastor, physician, judge, etc.

Notes

429. *Moralia*, l. 31, c. 7.

430. *Summa* I-II, q. 84, a. 4.

b. Ambition, which is the inordinate appetite of honor and dignity not owed, as if someone ambitiously seeks an office of which he is unworthy. But to seek a dignity or honor suitable to oneself with moderation and from a good end is not a sin, but an act of magnanimity.

c. Vain glory, which is the inordinate appetite of the manifestation of one's own excellence, whether true or fictitious, as if someone inordinately seeks praise or rejoices concerning the humiliation of others. He does not commit the vice of vain glory who, on account of an honorable end, strives to excel, e.g. that he may become fit for an office to be carried out afterward, that he may please his parents, that he may obtain a prize proposed. It is called vanity if someone seeks praise and honor from goods of lesser moment, e.g. from wealth, from bodily beauty, from garments, etc.

Vain glory manifests itself in a threefold way:

a. boasting, which is the inordinate manifestation of one's own excellence through words;

b. ostentation, which is the inordinate manifestation of one's own excellence through deeds or signs;

c. hypocrisy, which is the inordinate manifestation of one's own excellence through simulated virtues.

§ 2. On Avarice.

337. 1. Avarice is defined as an inordinate appetite of temporal goods, i.e. of goods of fortune. Avarice is opposed by defect to the virtue of liberality.

a. The love of riches is inordinate if it is not ruled by a due and honorable end, such as providing for the necessities of a family, doing good to others, etc.; moreover, if through excessive solicitude for acquiring riches or excessive parsimony the mode prescribed by reason in these matters is injured.

b. The vice of avarice can be found equally in the poor man and in the rich man, since each can adhere with excessive affection to things possessed or desire things to be possessed with excessive desire.

2. Avarice is a sin venial from its whole genus: for excess in a thing otherwise indifferent and licit is venial; but the love of temporal goods is of itself indifferent.

Avarice can become a mortal sin if not only liberality, but also another virtue is injured, e.g. justice or charity toward neighbor, as if a man so inordinately loves riches that on account of them, e.g. by becoming rich from the goods of others, he violates the law of God, or by denying due alms he fails in duties toward neighbor.

3. Avarice is committed in two ways: a. by excess in retaining goods acquired (*Geiz*); b. by excess in care and solicitude for acquiring new goods (*Habsucht*).

4. Chiefly five daughters of avarice are numbered:

a. Hardening of heart toward the poor, whom the avaricious man addresses harshly, repels empty-handed without mercy, and with rigor exacts debts from them, even if they are unequal to paying.

b. Disquiet of heart, e.g. vehement and inordinate application of the mind to acquiring and preserving riches with a vain fear lest they not be acquired or lest they be lost.

c. Fraud, which is the deception of another accomplished by deed, as when weights and measures are adulterated in things to be sold.

d. Guile, which is the deception of another accomplished by words.

e. Betrayal, which is the deception of another, against faith given, accomplished to his harm.

§ 3. On Envy.[431]

338. 1. Envy is sadness concerning another's good, insofar as this is apprehended as diminishing one's own excellence, e.g. the honor of a companion as a dishonor to the one envying. It is directly opposed to charity, which rejoices concerning the good of neighbor, which good the envious man wishes destroyed and, when it is not destroyed, grieves.

It differs: a. from emulation; for an emulator is not saddened concerning the good of neighbor, but is saddened concerning his own evil because he lacks that good which he sees in another; b. from hatred, by which someone is saddened concerning the good of another insofar as it is his good; c. from that sadness which someone has concerning the good of another insofar as he fears some evil to himself from it, e.g. if someone is saddened concerning the elevation of another because he fears oppression to himself from it; d. from indignation, by which someone is saddened concerning the good of another insofar as this other is unworthy of that good. This of itself is not a sin; but it can become a sin if it is repugnant to divine providence, which for certain ends bestows goods, both temporal and supernatural, even on sinners.

2. Envy arises from pride, insofar as someone so inordinately loves his own excellence in some good, whether true or fictitious, that he is unwilling that a good of this kind be possessed by his neighbor. Envy is accustomed to be in those who are equals or nearly equals, because the glory of those who greatly excel is not accustomed to be apprehended as a diminution of one's own excellence. And although some are by nature more prone to envy than others, nevertheless this vice has been so deeply implanted in all that some first motions of envy are found even in perfect men.

3. Envy is a sin mortal from its genus: for it is repugnant to charity; but sins against charity are grave from their genus. Nevertheless it admits smallness of matter. In order that envy be a grave sin, it is required: a. that it be referred to a great good of the neighbor, whether corporal or spiritual; b. that the envious man seriously will the neighbor to lack that good, lest he himself undergo a fictitious lessening of his own good.

The greater the good is concerning which someone envies another, the greater is the sin of envy; therefore the gravest sin of envy is that by which someone envies his neighbor spiritual goods themselves: the gifts of the Holy Spirit, grace, virtue, sanctity.

4. Five following daughters of envy are numbered: hatred, susurration, detraction, exultation in adversities, affliction in the prosperities of the neighbor.

While the envious man is saddened concerning the good of the neighbor insofar as it is apprehended as a cause of his own evil, there arises in him the desire that the neighbor fall away from that good; therefore he strives to diminish it or utterly destroy it through evil speeches against the neighbor, which, if they are hidden, are called susurration, and if they are manifest, detraction. But if he obtains this end, he exults; if he does not obtain it, he is afflicted and saddened; and this sadness, if it endures, generates hatred.

§ 4. On Gluttony.

339. 1. Gluttony is the inordinate appetite of food and drink.

a. The inordination of gluttony consists in this, that the mode prescribed by reason in the use of food and drink is not preserved.

Notes

431. Lust is treated in the fascicle separately edited: *De sexto praecepto*, etc.

b. Gluttony taken generically is opposed to two virtues which pertain to temperance: abstinence, which moderates the use of food and non-inebriating drink, and sobriety, which moderates the use of inebriating or alcoholic drink. Therefore there are two species of gluttony: overeating, or gluttony specifically taken, and drunkenness, which are specifically distinct sins.

2. One can sin by gluttony in five ways, which already are comprehended by St. Thomas in this little verse:

Too hastily, sumptuously, too much, ardently, elaborately.[432]

For inordination in the use of food and drink can be occupied either about the food itself or about the taking of it, and indeed:

a. About the substance of the food, if foods more costly and more exquisite than befit the state and condition of the determined man are sought: sumptuously.

b. About quantity, if one eats beyond the appetite of nature, i.e. more than is required for good health of body and for a fitting disposition of mind: too much.

c. About quality, if preparation of foods is applied, on account of seasonings and things of this kind, that is too delicate and exquisite: elaborately.

d. About the taking, by reason of the mode, if someone eats too greedily and voraciously: ardently.

e. About the taking, by reason of the time, if someone anticipates the due time or eats and drinks more often than is fitting: too hastily.

3. Gluttony is a sin light from its genus: for from the general rule, excess in a thing otherwise indifferent or licit is of itself nothing but venial. But accidentally gluttony can become mortal, and that in many ways, but especially:

a. By reason of injured charity of God, because a man so inordinately loves the delectations of food and drink that, constituting them as his ultimate end, he is prepared rather to contemn precepts gravely obliging than to renounce these delectations. These are those whose God is the belly.[433]

b. By reason of grave harm in the body, if someone advertently gravely injures the health of the body through excessive gorging.

c. By reason of grave harm in the soul, if someone advertently renders himself unfit, through excess in food and drink, for carrying out duties obliging under grave obligation.

d. It is not a grave sin to indulge gluttony up to vomiting: for nothing else is had except excess, indeed enormous, in the use of delectation from food and drink; but this excess from its genus is venial, unless a circumstance changing the species is added.

e. Although it is a grave sin without necessity to feed on human flesh, both because this is repugnant to the piety owed to the dead and because it opens the way to human killings, nevertheless in the extreme necessity of hunger this seems to be licit, because in extreme necessity those things sometimes become licit which otherwise are prohibited by the law of nature. But it is never licit to kill a man for this end.[434]

4. St. Thomas enumerates five daughters of gluttony:

Notes

432. St. Thomas II-II, q. 148, a. 4.

433. Phil. 3, 19.

434. Lessius, *De iustitia*, l. 4, c. 3, n. 9 ff.

a. Hebetude of mind, or a disordering of reason situated in this, that someone can neither pray nor perform other things of that kind.

b. Inept joy, or an inordination of the appetite.

c. Much-speaking, or an inordination of words.

d. Scurrility, or an inordination of external acts to which inept joy induces.

e. Uncleanness, or an inordination in the body: for from satiety arise emissions of semen, vomiting, and other excretions of superfluous things.

340. On temperance to be preserved. In the use of food and drink reason prescribes the mode which the end requires on account of which food and drink were created by the author of nature. But food and drink are ordered to the necessity and sustenance of life, namely that the body may be preserved in integrity and vigor and thus may be able aptly to serve the mind in its functions. Now indeed, not only that is called necessary for the sustenance of life which is required for existence, but also that which is required for fittingness and comfort. In the same way, that is called not necessary for life both which impedes the health of the body and the suitable disposition of the mind, and that which is not required for fitting sustenance of life. He who preserves the virtue of temperance in the use of food and drink eats and drinks as much as is required for fitting sustenance of life, but never takes what he foresees will be harmful to bodily health or to the suitable disposition of the mind for exercising its functions: for this would be the sin of gluttony. It is clear that those things which are required for living suitably and fittingly are not restricted to a definite quantity, but have a certain latitude, so that more or less can be taken, and yet no harm be brought to health and the apt disposition of the mind. Now indeed it is licit to use moderately those things which are not required for fitting sustenance and yet do not impede the apt disposition of mind and body, on account of just causes, e.g. of hospitality, festivity, extraordinary joy, etc.; for by these temperance is not injured nor is the sin of gluttony committed.[435]

On Drunkenness.

341. Notions. 1. Drunkenness taken passively signifies the defect of the use of reason induced by excessive drink, whence someone is called drunk; drunkenness taken actively denotes the very drinking which induces this effect, and is defined: voluntary excess in drink from pleasure alone unto violent privation of the use of reason. Active drunkenness is a sin; passive drunkenness is the effect of sin.

a. In drink: namely of wine or of another inebriating liquid, by which words it differs from overeating. From pleasure alone: for if drink were taken from another cause, e.g. by reason of medicine, even unto privation of the use of reason, it would not be drunkenness. Nevertheless it does not therefore cease to be drunkenness because pleasure is not perceived from the drink, provided the drink is not taken from another reasonable end. Violent: for the use of reason is interrupted in a natural manner by sleep and in a violent manner by excessive drink, whereby it happens that the drunk man, not even when awakened from sleep, can use reason.

b. From these things it is clear that the proper malice of drunkenness is not in drinking alone inducing privation of the use of reason, but in drinking which brings on privation of the use of reason in a violent manner, without sufficient cause, on account of the pleasure of drink.[436]

Notes

435. Cf. St. Thomas II-II, q. 141, a. 6. Lessius, *De iustitia*, l. 4, c. 1, n. 9 ff.

436. Lessius, l. 4, c. 3, n. 13 f.

2. Drunkenness is called perfect if it entirely takes away the use of reason, and is called imperfect if it does not entirely take away the use of reason.

One is judged to labor under perfect drunkenness: a. who no longer knows how to distinguish between good and evil; b. who on the following day does not remember notable things which he said or did in drunkenness; c. who does utterly unusual things which he was not accustomed to do with an intact mind. Drunkenness will be imperfect if, with the use of reason preserved, or with the power of acting morally preserved, only the phantasy is somewhat disturbed, the tongue stammers, the feet stagger, the eyes see double, objects seem to be turned in a circle, vomiting follows, and things of this kind.

342. Its formal malice. 1. The sin of drunkenness consists essentially in inordinate drinking, from pleasure alone, of an inebriating liquid with foresight of the loss of the use of reason. Therefore in the sin of drunkenness, the immoderate delectation of wine is willed of itself; the loss of the use of reason is willed in the cause. Since this loss is admitted without a sufficient motive, only on account of the pleasure of drink, it is morally evil. Since the proper malice of drunkenness consists in drinking unto privation of the use of reason from pleasure alone, without necessity, if the drinking of wine is done from another motive, and that an honorable one, it is not evil, although it causes privation of the use of reason; for it is not done inordinately or against the rule of reason, as that which is done from pleasure is.

2. To indulge the pleasure of drink immoderately, or against the rule of reason, is a venial sin, even if reason is disturbed somewhat; but to indulge the same pleasure unto full loss of the use of reason is a grave sin.

3. For resolving the questions which pertain here, it helps to note that the immediate effect of abundant drinking is relaxation of the nerves and stupor of the senses, from which the loss of the use of reason follows as an effect. Since drinking from an honorable motive, or for obtaining a licit effect, is not morally evil, although disturbance of reason follows from it, in resolving particular questions it must be considered whether the harm of temporary privation of the use of reason is sufficiently compensated by the good on account of which that privation is permitted, and whether privation of the use of reason is not intended.

4. What is said concerning the use of inebriating liquid must be affirmed in the same way concerning the use of opium, ether, chloroform, and similar things: namely, their immediate effect is weakening of the nerves and stupor of the senses, from which privation of the use of reason follows. Now that stupor of the senses is licitly brought on for obtaining a sufficiently grave good effect, even if, besides the intention, the evil effect follows, namely violent disturbance of reason.

a. Therefore it is licit to make oneself drunk for driving away a disease according to the counsel of physicians, e.g. for curing the disease of cholera or for evacuating the force of poison: for temporary disturbance of reason is sufficiently compensated by the good intended.

b. It is licit to make oneself drunk or to use chloroform for lessening pains or not feeling them, e.g. in a surgical operation or in a difficult childbirth: for privation of the use of reason is sufficiently compensated by the good intended, which is the mitigation of sharp pain.

It is asked whether it is licit to use chloroform for mitigating the ordinary pains of childbirth. It is doubtful whether this cause is sufficient both for permitting disturbance of reason and especially for bringing on the danger which arises from the use of chloroform both for the mother and for the offspring.[437]

Notes

437. Cf. Capellmann, *Medicina pastoralis*^7 (Aachen: Barth, 1893), p. 40 f., who judges that in ordinary childbirth this is not licit; nevertheless Olfers, *Pastoralmedicin*^2 (Freiburg: Herder, 1893), p. 103, contradicts him.

c. It is licit to make oneself drunk for avoiding death which someone threatens to another unless he makes himself drunk, except, however, the case in which someone demands drunkenness in contempt of God or in hatred of virtue: for from abundant drinking it follows immediately that the other desists from the will of inflicting death; but the effect of inebriation is permitted from the sufficiently grave cause of freeing oneself from death.

d. It is licit to make oneself drunk for driving away the trouble of sleeplessness (*Schlaflosigkeit*) under this condition, that other harmless remedies have been applied in vain, but drunkenness is useful for inducing sleep.

e. It is not licit to make oneself drunk for driving away melancholy or for lightening grief, both because that end is not a sufficient cause for permitting disturbance of reason, and because other means are at hand for obtaining that end. Nevertheless it is licit on account of this cause to drink up to cheerfulness.[438]

343. Its moral malice. 1. Perfect drunkenness is a mortal sin: a. Sacred Scripture numbers drunkenness among the sins which exclude from the kingdom of heaven;[439] b. it is a grave disorder violently to deprive oneself not only of the use of reason but also of the proximate power of using it, and to cast oneself down to the condition of beasts on account of the pleasure alone taken from drink.

a. Even perfect drunkenness admits smallness of matter: if therefore someone without necessity deprives himself of the use of reason for a brief time, which does not reach an hour, he does not commit a grave sin. Nevertheless for practice this note is scarcely of any moment, because it can scarcely be foreseen that drink will not deprive one of the use of reason for a longer space than an hour.

b. He who drinks so immoderately that perfect drunkenness would certainly follow, even if by committing himself to sleep he does not experience this effect, nevertheless sins gravely: for by the drinking he not only posits the cause of the evil, and indeed the whole cause, but also remains deprived of the proximate power of using reason. Nevertheless he does not sin gravely who by a medicine prevents himself from being deprived of the use of reason from immoderate drink.

2. Imperfect drunkenness of itself does not exceed venial sin; but accidentally it can become grave: a. by reason of scandal, which, for example, a priest would give, even only once, or a father of a family, if he were more often half-drunk; b. by reason of harm which is inflicted either on health or on the family; c. by reason of the end, as if someone were to drink in order to excite stronger lust in himself; d. by reason of grave sadness which is caused thence to a wife, children, or parents.

a. Ballerini prudently notes: "When someone confesses drunkenness, he will have to be asked whether he fully lost the use of reason. For commonly they think, by a false opinion, that grave sin is present if wine has provoked him to vomiting."

b. Therefore without doubt it is a grave sin to induce others to drunkenness; and so: a. to challenge someone to equal draughts with danger of drunkenness; b. to offer drink repeatedly with foresight of drunkenness; c. to urge and, as it were, compel another to drink with danger of drunkenness, even if it is done for the sake of politeness. But it is licit to offer and propose abundant drink to guests who are foreseen to become intoxicated from it, provided a sufficient cause makes honorable this remote cooperation.

c. Whether and to what extent sins committed in drunkenness can be imputed is said elsewhere; in this place let it be noted: a. insults uttered against others are not imputed to a drunk man; for since they are

---

Notes

438. Gobat apud Lacroix, l. 5, n. 344.

439. 1 Cor. 6, 10; Gal. 5, 21.

not esteemed even by those whom they affect, they are not apt to injure another's honor. b. There are those who affirm this same thing also concerning blasphemies; nevertheless this sentence is commonly rejected, because the honor of God requires that even material blasphemy be avoided.[440]

344. On the use of morphine.[441] For lessening pains and for putting the senses to sleep, physicians now frequently use diverse means; and indeed morphine is ordinarily applied for lessening pains, but other "narcotics" also serve for putting the senses to sleep. The question is asked concerning their effects and concerning their liceity.

1. The effects which the use of morphine produces are diverse according to the diverse quantity which is taken. What is said here concerning morphine is also valid concerning opium, cocaine, and other remedies of this kind.

a. Drunk in a great quantity, in the same way as poison, it induces death; taken in a lesser quantity it causes stupor of the senses and privation of the use of reason, which effect indeed differs in nothing from drunkenness; finally, if a very moderate quantity is taken, it serves for quieting the nerves and restoring strength.

b. Injections of morphine, which are made under the skin in small quantity, serve for lessening pains and produce a certain pleasure that is by no means slight. But if those subcutaneous injections are repeated in greater quantity for a notable time, they gravely harm the health of the body, notably shorten life, and moreover provoke a vehement craving for morphine, which can be overcome with greater difficulty than drunkenness itself and can scarcely be cured except in hospitals erected for this end. Nevertheless these malignant effects are not caused except from the use of a greater quantity repeated rather often; a few injections, and those moderate, scarcely harm the body or the soul in any way.

345. 2. From these things, as regards the liceity of this use, the following are now gathered.

a. A use of morphine so slight that it produces no other effect except restoration of strength and quieting of the nerves is manifestly licit.

b. A moderate use of morphine, even without a just cause, applied only for calming the craving for it, does not exceed venial sin, since it does not gravely harm health nor cause a notable shortening of life; but to use morphine in that quantity and frequency such that notable detriment to health and life follows from it is a grave sin.

c. The use of morphine applied in such a quantity that the senses are put to sleep and privation of the use of reason follows:

d. without a just cause is a grave sin, equally as drunkenness arising from the drinking of wine;

e. from a proportionately grave cause of necessity or utility is licit, e.g. that the sick man in a surgical operation may permit himself without resistance to the hands of the surgeon, or that the sick man may not feel sharp pains;

f. in the article of death is illicit not only if the dying man is not yet disposed for dying well, but even if he has been duly disposed for death, because there is not a sufficient reason for depriving a dying man of the use of reason, unless a fall into sin is to be feared; since indeed at that time the use of reason is of such great utility that it cannot be compensated by any temporal advantage. For the dying man

---

Notes

440. Lehmkuhl I, n. 745. Ballerini-Palmieri I, n. 731 ff.

441. Cf. Olfers, l. c., p. 103 f. Capellmann, l. c., p. 41 ff.

would lack the merits which he could gain both from pains patiently tolerated and from acts of perfect conformity with the divine will and of other virtues.

346. On euthanasia. 1. Today the dying frequently demand from physicians, and physicians procure for them, the euthanasia, as they call it, namely a placid and tranquil death without pain, because by means of morphine they induce stupor of the senses and perfect privation of the use of reason. a. If only pains are lessened by morphine, but the use of reason is not taken away, or if the use of reason is taken away only for a time, it is clear that its use is licit even in the dying. b. If by morphine the use of reason is fully taken away for the whole time of agony, its use is illicit, even in those who have already fulfilled their obligations, both because there is not a sufficient reason for admitting privation of the use of reason, unless at the same time there is danger of sinning, and the more so because in the time of agony pains are lessened of themselves; and because privation of the use of reason continuing until death is equivalent to a shortening of spiritual life, which is illicit. c. Less efficacious for demonstrating this is the argument taken from the necessity that the faculty of praying and meriting be preserved for a man. For although the faithful rightly judge it a great gift of grace if they can await death with serene mind, nevertheless no obligation exists of preserving the use of reason in death, as far as can be done, so that the dying man, master of himself, may await death and offer his life to God, nor so that he may be able to acquire merits for himself, since the neglect of this occasion of praying and meriting, if it is done not from contempt but from fear of an evil, even a temporal one, is not a sin.

2. If in the article of death, on account of excessive pains or from other causes, a fall into sin were to be feared, some indeed judge that this can be permitted, but Lehmkuhl rightly denies it (n. 743).[442] Therefore the same author judges that the priest assisting the dying ought to resist the practice of physicians of putting the dying to sleep, not only as regards those who are not yet disposed for death, but also as regards the disposed in whom there is no danger of sinning gravely; only as regards the dying who are in danger of sinning gravely can that practice be not positively permitted, but tolerated in silence. Likewise, if a dying man in good faith demands that the use of reason be taken away from him, and there is no hope that he will obey after being warned, the use of morphine could be tolerated.

347. On combating drunkenness. Drunkenness (*Berauschung*), especially if it is committed frequently, produces the most destructive consequences, both individual and social. Individual consequences: it excites and promotes the carnal appetite, lust; it dulls and blunts the sense of morality and religion; it squanders goods of fortune; but especially it brings the greatest harm to the health of mind and body. Social consequences: it disturbs domestic peace and family life, provides occasion for innumerable crimes, and, what tends to the ruin of peoples, leads to the degeneration of offspring. Especially for this reason *ebriositas* (*Trunksucht*), which signifies the habit of making oneself drunk, is so monstrous a vice that it must be attacked and overcome in every way. Since manifest signs of degeneration induced by the excessive use of alcohol were already being detected in diverse nations, there arose a zeal for introducing and propagating either total abstinence from any alcoholic drink whatever or at least great temperance in its use; and societies against alcoholism have been erected, which assume for themselves the task of preventing the abuse of alcohol. The things which pastors of souls can contribute toward eradicating this evil, so pernicious and so widely diffused throughout the world, are contained in about the following:

a. To instruct the faithful concerning the malignant effects not only of drunkenness, but also of abundant drinking, which is done beyond a determined measure almost daily; concerning the error of those who think that from the use of alcoholic liquor the organism is nourished or strengthened; concerning

---

Notes

442. Cf. Lacroix, l. 5, n. 341. Villada, *Casus conscientiae* III, p. 309.

drunkenness as the destructive source of offenses and crimes; concerning the sin of those who offer alcoholic liquors to infants.

b. To promote associations which are instituted for this end, that either temperance or even abstinence may be exercised.

c. To disseminate writings and periodical sheets by which the faithful may be suitably taught concerning these matters and excited to exercising temperance or abstinence.[443]

348. On Alcoholism. By this name are signified both the abuse of alcohol, which consists in immoderate drink, and the malignant effects which drunkenness produces in the health of man. Alcoholic liquors taken in small quantity indeed do not harm health, but drunk beyond due measure they can harm health very greatly, and this indeed in all organs of the body, but especially in the nervous system. The harm which they bring to health depends not only on the quantity and quality of alcoholic drink, but also on the disposition of the subject; thus in neurasthenics and in the children of parents who are given to drunkenness, they produce much worse effects. The quantity of alcohol which can be drunk without detriment to health is determined in diverse ways by experts.[444] And so drunkenness is morally evil also on account of the harm which it inflicts on the body. When this harm is grave cannot be determined accurately.

a. Assiduous or frequent drunkenness certainly inflicts grave harm on the body and therefore also under this respect is a grave sin.

b. Abundant and assiduous drinking, which nevertheless does not cause drunkenness, harms the body more than drunkenness committed now and then.

c. Whether abundant drinking of this kind ever constitutes a grave sin on account of the harm brought upon the body is difficult to say. Indeed, the consequences of such drinking both in the individual and in the human race are most destructive, nor can there be imagined a cause excusing the drinking and its evil effects; nevertheless, because the evil effects are produced only gradually and in different persons in a different degree, it cannot be determined when a more liberal use of alcohol begins to harm gravely.

d. Frequently to offer or permit alcoholic drinks to infants and to those before puberty cannot be excused from grave fault.

§ 5. On Anger.

349. 1. Anger is usually defined as an inordinate appetite of vengeance. Anger is opposed by excess to meekness.

a. Anger, therefore, insofar as it is a vice, or irascibility, is a passion of the sensitive appetite, namely the irascible appetite, which consists in the appetite of vengeance.

b. Anger, according to the twofold element which it contains, properly includes a twofold inordination: one on the part of the motion in the irascible appetite, or on the part of the kindling of anger, which is excessive; the other on the part of the object, or on the part of the vengeance which it seeks, greater than is just or on account of an unjust cause. This definition of anger exhibits both elements, by which it is called an inordinate motion of the soul inordinately seeking vengeance.

Notes

443. Ferstl, *Die Alkoholfrage der Gegenwart. Sechs Vortrage* (Regensburg: Verlagsanstalt, 1906). Pieper, *Die Massigkeitsbestrebungen* (M. Gladbach: Zentralstelle, 1906). A. Egger, *Der Klerus u. die Alkoholfrage* (Freiburg: Herder, 1899). Hoppe, *Die Tatsachen uber den Alkohol*^3 (Munich: Reinhart, 1904). Bunge, *Die Alkoholfrage.* In Basel, at the publishing house of the League of Opponents of Alcohol, a whole series of small writings concerning this question has appeared.

444. Capellmann-Bergman, *Pastoralmedizin*^15, p. 86 ff. Antonelli, *Medicina pastoralis*^3, n. 455 ff.

c. Inordinate: because both the passion or motion of anger and the appetite of vengeance of themselves can be indifferent, honorable, and licit, if, for example, parents are angry on account of the faults of children and vindicate them by punishment.

2. Anger, insofar as it is an inordinate motion of the irascible appetite, is a sin venial from its whole genus: for excess in an indifferent thing of itself does not exceed venial fault.

a. This anger is committed when someone is inflamed with anger concerning a thing which does not deserve anger, or beyond what the thing deserves, or more often than is fitting.

b. Accidentally this anger can become a mortal sin by reason of enormous excess utterly deforming rational nature, when someone deliberately acts so furiously as if he were deprived of reason.

c. Three species, or diverse modes, of this anger are assigned: a. rancor (*Groll*), which is anger insofar as it causes indignation, aversion, and hatred; b. madness (*Tollheit*), which is anger insofar as it deprives the mind of the use of reason; c. fury (*Wut*), which is anger insofar as it breaks forth into enormous external motions.

3. Anger, insofar as it is an inordinate appetite of vengeance, is a sin mortal from its genus: for it is directly repugnant to charity or even to justice, because it inordinately or even unjustly seeks evil for the neighbor; but sins against charity or justice are mortal from their genus.

This anger is committed: a. when someone seeks vengeance against him who does not deserve it; or b. beyond what he deserves; or c. not for the due end, namely not from zeal for justice, but from hatred of the person or for satisfying a malevolent soul or from lust for vengeance, etc.

§ 6. On Sloth.

350. 1. Special sloth, insofar as it is a capital vice, is sadness concerning the divine good, namely concerning the grace and friendship of God, insofar as it is man's proper good.

a. Sloth taken broadly is weariness or sadness concerning labor. It is divided into natural and spiritual, or moral, sloth. Natural sloth is weariness or sadness concerning bodily labor on account of its difficulty. It is clear that this sloth must be carefully distinguished from weariness of body and from lack of strength. Spiritual sloth is divided into general and special, or capital, sloth. General sloth is weariness or sadness concerning spiritual things on account of the labor necessary in exercising them. This sloth is not a special sin distinct from the sin committed through transgression of a precept from sloth, as if someone from sloth omits Sunday Mass. Special sloth is sadness concerning the divine good, i.e. concerning the grace and friendship of God, insofar as they pertain to man.

b. A special vice must be opposed to a special virtue. The virtue to which sloth is opposed is charity toward God. As hatred is opposed to the love of charity, so sadness concerning the divine good is opposed to the joy of charity. For he who loves God, on account of God rejoices concerning his own spiritual good, namely that through grace he is conformed to God and admitted to fellowship in the divine nature. But the slothful man is saddened concerning this spiritual good, unwilling that he be destined by God to such goods.[445]

2. Special sloth is a sin mortal from its whole genus, because it is directly repugnant to divine charity, from which the slothful man recedes on account of displeasure with the spiritual goods which God bestows

---

Notes

445. Cf. St. Thomas II-II, q. 35, a. 3.

on men. Nevertheless it can be venial from imperfection of the act. For the rest, this worst sloth is not committed so frequently.

A young man who is saddened because he is compelled to perform works of devotion and virtues which are not prescribed does not commit the special sin of sloth, nor does he sin gravely. But he sins gravely by the special sin of sloth who is saddened that he must acquire eternal beatitude for himself, or that he has known the Catholic faith.

3. Its principal daughters are numbered as five:

a. Malice, by which someone has hatred for spiritual goods and would wish them not to exist.

b. Rancor, by which those who induce one to spiritual things are distasteful.

c. Despair concerning salvation.

d. Torpor, by which good things are not done with due fervor.

e. Wandering of mind, by which someone wanders about illicit things in the exercise of spiritual matters.

Article Second.

On Sins Crying to Heaven.

351. What they are. Sins crying to heaven are numbered as four: a. voluntary homicide; b. sodomy; c. oppression of the poor, widows, and orphans; d. defrauded wages of workers.[446] These sins contain such abominable malice that before the rest they provoke divine vengeance.

a. The external reason on account of which they are designated by this name is this, that Sacred Scripture, commemorating those sins, adds that they cry to heaven.

b. Commemorating the fratricide of Cain, it says: The voice of thy brother's blood cries to me from the earth.[447]

c. Commemorating the sin of Sodom and Gomorrah, it says: We will destroy this place, because their cry has grown before the Lord.[448]

d. It prohibits the injury of widows and orphans with these words: You shall not hurt a widow and an orphan. If you hurt them, they will cry out to me, and I will hear their cry;[449] and commemorating the affliction of the people of God in Egypt, it says: I have seen the affliction of my people in Egypt and I have heard its cry.[450]

e. Concerning defrauded wages it has these words: Thou shalt not deny the wages of thy needy and poor brother … lest he cry against thee to the Lord and it be reputed to thee as sin.[451] Behold, the wages of the workers who harvested your fields, which have been defrauded by you, cry, and their cry has entered into the ears of the Lord Sabaoth.[452]

Notes

446. They are comprehended in this memorial verse: The voice of blood and of the Sodomites cries to heaven, the voice of the oppressed, the wages withheld from labors.

447. Gen. 4, 10.

448. Gen. 19, 13. Cf. Gen. 18, 20.

449. Ex. 22, 22 f.

450. Ex. 3, 7.

451. Deut. 24, 14 f.

452. Jas. 5, 4.

f. Considered in their nature, the peculiar malice of these sins consists in this, that they are opposed to man's social inclination, which has been implanted in all by nature for constituting and preserving human society, and that through them laws are violated which tend to this, that the highest social goods be preserved; and therefore before the rest they demand divine vengeance.

Sodomy and homicide are opposed to the appetite which tends toward the preservation of the species and of the individual, and they injure the precepts looking to that; oppression of the poor and defrauding of wages are opposed to the appetite which tends toward the preservation of human society through individual ownership of goods, and they injure the precepts looking to that.

Article Third.

On Sins Against the Holy Spirit.

352. According to Sacred Scripture.[453] Christ the Lord himself speaks concerning the sin against the Holy Spirit,[454] teaching that it is not remitted: But he who shall have spoken against the Holy Spirit, it shall not be remitted to him, neither in this age nor in the future.[455]

a. By the name of the sin against the Holy Spirit, Christ the Lord designates that sin of the Pharisees by which they attributed to the demon, the unclean spirit, the casting out of demons done by the power of God and known as such, from hatred and malice. Therefore the sin against the Holy Spirit is committed when manifest divine works, which the Holy Spirit works for confirming the faith or for converting sinners, are attributed to the demon from malice of heart.

b. This sin is said to be committed against the Holy Spirit both because a sin which proceeds from hatred and malice is committed in a peculiar way against divine goodness, but goodness is attributed to the Holy Spirit; and because it ascribes to the devil works of the Holy Spirit, of which sort are miracles.

c. Therefore the sin against the Holy Spirit from the mind of the Lord is not any sin whatever which is committed for some peculiar reason against the Holy Spirit, but that one thing described above, when from malice of heart manifest divine works are attributed to the demon. In our time a similar sin is committed by those who, from malice of heart, ascribe miraculous works which are done by manifest divine power for converting sinners not to God but to the forces of nature.

d. He does not say that this sin cannot be remitted, but that it indeed is remissible, yet in fact is never remitted: it shall not be remitted. But he says this either because he foresaw that those who committed this sin would never do penance, or because God in punishment of such great malice decreed not to give them graces so efficacious that they would in fact be converted.

Those do not explain the irremissibility of this sin as is fitting who teach that ordinarily, for the most part, it is not remitted, because those sinning against the Holy Spirit rarely convert themselves; but it must be held that this sin is so excepted by Christ the Lord from the number of others, all of which are remitted, that it is never remitted. But it must likewise be held that in the concrete it can never be established whether someone has committed this irremissible sin, and therefore hope of pardon must never be taken away from anyone, provided he wishes to do penance.

353. According to the doctrine of theologians. 1. Any grave sin can be called a sin against the Holy Spirit, insofar as it is opposed to holiness, whose author is the Holy Spirit. Certain sins in species can

---

Notes

453. Knabenbauer, *Commentarius in quatuor s. evangelia* (Paris: Lethielleux, 1892), I, p. 487 ff.

454. Matt. 12, 31 f.; Mark 3, 29; Luke 12, 10.

455. Matt. 12, 32. Cf. 1 John 15, 16 f.

also be signified by this name, which are committed in a peculiar way against the Holy Spirit, and indeed: a. blasphemy against the Most Holy Trinity and especially against the person of the Holy Spirit; b. final impenitence, which is voluntary withdrawal from God with the purpose of persisting in sin until death and of pertinaciously resisting the motions of truth and grace; c. any sin committed from explicit malice or with voluntary contempt of God and of his supreme dominion.

2. From various places of St. Augustine explaining the words of the Lord related above, six sins against the Holy Spirit are numbered by the scholastics, after Peter Lombard and Alexander of Hales: a. presumption; b. despair; c. attack upon known truth; d. envy of fraternal grace; e. obstinacy; f. impenitence.

It is clear that these sins have not been deduced from the words of Christ; indeed among these there is none which agrees with the sin against the Holy Spirit concerning which Christ speaks. But they are called sins against the Holy Spirit because in some peculiar way they are committed against the Holy Spirit.

3. Sins against the Holy Spirit are called irremissible; nevertheless those six sins can be called irremissible only in this sense, that they are rarely remitted, and this indeed not because God is unwilling to remit them, but because man, on account of hardness of heart and blindness of mind, rarely disposes himself to true penance.

He who, defining sins against the Holy Spirit according to the mind of the scholastics, wishes at the same time to affirm that it belongs to the nature of the sin against the Holy Spirit that it truly is irremissible, must teach these two things at the same time: a. that the sin against the Holy Spirit is properly only one, namely final impenitence, or voluntary and pertinacious resistance against truth and grace until death; but that the other five are nothing except diverse modes by which impenitence manifests itself, or diverse grades by which man gradually slides down into impenitence. b. He must teach that the reason on account of which this sin is not remitted is situated not in the gravity of the sin, nor in a defect of divine power and mercy, but in the nature of the sin itself, inasmuch as it in fact pertinaciously resists divine grace, and therefore renders remission impossible, since God does not justify one unwilling.

Index of Subjects.

The Arabic number indicates the marginal number.

A.

Abrogation of law: what it is 198; see Law.

Sloth: what it is; what kind of sin it is; its daughters 350.

Act: of man, human 40; elicited, commanded; external, internal; good, evil; natural, supernatural 41; first-first, second-first, second 46; whether internal acts can be prescribed 138; what a violent act is 57.

Human act: its principles 45; its impediments 47; habitual, actual 47 ff.; its morality 64; whence it is derived 69; its object 70 f.; circumstances 72; end 75; whether there are indifferent acts in the individual 93 f.; whether proper morality belongs to the external act 78.

- **moral:** what it is 63; its conditions 63; whether the moral act and the human act are the same 63; imputability 79 ff.
- **morally good:** its conditions 87 ff.; its imputability 81.
- **supernatural:** its conditions 96 ff.
- **meritorious:** its conditions 102 ff.

Advertence: what it is 46; full, half-full, distinct, confused 46; what advertence is required for sin 287; what for mortal sin 314; signs of half-full advertence 314.

Sickness of mind: what it is 61; its influence on human acts 62.

Equiprobabilism: what it teaches; who defend it 243; not all defend it in the same sense 243; how far it differs from probabilism 243; by what arguments it is demonstrated 244; how it is refuted 245.

Alcoholism: what it is, when copious drinking is a grave sin 348.

St. Alphonsus de Ligorio: concerning his moral system 250; his moral works 251; his authority in moral matters 251; whether we can follow all his opinions 252.

Criminal anthropology: it brings nothing against liberty 23.

Aureole: why it is granted; of how many kinds it is 282.

Avarice: what it is; what kind of sin it is; in how many ways it is committed; its daughters 337.

B.

Beatitude of the other life: in what it consists 16; it is supernatural 17.

Delectable goods: what they are and of how many kinds 91; whether their use is licit 91.

C.

Cause of evil: when it is licit 83 f.

Causes de-obliging from law: exempting and excusing 175; what the excusing causes are 176; whether it is licit to place an exempting, excusing cause 178.

- **of dispensation:** they are necessary 185; internal, external, motive, impulsive 186.

Circumstance of a moral act: what it is 72; how many there are 72; how far it gives morality to an act 73; of how many kinds it is 74.

Revocatory clauses: general and special 197; whether they take away privileges 197.

Collision of duties: what it is 205*; rules for resolving it 205**.

Concupiscence: what it is 51; of how many kinds it is 52; its influence on human acts 53; cause of temptations 323; what resistance is to be opposed to motions of concupiscence 324.

Roman congregations: what decrees they issue 133; how decrees are approved 134; what decrees need promulgation 135; their authority 135.

Moral conscience: what it is 207; of how many kinds it is 209; its force of obliging 208; dictate of conscience 207.

- **true and erroneous** 210; principles 210; sin committed from erroneous conscience 210; how it can be discerned whether the conscience of a penitent was invincibly erroneous 210.
- **lax** 211; what is to be said of the sins of those who have a lax conscience 211.
- **perplexed** 212; rules to be observed by one who has a perplexed conscience 212.
- **scrupulous:** what it is 213; causes of scrupulous conscience 214; signs of scrupulous conscience 215; its remedies 216; whether there is an obligation of acting against a scrupulous conscience 217; see Scruple, Scrupulous person.

- **certain:** what it is and of how many kinds 218; principles 219; how a practically certain conscience can be formed 218.
- **doubtful:** what it is 220; it is not licit to act with a practically doubtful conscience 222; twofold mode of laying aside a doubtful conscience 222.
- **probable:** what it is 223; of how many kinds 224.

Consent: required for sin 287; for mortal sin 315; for venial sin 317; signs of half-full consent 315; what kind of consent is required for legitimate custom 203.

Counsels: what they are 123; how they differ from laws 123; who attack them 124; whether they exist 124; what the evangelical counsels are 125.

Custom: what it is 200; of how many kinds it is 201; derogatory custom differs from prescription 200; force of derogatory custom 202; required conditions 203; obligatory custom 204; conditions required for it 205; whether law takes away contrary customs 205.

- **vicious:** whether it increases the voluntary 59; whether sins committed from it are imputable 86.

Contempt of law: formal and material 318; when a sin committed from contempt is grave 318.

D.

Declaration: comprehensive, extensive 158.

Decrees of Roman congregations: their value 135; how they must be formally issued 134.

Delectation: whether it can licitly be intended 91; how far acting for delectation alone is a sin 90.

- **morose:** what it is 333; what kind of sin it is 334; whether it contains the malices of the object 334.

Delegation: who can delegate, what is required for the use of delegated power, whether it expires by the death of the one delegating 129.

Deliberation: what it is 45; how far it is necessary for a moral act 45.

Derogation of law: what it is 198; see Law.

Depraved desire: what it is and of how many kinds 328; what kind of sin it is 329; when inefficacious desire is a sin 329; whether it is licit to desire evil for one's neighbor 330.

Determinism 20.

Dictate of conscience: what it is 207.

Dispensation of law: see Law.

Distinction of sins: specific, numerical; see Sin.

Ecclesiastical domicile: what it is and of how many kinds 151; how it is acquired and lost 152.

Gifts of the Holy Spirit: whether they exist 32; how many they are 32; their nature 33.

Doubt: what it is 220; it differs from suspicion, opinion, certitude 220; of how many kinds it is 220; twofold mode of laying aside a doubtful conscience 222.

E.

Drunkenness: what it is and of how many kinds 341; its formal malice 342; when it is a grave sin 343; whether sins committed in drunkenness, insults and blasphemies, can be imputed 343; whether it is licit to

make oneself drunk for avoiding death; for driving away disease; for lessening pains, including childbirth; for driving away melancholy 342.

Drunken habit: what it is, how it is to be combated 347.

Elision: see Probability.

Epikeia: what it is 160; when it is licit 160; see Law.

Bishop: has legislative power 131; in what matters he can dispense 182; whom he can dispense 183.

Ethics: its relation to moral theology; ancient and Christian, Catholic and Protestant 4.

Euthanasia: what it is, how far it is licit 346.

F.

End of a moral act: what it is 75; of how many kinds it is 76; how far it gives morality to an act 77; whether it sanctifies the means 77.

- **ultimate end of man:** what it is 13; primary, secondary 15; whether it is supernatural 17; means to the ultimate end 18; obligation of tending to it 37 f.
- **end of law:** when it ceases adequately, inadequately; contrarily, negatively 199; whether law ceases if its end ceases 199.

Fortitude: what it is 275; its object, its proper act 276; vices opposed to fortitude 277; its integral and potential parts 278; its principal act is martyrdom 279.

G.

Depraved joy: what it is 331; of how many kinds its object is 331; what kind of sin it is 332; whether it is a sin to rejoice concerning the mode in which evil was perpetrated 332, concerning the good effect of evil 332, concerning evil on account of a good effect 332.

Glory of God: internal, external; objective, formal 14.

Grace granted and to be granted: what it is 121; whether it expires by the death of the one granting 129.

Gluttony: what it is and of how many kinds, in how many ways it can be committed; what kind of sin it is; its daughters 339; whether it is a grave sin to eat up to vomiting 339; to feed on human flesh 339.

H.

Habit: what it is, how it is acquired, habit and custom 59; its influence on human acts 60; substantive, operative 254.

- **infused:** see Virtues.
- **of sinning:** see Custom.

Hypnosis: whether it removes liberty 61.

I.

Ignorance: what it is 48; how it differs from error and inadvertence 48; of how many kinds it is 49; its influence on human acts 50; whence the quantity of fault in sins of ignorance is taken 50; whether all simply vincible ignorance, not crass ignorance, is a light sin 50.

Impediments of a human act: see Human act.

Imperfection: how many kinds are distinguished 286.

Imputation, imputability: what it is 79; conditions of imputability 80; of a good and evil act 81; of good and evil effects voluntary in the cause 82; when they are imputed 85; of sin committed from a depraved habit 86.

Intention: what it is 43; actual, virtual, habitual 43.

Envy: what it is; whence it arises; what kind of sin it is; its daughters 338.

Involuntary: what it is 44; of how many kinds it is 44; differs from the non-voluntary 44.

Indeterminism 20.

Practical judgment: what it is 45; how far it is necessary for a morally good act 45; see Conscience.

Jurisdiction: what it is 127; how it differs from dominative power 127.

- **ecclesiastical:** what it is 128; how it differs from civil jurisdiction 128; of how many kinds it is 128; when delegated jurisdiction can be subdelegated 129; whether it expires by the death of the one delegating 129.

Right (*ius*): what it is 266; of how many kinds it is 267; connatural, acquired; alienable, inalienable 205*.

Justice: it is taken in three ways 268; its species 269; its parts 273; commutative 270; distributive 271; legal 272; social 272; vindicative 272; commutative justice induces the obligation of restitution if it has been injured 274.

L.

Laxism: what it teaches; who defend it; how it is refuted 232; who are called laxists 232.

Law: what it is 106; differs from a precept 107; of how many kinds it is 110; when it begins to oblige 155; to what it obliges 163; whether fear excuses from law 176.

- **eternal:** what it is 111; how it differs from other laws 111.
- **natural:** what it is 112; what it prescribes 112; how it is promulgated 112; it contains precepts of three kinds 113; whether it can be unknown 114; how far it is immutable 116 f.
- **old:** how far it has been abrogated 119; when it was abrogated 119; how long it could licitly be observed 119.
- **positive divine:** what it is 118; why it is called supernatural 120; what precepts it contains 120; whom it obliges 121; it is absolutely perfect 121; whether the Church can dispense in it 122.
- **human:** power of making it 127; who can make laws in the Church 131; how its object must be constituted 136 ff.; whether it can prescribe internal acts 138; whether heroic acts 140; whether it extends itself to past acts 141.
- **penal:** what it is 164; whether it can be established 164; whether it exists 175.
- **invalidating:** what it is 166; of how many kinds it is 167; whether a civil invalidating law invalidates an act only civilly 168.
- **founded on presumption:** what it is and of how many kinds 169; what force it has 170.

Subject of law: what it is in general 142; what it is in natural, positive, divine, and human law 143; whether heretics are held by the laws of the Church 144; whether the legislator himself is held by his law 145; how far children are held by the laws of the Church 146; regulars 148; travelers 149; vagi 150; whether clerics are held by civil laws 147.

Promulgation of law: what it is 153; whether it is necessary 153; by whom it must be done 153; how it must be done 154.

- **acceptance:** what it is 156; whether it is required 156.
- **interpretation:** what it is 157; of how many kinds it is 158; authentic and doctrinal 159.
- **epikeia:** what it is 160; when it is licit to use it 160.
- **obligation:** its quality, when it begins 155; it exists 161; it depends on the will of the legislator 161; whence his will is known 161; of how many kinds it can be 162; to what law obliges 163; how it can cease 175.
- **fulfillment:** how law must be fulfilled 171; when it must be fulfilled 174; whether by the same act and at the same time satisfaction can be made for several precepts 172 f.
- **de-obligation:** through exempting causes 175; through excusing causes 176 f.
- **dispensation:** what it is 179; how it differs from license and declaration 179; of how many kinds it is 180; who can dispense 181; in what laws 182; who can dispense travelers 183; whether a bishop can dispense exempt religious 183; whether one having the power of dispensing can dispense himself 184; whether the supreme pontiff can dispense in divine law 122; whether an absent or unwilling person can be dispensed 183; whether a superior ought to dispense 185; what is required for a valid dispensation, what for a licit dispensation 187; one who uses a valid dispensation, but one illicitly sought, does not sin 187; whether it is licit to use a dispensation outside the diocese 191; dispensation can cease in four ways 188 ff.
- **cessation:** law ceases by abrogation and derogation 198; by cessation of the end 199; see End; by contrary custom 202 ff.
- **sanction:** what it is, of how many kinds it is, its end 108.

Human legislator: what power he needs 127; how someone is constituted his subject 151.

Liberty: what it is 19 f.; of contradiction, of contrariety, of specification 19; that it exists 21; knowledge and liberty 25; propensity of the will and liberty 27; habit and liberty 59 f.; sickness of mind and liberty 61 f.; moral statistics and liberty 22; criminal anthropology and liberty 23; psychiatry and liberty 21; what things influence liberty 25 ff.

M.

Martyrdom: what it is and of how many kinds 279; whether infants are capable of martyrdom 279; conditions of true martyrdom 280; what disposition is required for martyrdom 281; effects of martyrdom 282.

Merit: what it is 100; of how many kinds 101; conditions of merit *de condigno* 102.

Fear: what it is 54; of how many kinds 55; its influence on human acts 56; whether reverential fear can be grave 55; whether obligations contracted from it are valid 56; whether it excuses from observance of law 176.

Moral: what is called moral 63.

Morality: what it is and of how many kinds 64, 66; its proximate norm 65; supreme norm 67; it is not without God 68; its sources 69; whether an external act has proper morality 78.

Morphine: its effects 344; when its use is licit, whether in the article of death 345.

Motions: first-first, second-first, second 46; what resistance is to be opposed to motions of concupiscence 324.

World: how far it must be fled 39.

N.

Norm of morality: what it is 64; what it is 65; external, internal 66.

O.

Object of a moral act: what it is 70; of how many kinds 71; how far it gives morality to an act 70.

Obligation: physical, moral 109; its principle 109; of tending to the ultimate end 37 f.; of law, see Law.

Duties: their divisions 205*.

Omission: how far the omission of a work not prescribed is a sin 92.

Opinion: what it is 223; an opinion speculatively probable is not always practically probable 224; a tenuously probable opinion is not truly probable 224; what an only probable opinion is 224; safe opinion, less safe, safer 225; truly probable opinion 235; more probable, equiprobable, less probable, most probable opinion 225; when the safer opinion must be chosen 234; what is required so that a probable opinion can be chosen 235; when it is licit to use a probable opinion 240; whether also in the case of a law ceasing 240, 246.

Order: moral 35; natural and supernatural 36; physical and moral 63.

P.

Pastor: whether he can dispense and delegate the power of dispensing 182.

Sin: what it is 286; how far it differs from imperfection 286; requisites for sin 287; there is no philosophical sin 288; manifold division of sin 289; of omission 290; theological distinction of sin 291; there are mortal and venial sins 292; criteria for discerning between them 293; sins grave from their whole genus, light from their whole genus, grave from their genus 294; indeliberate sin 317.

Mortal sin: its essence 295; its effects 296; conditions of mortal sin 313; of venial sin 317; in what sins smallness of matter is found 294; signs of half-full advertence 314; signs of half-full consent 315; how one sins who thinks nothing about whether the matter is grave or light 314; who doubts whether something is grave or light 314; who deliberates about committing sin 315.

- **venial:** its essence 297; why it is called venial 297; its effects 298; conditions required for it 317.
- **habitual:** mortal 299; venial 300.

Specific distinction of sins: whether sins are specifically distinct 301; norm for distinguishing sins specifically 301 f.; whether sins of commission and omission against the same virtue are of the same species 302; whether sins opposed to several precepts about the same matter are of diverse species 303.

- **numerical distinction:** it is derived from a twofold source 304; when several acts constitute one act morally 305; when several objects constitute one object morally 310; when acts of the will are morally interrupted 306; when internal acts are multiplied 307; acts to be completed externally 308; external acts 309; internal acts referred to several objects 311; external acts referred to several objects 312.
- **gravity:** the gravity of mortal sins is diverse 320; in how many ways a grave sin becomes light 316; in how many ways a light sin becomes grave 318; whether several venial sins constitute a mortal sin 319.

Origin of sin: what it is 321; through temptation 322.

- **danger of sin:** what it is and of how many kinds 325; how far we are held to avoid grave danger, how far light danger 326.

Internal sins: how many are distinguished 327; whether they differ in moral species 327.

- **capital:** why they are so called 335; how many are numbered 335.
- **crying to heaven:** what they are 351.
- **against the Holy Spirit:** what are so called according to Scripture 352; what according to theologians 353; in what sense they are irremissible 352 f.

Travelers: who are so called, what laws they ought to observe, what privileges they enjoy 149.

Legislative power: to whom it belongs in the Church 131; civil 132.

- **of dispensing:** what it is and of how many kinds 181; to whom it belongs 182; whether it must be interpreted broadly 181.
- **dominative:** what it is, how it differs from jurisdiction, whence it arises 127.

Precepts of natural law: of how many kinds they are 113; see Law.

Presumption: what it is and of how many kinds 169.

Principle of moral theology: what it is 11; what the supreme principle is 34; see Moral theology.

- **of probabilism** 233.

Principle of possession: 248.

Principles of a human act: what they are 45; see Human act.

- **reflex:** what they are 247; what the universal ones are 247; what the particular ones are 249.

Privilege: what it is 192; of how many kinds it is 193; who can grant it 194; to whom it can be granted, how it can be granted 194; whether we are held to use a privilege 195; how a privilege must be interpreted 196; in how many ways a privilege ceases 197; whether revocatory clauses take away privileges 197.

Probabiliorism: what it teaches, who defend it, how it is refuted 231; how probabiliorists form a practically certain conscience 231.

Probabilism: what it teaches 233; who defend it 233; its declaration 235 f.; its demonstration 237; its use 240; also in the case of a law ceasing 240, 246; how far it has been approved by the Church 239; lax probabilism, see Laxism.

Probability: what it is 223; of how many kinds it is 224; external probability makes an opinion truly probable 236; when greater probability elides lesser probability 235.

Natural propensity: whether it removes the voluntary and sin 20, 27.

Condemned propositions: which pertain to moral matters 10; commentaries on them 10 note.

Prudence: what it is, its object, its functions 263; vices opposed to prudence 264; its integral, subjective, and potential parts 265.

Psychiatry: it brings nothing against liberty 24.

R.

Guilt: what guilt of fault and of punishment are 296.

Rule of morals: proximate and remote, subjective and objective 105, 208.

Remorse of conscience: what it is 209.

Resistance to temptation: of how many kinds it is 324; what resistance and how far it is necessary 324.

S.

Scruple, scrupulous person: what a scruple is 213; a scruple does not remove a practically certain conscience 213; causes of scruples 214; signs 215; remedies 216; principal object 217; mode of acting with scrupulous persons 217.

Moral statistics: what it is 22; it proves nothing against moral liberty 22.

Pride: what it is 336; what kind of sin complete and incomplete pride are 336; its daughters 336.

Regular superiors: they can make laws 131; in what matters they can dispense 182.

Superioresses of nuns: they cannot make laws nor dispense, but only command by force of dominative power 131.

Synteresis: what it is, how it differs from conscience and from moral science 206 f.

Moral system: for what it helps 226; what it is 227; how many moral systems there are 228; probabilistic and antiprobabilistic systems 228; licit, illicit 228; historical conspectus 238; system of St. Alphonsus 250.

T.

Taciturnity: what it signifies 43, 4; sense of the axiom: he who is silent seems to consent 43, 4.

Temperance: what it is 283; its object 283; vices opposed to temperance 284; its integral, subjective, and potential parts 285; how it must be preserved 340.

Temptation to sin: what it is 322; of how many kinds it is 322; its causes 323; what resistance is to be opposed to it 324.

Theologians: their authority in moral theology 10.

Moral theology: its nature 1, 2; it is a theological, practical science 3; its relation to kindred sciences 5; method 6, 7; division 8; whether it is a doctrine concerning virtues or concerning duties 2; its sources 9; its loci 10; its principles: what they are 11; division of moral theology concerning principles 12; its supreme principle 34; see Principles.

Condemned theses: see Condemned propositions.

Sadness concerning good: what kind of sin it is 332.

Absolute tutiorism: who teaches it, who defend it, how it is refuted 229; mitigated: what it teaches, who defend it, how it is refuted 230; when the safer part must be followed 234.

V.

Vagi: who they are, what laws they ought to observe 150.

Violence: what it is 57; of how many kinds 57; its influence on human acts 58; whether it can fall upon the will 57; what resistance is to be opposed to it 58.

Force: see Violence.

Virtue: what it is 254; of how many kinds it is 255; its subject 254; its formal and material object 254; mean of virtue: what it is; of how many kinds it is; which virtues have a mean on the part of the object 256; connection of virtues 257; their diverse perfection 261.

Moral virtues: infused 30; what they are 255; they have a mean on the part of the object 256; their connection 257; whence their specific distinction is taken 258.

- **cardinal:** how many and which they are 259; their object and subject 259; they can be considered in three ways 262; their annexed parts 260.

Supernatural virtues: whether they exist 28; what they are 29, 30; what they effect 31; how they differ from acquired virtues 31.

- **theological:** what they are and which they are, how they are increased and lost 29.

Voluntary: what it is 42; it differs from the willed, the spontaneous, the free 42; of how many kinds it is 43.

- **in the cause:** what it is 43; whether it is imputed to the agent 82; under what conditions 82; when an evil effect is imputed 85.

Vomiting: whether it is a grave sin to eat up to vomiting 339.

Index.

Introduction.

	Page
Question 1. On the nature of moral theology	1
Question 2. On the sources of moral theology	9
Question 3. On the principles of moral theology	13

Book First. On the Ultimate End of Man.

	Page
Question 1. On the ultimate end itself	15
Question 2. On the means to the ultimate end	21
Article 1. On liberty of the will	21
§ 1. Liberty of the will is asserted	23
§ 2. Liberty of the will is vindicated	28
§ 3. On those things which influence free election	32
Article 2. On supernatural virtues	33
Article 3. On the gifts of the Holy Spirit	37
Question 3. On the moral order	
Article 1. On the moral order itself	41
Article 2. On the obligation of tending to the ultimate end	44

Book Second. On Acts Apt for the End.

	Page
Question 1. On human acts	
Article 1. On the nature of human acts	48
Article 2. On the voluntary and involuntary	52
Article 3. On the principles of human acts	59
Article 4. On the impediments of human acts	
I. Actual impediments	
§ 1. On ignorance	61
§ 2. On concupiscence	66
§ 3. On fear	68
§ 4. On violence	71
II. Habitual impediments	
§ 1. On habits	72
§ 2. On sicknesses of mind	74
Question 2. On moral acts	
Article 1. On the nature of moral acts	77
Article 2. On the norm of morality	79
Article 3. On the sources of morality	84
§ 1. On the object	85
§ 2. On circumstances	86
§ 3. On the end	89
Article 4. On the morality of the external act	94
Article 5. On the imputability of moral acts	97
Question 3. On morally good acts	104
Appendix. On morally indifferent acts	113
Question 4. On supernatural acts	116
Question 5. On meritorious acts	
Article 1. On the nature of merit	121
Article 2. On the conditions of merit	123

Book Third. On Laws.

	Page
Question 1. On the nature of law	127
Question 2. On divine law	
Article 1. On eternal and natural law	133
Article 2. On positive divine law	140
Article 3. On counsels	145
Question 3. On human law	
Article 1. On the author of human law	149
§ 1. On ecclesiastical jurisdiction	150
§ 2. On human legislators	154
§ 3. On the authority of Roman congregations	157
Article 2. On the object of human law	162
Question 4. On the subject of law	
Article 1. On the subject itself of law	167
Article 2. On ecclesiastical domicile	177
Question 5. On the promulgation and acceptance of law	179
Question 6. On the interpretation of law and on epikeia	183
Question 7. On the obligation of law	
Article 1. On the obligation of law in general	187
Article 2. On the obligation of special laws	
§ 1. On penal law	190
§ 2. On invalidating law	193
§ 3. On law founded on presumption	195
Article 3. On the mode of fulfilling obligation	196
Question 8. On the cessation of obligation	
Article 1. On causes de-obliging from law	202
Article 2. On dispensation of law	206
§ 1. On the power of dispensing	207
§ 2. On the causes of dispensation	211
§ 3. On the cessation of dispensation	214
Article 3. On privilege	217
Question 9. On the cessation of law	223
Question 10. On custom	225
Question 11. On obligatory customs and rights	230
Article 1. On obligatory customs	230
Article 2. On abrogation of custom	234

Book Fourth. On Conscience.

	Page
Question 1. On the nature of conscience	
Article 1. On conscience in general	234
Article 2. On the obligation of following conscience	239
Article 3. On scrupulous conscience	242
Article 4. On certain and doubtful conscience	
§ 1. On certain conscience	247
§ 2. On doubtful conscience	249
Article 5. On probable opinion	252
Question 2. On the moral system	
Article 1. On various systems	255
§ 1. On absolute tutiorism	258
§ 2. On mitigated tutiorism	259
§ 3. On probabiliorism	259
§ 4. On laxism	262
§ 5. On probabilism	263
§ 6. On equiprobabilism	278
Article 2. On reflex principles	283
Article 3. On the system of St. Alphonsus	285
Article 4. On the authority of St. Alphonsus	287

Book Fifth. On Virtues.

	Page
Question 1. On virtues in general	
Article 1. On the nature of virtues	291
Article 2. On the distinction of moral virtues	297
Question 2. On the cardinal virtues	299
Article 1. On prudence	300
Article 2. On justice	
§ 1. On the nature of justice	303
§ 2. On the obligation of justice	310
Article 3. On fortitude, or on martyrdom	312
Article 4. On temperance	317

Book Sixth. On Sins.

	Page
Question 1. On the nature and division of sin	320
Question 2. On the distinction of sins	
Article 1. On the theological distinction	327
§ 1. On the distinction between mortal and venial sin	328
§ 2. On mortal sin	331
§ 3. On venial sin	334
§ 4. On habitual sin	337
Article 2. On the specific distinction	338
Article 3. On the numerical distinction	342
Question 3. On the conditions of sin	
Article 1. Conditions of mortal sin	350
Article 2. Conditions of venial sin	353
Question 4. On the gravity of sin	357
Question 5. On the origin of sin	359
Article 1. On temptation to sin	360
Article 2. On the danger of sin	365
Question 6. On internal sins	367
Article 1. On depraved desires	368
Article 2. On depraved joys	370
Article 3. On morose delectation	373
Question 7. On certain kinds of sin	
Article 1. On capital sins	375
§ 1. On pride	376
§ 2. On avarice	377
§ 3. On envy	378
§ 4. On gluttony, or on drunkenness	379
§ 5. On anger	389
§ 6. On sloth	390
Article 2. On sins crying to heaven	391
Article 3. On sins against the Holy Spirit	393

A. M. D. G.